
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

HOME RENEW

AND TO

GENE MICHAEL MANDERSON

**AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF HOME RENEW OR
GENE MICHAEL MANDERSON**

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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Issues

- Gene Manderson, operating as Home Renew operates a contracting business where contracts or portions thereof are solicited, negotiated, or concluded at a consumer's home and a consumer is required to provide a deposit or progress payment prior to the completion of the work.
- 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.

- In or about September of 2015, Gene Manderson attended a consumer's residence where he entered into a prepaid contract with the consumer to complete a basement. During the course of the project, Mr. Manderson accepted a total of \$12,850.96 in prepayments and the project was never brought to completion. Mr. Manderson did not possess a prepaid contracting business licence at the time of the transaction.
- The website for Home Renew states they are licenced. As of September 26, 2016, neither Mr. Manderson nor his company possesses a prepaid contracting business license with Service Alberta. The City of Edmonton has advised that Home Renew does not have a municipal licence as well. It is likely that this supplier will continue to enter into prepaid contracts in Alberta without possessing the required business license, in violation of the *Fair Trading Act*.

ORDER

- Home Renew 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 licensing has been obtained;
 - 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.
 - refrain from misrepresenting that Home Renew has a licence which they do not have.
- Gene Michael Manderson 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 licensing has been obtained;
 - 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.
 - refrain from misrepresenting that Home Renew has a licence which they do not have.

- Any employee, representative, agent or associate of Gene Michael Manderson and/or Home Renew 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 licensing has been obtained;
 - 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.
 - refrain from misrepresenting that Home Renew has a licence which they do not have.

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)
September 26, 2016