

MILBOR CONSTRUCTION LTD.
BORIS HENRY, DIRECTOR
MILOS TORBICA, DIRECTOR

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

TO

MILBOR CONSTRUCTION LTD.

BORIS HENRY, DIRECTOR

MILOS TORBICA, DIRECTOR

AND TO

ANY EMPLOYEE, REPRESENTATIVE, AGENT, OR ASSOCIATE OF

MILBOR CONSTRUCTION LTD.

Issues:

Milbor Construction Ltd. in April and May, 2008 solicited, negotiated, or concluded renovation contracts in person with a consumer at her residence for basement and bathroom renovations and re-shingling of her roof. Deposits/progress payments were made to your firm in April and May, 2008 before all of the goods or services called for in the contracts were provided.

This activity constitutes a "Prepaid Contracting Business" requiring Milbor Construction Ltd. to be licensed as a Prepaid Contracting Business as required under section 104(1) of the *Fair Trading Act*.

At the time of entering into the prepaid contracts with the consumer, Milbor Construction Ltd. was not licensed as a Prepaid Contracting Business as required under section 104(1) of the *Fair Trading Act*.

A "Prepaid Contracting Business" means the activity 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 purpose 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 connection with a person's own private dwelling or improving real property to be used in connection with the person's own private dwelling/building/structure.

ORDER:

- Milbor Construction Ltd. and/or Boris Henry, Milos Torbica, 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)
May 29, 2009