

VIVA CONSTRUCTION LTD.
ANDY RADZIKOWSKI

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

VIVA CONSTRUCTION LTD.

AND TO

ANDY RADZIKOWSKI

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, AGENT, OR ASSOCIATE OF
VIVA CONSTRUCTION LTD. AND ANDY RADZIKOWSKI**

Issues

Information has come to our attention from consumers that Viva Construction Ltd. through its Director Andy Radzikowski has solicited, negotiated or concluded renovation contracts in person, at other than the seller's place of business and has required deposits and/or progress payments to be paid before all of the goods or services under the contracts were provided.

This activity constitutes a "Prepaid Contracting Business" requiring Viva 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 these prepaid contracts Viva 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, construction, 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/building/structure.

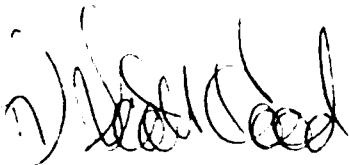
This Director's Order is separate from any future enforcement action that may result from an investigation.

Order

- Viva Construction Ltd. and/or Andy Radzikowski, 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)
October 3, 2008