
DIRECTOR'S ORDER UNDER SECTION 157
OF THE *CONSUMER PROTECTION ACT* (formerly the *Fair Trading Act*)
TO
9129-6004 QUEBEC INC.
OPERATING AS GREENRIVER FINANCE
AND
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF THE ABOVE

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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FINDINGS

Service Alberta has investigated allegations related to breaches of the *Consumer Protection Act*, the Payday Loans Regulation, and the Cost of Credit Disclosure Regulation and found evidence that:

1. **9129-6004 QUEBEC INC. o/a GREENRIVER FINANCE engaged in payday lending in Alberta without the required Payday Loan Business Licence in violation of s. 104 of the *Consumer Protection Act*.**
2. **9129-6004 QUEBEC INC. o/a GREENRIVER FINANCE induced a borrower to assign wages in favour of 9129-6004 QUEBEC INC. in violation of s. 53 (2) of the *Consumer Protection Act*.**

Based on the available evidence, the Director has reached the opinion that 9129-6004 QUEBEC INC. o/a GREENRIVER FINANCE has breached the regulatory framework established under the *Consumer Protection Act* and the Payday Loans Regulation.

KEY LEGISLATION

The *Consumer Protection Act* RSA 2000 c. C-26.3 states:

- 53 (1) Any assignment by any person of all or any part of the person's wages to secure the payment of an existing or future indebtedness
- (a) is against public policy and void if it is made in favour of a lender;
 - (b) is unenforceable by a lender if it originally made in favour of a person other than a lender and is later acquired by a lender.
- 53 (2) A lender or an officer, director, employee or agent of a lender shall not attempt to induce a person to assign wages in favour of the lender in contravention of subsection (1) or to enforce what purports to be an assignment of wages in favour of or acquired by the lender.
- 104 (1) No person may engage in a designated business unless the person holds a licence under this Act that authorizes the person to engage in that business.

Designation of Trades and Businesses Regulation

4.1 (2) In this section,

- (a) "payday lender" means a person who offers, arranges or provides payday loans;
- (b) "payday loan" means an advancement of money with a principal of \$1500 or less and a term of 62 days or less, made in exchange for a post-dated cheque, a pre-authorized debit, or a future payment of a similar nature, but not for any guarantee, suretyship, overdraft protection or security on property and not through a margin loan, pawnbroking a line of credit or a credit card;
- (c) "payday loan business" means the activity of offering, arranging or providing payday loans by a payday lender.

Payday Loans Regulation

2 (1) The provisions of this Regulation apply

- (a) to every payday lender who offers, arranges or provides a payday loan to a borrower in Alberta, whether the payday lender operates from business premises or on the internet, and
- (b) to each payday loan, regardless of the number of payday lenders involved in the payday loan.

3 (1) The class of licence to be known as the payday loan business licence is established.

3 (2) A person who holds a payday loan business licence is authorized to engage in the payday loan business.

ORDER

- **9129-6004 QUEBEC INC. o/a GREENRIVER FINANCE, individually or through any employee, representative or agent, must not offer, arrange or provide payday loans in Alberta until it has been issued a payday loan business licence under the *Consumer Protection Act*.**
- **9129-6004 QUEBEC INC. o/a GREENRIVER FINANCE, individually or through any employee, representative or agent, must not induce or attempt to induce a consumer to enter into, or enforce or attempt to enforce an assignment of wages.**

NON COMPLIANCE WITH ORDER

ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE. FAILURE TO COMPLY WITH AN ORDER OF THE DIRECTOR MAY RESULT IN PROSECUTION PURSUANT TO SECTION 163 OF THE CONSUMER PROTECTION ACT.



Darren Thomas
Director of Fair Trading (as delegated)

July 16, 2018