

## Director of Fair Trading 2016-17 Administrative Action Report

This report provides an overview of administrative actions taken under the *Fair Trading Act* by the Director of Fair Trading and delegated Directors of Fair Trading during the 2016-17 fiscal year.

### Administrative Actions Totals

Enforcement Action*	Amount
Director's Orders	20
Undertakings	4
Administrative Monetary Penalties	22
Amount of Administrative Monetary Penalties	\$ 32,550

\*Note: A glossary of definitions of enforcement action is on page 17.

### Administrative Actions Summary

#### *Director's Orders*

Supplier	Date of Administrative Action	Breach
Road Runner Renovations	April 25, 2016	<p>Road Runner Renovations and Rodney Carr and/or Diana Carr, individually or through any employee, representative, agent or associate must immediately:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• cease taking down payments, progress payments, deposits or any other monies prior to completion of the project in its totality unless the licensing requirements have been met; and</li> <li>• ensure that all prepaid contracts are in writing and include the terms</li> </ul>

		required by the Prepaid Contracting Business Licensing Regulation and <i>Fair Trading Act</i> and provide a copy of the signed contract to the consumer.
J&D Home Renovations	May 12, 2016	David Andrew Miller, individually, as an agent or director of a business or through any employee, representative, agent or associate must immediately: <ul style="list-style-type: none"> <li>• 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 licensing has been obtained.</li> </ul>
Advantage Custom Homes	June 16, 2016	7083335 Canada Inc. o/a Advantage Custom Homes and Richer E.S. Brzezinsky and Richard Martin, individually, as an agent or director of 7083335 Canada Inc. dba Advantage Custom Homes, or through any employee, representative, agent or associate must immediately: <ul style="list-style-type: none"> <li>• 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 licensing has been obtained.</li> </ul>
Jay Spadafora	June 28, 2016	1395165 Alberta Ltd, Jay Edward Spadafora either in his own capacity or when acting on behalf of a corporation which he represents, or in which he has an interest; or any employee, representative, agent or associate of Jay Edward Spadafora or 1395165 Alberta Ltd. must immediately: <ul style="list-style-type: none"> <li>• cease from engaging in the activities of a direct Selling Business (contracts solicited, negotiated or concluded in person, away from the seller’s place of business) with residential consumers until the licensing requirements have been met; and</li> <li>• ensure that all direct sales contracts are in writing and include the terms required by the <i>Fair Trading Act</i> and provide a copy of the signed contract to the consumer.</li> </ul>
York's Restoration Inc.	June 30, 2016	York's Restoration Inc.; Mr. Anatoly Romanichin, either in his own capacity or when acting on behalf of a business which he represents, or in which he has an interest; or any employee, representative, agent or associate of Mr. Anatoly Romanichin or York Restoration Inc. must immediately:

		<ul style="list-style-type: none"> <li>• discontinue all use of the “Alberta Signature” logo trademarked by the Government of Alberta when soliciting business; and</li> <li>• remove all advertisements produced which contain the “Alberta Signature” logo.</li> </ul>
Winchester Reno	July 4, 2016	<p>Winchester Reno, through any employee, representative, agent or associate and Chad Winchester, individually, as an agent or director of Winchester Reno, or through any employee, representative, agent or associate must immediately:</p> <ul style="list-style-type: none"> <li>• cease 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 licensing requirements have been met;</li> <li>• ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and <i>Fair Trading Act</i>;</li> <li>• cease engaging in Unfair Practices by doing or saying anything that might reasonably deceive or mislead a consumer;</li> <li>• cease engaging in the Unfair Practice of entering into a consumer transaction if the supplier knows or ought to know that the consumer is unable to receive any reasonable benefit from the goods or services;</li> <li>• cease engaging in the Unfair Practice of representing that the supplier has a sponsorship, approval, status qualification, affiliation or connection that the supplier does not;</li> <li>• cease engaging in the Unfair Practice of representing that the supplier can supply goods or services if the supplier cannot; and</li> <li>• cease engaging in the Unfair Practice of representing that goods or services will be supplied with a stated period if the supplier knows or ought to know that they will not.</li> </ul>
Donald Barry	July 8, 2016	<p>Donald (Don) Patrick Barry either in his own capacity or when acting on behalf of a corporation in which he has an interest or by which he is employed, and any employee, representative, agent or associate of Donald</p>

		<p>(Don) Patrick Barry must immediately:</p> <ul style="list-style-type: none"> <li>• cease 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 licensing has been obtained; and</li> <li>• ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and <i>Fair Trading Act</i> and provide a copy of the signed contract to the consumer.</li> </ul>
Just Green Home Services Alberta Ltd.	August 3, 2016	<p>Just Green Home Services Alberta Ltd. or any employee, representative, agent, or associate must immediately cease:</p> <ul style="list-style-type: none"> <li>• engaging in the activities of a “Direct Selling Business” by soliciting, negotiating or concluding in person, at any place other than the seller’s place of business, a Direct Sales Contract unless they hold a Direct Seller’s Business License, contrary to s. 104(1) of the <i>Fair Trading Act</i>.</li> </ul>
Coronation Van Lines (2013) Inc.	August 10, 2016	<p>Coronation Van Lines (2013) Inc. and any employee, representative, agent or associate must immediately cease:</p> <ul style="list-style-type: none"> <li>• engaging in unfair practices, pursuant to the Alberta Fair Trading Act, including not engaging in consumer transactions if the supplier knows or ought to know that the consumer is unable to receive a reasonable benefit from the goods or services, contrary to s. 6(3)(a) of the <i>Fair Trading Act</i>.</li> </ul>
Renter Ready Construction	September 23, 2016	<p>Walter Glen Sweeney and Lucas Don Sillito, either in his own capacity or when acting on behalf of or any other corporation which he represents or in which he has an interest, or any employee, representative, agent or associate must immediately:</p> <ul style="list-style-type: none"> <li>• cease 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 licensing has been obtained; and</li> <li>• ensure that all prepaid contracts are in writing and include the terms</li> </ul>

		required by the Prepaid Contracting Business Licensing Regulation and <i>Fair Trading Act</i> and provide a copy of the signed contract to the consumer.
Kaltee Construction Inc.	October 3, 2016	<p>Kaltee Construction Inc. Terrence Everitt and Paul Barnden either in their own capacity or when acting on behalf of a corporation which they represent, or in which they have an interest, must immediately:</p> <ul style="list-style-type: none"> <li>• cease 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 licensing has been obtained; and</li> <li>• ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and <i>Fair Trading Act</i> and provide a copy of the signed contract to the consumer.</li> </ul>
Alberta Drywall and Stucco Supply Inc.	October 28, 2016	<p>Alberta Drywall and Stucco Supply Inc., Richard Blair Cunningham, and any employee, representative, agent or associate of Alberta Drywall &amp; Stucco Supply or Richard Blair Cunningham must immediately:</p> <ul style="list-style-type: none"> <li>• cease from engaging in unfair practices pursuant to the <i>Fair Trading Act</i>, including not doing or saying anything that might reasonably deceive or mislead a consumer; and</li> <li>• either in his own capacity or when acting on behalf of a corporation which he represents or in which he has an interest, must immediately: cease from engaging in unfair practices pursuant to the <i>Fair Trading Act</i>, including not doing or saying anything that might reasonably deceive or mislead a consumer.</li> </ul>
Sawbridge Construction	November 4, 2016	<p>Mr. Tim Silk, either in his own capacity or when acting on behalf of Sawbridge Construction Ltd. In which he has an interest or by which he is employed and any employee, representative, agent or associate of Sawbridge Construction Ltd. or Mr. Tim Silk must immediately:</p> <ul style="list-style-type: none"> <li>• cease 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 licensing has been obtained.</li> </ul>

A AB. Lock Surgeon Ltd.	January 6, 2017	<p>A AB. Lock Surgeon Ltd. Mr. Keith Curtis Booth, and any employee, representative, agent or associate was issued a Director’s Order to immediately:</p> <ul style="list-style-type: none"> <li>• cease from doing or saying anything that might reasonably deceive or mislead a consumer; and</li> <li>• cease from representing that it has a sponsorship, approval, status, qualification, affiliation, or connection that it does not have.</li> </ul>
Brian Norman Collick, Galen John Dean and Adam Jay Grenier	January 11, 2017	<p>Brian Norman Collick, Galen John Dean and Adam Jay Grenier either in their own capacity or when acting on behalf of a corporation which either person represents or in which he has an interest, or any employee, representative, agent, or associate must immediately:</p> <ul style="list-style-type: none"> <li>• stop engaging in any direct sales with customers or potential customers.</li> </ul>
1848808 Alberta Corp. o/a San Juan Building and Contracting	January 11, 2017	<p>1848808 Alberta Corp. operating as San Juan Building and Contracting, Mr. Juan Martin either in his own capacity or when acting on behalf of a corporation which he represents or in which he has an interest, and any employee, representative, agent or associate must immediately:</p> <ul style="list-style-type: none"> <li>• cease 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 licensing has been obtained; and</li> <li>• ensure refunds are provided to consumers who cancel as allowed by the <i>Fair Trading Act</i>.</li> </ul>
Injection Insulation Specialists	January 11, 2017	<p>Injection Insulation Specialists and James (Marty) Martin Denis Sherwood, Ronald Andrew Boughton, either in their own capacity or when acting on behalf of a corporation which they represent, or in which he has an interest and any employee, representative, agent or associate was issued a Director’s Order to:</p> <ul style="list-style-type: none"> <li>• cease 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 licensing requirements have been met;</li> </ul>

		<ul style="list-style-type: none"> <li>ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and <i>Fair Trading Act</i></li> <li>ensure that refunds are provided to consumers on contracts that are cancelled as allowed under the <i>Fair Trading Act</i>;</li> <li>ensure refunds are provided to consumers who cancel as allowed by the <i>Fair Trading Act</i>; and</li> <li>cease engaging in the Unfair Practice of taking advantage of a consumer’s inability to understand the character, nature, language or effect of the consumer transaction or any matter related to the transaction.</li> </ul>
The Water Guy	January 17, 2017	<p>The Water Guy, Peter Christopher Anderson, individually, as an agent or director of the The Water Guy, or through any employee, representative, agent or associate must immediately:</p> <ul style="list-style-type: none"> <li>cease 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 licensing requirements have been met;</li> <li>ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and <i>Fair Trading Act</i>;</li> <li>ensure that refunds are provided to consumers on contracts that are cancelled as allowed under the <i>Fair Trading Act</i>; and</li> <li>cease engaging in the unfair practice of entering into a consumer transaction if the supplier knows or ought to know that the consumer is unable to receive any reasonable benefit from the goods or services.</li> </ul>
Maxim Kliaouzov and Leonid Makarenko	January 20, 2017	<p>Maxim Kliaouzov, and Leonid Makarenko, either in his own capacity or when acting on behalf of a business which he represents, or in which he has in interest; and any employee, representative, agent or associate must immediately cease:</p> <ul style="list-style-type: none"> <li>doing or saying anything that might reasonably deceive or mislead a</li> </ul>

		<p>consumer, contrary to s. 6(4)(a) of the <i>Fair Trading Act</i>;</p> <ul style="list-style-type: none"> <li>representing that the supplier has a sponsorship, approval, status, qualification, affiliation, or connection that the supplier does not have, contrary to s. 6(4)(d) of the <i>Fair Trading Act</i>;</li> <li>representing that goods or services are of a particular standard, quality, grade, style, or model, if they are not, contrary to s. 6(4)(e) of the <i>Fair Trading Act</i>; and</li> <li>representing that a part, replacement, repair or adjustment is needed or desirable if it is not, contrary to s. 6(4)(p) of the <i>Fair Trading Act</i>.</li> </ul>
1671489 Alberta Ltd. and Joseph Vincent Kochan	March 2, 2017	<p>Joseph Vincent Kochan either in his own capacity or when acting on behalf of a corporation which he represents, 1671489 Alberta Ltd., and any employee, representative, agent or associate of Joseph Vincent Kochan or 1671489 Alberta Ltd. must immediately:</p> <ul style="list-style-type: none"> <li>cease from entering into prepaid contracts accepting down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from the company's place of business with residential consumers until the licensing requirements have been met; and</li> <li>ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and <i>Fair Trading Act</i>; and</li> <li>cease doing or saying anything that might reasonably deceive or mislead a consumer.</li> </ul>

**Undertakings**

Supplier	Date of Administrative Action	Breach
Stephen Burns o/a Commander Maintenance & Renovations	June 24, 2016	<p>An undertaking was entered into with Stephen Burns o/a Commander Maintenance &amp; Renovations for the following breaches:</p> <ul style="list-style-type: none"> <li>entering into a prepaid contract without possessing a prepaid contracting business licence, contrary to s. 104(1) of the <i>Fair Trading</i></li> </ul>



		<p>Act; and</p> <ul style="list-style-type: none"> <li>entering into a prepaid contract with consumers without complying with the contract requirements, contrary to s.10 of the Prepaid Contracting Business Licensing Regulation.</li> </ul>
<p>Wally's Roofing</p>	<p>September 15, 2016</p>	<p>The Supplier will ensure that in all capacities, either in his name, a trade name, corporation, or a partnership, or in his capacities as an employee, declarants of the trade names, directors shareholders of a corporation or as agents for another, or parents or subsidiaries of another corporation they will not carry on or engage in the unfair practices, and will not take deposits or progress payments on construction, renovation, or maintenance contracts, and the Supplier will not permit any representative, employee, agent, or partner to carry on or engage in the unfair practices, and taking of deposits or progress payments on construction, renovation, or maintenance contracts in the Province of Alberta in Alberta unless at least one of the conditions exists or is in place:</p> <ul style="list-style-type: none"> <li>it is licensed as a prepaid contracting business under the Fair Trading Act; or</li> <li>the contract is solicited, negotiated, and concluded at the Supplier's place of business as contemplated by s. 5(2)(c) of the Designation of Trades and Businesses Regulation, Alta. Reg. 178-1999.</li> </ul> <p>This undertaking was entered into with Wally's Roofing for the following breaches:</p> <ul style="list-style-type: none"> <li>entering in a prepaid contract for roof repair despite not possessing a prepaid contracting license, contrary to s. 104(1) of the <i>Fair Trading Act</i>;</li> <li>issued a prepaid contract without complying with the necessary contract requirements, contrary to s. 162(1) of the Act;</li> <li>committed several unfair practices, contrary to s. 161 of the Act; and</li> <li>failing to refund all moneys paid by the consumer within 15 days of the consumer's exercising legislated cancellation rights, contrary to s. 161 of the Act.</li> </ul>

Edmonton Gold's Gym Corp.	January 4, 2017	An undertaking was entered into with Edmonton Gold's Gym Corp. for the following breaches for unfair practices under the <i>Fair Trading Act</i> including: <ul style="list-style-type: none"> <li>• advertising access to services that were not available at that time; and</li> <li>• making representations to a consumer that purchasing a membership agreement would provide access to services that were not available at that time and when action was not being taken to make the services available.</li> </ul>
Keerthi Wijesinghe	March 21, 2017	An undertaking was entered into with Keerthi Wijesinghe for several violations of the <i>Fair Trading Act</i> and the Employment Agency Business Licensing Regulation including conducting unlicensed employment agency activities and collecting prohibited fees with no written agreements.

**Administrative Monetary Penalties**

Supplier	Date of Administrative Action	Amount of Administrative Monetary Penalty	Breach
Hilco Industrial Acquisitions Canada, ULC	March 24, 2016	\$500	Hilco Industrial Acquisitions Canada, ULC was issued an Administrative Monetary Penalty for the following breach: <ul style="list-style-type: none"> <li>• advertising and conducting auctions without an Auctions Sales Licence, contrary to s.121(1) of the <i>Fair Trading Act</i>.</li> </ul>
Hoo Te Wong	March 24, 2016	\$300	Hoo Te Wong was issued an Administrative Monetary Penalty for the following breaches: <ul style="list-style-type: none"> <li>• making representations or statements or giving an answer or taking measures that are not true or are likely to mislead a customer, contrary to s. 19(2)(d) of the Energy Marketing and Residential Heat Sub-metering Regulation;</li> <li>• not using timely, accurate, verifiable and truthful comparisons, contrary to s. 19(2)(e) of the Energy Marketing and Residential Heat Sub-metering Regulation;</li> </ul>

			<ul style="list-style-type: none"> <li>not ensuring all data referred to are properly established and reliable and supporting any claim for which the data is cited, contrary to s. 19(2)(h) of the Energy Marketing and Residential Heat Sub-metering Regulation;</li> <li>being intrusive, and contacting a consumer between the hours of 9 p.m. and 8 a.m. to solicit them to enter into marketing contracts, contrary s. 19(2)(j) of the Energy Marketing and Residential Heat Sub-metering Regulation; and</li> <li>making a representation that savings, price benefits or advantages exist if they do not exist or if there is no evidence to substantiate the representation, contrary to s. 19(2)(k) of the Energy Marketing and Residential Heat Sub-metering Regulation.</li> </ul>
Newpage Immigration Consulting Corp.	April 18, 2016	\$7,000	<p>Newpage Immigration Consulting Corp. was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>entering into contracts to provide immigration service when they knew or ought to have known the customers would be unable to receive any reasonable benefit from the services, contrary to s. 6(3)(a) of the <i>Fair Trading Act</i>;</li> <li>taking actions and making statements that might reasonably deceive or mislead consumers, contrary to s. 6(4)(a) of the <i>Fair Trading Act</i>; and</li> <li>making misleading statements of opinion to consumers that they were likely to rely on and would be to their disadvantage, contrary to s. 6(4)(b) of the <i>Fair Trading Act</i>.</li> </ul>
Rick's Auction Galleries	April 19, 2016	\$500	<p>Rick's Auction Galleries was issued an Administrative Monetary Penalty for the following breach:</p> <ul style="list-style-type: none"> <li>conducting two auctions without holding an Auction Sales Business licence, contrary to s. 121(1) of the <i>Fair Trading Act</i>.</li> </ul>
Canadian Training & Work Placement Inc.	May 11, 2016	\$2500	<p>Canadian Training &amp; Work Placement Inc. was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>failing to create or maintain agreements with individuals seeking employment or with employers seeking employees, or to create or</li> </ul>

			<p>maintain other required records, contrary to s. 9(1)(a) and 9(1)(c) of the Employment Agency Business Licensing Regulation; and</p> <ul style="list-style-type: none"> <li>• failing to enter into separate agreements for non-employment agency services, contrary to s. 12(2) of the Regulation.</li> </ul>
Jason John Pender	May 18, 2016	\$500	<p>Jason John Pender was issued an Administrative Monetary Penalty for the following breach:</p> <ul style="list-style-type: none"> <li>• taking actions and making statements that might reasonably deceive or mislead a consumer, contrary to s. 6(4)(a) of the <i>Fair Trading Act</i>.</li> </ul>
Tanya Ketchum	May 19, 2016	\$500	<p>Tanya Ketchum was issued an Administrative Monetary Penalty for the following breach:</p> <ul style="list-style-type: none"> <li>• obtaining a report from a reporting agency without obtaining the express consent of the individual to whom the report pertained, contrary to s. 44(2) of the <i>Fair Trading Act</i>.</li> </ul>
International Credit Experts Inc.	June 8, 2016	\$500	<p>International Credit Experts was issued an Administrative Monetary Penalty for the following breach:</p> <ul style="list-style-type: none"> <li>• engaging in collection activity on a debt where the last payment or written acknowledgement was more than six years previous, contrary to s. 12(1)(x) of the Collection and Debt Repayment Practices Regulation.</li> </ul>
Green Essential Services Inc.	June 29, 2016	\$250	<p>Green Essential Services Inc. was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>• issuing a direct sales contract that does not contain all the requirements listed in s. 35 and 62(1) of the <i>Fair Trading Act</i>, as well as the requirements listed in s. 19(1) of the Cost of Credit Disclosure Regulation; and</li> <li>• engaging with a consumer as a direct seller while not holding a direct sales licence, contrary to s. 104(1) of the <i>Fair Trading Act</i>.</li> </ul>
URWay URHome Renovations	July 10, 2016	\$1000	<p>URWay URHome Renovations was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>• engaging as a prepaid contractor without holding the licence that would authorize them to engage in that business, contrary to s. 104(1) of the <i>Fair Trading Act</i>;</li> </ul>

			<ul style="list-style-type: none"> <li>not refunding to the consumer all money paid by the consumer within 15 days after a direct sales contract was cancelled, contrary to s. 31(2) of the <i>Fair Trading Act</i>; and</li> <li>engaging a prepaid contract that does not comply with the requirements of section 35 of the <i>Fair Trading Act</i>, contrary to s. 10(2)(1) of the Prepaid Contracting Business Licensing Regulation.</li> </ul>
Green Tree Eco-Friendly Services Ltd.	August 3, 2016	\$500	<p>Green Tree Eco-Friendly Services Ltd. was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>entering into a prepaid contract that did not comply with s. 35 of the <i>Fair Trading Act</i> and s. 10(2) of the Prepaid Contracting Business Licensing Regulation; and</li> <li>not refunding monies to the complainant within 15 days after the complainant cancelled the contract as per their legislated extended cancellation rights provided for under s. 28(2)(b) of the <i>Fair Trading Act</i>, contrary to s. 31(2) of the Act.</li> </ul>
Harry Lenz Auction Ltd.	September 8, 2016	\$500	<p>Harry Lenz Auction Ltd. was issued an Administrative Monetary Penalty for the following breach:</p> <ul style="list-style-type: none"> <li>advertising and conducting several auctions without holding an Auction Sales Business licence, contrary to s. 121(1) of the <i>Fair Trading Act</i>.</li> </ul>
Optimum Credit Recovery	September 13, 2016	\$500	<p>Optimum Credit Recovery was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>providing misleading information to a debtor, contrary to s. 12(1)(j) of the Collection and Debt Repayment Practices Regulation;</li> <li>contacting an individual other than the debtor for purposes other than obtaining contact information, contrary to s. 12(1)(l) of the Regulation; and</li> <li>communicating information about the debt to a person other than the debtor, guarantor of the debtor or the debtor's representative, contrary to s. 12(1)(p) of the Regulation.</li> </ul>
CBV Collection Services Ltd.	September 13, 2016	\$500	<p>CBV Collection Services Ltd. was issued an Administrative Monetary Penalty for the following breaches:</p>

			<ul style="list-style-type: none"> <li>• filing false information with a reporting agency, contrary to s. 49 of the <i>Fair Trading Act</i>; and</li> <li>• not informing a reporting agency of a change in the status of an account filed by CBV Collection Services Ltd. within 35 days, contrary to s. 23.1 of the Collection and Debt Repayment Practices Regulation.</li> </ul>
Prairie Home Services Inc.	September 13, 2016	\$500	<p>Prairie Home Services Inc. was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>• operating in Alberta as a direct selling business without a subsisting business licence, contrary to s. 104(1) of the <i>Fair Trading Act</i>;</li> <li>• providing a written contract which included terms and conditions that were harsh, oppressive and extremely one-sided, contrary to s. 6(3)(c) of the Act;</li> <li>• doing things and saying things which have reasonably misled and deceived the customer into entering into a direct sales contract, contrary to s. 6(4)(a) of the Act;</li> <li>• failing to give the total price of the goods or services, and giving less prominence to the total price of the goods or services than the amount of the installment, contrary to s. 6(4)(t) of the Act;</li> <li>• providing a written direct sales contract that failed to disclose the information required by s. 35 of the Act;</li> <li>• providing a written direct sales contract that failed to disclose the cost of credit information, as required by s. 62 and 93 of the Act; and</li> <li>• failing to honour the consumer's legislated cancellation rights, contrary to s. 31(2) of the Act.</li> </ul>
Waltz Construction Ltd.	October 18, 2016	\$1500	<p>Waltz Construction Ltd. was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>• engaging as a prepaid contractor without holding the licence that would authorize them to engage in that business, contrary to s. 104(1) of the <i>Fair Trading Act</i>; and</li> <li>• representing that they have a sponsorship, approval, status, qualification, affiliation or connection that they do not have.</li> </ul>

A Fireplace Company Inc.	November 2, 2016	\$1500	<p>A Fireplace Company Inc. was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>engaging as a prepaid contractor without holding the licence that would authorize them to engage in that business, contrary to s. 104(1) of the <i>Fair Trading Act</i>;</li> <li>engaging a prepaid contract that does not comply with the requirements of section 35 of the <i>Fair Trading Act</i>, contrary to s. 10(2)(1) of the Prepaid Contracting Business Licensing Regulation; and</li> <li>not complying with an order of the Director, contrary to s. 163 of the <i>Fair Trading Act</i>.</li> </ul>
MAC Financial Recovery	November 9, 2016	\$500	<p>MAC Financial Recovery was issued an Administrative Monetary Penalty for the following breach:</p> <ul style="list-style-type: none"> <li>giving a person false or misleading information with respect to credit history and court proceedings, contrary to s. 12(1)(j) of the Collection and Debt Repayment Practices Regulation.</li> </ul>
Angel's Memorials Inc.	November 17, 2016	\$3000	<p>Angel's Memorials Inc. was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>making a representation that consumer transactions involved or did not involve rights, remedies or obligations that were different from the fact, contrary to s. 6(3)(d) of the <i>Fair Trading Act</i>;</li> <li>engaging in practices that deceived and misled consumers, contrary to s. 6(4)(a) of the <i>Fair Trading Act</i>; and</li> <li>representing that goods or services would be supplied within a stated period when they knew or ought to have known that they would not, contrary to s. 6(4)(n) of the <i>Fair Trading Act</i>.</li> </ul>
CGI Credit Guard	January 26, 2017	\$1500	<p>CGI Credit Guard was issued an Administrative Monetary Penalty for the following breaches:</p> <ul style="list-style-type: none"> <li>communicating the existence of debts with persons other than the debtors, contrary to s. 12(1)(p) of the Collection and Debt Repayment Practices Regulation;</li> <li>exceeding three unsolicited contacts with debtors during any seven</li> </ul>

			<p>day period, contrary to s. 12(1)(v) of the Regulation; and</p> <ul style="list-style-type: none"> <li>withdrawing money from a trust account for a purpose other than those authorized in the legislation, contrary to s. 18(1) of the Regulation.</li> </ul>
Direct Energy Marketing Limited	January 30, 2017	\$7500	<p>Direct Energy Marketing Limited was issued an Administrative Monetary Penalty for the following breach:</p> <ul style="list-style-type: none"> <li>notifying a gas distributor that the marketer has been appointed as the agent of the consumer despite the consumer having cancelled the marketing contract within the 10-day period referred to in s. 10(1)(a)(ix) or s. 12(1)(b)(viii) of the Energy Marketing and Residential Heat Sub-metering Regulation, contrary to s. 19(2)(q) of the Regulation; and</li> <li>enrolling the consumer within the load settlement process, despite the consumer having cancelled the marketing contract within the 10-day period referred to in s. 10(1)(a)(ix) or s. 12(1)(b)(viii) of the Regulation, contrary to s. 19(2)(r) of the Regulation.</li> </ul>
Canadian Credit Registry Corporation	February 28, 2017	\$1000	<p>Canadian Credit Registry Corporation was issued an Administrative Monetary Penalty for the following breach:</p> <ul style="list-style-type: none"> <li>employing and authorizing individuals to engage in collection activities while they were not a holder of a collector's licence, contrary to s. 111(3) of the <i>Fair Trading Act</i>.</li> </ul>



## Glossary

### Director's Order

A director's order is a tool that requires a business to come into compliance with the legislation.

A director's order can be issued to a supplier if the supplier:

- has breached the *Fair Trading Act* or Regulations
- uses any form, agreement, letter or other document that is misleading or contains a term that misrepresents fair trade regulations
- publishes an advertisement that's misleading or contains a term that breaks fair trade regulations.

A director's order can direct a business to:

- stop engaging in anything that's described in the order
- take any measures specified in the order to ensure that fair trade regulations are followed.

### Undertaking

An undertaking is an agreement with a business that breached the *Fair Trading Act* or Regulations and then stopped the practice.

The purpose of an undertaking is to prevent future breaches under the *Fair Trading Act* and Regulations. To comply with an undertaking, a business may have to:

- stop engaging in a practice or change a practice described in the undertaking
- provide compensation to anyone who has suffered a loss
- publicize the undertaking or the action being taken
- pay the costs of investigating the business' activities and any costs associated with the undertaking.

### Administrative Penalty

An administrative penalty is a monetary sanction assessed by the Director of Fair Trading.

An administrative penalty can be issued if the Director of Fair Trading finds that a business:

- has breached a provision of the *Fair Trading Act* or the regulations
- has failed to comply with a term or condition of a licence issued under the *Fair Trading Act* or the regulations.

The Director may, by notice in writing given to a business, require the business to pay to the Crown an administrative penalty in the amount set out in the notice.

How much is the administrative penalty?

In setting the amount of the administrative penalty, the Director may consider a number of factors, including:

- the seriousness of the contravention or failure to comply
- the degree of wilfulness or negligence
- the impact on any person affected by the contravention or failure to comply
- if there is a history of non-compliance by the business
- whether or not there were any mitigating factors relating to the contravention or failure to comply
- whether or not the offender has derived any economic benefit from the contravention or failure to comply.