

MICHAEL HILL
AND
1541066 ALBERTA LTD.
OPERATING AS
PAINT YOUR CASTLE AND ROOK PAINTING
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
MICHAEL HILL, 1541066 ALBERTA LTD. OR
PAINT YOUR CASTLE AND ROOK PAINTING

This Director's Order was issued under s. 157 of the Fair Trading Act in response to, in the opinion of the Director, contraventions of the Act. As mandated by s. 157 of the Fair Trading Act, this Director's Order is part of the public record.

For more information on the Fair Trading Act, business licensing in Alberta or to search for a licensed business, please click here:

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Consumer Programs

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DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

TO

MICHAEL HILL

AND

**1541066 ALBERTA LTD. OPERATING AS
PAINT YOUR CASTLE AND ROOK PAINTING**

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF MICHAEL HILL, 1541066 ALBERTA
LTD. OR PAINT YOUR CASTLE AND ROOK PAINTING**

BACKGROUND AND ISSUES

From August 20 until August 23, 2013 Consumer Services, Investigation Services South, undertook a proactive investigation initiative to determine whether contractors are operating unlicensed prepaid contracting businesses in Alberta. The goal of this operation was to ensure awareness of and compliance with the licensing and contract requirement regime for prepaid contracting businesses. The Prepaid Contracting Business Licensing Regulation gives consumers assurance that deposits they give to a contractor are protected through security in place for that purpose, and the contractor is following legislated requirements. By conducting this operation, Consumer Services can help ensure a safe and fair marketplace for both consumers and prepaid contracting businesses.

Michael Hill, owner and operator of 1541066 Alberta Ltd., operating as Paint Your Castle & Rook Painting, was a target of Operation Hardhat and attended a 'Bait House' location in Calgary Alberta where a contract was negotiated for a painting renovation project. Michael Hill discussed that he accepts prepayment for projects where a solicitation, negotiation or conclusion of the contract would take place in a consumer's residence, away from his regular place of business. After the operation, Michael Hill followed up with the undercover operator in an email and discussed the project in further detail.

The activity of soliciting, negotiating or concluding a prepaid contract in person, in a location other than their normal place of business and accepting a deposit or prepayment prior to completion of the project constitutes a "Prepaid Contracting Business". This requires Michael Hill, 1541066 Alberta Ltd., operating as Paint Your Castle & Rook Painting to be licensed as required under Section 104(1) of the *Fair Trading Act*.

A "Prepaid Contracting Business" means the activities of soliciting, negotiating or concluding in person, at any place other than the seller's place of business, a prepaid contract.

A "Prepaid Contract" means a construction or maintenance contract in which all or part of the contract price is to be paid before all of the goods or services called for in the contract are provided.

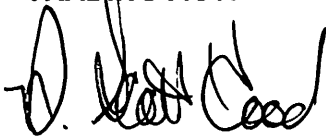
A "Construction or Maintenance Contract" in part means a contract for the purposes of constructing, altering, maintaining, repairing, adding to or improving a person's own private dwelling or a structure/building located on the same property, used in conjunction with the person's own private dwelling or improving real estate property to be used in connection with the person's own private dwelling/building/structure.

ORDER

- Michael Hill, 1541066 Alberta Ltd. And Paint Your Castle & Rook Painting individually or through any employee, representative, agent, or associate must immediately stop engaging in the activities of a "Prepaid Contracting Business" by soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a prepaid contract.

NON COMPLIANCE WITH ORDER

ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE *FAIR TRADING ACT* CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE *FAIR TRADING ACT*.



Scott Hood
Director of Fair Trading (as delegated)
November 1, 2013