
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

OWEN KENNEY, GREGORY RANGER

AND

MGO PANEL SOLUTIONS INC. OPERATING AS WESTWIND CUSTOM BUILDERS

AND TO

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF WESTWIND CUSTOM BUILDERS

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.

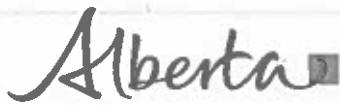
Albertans who have questions or concerns about this business are encouraged to contact the Service Alberta Consumer Contact Centre at 1-877-427-4088.

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](#)



Service Alberta

Consumer Programs

3rd Floor, Commerce Place
10155 - 102 Street
Edmonton, Alberta
Canada T5J 4L4

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BACKGROUND AND ISSUES

MGO Panel Solutions Inc. operating as Westwind Custom Builders by Owen Kenney and Gregory Ranger negotiated and concluded in person, away from the business premises, a residential renovation contract with an Alberta consumer. The respective contract was entered into in October of 2016. The consumer provided prepayment before work on the contract was completed.

The activity of soliciting, negotiating or concluding a contract in a location other than their normal place of business and accepting a deposit or prepayment prior to completion of the project constitutes a "Prepaid Contracting Business". This requires Owen Kenney, Gregory Ranger and MGO Panel Solutions Inc. operating as Westwind Custom Builders 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 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.

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 Owen Kenney, Gregory Ranger and MGO Panel Solutions operating as Westwind Custom Builders does not meet the legislated requirements, including the seller's phone number, the salesperson's name, the scope of work, a statement of cancellation rights that conforms with the requirements set out in the regulations, the itemized prices of goods or services or both, the terms of payment, the delivery date for the goods, the commencement date for providing the services, or the completion date for the provision of the goods and services.

Order

- Owen Kenney, Gregory Ranger and MGO Panel Solutions Inc. operating as Westwind Custom Builders, individually or through any employee, representative, agent, or associate must immediately:
 - cease from entering into prepaid contracts (accepting down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from the company's place of business) with residential consumers until the licensing requirements have been met; 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*.

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)
February 28, 2017