

# **WILLIAM AMBROSE FUDGE KNOWN TO OPERATE AS** GET UR DONE RENOVATIONS AND MAINTENANCE, **W & D CONTRACTING AND ROCKY MOUNTAIN HOME BUILDERS** AND TO

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT

**OF** 

#### **WILLIAM AMBROSE FUDGE**

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

# WILLIAM AMBROSE FUDGE KNOWN TO OPERATE AS GET UR DONE RENOVATIONS AND MAINTENANCE, W & D CONTRACTING AND ROCKY MOUNTIAN HOME BUILDERS

#### AND TO

# ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF WILLIAM AMBROSE FUDGE

### Issues

Between about June 28, 2013 and July 31, 2013 William Fudge attended consumers' residences and negotiated prepaid contracts with three consumers to renovate personal dwellings or supply and set up a garage.

First transaction: The written contract dated June 28, 2013 for \$600.00 did not comply with the Fair Trading Act. A cash deposit of \$300.00 was paid on June 28, 2013. The contract was rewritten on July 26, 2013 to add extra work for a new price of \$750.00. An additional \$400.00 cash payment was paid on July 26, 2013. The stated work was never completed.

Second transaction: The written contract dated June 28, 2013 for \$5000.00 did not comply with the Fair Trading Act. A cash deposit of \$2500.00 was paid on June 28, 2013. The contract was rewritten on July 26, 2013 reducing the total price down to \$4500.00. That contract acknowledges an additional \$1500.00 was paid by the consumer on July 26, 2013. The stated work was never completed.

Third transaction: The written contract dated July 31, 2013 for \$10,500.00 did not comply with the *Fair Trading Act*. Two cheques of \$2500.00 each were issued to William Fudge on July 31, 2013 and cashed by Mr. Fudge. The stated work was never completed.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed as required under Section 104(1) of the Fair Trading Act.

A Prepaid Contracting Business means that 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.

Under Section 10 of the *Prepaid Contracting Business Licensing Regulation*, when a prepaid contract is for a value of more than \$200, the prepaid contracting business must ensure the prepaid contract complies with the requirements of Section 35 of the *Fair Trading Act* and sets out the quality or types of materials to be used under the contract and the services and work to be carried out under the contract. A person who engages in a prepaid contracting business and who enters into a prepaid contract with a consumer must provide a copy of the signed contract to the consumer on or before the date work commences or within 10 days of the signing, whichever comes first.

William Fudge entered into prepaid contracts without holding this license. As of January 20, 2014 there is no record William Fudge has applied for or been issued a license.

### Order

William Fudge, Get Ur Done Renovations and Maintenance, W & D Contracting and Rocky Mountain Home Builders must immediately:

- 1. Cease entering into prepaid contracts until they have obtained a provincial license as a prepaid contracting business, and
- 2. Stop taking down payments, deposits or progress payments from consumers before the work is fully completed until the licensing and contract 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 21, 2014