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**DIRECTOR'S ORDER UNDER SECTION 157**

**OF THE *FAIR TRADING ACT***

**TO**

**DAVID ANDREW MILLER**

**AND TO**

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF DAVID ANDREW MILLER**

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 the February 21, 2015, David Miller doing business as J & D Home Renovations negotiated and concluded a contract to renovate a basement of a Gibbons, Alberta area consumer. The contract was negotiated and concluded in person at the consumer's residence. As agreed upon, the consumer was required to pay deposit and progress payments.
- On or about May 12, 2015, David Miller doing business as J & D Home Renovations negotiated and concluded a contract to renovate a deck of another Gibbons area consumer. This contract was also negotiated and concluded at the consumer's residence. The consumer was also required to pay a deposit before work would commence.
- 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 or 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 or a structure / building located on the same property, used in conjunction with the person's own private dwelling or improving real estate property to be used in connection with the person's own private dwelling / building / structure.

**ORDER**

- David Andrew Miller, individually, as an agent or director of a business 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 until licensing has been obtained.

**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)  
July 7, 2016