
DIRECTOR'S ORDER UNDER SECTION 157
OF THE *CONSUMER PROTECTION ACT* (formerly the *Fair Trading Act*)
TO
TORONTO DEVELOPERS LTD.
AND TO
SMART HOME WORKS
AND TO
SHAIL JACK SILVER
AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF TORONTO
DEVELOPERS LTD., OR SMART HOME WORKS OR SHAIL JACK SILVER

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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PROTECTION ACT**

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Issues

Shail Jack Silver, operating as Toronto Home Developers Ltd., which does business as Smart Home Works operates an HVAC direct selling business where representatives of the company engage in direct selling business with consumers in their homes.

The Consumer Investigations Unit received a complaint from an Alberta resident who reported that in October of 2016, they were visited at home by a representative of this business where they entered into an agreement to lease a furnace and air conditioning unit for a 10 year period.

According to the consumer's own information, he did not require the furnace or the air conditioner as, "both the furnace and air conditioning units were working well" and though the air conditioning unit was delivered to his property, the unit was not connected and refrigerant was not put into the device, rendering it inoperable until June of 2017.

Based on further information that was obtained, the agreement document failed to include all of the information required as per the Alberta's *Consumer Protection Act* (formerly the *Fair Trading Act*); it also failed to include all of the disclosure information as per the *Cost of Credit Disclosure Regulation*.

In July of 2017, the consumer exercised his extended cancellation rights by sending a notice of cancellation to the supplier, however the supplier failed to refund payments within 15 days.

ORDER

- Toronto Developers Ltd. must immediately:
 - Ensure that all direct sales contracts comply with the requirements of the *Consumer Protection Act*, including the total cost;
 - Ensure that all direct sales contracts comply with the requirements outlined in the *Cost of Credit Disclosure Regulation*;
 - Cease from engaging in unfair practices;
 - Ensure that supplier responsibilities are complied with upon cancellation of direct sales contracts;

- Smart Home Works must immediately:
 - Ensure that all direct sales contracts comply with the requirements of the *Consumer Protection Act*, including the total cost;
 - Ensure that all direct sales contracts comply with the requirements outlined in the *Cost of Credit Disclosure Regulation*;
 - Cease from engaging in unfair practices;
 - Ensure that supplier responsibilities are complied with upon cancellation of direct sales contracts;

- Shail Jack SILVER 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:
 - Ensure that all direct sales contracts comply with the requirements of the *Consumer Protection Act*, including the total cost;
 - Ensure that all direct sales contracts comply with the requirements outlined in the *Cost of Credit Disclosure Regulation*;
 - Cease from engaging in unfair practices;
 - Ensure that supplier responsibilities are complied with upon cancellation of direct sales contracts;

- Any employee, representative, agent or associate of Shail Jack SILVER, Toronto Developers Ltd., or Smart Home Works must immediately:
 - Ensure that all direct sales contracts comply with the requirements of the *Consumer Protection Act*, including the total cost;
 - Ensure that all direct sales contracts comply with the requirements outlined in the Cost of Credit Disclosure Regulation;
 - Cease from engaging in unfair practices;
 - Ensure that supplier responsibilities are complied with upon cancellation of direct sales contracts;

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*.**



Scott Hood
Director of Fair Trading (as delegated)
June 18, 2018