CONSUMER TIPS

Alberta Government

Home Renovations

This publication is intended to provide general information only and is not a substitute for legal advice.

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This publication provides information about home renovation contracts in general as well as specific information about working with prepaid contractors.

Before you hire a contractor to do renovations or repairs to your home, do your homework.

GET WRITTEN ESTIMATES

Get written estimates from more than one business. Provide each business with a detailed description of the work you want completed and the materials you want the contractor to use.

A written estimate should include:

- A complete description of the work that will be done
- The type and quality of materials that will be used
- The project start and completion dates
- Itemized costs and the total price
- A statement of any guarantees made by the contractor
- The required method of payment.

Verbal contracts are hard to prove. Always insist on a written contract.

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CHECK REFERENCES

The best way to find a home renovations contractor is through other satisfied customers. Ask around. Have any of your friends or neighbours had similar work done? If so, check out the quality and workmanship to decide if it meets your standards.

Contact your local Better Business Bureau. Check their reliability reports for information about a specific company's complaint history.

Better Business Bureau (BBB)

Central and Northern Alberta
Edmonton: 780-482-2341
Toll-free: 1-800-232-7298
www.edmonton.bbb.org

Southern Alberta and East Kootenays
Calgary: 403-517-4222
Toll-free in Southern Alberta: 1-800-661-4464
http://calgary.bbb.org/

Another source of information may be your local homebuilders' association or related trade association. They may have a list of professional contractors who work in your area. Not all home renovators are members of a homebuilders association.

Canadian Home Builders' Association - Alberta
Toll free: 800-661-3348
In Edmonton: 780-424-5890
www.chba.ca

WARNING FLAGS

Avoid contractors who

- knock on your door to tell you they just happen to be doing some work in the area and can give you a special price (most problems relating to home renovations involve contractors who solicit contracts door-to-door)
- promise a discount if you allow them to use your home to advertise their work (the contractor has probably made the same offer to everyone)
- quote a price without seeing the job
- demand a large down payment to buy materials (most reputable contractors maintain charge accounts with their suppliers)
- refuse to give you a written contract outlining what they will do or who won't allow you to get other estimates
- provide a post office box as their address or an answering service for a telephone number
- will not commit to a specific start and completion date.

The best way to find a home renovations contractor is through other satisfied customers.

HIRE QUALIFIED TRADESPEOPLE

Check the qualifications of the tradespeople who will do the work. Specific trades such as electricians, plumbers and gasfitters must be certified to work in Alberta. A qualified tradesperson will be able to show you a pocket certificate issued by Alberta Advanced Education.

To find out if the tradespeople you are hiring need to be certified in Alberta or to verify an individual's status, contact your nearest Alberta Advanced Education Apprenticeship and Industry Training Office. A complete list of contact numbers is provided at the end of this publication.

Make sure the contractor and tradespeople have Workers' Compensation Board (WCB) coverage. Ask for the WCB number. If the tradespeople get injured and they are covered by WCB, they may be eligible for compensation. WCB may cover lost income, health care and other costs from a work-related injury or illness.

Also, ask to see an insurance certificate showing public liability and property damage coverage for all workers on the job.

Contact your home insurance agent

Before starting renovations, talk with your insurance representative to make sure you are covered for materials added during construction as well as construction-related fire and liability risks. You may require additional coverage.

If uninsured workers hurt themselves on your property you and the other party would have to agree on who is liable. If there is no agreement court action may be needed to determine liability.

SIGNING THE CONTRACT

Verbal contracts are hard to prove. Always insist on a written contract.

Any blank spaces on a printed form should be filled in with NA (not applicable) or NIL (nothing). Strike out anything you don't agree with and make sure you and the contractor initial the change. You can also ask that the contract be rewritten. To ensure you are protected, consider having the contract reviewed by your lawyer.

Once you sign a contract, it's legally binding. Be certain you and the contractor have agreed on the details of the work to be done, the materials to be used and the timing of the project before you sign.

Changes to the contract

Make certain that any changes to the contract have your written approval and a signed statement from the contractor giving the increase or reduction in cost. If you are financing the work with a loan, find out if someone from the financial institution must also approve any changes.

Paying for the work

The formal payment schedule should be clearly outlined in the contract. Most contractors will ask for a deposit or down payment. Find out if this is refundable and if so, under what conditions.

Contractors may also want interim or progressive payments after specific work is completed. Make sure the details – exactly what will be done and how much is to be paid – are part of the contract. Insist on a signed receipt for every payment.

Before declaring the job or part of the job is finished, meet with the contractor to inspect the work carefully. Wait until everything you have been promised is completed to your satisfaction before making the final payment or signing a completion certificate or any other document that releases the contractor from further responsibility.

Liens

Be aware that suppliers or subcontractors may have the right to register a lien on your property if they are not paid for their work or materials. A lien is a notice claiming a right to be paid from the value of your property. Provisions of Alberta's *Builders' Lien Act* may help you to protect yourself. For details, obtain a copy of the *Builders' Lien Act* from the Queen's Printer website at www.qp.alberta.ca or call toll-free in Alberta 310-0000 followed by 780-427-4952. Consult a lawyer for advice if you find that a lien is registered against your property.

WORKING WITH PREPAID CONTRACTORS

Special regulations under the *Fair Trading Act* apply to contractors in Alberta who

- accept money before work is complete; and
- look for work, discuss or finalize a contract away from their normal place of business (e.g. in your home).

These contractors are considered prepaid contractors. A prepaid contractor must be licensed by Service Alberta and post security. If the business is negligent in performing its services or providing the goods, an affected consumer can submit a claim against the security.

Check with Service Alberta to find out if a contractor is licensed as a prepaid contractor.

Call the **Consumer Contact Centre** in Edmonton at 427-4088, or toll free in Alberta at 1-877-427-4088.

You can also check our website www.servicealberta.ca

Prepaid contract requirements

If a prepaid contract is worth $200 or more, the *Prepaid Contracting Business Licensing Regulation* requires the contractor give you a written contract that includes:

- Full names and addresses for you, the contractor and, if applicable, the salesperson
- The contractor's telephone number and fax, if applicable
- The date and place of the contract
- A detailed description of the quality or type of materials to be used and the services and work to be carried out under the contract
- Itemized prices for all goods and services
- The completion date of the services to be provided

- A statement of your cancellation rights
- The total price of the contract and the terms of payment
- The delivery date for the goods and the commencement date for the services as well as the date when all services will be completed and goods provided
- Full cost-of-credit disclosure including details about any security taken for payment
- Your signature and the signature of the business's sales representative.

The contractor must give you a copy of the written contract at whichever of these times comes first:

- On or before the date the work begins
- Within 10 days after you sign the contract.

Cancelling a prepaid contract

When a written contract has been solicited, agreed upon or signed at your home or at another location away from the contractor's normal place of business, the *Fair Trading Act* allows you to cancel the contract up to 10 days after you receive your copy. You do not have to give a reason for cancellation.

To cancel, you must deliver your notice by any method (personal service, fax, registered mail, courier) that allows you to prove the date of your notice. The notice can be sent to the address on the contract. If you did not receive a copy of the contract or there is no address for the business, you can deliver your notice to any address of the business known by you, the address of the salesperson or any address on record with the government.

The legislation also states that if you give notice other than by personal service or verbally, your cancellation is deemed to be given on the date it was sent. Keep a copy of your notice.

You may keep goods that have been delivered to you under the contract until the contractor refunds your money or returns any trade-in you may have given as part of the agreement. The contractor must provide you with a full refund within 15 days of your cancellation notice. After you have received your refund, you should allow the contractor to pick up the goods and the business should remove them within 21 days of cancellation.

If the work started before the end of the 10-day cancellation period, you are still allowed to cancel the contract. However, the contractor has the right to ask that you pay a reasonable amount for the work that was done up to the time you cancelled. The contractor must refund your money before asking you to pay for the services already provided.

A prepaid contractor must be licensed by Service Alberta and post security.

Note: If a prepaid contractor's contract is covered by the **National Home Warranty** or **Alberta New Home Warranty Program**, the contractor is not required to be licensed by or to provide a security to Service Alberta. However, cancellation rights and disclosure requirements under the legislation still apply.

Extended cancellation rights

Your cancellation rights can be extended for up to one year from the date the prepaid contract was signed if

- the contractor was not licensed when you signed the contract
- the sales contract did not include all the information listed in Section 35 of the *Fair Trading Act*, including the required cancellation statement
- the goods were not provided within 30 days of the delivery date specified in the contract or an amended date that both you and the seller agreed to in writing
- the services were not started within 30 days of the delivery date specified in the contract or an amended date that both you and the seller agreed to in writing.

Note: If you accept delivery of goods or authorize services after the 30-day period, you cannot cancel the contract.

IF YOU HAVE PROBLEMS

Sometimes things can go wrong despite your best efforts.

If the completion date passes or it seems that the contractor has abandoned the job, start by sending a registered letter to the contractor. State the date you expect the contractor to finish the job and inform the contractor that if the deadline is not met, you will hire another contractor to finish the work using the money remaining from the original contract. Do this only after you have received an estimate from another contractor.

Other options for handling problems include:

- Following the dispute resolution process outlined in your contract, if applicable
- Registering a complaint with your local Better Business Bureau
- Making a written report to your municipal inspection department if you believe work does not meet Building Code standards.

You may have to consider legal action for compensation if you are unable to resolve your dispute with the contractor. More information on the civil claims process is available at www.albertacourts.ab.ca.

Contact Service Alberta if the job was misrepresented, the supplier defaulted on a prepaid contract or if you suspect the business is not following the requirements of the *Fair Trading Act.*

CONTRACT CHECKLIST

The following checklist highlights information that should always be included in a home renovation contract. Check the section of this publication on **Working with Prepaid Contractors** for requirements that apply to prepaid contracts.

- ☐ A detailed description of the work to be done. Include blueprints if appropriate
- ☐ A statement of the type and quality of materials to be used
- ☐ A statement of any work that is to subcontracted (e.g. plumbing and wiring)
- ☐ A statement that identifies who is responsible for getting all necessary permits and ensuring that inspections and approvals by local authorities will be done at the proper times. The homeowner is ultimately responsible for making sure necessary permits are in place before work starts
- ☐ A statement that all work will be done according to local codes
- ☐ A statement that the contractor is responsible for removing all debris as soon as construction is completed
- ☐ A clearly itemized payment schedule including any hold-back provisions under the *Builders' Lien Act*
- ☐ A statement of all warranties explaining what is covered, for how long and what will be done if there are problems
- ☐ A Certificate of Insurance showing the contractor's public liability and property damage insurance
- ☐ If the renovations involve a substantial amount of money, you may want to consider additional protection such as a performance bond in the event the contractor fails to complete the work
- ☐ The contractor's Workers' Compensation Board number
- ☐ A statement outlining any cancellation rights
- ☐ A statement outlining how problems will be resolved
- ☐ Your signature and that of the sales representative

FOR MORE INFORMATION

SERVICE ALBERTA

Consumer Contact Centre
Edmonton: (780) 427-4088
Toll-free in Alberta: 1-877-427-4088

Queen's Printer Bookstore
You may purchase Acts and regulations from the Queen's Printer Bookstore:
10611 - 98 Avenue, Edmonton, Alberta T5K 2P7
Edmonton: 780-427-4952
Toll-free in Alberta: Dial 310-0000 then 780-427-4952

These are also free for you to download in the "pdf" or "html" formats at www.qp.alberta.ca

Alberta New Home Warranty Program
Edmonton: 780-484-0572
Calgary: 403-253-3636
Toll-free: 1-800-352-8240
www.anhwp.com

National Home Warranty
Toll-free: 1-800-472-9784
www.nationalhomewarranty.com

Canada Mortgage and Housing Corporation (CMHC)
Information to help assess requirements before starting a home renovation project.
www.cmhc-schl.gc.ca/en/co

Canadian Home Builders' Association
Information about planning your renovations and hiring a contractor
www.chba.ca/

A current version of this and other consumer publications are available at the Service Alberta website www.servicealberta.ca. Most public libraries have Internet access if you don't have access at home. If you need more copies of this publication, you have permission to photocopy.

Get it in Writing is a program of the Canadian Home Builders' Association. Information is available on home renovation topics including choosing a contractor, written estimates and other consumer protection tips.
www.hiringacontractor.com

Property title search
To search your property title to determine if there is a lien against the property, you must know the legal description, Land Identification Number Code (LINC) or the title number for the property you want to search. Title searches and certified copies of title are available through Land Title

OFFICES AND REGISTRY AGENTS

Finding a registry agent:

Service Alberta
www.servicealberta.ca>Registries>Quick Links - Find a Registry Agent

Yellow Pages
Under Licence and Registry Services

Land Titles Offices:

Edmonton: 780-427-2742
John E. Brownlee Building
10365-97 St.
Edmonton, AB T5J 3W7

Calgary: 403-297-6511
J.J. Bowlen Building
620-7th Ave. SW
Calgary, AB T2P 0Y8

Alberta Service Alberta

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