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**DIRECTOR'S ORDER UNDER SECTION 157**

**OF THE *FAIR TRADING ACT***

**TO**

**ALBERTA DRYWALL & STUCCO SUPPLY LTD.**

**AND TO**

**RICHARD BLAIR CUNNINGHAM AND**

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF**

**ALBERTA DRYWALL & STUCCO SUPPLY LTD. OR**

**RICHARD BLAIR CUNNINGHAM**

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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**Issues**

In August 2016, a consumer entered the Alberta Drywall & Stucco Supply store at 6030 50 Street, Edmonton after noticing a 12' scaffold unit on display along 50 Street. The scaffold unit had a placard attached to it displaying the price of \$199.99. After seeing the posted price attached to the scaffold unit, the consumer alleges that he thought he could purchase the unit for \$199.99 and entered the store to purchase four of the units that were on display outside.

The consumer states that, upon entering the store, he was met by an employee who told him \$199.99 was not the correct price, and that the scaffold on display was actually sold for \$699. The consumer alleges he asked why the lower price is being displayed and was told the business had not gotten around to changing it. The consumer did not purchase the unit.

Shortly after receiving the complaint, an investigator from the Consumer Investigations Unit observed that the price on the scaffold unit appeared to have been painted over and replaced with the correct price of \$699.

The Consumer Investigations Unit contacted Alberta Drywall & Stucco Supply Ltd. and spoke with Richard Blair Cunningham, director of the corporation. Mr. Cunningham advised the large scaffold was posted with the price of \$199.99 because there was a smaller unit next to it which actually was \$199.99. According to the photographs obtained during the course of the investigation, the 12' unit was the only one displayed in that area of the lot. Mr. Cunningham subsequently attested the scaffold had been posted at this price for a long time and the price of \$199.99 was the price for one component of the scaffold unit, rather than the entire unit.

Based on this information, there is reason to believe Alberta Drywall & Stucco Supply Ltd. engaged in an unfair practice by doing or saying anything that may mislead or deceive a consumer. The business posted a price on a scaffold unit that a reasonable consumer could assume was the price for that unit, even though the business did not sell that scaffold unit for that price. There is reason to believe Mr. Cunningham, the director of the corporation, was aware of this price being posted and that he acquiesced to or participated in the unfair practice by allowing a misleading price to be posted on this scaffolding unit. The business did correct the price and ensure the correct price was posted on this unit after being confronted by the consumer about the discrepancy. Despite this, the fact the business allowed this price to remain on the scaffold for some time when they knew it to be grossly incorrect suggests the business may engage in unfair practices in the future, in violation of the *Fair Trading Act*.

### **ORDER**

- Alberta Drywall & Stucco Supply Ltd., must immediately:
  - cease from engaging in unfair practices pursuant to the *Fair Trading Act*, including not doing or saying anything that might reasonably deceive or mislead a consumer;
- Richard Blair CUNNINGHAM, 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 *Fair Trading Act*, including not doing or saying anything that might reasonably deceive or mislead a consumer;
- Any employee, representative, agent or associate of Alberta Drywall & Stucco Supply Ltd. or Richard Blair CUNNINGHAM must immediately:
  - cease from engaging in unfair practices pursuant to the *Fair Trading Act*, including not doing or saying anything that might reasonably deceive or mislead a consumer;

### **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 (as delegated)  
October 28, 2016