
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

PETER CHRISTOPHER ANDERSON OPERATING AS THE WATER GUY

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF PETER CHRISTOPHER
ANDERSON OR THE WATER GUY**

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 July 5, 2015, Peter Christopher Anderson operating under the name of The Water Guy, a trade name registered with the Alberta Corporate Registry, entered into a contract with a Fort McMurray-area consumer to landscape the backyard of the consumer's personal property. The contract completed for this work was negotiated at the consumer's residence and required a series of progression payments prior to the work commencing and continuing. The work was to be completed in 8 days; however, only 5 per cent of the work was ever completed.

Peter Christopher Anderson operating as The Water Guy knew or ought to have known that there would be no reasonable benefit from his services to the Alberta consumer. Peter Christopher Anderson operating as The Water Guy made a representation that he could supply services that he could not and that the services would be supplied within a stated period when he knew or ought to have known they would not.

The activity of soliciting, negotiating or concluding a contract in person 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 Peter Christopher Anderson operating as The Water Guy 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 Peter Christopher Anderson operating as The Water Guy does not meet the legislated requirements, including the seller's business address, the location where the sales contract is concluded, a description of the goods or services sufficient to identify them, a statement of cancellation rights that conforms with the requirements set out in the regulations, the itemized prices of goods or services or both, or the terms of payment.

It is an Unfair Practice for a Supplier to enter into a consumer transaction if the supplier knows or ought to know that the consumer is unable to receive any reasonable benefit from the goods or services.

ORDER

- The Water Guy, through any employee, representative, agent or associate 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 the licensing requirements have been met;
 - ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and *Fair Trading Act*;
 - ensure that refunds are provided to consumers on contracts that are cancelled as allowed under the *Fair Trading Act*; and,
 - cease engaging in the Unfair Practice of entering into a consumer transaction if the supplier knows or ought to know that the consumer is unable to receive any reasonable benefit from the goods or services.

- Peter Christopher Anderson, individually, as an agent or director of The Water Guy, or through any employee, representative, agent or associate 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 the licensing requirements have been met;
 - ensure that all prepaid contracts are in writing and include the terms required by the Prepaid Contracting Business Licensing Regulation and *Fair Trading Act*;
 - ensure that refunds are provided to consumers on contracts that are cancelled as allowed under the *Fair Trading Act*; and,

- cease engaging in the Unfair Practice of entering into a consumer transaction if the supplier knows or ought to know that the consumer is unable to receive any reasonable benefit from the goods or services.

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)
January 17, 2017