

969930 ALBERTA LTD.

OPERATING AS

RENOVATION XPERTS

AND TO

WILLIAM FISHER

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

TO

969930 ALBERTA LTD. OPERATING AS RENOVATION XPERTS

AND

WILLIAM FISHER

ISSUES:

969930 Alberta Ltd. operating under the trade name Renovation Xperts operates a home renovation business where contracts or portions thereof are often solicited, negotiated, or concluded at a consumer's home and a consumer is required to pay a deposit or progress payments prior to the completion of work.

In July 2002, 969930 Alberta Ltd. and William Fisher were informed in writing that unless the license is renewed; it is set to expire on August 31, 2002.

The Department made attempts to contact William Fisher in September and December 2009 upon receipt of a consumer complaint. Contact was made with William Fisher on May 17, 2010. William Fisher acknowledged that he is aware of the *Fair Trading Act's* licensing requirement and has stated the opinion that since money was only accepted for materials and that his current contracts are with his friends, it was not deemed to be prepaid contracting and no license was required. William Fisher was informed that it is an unfair trading practice under the *Fair Trading Act* to charge a price for goods or services that is more than 10%, to a maximum of \$100, higher than the estimate given for those goods or services without the consumer's consent.

As of April 5, 2011 no further inquiry has been made and no formal license application has been submitted to Service Alberta.

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 stylized, handwritten-style signature of the word "Alberta" in black ink, positioned at the bottom center of the page.

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.

The legislation was fully explained as was the fact that all progress payments are deemed to be deposits as defined in the Act and that without a license, no payment could be accepted until all work pursuant to a contract was fully completed.

In view of the aforementioned opinion of William Fisher, it is very likely that the supplier will continue to enter into prepaid contracts in Alberta without a license in violation of the *Fair Trading Act*.

ORDER:

- 969930 Alberta Ltd. operating as Renovation Xperts and William Fisher must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) until the licensing requirements have been met.
- Individuals who are employed by, representing, acting as agent for or otherwise associated with 969930 Alberta Ltd. operating as Renovation Xperts and William Fisher must immediately cease entering into prepaid contracts until licensing 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)
April 5, 2011