

**SHAWN'S HANDYMAN SERVICES
AND SHAWN NEAULT
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
SHAWN'S HANDYMAN SERVICES AND/OR SHAWN NEAULT**

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

Commerce Place
10155 - 102 Street
Edmonton, Alberta
Canada T5J 4L4

Telephone 780-422-8166
Fax 780-427-3033

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

TO

SHAWN NEAULT OPERATING AS SHAWN'S HANDYMAN SERVICES

AND TO

**ANY EMPLOYEE REPRESENTATIVE, AGENT OF SHAWN'S HANDYMAN SERVICES
AND/OR SHAWN NEAULT**

Issues

On or about July 12, 2009, Shawn Neault o/a Shawn's Handyman Services entered into a prepaid contract with a consumer. The consumer paid a deposit towards the prepaid contract to Shawn Neault. Mr. Neault accepted the deposit; Neault did not complete the contract. Mr. Neault was unresponsive to the consumer's requests to complete the job.

The stated activity constitutes a "Prepaid Contracting Business" requiring Shawn Neault or Shawn's Handyman Services 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 contract with the consumer, Shawn Neault or Shawn's Handyman Services was not licensed as required under section 104(1) of the *Fair Trading Act*.

When a contractor enters into a prepaid contract without the proper licence, the consumer may cancel the contract up to one year from 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 the work already done. The consumer cancelled the contract. Shaw Neault did not return the deposit to the consumer after cancelation.

When a contractor enters into a prepaid contract, the contract must include all of the information in section 35 of the *Fair Trading Act*. The prepaid contract used by Shawn Neault or Shawn's Handyman Services did not include all of the information required by section 35 of the *Fair Trading Act*. If a prepaid contract does not include all the information required by section 35 of the *Fair Trading Act*, the consumer may cancel the contract up to one year from the date the contract was signed. The consumer cancelled the contract. Shaw Neault did not return the deposit to the consumer after cancelation.

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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 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, construction, altering, maintaining, repairing, adding to or improving persons own private dwelling or structure/building located on the same property, used in connection with a person's own private dwelling/building/structure.

Order

- Shawn Neault or Shawn's Handyman Services 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 to by the *Fair Trading Act*.
- Any employee, representative, or agent of Shawn's Handyman Services and/or Shawn Neault 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 to 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)
November 23, 2011