

OLDE TYME BUILDERS INC.
AND
HAROLD INGRAM, DIRECTOR
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
OLDE TYME BUILDERS INC. AND HAROLD INGRAM, DIRECTOR

This Director's Order was issued under s. 157.1 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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Consumer Programs

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

TO

OLDE TYME BUILDERS INC.

AND

HAROLD INGRAM, DIRECTOR

**AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF OLDE TYME
BUILDERS INC. AND/OR HAROLD INGRAM**

ISSUE

On or about April 24, 2010, Harold Ingram, on behalf of Olde Tyme Builders Inc., entered into a contract with a consumer in person for work on a personal residence. The contract included the removal of a house from a foundation, the replacement of the foundation, and the replacement of the house on the new foundation. The total price of this contract was \$73,605.00, of which \$18,000.00 was paid before work began. A further payment of \$18,000.00 was made before the work was finished. The consumer chose to cancel this contract before the work was complete. A refund has not been provided.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed 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 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. When a contractor enters into a prepaid contract without the proper licence, the consumer can cancel the contract up to one year from the date the contract was signed. If the consumer cancels, the contractor must return all money paid before the work was completed, after which the consumer and contractor can work out the amount owing for work already done.

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Olde Tyme Builders Inc., through its Director Harold Ingram, has entered into a prepaid contract without holding this licence. As of June 2011, the company was informed of the prepaid contracting licence requirement. Although Mr. Ingram stated the intention to get the licence, the company has not done so. As a result, there is the potential they may enter into prepaid contracts with residential consumers without a licence, in violation of the *Fair Trading Act*. In addition, the company has not refunded the consumer, despite the fact the consumer cancelled within one year of the contract date, as allowed when a contractor makes a prepaid contract without the proper licence.

ORDER

- Olde Tyme Builders Inc. must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with residential consumers until the licensing requirements have been met, and must ensure refunds are provided to consumers who cancel when allowed by the *Fair Trading Act*.
- Harold Ingram, either in her own capacity or when acting on behalf of a corporation in which he has an interest or by which he is employed, must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with residential consumers until the licensing requirements have been met, and must ensure refunds are provided to consumers who cancel when allowed by the *Fair Trading Act*.
- Any employee, representative, agent or associate of Olde Tyme Builders Inc. and/or Harold Ingram must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with residential consumers until the licensing requirements have been met, and must ensure refunds are provided to consumers who cancel when allowed by the *Fair Trading Act*.

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)
October 3, 2011