
DIRECTOR'S ORDER UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT
(formerly the Fair Trading Act)

TO

STEPHANIE EDNA KIRK

OPERATING AS

DIAMOND EVENTS & COORDINATORS

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF STEPHANIE EDNA KIRK

ISSUE

This Director's Order was issued under s. 157 of the *Consumer Protection Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by s. 157.1 of the *Consumer Protection Act Act*, this Director's Order is part of the public record.

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

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DIRECTOR'S ORDER UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT (formally known as the FAIR TRADING ACT)

TO

STEPHANIE EDNA KIRK

OPERATING AS

DIAMOND EVENTS & COORDINATORS

AND

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF STEPHANIE EDNA KIRK

ISSUE

On or about October 23, 2016 and on or about November 22, 2016, Stephanie Edna Kirk, operating as Diamond Events & Coordinators entered into contracts with two Alberta couples to provide wedding planning services as well as day of coordination of vendors and clean-up services.

Deposits were paid by the consumers on each contract, in the amount of 50% of the total amount owed. Each contract describes "Will log and consistently converse with couple about any concerns, needs or wants of any vendor hired".

Following the contract signing date contact with Stephanie Edna Kirk became less and less frequent. Emails and text messages sent by the consumers to this supplier went unanswered and the consumers were not able to meet with Stephanie Edna Kirk in person.

In one instance the consumers hired another supplier to perform the services described in the contract with Stephanie Edna Kirk because they were no longer confident that Stephanie Edna Kirk would attend the event as contracted. The other couple chose to cancel their contract on July 31, 2017 because they did not receive any response from Stephanie Edna Kirk.

Prior to being contacted by the Consumer Investigations Unit Investigator, Stephanie Edna Kirk was advised of the requirements of *Consumer Protection Act* (formerly known as the *Fair Trading Act*) with specific attention drawn to sections 6(3)(a) and 6(4)(a) as the result of another complaint. Despite this, Stephanie Edna Kirk did not respond to the Investigator's attempt to address the issues described above.

LEGISLATION

Section 6(1) In this section, “material fact” means any information that would reasonably be expected to affect the decision of a consumer to enter into a consumer transaction.

(1.1) It is an offence for a supplier to engage in an unfair practice.

(3) It is an unfair practice for a supplier

(a) 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;

(4) Without limiting subsections (2) and (3), the following are unfair practices if they are directed at one or more potential consumers:

(a) a supplier’s doing or saying anything that might reasonably deceive or mislead a consumer;

Section 157(1) If, in the opinion of the Director

(a) a person is contravening or has contravened this Act or the regulations,

(b) a regulated person is using any form, agreement, letter or other document that is misleading or contains a term that misrepresents this Act or the regulations, or

(c) a print, broadcast or electronic publisher, including but not limited to a publisher of telephone directories and Internet listings, is publishing or has published an advertisement that is misleading or contains a term that contravenes this Act or the regulations,

the Director may issue an order directed to the person or publisher.

(2) An order may direct the person or publisher

(a) to stop engaging in anything that is described in the order, subject to any terms or conditions set out in the order, and

(b) to take any measures specified in the order, within the time specified in the order, to ensure that this Act and the regulations are complied with.

(3) A person or publisher who is subject to an order under this section may appeal under section 179.

Section 157.1(1) The Director must maintain a public record of undertakings, Director’s orders, court orders and injunctions and any other prescribed document or information.

(2) The Director may prescribe the form of the public record referred to in subsection (1) and which documents must or may be included.

(3) The Director must maintain a public record of administrative penalties and may prescribe the form of the public record and the documents and information that must or may be included in it.

Section 179(1) A person

(d) to whom an order under section 129 or 157 is directed, may appeal the decision, order or administrative penalty by serving the Minister with a notice of appeal within 30 days after being notified in writing of the decision or order or being given the notice of administrative penalty.

ORDER

Stephanie Edna Kirk, either in her own capacity or when acting on behalf of a corporation in which she has an interest or by which she is employed, must immediately:

- cease entering into contracts with consumers if she knows or ought to know that they will not receive any benefit from it as required under section 6(3)(a) the *Consumer Protection Act*, and
- cease saying or doing anything that might reasonably deceive or mislead a consumer as required under section 6(4)(a) the *Consumer Protection Act*.

Any employee, representative, agent or associate of Stephanie Edna Kirk must immediately:

- cease entering into contracts with consumers if that person knows or ought to know that they will not receive any benefit from it as required under section 6(3)(a) the *Consumer Protection Act*, and
- cease saying or doing anything that might reasonably deceive or mislead a consumer as required under section 6(4)(a) the *Consumer Protection Act*.

NON COMPLIANCE WITH ORDER

ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE *CONSUMER PROTECTION ACT* CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE *CONSUMER PROTECTION ACT*.



Deborah Wagar
Director of Fair Trading (as delegated)
May 29, 2018