
DIRECTOR'S ORDER UNDER SECTION 157
OF THE *CONSUMER PROTECTION ACT* (formerly the *Fair Trading Act*)
TO
ENRIQUE SANCHEZ-GARCIA
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
ENRIQUE SANCHEZ-GARCIA

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](#)

DIRECTOR'S ORDER UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT

TO

ENRIQUE SANCHEZ-GARCIA

AND TO

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF ENRIQUE SANCHEZ-GARCIA

ISSUE

On or about March 28, and June 7, 2016 Enrique Sanchez-Garcia attended the residence of two different consumers for the purpose of negotiating and concluding a basement renovation contracts for each. On the same day negotiations occurred, a contractual agreement was concluded at each of the consumer's homes.

Enrique Sanchez-Garcia accepted payments from both customers prior to the initiation and completion of the basement renovation work. In both cases, the basement renovations were started, but not completed. Mr. Sanchez-Garcia did not possess a prepaid contracting business licence at the time of these transactions.

During the transactions, Mr. Sanchez-Garcia used the company name, "EZ Home Improvements". On August 4, 2016 and August 15, 2016 respectively, both customers sent cancellation letters to Mr. Sanchez-Garcia due to the lack of a prepaid contracting business licence. The consumers did not receive a refund of the funds paid.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed under Section 104(1) of the *Consumer Protection 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 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.

When a business enters into a prepaid contract to provide goods and services worth \$200 or more, this contract must be in writing and include specific terms required by the *Prepaid Contracting Business Licensing Regulation* and *Consumer Protection Act*. When a contractor enters into a prepaid contract without the proper licence, the consumer can cancel the contract up to one year from the date the contract was concluded. If the consumer cancels, the contractor has fifteen days to return all money paid by the consumer.

Enrique Sanchez-Garcia has entered into two prepaid contracts with consumers without holding a prepaid contracting business license with Service Alberta. Enrique Sanchez-Garcia did not use a contract that complies with the legislated requirements and he did not refund the money paid by the consumers within fifteen days of contract cancellation, as required.

There is the potential that Enrique Sanchez-Garcia will continue to enter into prepaid contracts in Alberta without possessing the required license, in violation of the *Consumer Protection Act*.

ORDER

- Enrique Sanchez-Garcia and any employee, representative, agent or associate of Enrique Sanchez-Garcia 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 all licensing has been obtained; and
 - ensure that all prepaid contracts are in writing and include the terms required by the *Prepaid Contracting Business Licensing Regulation* and *Consumer Protection Act* and provide a copy of the signed contract to the consumer; and
 - ensure refunds are provided to consumers who cancel a prepaid contract as allowed by the *Consumer Protection Act*.

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 AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE *CONSUMER PROTECTION ACT*.**



Scott Hood
Director of Fair Trading (as delegated)
February 21, 2018