
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

CHRISTOPHER COLEMAN, operating as

COLEMAN & SONS CONTRACTING,

AND

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF CHRISTOPHER COLEMAN
AND/OR**

COLEMAN & SONS CONTRACTING

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

On or about March 24, 2016, Christopher Coleman, operating as Coleman & Sons Contracting, a tradename registered with the Alberta Corporate Registry, entered into a contract with a Drumheller-area consumer to remove and replace the shingles on the roof of the consumer's residence. The contract entered into for this work was negotiated online then concluded at the consumer's home and included confirmation that the consumer made a cash prepayment of the total cost of the contract in the amount of \$4,800.00. To date, no work has been performed by Mr. Coleman or Coleman & Sons Contracting.

The activity of soliciting, negotiating or concluding a contract in person, at a location other than their normal place of business, for a construction or maintenance contract and accepting a deposit or prepayment prior to the completion of the project constitutes a "Prepaid Contracting Business". This requires Christopher Coleman, operating as Coleman & Sons Contracting, to be licensed as required under section 104(1) of the *Fair Trading Act*.

A "Prepaid Contracting Business" means the activities 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 and Maintenance Contract" in part means a contract for the purposes of constructing, altering, maintaining, repairing, adding to or improving a person's own private dwelling.

Section 10(2)(a) of the Prepaid Contracting Business Licensing Regulation states that "A person who is engaged in the prepaid contracting business must ensure that every

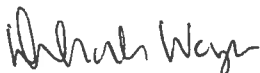
prepaid contract that the person enters into complied with the requirements of section 35 of the Act.” The contract used by Christopher Coleman, operating as Coleman & Sons Contracting does not meet the legislated requirements, including the business address and telephone number, the location where the sales contract is concluded, a description of the goods or services sufficient to identify them, a statement of cancellation rights that conforms with the requirements set out in the regulations, the itemized prices of goods or services or both, the delivery date and the completion date.

ORDER

- Christopher Coleman, individually, as an agent or declarant of Coleman & Sons Contracting, or through 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 the licensing requirements have been met;
 - ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and *Fair Trading Act*.
- Coleman & Sons Contracting, through 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 the licensing requirements have been met;
 - ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and *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*.



Deborah Wagar
Director of Fair Trading (as delegated)
August 15, 2017