

**IN THE MATTER OF
THE FAIR TRADING ACT**

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

BY: **MJR Collection Services Ltd.**
7033 Telford Way Unit 17 – 18
in the City of Mississauga, 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 collectors that require licensing if and when they are contacting Albertans.
- (C) The Supplier acknowledges that it has been advised previously that all collectors contacting Albertans require licensing.
- (D) The Supplier admits that it did employ collectors who in the course of their duties contacted Albertans for the purpose of collecting debt while they were unlicensed to operate in Alberta.
- (E) The Supplier acknowledges that in the ordinary course of its business, it did permit the following unlicensed collectors:

to contact residents of Alberta. These contact were made between November 26, 2003 and April 21, 2004.

- (F) The Supplier acknowledges that in the ordinary course of its business, _____ continued attempts against _____ resident of Alberta, after being informed that she was not the debtor in question. This is contrary to the prohibited practices set out in Section 116(1)(l) of the Fair Trading Act.
- (G) The Supplier acknowledges that in the ordinary course of its business, MJR Collection Services Limited, sent out a second letter, on December 18, 2004 after the creditor Microcell Solutions Inc. advised that they had contacted the incorrect party. This is contrary to the prohibited practices set out in Section 116(1)(a) of the Fair Trading Act.
- (H) The Supplier acknowledges that in the ordinary course of its business, _____ made threats to _____, an Alberta resident, about having lawful authority to proceed with an action when the agency did not have the lawful authority. This is contrary to the prohibited practices set out in Section 116(1)(i) of the Fair Trading Act.
- (I) The Supplier acknowledges that in the ordinary course of its business, _____ and _____ continued collection attempts against _____, an Alberta resident, after she advised the collectors on three occasions that she has paid off the debt in question in full to another collection agency. This is contrary to the prohibited practices set out in Section 116(1)(a) of the Fair Trading Act.
- (J) The Supplier acknowledges that in the ordinary course of its business, MJR Collection Services Limited made threats to _____ an Alberta resident, about having lawful authority to proceed with an action when the agency did not have the lawful authority. This is contrary to the prohibited practices set out in Section 116(1)(i) of the Fair Trading Act.
- (K) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (D), (E), (F), (G), (H), (I) and (J) hereof constitute breaches of the Fair Trading Act.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

1. The Supplier acknowledges and admits that it has failed to comply with the Fair Trading Act and undertakes to the Director that this Supplier will make every effort to not, at any time hereafter, engage in acts or practices similar to those described in recitals (D), (E), (F), (G), (H), (I) and (J).
2. The Supplier will make every effort to ensure that all collectors employed by the Supplier will be properly licensed prior to contacting Albertans.


3. The Supplier will, to the best of its ability, ensure all of its officers, partners, employees, representatives and agents are familiar with the provisions of Part 11, Collection Practices, of the Fair Trading Act and the Supplier's corporate policies and code of ethics.
4. It is understood that the Supplier
 - i) will ensure that all MJR Collection Services Limited collectors who may come into contact with Albertans are licensed with Alberta Government Services;
 - ii) has implemented steps to ensure that all collectors are collecting or attempting to collect money for a creditor only on the belief in good faith that the money is due and owing by the debtor to the creditor;
 - iii) has implemented efforts to ensure collection activity ceases, until proper steps are taken to verify the identity of the debtor, nature of the debt, and validity of the debt.
 - iv) has implemented steps to ensure that the authority to proceed with legal action is in place prior to advising the debtor by telephone or in writing of pending legal action.
5. This Undertaking will be binding upon the Supplier and its successors and assigns unless:
 - i) terminated by the Director or varied with the consent of the Supplier;
 - ii) 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
 - iii) terminated by an Order of a 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.
6. 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.
7. The Supplier acknowledges that it was advised by Alberta Government Services, 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.

8. The Supplier will pay to the Director, for deposit with the Finance Minister of Alberta, the sum of Eight Hundred (\$800.00) Dollars, which represents a portion of the costs of investigating these matters to the date of this Undertaking. Such payment shall be made within ten (10) days of the signing of this Undertaking.

IN WITNESS WHEREOF the Supplier, has on the *17TH* day of *JUNE*, 2004, caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

MJR Collection Services Ltd.

PER: _____


Marty Rosik, President

ACCEPTED by the Director of Fair Trading this *23rd* day of *JUNE*, 2004



DIRECTOR OF FAIR TRADING