

**IN THE MATTER OF
THE FAIR TRADING ACT**

THIS UNDERTAKING is made pursuant to section 152 of the Fair Trading Act.

BY: **CANADIAN BONDED CREDITS LIMITED**
1210 Sheppard Avenue East, Suite 712
Toronto, ON M2K 3C4
Registered Office:
1200, 700 – 2 Street SW
Calgary, AB T2P 4V5

(hereinafter called the "Supplier")

TO: **The DIRECTOR OF FAIR TRADING**

(hereinafter called the "Director")

WHEREAS:

- (A) The Supplier is a licensed collection agency authorized to conduct business in Alberta.
- (B) The Supplier and its collectors require licensing to operate in Alberta.
- (C) The Supplier acknowledges that on February 11, 2005, Ms. _____ left a telephone message with Ms. _____, a resident of Calgary, Alberta, concerning an alleged debt with Ottawa Hydro. Ms. _____ was not licensed in Alberta to collect at that time.
- (D) The Supplier acknowledges that on February 15, 2005, Ms. _____ attempted to contact Ms. _____, a resident of Calgary, Alberta, concerning an alleged debt with Ottawa Hydro. Ms. _____ was not licensed in Alberta to collect at that time.
- (E) The Supplier acknowledges that Ms. _____ sent her Notice of Bankruptcy and Request for First Meeting of Creditors, by facsimile, on January 10, 2005, to the Supplier. The List of Creditors was not provided, however, the Supplier acknowledges that the debt was incurred prior to the date of bankruptcy date and therefore, accepts that the debt to Ottawa Hydro was likely included in the declaration.

- (F) The Supplier acknowledges that Ms. _____ returned a phone call to the Supplier on February 11, 2005, and advised Mr. _____ that she was not responsible for the Ottawa Hydro debt because she was bankrupt and had already sent her documents to the Supplier.
- (G) The Supplier acknowledges that Ms. _____ received an automated collection call on February 12, 2005 and Mr. _____ left a collection contact message for her on February 14, 2005. The Supplier further acknowledges that automated collection calls continued to be made to Ms. _____ on February 15, 16, 17 and 18, 2005.
- (H) The Supplier acknowledges that on February 19, 2005, Ms. _____ contacted the Supplier and advised Ms. _____ that she was not responsible for the Ottawa Hydro debt because she was bankrupt and had already sent her documents to the Supplier.
- (I) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (C) to (H) herein constitutes breaches of the Fair Trading Act.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

- 1) The Supplier acknowledges and admits that the Director has reason to believe that the Supplier has failed to comply with the Fair Trading Act and undertakes to the Director that he will not knowingly nor intentionally, at any time hereafter the date of execution of the present Undertaking, engage in acts or practices similar to those described in recitals (C) to (H) or any other acts or practices prohibited by the Fair Trading Act.
- 2) The Supplier will ensure that all employees, representatives and agents are forthwith acquainted with the requirements of the Fair Trading Act, especially as it pertains to Part 11, Collection Practices.

- 3) It is understood that the Supplier
 - I. Will ensure all Canadian Bonded Credits Limited collectors who may contact Albertans are licensed with Alberta Government Services.
 - II. Will ensure all Canadian Bonded Credits Limited collectors who may contact Albertans, are in compliance with Part 11 of the Fair Trading Act when doing so.
 - III. Will ensure that all collectors are aware that they must carefully review note lines to ensure that there are no holds or other reasons that they should not be contacting the debtor.
- 4) The Supplier understands that this Undertaking becomes part of the Public Record, maintained pursuant to the Fair Trading Act.
- 5) The Supplier will pay to the Director, for deposit with the Finance Minister of Alberta, the sum of \$1000.00, which represents a portion of the costs associated with investigating this matter. Such payment shall be made within 10 days of the signing of this Undertaking.
- 6) This Undertaking will be binding upon the Supplier and its successors and assigns unless;
 - a) terminated by the Director or varied with the consent of the Supplier;
 - b) varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking;
 - c) terminated by an Order of a Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Supplier has undertaken to refrain from engaging in was not unfair; however, in any such case, the termination or variance does not invalidate anything done under this Undertaking prior to the termination or variance.

- 7) The Supplier acknowledges that the Director may, upon breach by the Supplier of any terms of the Undertaking, institute proceedings and take such action under the Fair Trading Act as he may consider necessary.
- 8) The Supplier acknowledges that it was advised by Alberta Government Services, and is aware that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily.

IN WITNESS WHEREOF the Supplier, has on the 6 day of July, 2005 2005, caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

Canadian Bonded Credits Limited

Per: _____

Graeme Stirrett

ACCEPTED by the Director of Fair Trading this 8th day of July, 2005

Mr. George Yates
Director of Fair Trading