

DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

TO

1412165 ALBERTA LTD.

RANDALL (RANDY) JAMES KOVACH

AND TO

ANY EMPLOYEE, REPRESENTATIVE, AGENT, OR ASSOCIATE OF

1412165 ALBERTA LTD AND RANDALL (RANDY) JAMES KOVACH

Issues:

On or about September 26, 2008 1412165 Alberta Ltd represented by Randall (Randy) Kovach, Director solicited, negotiated, or concluded a renovation contract in person with a consumer at his residence for basement development and kitchen renovation for a total price of \$13,600. The contract called for half of the total amount of the contract to be paid as a deposit with progress payments. The consumer made payments of \$6,800 on October 1, 2008; \$5,223.19 on October 6, 2008; and \$4,300 on October 14, 2008. These payments were made before all of the goods or services called for in the contract were provided.

This activity constitute a "Prepaid Contracting Business" requiring 1412165 Alberta 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 the prepaid contract with Dean Moore, 1412165 Alberta 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, constructing, 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 or improving real property to be used in connection with the person's own private dwelling/building/structure.

ORDER:

- **1412165 Alberta Ltd. and/or Randall (Randy) James Kovach, 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*.

A handwritten signature in black ink, appearing to read "Scott Hood", written in a cursive style.

Scott Hood
Director of Fair Trading (as delegated)
May 29, 2009