Government of Alberta ■

Service Alberta

Consumer Services Branch Consumer Programs 3rd floor, Commerce Place 10155 - 102 Street Edmonton Alberta T5J 4L4

PAUL HOGBEN

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:

Search for a Licensed Business, Charity or Fundraiser

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Tipsheets





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

TO

PAUL HOGBEN

AND TO

ANY EMPLOYEE, REPRESENTATIVE, AGENT OR ASSOCIATE OF PAUL HOGBEN

Issues

Paul Hogben solicited, negotiated and concluded a contract in person with a consumer on May 10, 2009. The contract covered the placing of a concrete pad at the consumer's personal property located in Medicine Hat, Alberta. The contract price was \$5607 and called for a deposit payment of \$2000. The consumer gave Mr. Hogben a deposit cheque of \$2000 on May 10, 2009. Mr. Hogben did not return to complete the work in a timely manner.

On June 29, 2009, the consumer sent a letter, by registered mail, to Mr. Hogben cancelling her contract, as per the *Fair Trading Act*, and requested a refund of her \$2000 deposit within 15 days. The consumer did not receive the \$2000 refund from Mr. Hogben.

This activity constitutes a Prepaid Contracting Business requiring Paul Hogben to be licensed as a prepaid contractor 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 then the seller's place of business, a prepaid contract.

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

A Construction or Maintenance Contract means a contract for the purpose of constructing, altering, maintaining, repairing, adding to or improving a building

that is used as the person's own private dwelling or a structure that is to be used in connection with a person's own private dwelling and is located on the same property or altering, maintaining or improving real property to be used with the person's own private dwelling/structure/building.

On July 30, 2009 an investigator with Service Alberta sent a letter to Mr. Hogben outlining the consumer's complaint and requested a response to the letter by August 14, 2009. Mr. Hogben has not responded to this letter and has made no attempt to contact the Service Alberta investigator. Mr. Hogben has also not applied for his Prepaid Contracting Business Licence. The potential remains that Mr. Hogben may at some future time enter into a prepaid contract without a licence in violation of the Fair Trading Act.

Order

 Paul Hogben, and 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 until the licence requirements have been met.

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)

January 13, 2010