

**IN THE MATTER OF
FAIR TRADING ACT**

THIS UNDERTAKING is made pursuant to Section 152 of the *Fair Trading Act*.

BY: Collect Com Credit Inc
3680 Victoria Park Avenue, Suite 100
in the City of Toronto, in the Province of Ontario

(hereinafter called the “**Supplier**”)

TO:

The **DIRECTOR OF FAIR TRADING**,

(hereinafter called the “**Director**”)

WHEREAS:

- (A) The Supplier is a licensed collection agency authorized to conduct business in Alberta.
- (B) The Supplier employs licensed collectors, authorizing them to collect, attempt to collect, deal with or locate debtors in Alberta on behalf of the Supplier.
- (C) The Supplier acknowledges that in the ordinary course of its business, unlicensed collectors engaged in collection activities in Alberta.
- (D) The Supplier acknowledges that in the ordinary course of its business, the collection activity notes required by regulations were not created or maintained in a manner that satisfies the requirements of the legislation.
- (E) The Supplier acknowledges that in the ordinary course of its business, collection calls were made in a manner that violated the limitation of no more than three contacts with a debtor in any seven day period.
- (F) The Supplier acknowledges that in the ordinary course of its business, a call was placed to Alberta outside the allowable time frame set out in regulation.
- (G) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (C), (D), (E) and (F) hereof constitute breaches of the *Fair Trading Act* and Collection and Debt Repayment Practices Regulation.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

- 1 The Supplier acknowledges and admits that it has failed to comply with the provisions of the *Fair Trading Act* and undertakes to the Director that the Supplier will not, at any time hereafter, engage in acts or practices similar to those described in recitals (C), (D), (E) and (F) that are contrary to s. 111(3) and s. 132 of the *Fair Trading Act* and s. 12 (1) (g)(v)(w) and 23.3 (1) of the Collection and Debt Repayment Practices Regulation.
- 2 The Supplier will ensure, to the best of its ability, that all collectors employed by the Supplier contacting Albertans will be licensed collectors in Alberta.
- 3 The Supplier will ensure, to the best of its ability, that collectors receive training and supervision that addresses the prohibited practices and requirements set out in the Collection and Debt Repayment Practices Regulation, including the limit of three calls in any seven day period, restrictions on the hours of collection activity, and respect for existing payment agreements.
- 4 The Supplier will ensure that full cooperation is provided to Service Alberta investigators during the course of any investigation into allegations related to breaches of the *Fair Trading Act* or Collection and Debt Repayment Practices Regulation.
- 5 The Supplier will, to the best of its ability, take steps to ensure that records of calls and collection activities are correctly created and maintained.
- 6 The Supplier will, to the best of its ability, ensure that all of its officers, partners, employees, representatives and agents are forthwith acquainted with the requirements of the *Fair Trading Act* especially as it pertains to Part 11 – Collection Practices.
- 10 This Undertaking will be binding upon the Supplier and its successors and assigns unless:
 - (a) Terminated by the Director or varied with the consent of the Supplier;
 - (b) Varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking; or
 - (c) Terminated by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Supplier has undertaken to refrain from engaging in was not unfair; however, in any such case, the termination or variance does not invalidate anything done under this undertaking prior to termination or variance.
- 11 The Supplier acknowledges that the Director may, upon breach by the Supplier of any term of the Undertaking, institute such proceedings and take such action under the *Fair Trading Act*, as he may consider necessary.

- 12 The Supplier will pay to the Minister of Finance the sum of \$1,250.00; an amount that represents the costs associated with investigating this matter and costs associated with this undertaking. Such payment is to be made within 15 days from the date of this Undertaking.
- 13 The Supplier acknowledges that it was advised by Service Alberta, and is aware that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily.

IN WITNESS WHEREOF the Supplier, has on the 13th day of April, 2009. Caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

Collect Com Credit Inc

PER: _____

Aaron Taylor, President

ACCEPTED by the Director of Fair Trading this 22nd day of April, 2009.

AARON HAWK
DIRECTOR OF FAIR TRADING