
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

**JUAN MARTIN AND 1848808 ALBERTA CORPORATION
OPERATING AS SAN JUAN BUILDING AND CONTRACTING**

AND

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF JUAN MARTIN OR
1848808 ALBERTA CORPORATION**

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(1) of the *Fair Trading Act*, this Director's Order is part of the public record.

Albertans who have questions or concerns about this business are encouraged to contact the Service Alberta Consumer Contact Centre at 1-877-427-4088.

For more information on the *Fair Trading Act*, business licensing in Alberta or to search for a licensed business, please click here:

[Search for a Licensed Business, Charity or Fundraiser](#)

To view a tipsheet on this business licence category, please click here:

[Tipsheets](#)



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ISSUE

An Edmonton consumer entered into a contract with Mr. Juan Martin and 1848808 Alberta Corporation operating as San Juan Building and Contracting on May 28, 2015. The negotiations and conclusion of the contract took place at the consumer's home located in Edmonton, Alberta. The original contract was for \$118,189.05 and the consumer prepaid to the supplier a total of approximately \$69,868.75 in progress payments before completion of the contract. Work was to commence by June 15, 2015 and be completed by February 15, 2016, but was never completed.

A prepaid contracting business licence had been applied for by Mr. Richard Hebert on May 12, 2015, a business partner of Mr. Martin's at the time. The licence was not issued until September 29, 2015; meanwhile four prepayments were accepted by Mr. Martin between the dates the contract was signed on May 28, 2015 and the date the prepaid contracting business licence was issued on September 29, 2015. Payments taken were as follows: June 4, 2015 for \$7,500.00, July 6, 2015 for \$10,663.20, September 3, 2015 for \$9,135.00 and September 17, 2015 for \$9,135.00 for a total of \$36,433.20 taken in prepayments from the consumer prior to the licence being issued.

Mr. Martin and 1848808 Alberta Corporation discontinued working on the project after relations between the two parties deteriorated and the consumer subsequently cancelled the contract on February 21, 2016 and requested a full refund. The consumer's money was never refunded by Mr. Martin or 1848808 Alberta Corporation.

On October 6, 2015 an email was sent to Service Alberta Licensing from Mr. Hebert advising that Mr. Martin, 1894645 Alberta Ltd. and he were no longer business partners. The licence was cancelled by Service Alberta on January 8, 2016 when no replacement bond was received to continue on with the licence.

This activity constitutes a "Prepaid Contracting Business" requiring Mr. Martin and/or 1848808 Alberta Corporation to be licensed as required under section 104(1) of the *Fair Trading Act*. At the time of entering into the prepaid contract with the consumer, Mr. Martin and 1848808 Alberta Corp. were not licensed as a prepaid contracting business as required by section 104(1) of the *Fair Trading Act*.

A "Prepaid Contracting Business" means the activities of soliciting, negotiating, or conclusion in person, at any place other than at 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 service called for in the contract are provided.

ORDER

- It is ordered that Mr. Juan Martin and 1848808 Alberta Corp., 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 must immediately
 - 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;
 - ensure refunds are provided to consumers who cancel as allowed 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
November 10, 2016