

RONALD SCOTT
OPERATING AS
R. SCOTT WINDOW INSTALLATIONS
AND TO
ANY EMPLOYEE, REPRESENTATIVE, AGENT OR ASSOCIATE OF
RONALD SCOTT AND/OR R. SCOTT WINDOW INSTALLATIONS

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 of the *Fair Trading Act*, this Director's Order is part of the public record.

For more information on the Fair Trading Act, business licensing in Alberta or to search for a licensed business, please click here:

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Consumer Programs

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DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

TO

RONALD SCOTT OPERATING AS R. SCOTT WINDOW INSTALLATIONS

AND TO

ANY EMPLOYEE, REPRESENTATIVE, AGENT OR ASSOCIATE OF RONALD SCOTT AND/OR R. SCOTT WINDOWS INSTALLATIONS

ISSUE

On or about February 14, 2010, Ronald Scott entered into a contract with a consumer in person at the consumer's residence for work on that residence. The contract included the supply and installation of three windows and two doors. The total price of this contract was \$2994, of which \$1700 was paid before work began. Further payments totalling \$1050 were made before the work was finished. The work required by the contract has not been completed. A refund has not been provided.

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. 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 signed. If the consumer cancels, the contractor must return all money paid before the work was completed, after which the consumer and contractor can work out the amount owing for work already done.

Ronald Scott has entered into a prepaid contract with a consumer without holding this licence. As of May 2012, he was informed of the prepaid contracting licence requirement. Although Mr. Scott has advised he intends to cease operating as a prepaid contractor, there is the potential he may enter into prepaid contracts with residential consumers in the future without a licence, in violation of the *Fair Trading Act*.

ORDER

- Ronald Scott, either in his own capacity or when acting on behalf of a corporation in which he has an interest or by which he is employed, must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with residential consumers until licensing requirements have been met.
- Any employee, representative, agent or associate of Ronald Scott must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with residential consumers until licensing requirements have been met.

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)
August 20, 2012