
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

GLEN THOMAS SAWYER

AND TO ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF

GLEN THOMAS SAWYER

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 February 12, 2015, Glen Thomas Sawyer attended a consumer's residence where he began negotiating a prepaid contract with the consumer for renovations and upgrades to the exterior of a home. Negotiations and additional meetings occurred at the consumer's residence until the prepaid contract was entered into and negotiations concluded on June 9, 2015. A written contract was not provided or signed.

Glen Thomas Sawyer accepted a deposit at the consumer's home in the amount of \$2000.00 on June 9, 2015 and further payments throughout the project, \$36,000.00 on July 24, 2015, \$25,000.00 on August 18, 2015, \$40,000.00 on October 5, 2015, \$25,000.00 on November 27, 2015 and \$25,000.00 on January 29, 2016. The renovation project was started but never completed. Mr. Sawyer did not possess a prepaid contracting business licence at the time of these transactions.

During this transaction, Mr. Sawyer was using the company name "Sawyer Refined Construction." On June 6, 2016 the consumer sent Mr. Sawyer a cancellation notice due to the lack of a prepaid contracting business licence. The consumer 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 *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 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 *Fair Trading 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.

Glen Thomas Sawyer has entered into a prepaid contract with a consumer without holding a prepaid contracting business license with Service Alberta. Glen Sawyer did not provide the required contract to the consumer. In addition, he did not refund the deposit to the consumer within fifteen days of cancellation, as required. There is the potential that he will continue to enter into prepaid contracts in Alberta without possessing the required license, in violation of the *Fair Trading Act*.

ORDER

- Glen Thomas Sawyer 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 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 *Fair Trading 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 *Fair Trading Act*.
- Any employee, representative, agent or associate of Glen Thomas Sawyer 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 *Fair Trading 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 *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*.**



Scott Hood
Director of Fair Trading (as delegated)
October 13, 2017