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

TO

CLIMATE CHANGE HEATING & COOLING LTD.

and to

DEAN FLEMING

ANY EMPLOYEE, REPRESENTATIVE, AGENT OR ASSOCIATE OF CLIMATE CHANGE HEATING & COOLING LTD. AND / OR DEAN FLEMING

ISSUE

This Director's Order was issued under s. 157 of the *Fair Trading Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by s. 157.1 of the *Fair Trading Act*, this Director's Order is part of the public record.

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 December 31, 2016, an employee representing Climate Change Heating & Cooling Ltd. entered into a contract with a Calgary-area consumer to provide and install a furnace in the consumer's residence. The contract entered into for this work was negotiated and concluded in the consumer's home and included confirmation that a credit card deposit, in the amount of \$500.00 was paid by the consumer to Climate Change Heating & Cooling Ltd. at that time. To date, the work has not been completed and the sole Director of this corporation, Dean Fleming, has failed to respond to the consumer's attempts at contact.

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 Climate Change Heating & Cooling Ltd., 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 complies with the requirements of section 35 of the Act.” The contract used by Climate Change Heating & Cooling Ltd. does not meet the legislated requirements, as it does not contain the statement of cancellation, the itemized prices of goods or services or both, the terms of payment and the signature of the consumer.

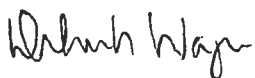
ORDER

- Climate Change Heating & Cooling Ltd. , 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*.

- Dean Fleming, individually, as an agent or Director of Climate Change Cooling & Heating Ltd., 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*.

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 23, 2017