

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

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

BY:

Metropolitan Credit Adjusters Ltd
10310 Jasper Ave Suite 400
in the City of Edmonton, in the Province of Alberta.

(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 on behalf of the Supplier to collect, attempt to collect, solicit business, realize on a security, deal with or locate debtors in Alberta.
- (C) The Supplier acknowledges that in the ordinary course of its business, collector employed by the Supplier, contacted on or about October 24, 2001 leaving a message on his answering machine requesting to call to up date a Government file and to call
- (D) The Supplier acknowledges that in the ordinary course of its business, , a collector employed by the Supplier, contacted, on or about October 25, 2001 stating that she was with Metropolitan Government Services.

- (E) The Supplier acknowledges that in the ordinary course of its business, _____ a collector employed by the Supplier, placed telephone calls between the dates of December 5, 2001 and December 12, 2001, to _____, his spouse or other family members, of such a nature or frequency as to constitute harassment.
- (F) The Supplier acknowledges that in the ordinary course of its business, _____ a collector employed by the Supplier, contacted the Spouse of the debtor for purposes other than obtaining the debtor's address or telephone number.
- (G) The Supplier acknowledges that in the ordinary course of its business, it permits the usage of form letters, sent to debtors that as part of their name state Government Services Branch and that the letter is from the Default & Investigation Department or the Dishonoured Cheque Division of Metropolitan Credit Adjusters Ltd.
- (H) The Supplier acknowledges that in the ordinary course of its business, has permitted signage on their premises that state, Government Services Branch.
- (I) The Supplier acknowledges that in the ordinary course of its business, the Supplier received a letter from _____ by facsimile, dated May 17, 2001, stating that he had overpaid his Telus Mobility account. The Supplier admits that they failed to investigate and respond to this letter. The Supplier also admits that they collected \$208.26 more than was owed by _____.
- (J) The Supplier acknowledges that in the ordinary course of its business, _____, collectors employed by the Supplier continued to contact _____ by phone and collection letter. between the dates of November 2, 2001 and November 15, 2001, despite the fact that _____ on October 31, 2001 advised _____ a collector employed by the Supplier that he was not the debtor by verification of having a different date of birth, middle name, and social insurance number from the person identified as being the debtor.
- (K) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (C), (D), (E), (F), (G), (H), (I), and (J) hereof constitute breaches of the Fair Trading Act.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

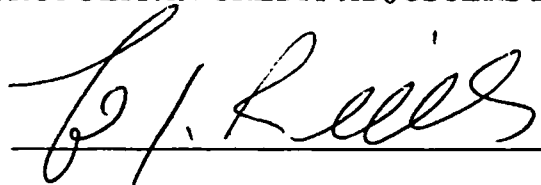
- 1 The Supplier acknowledges and admits that it has failed to comply with the provision of the Fair Trading Act and undertakes to the Director that the Supplier will not, at any time hereafter, engage in acts or practices similar to those described in recitals (C), (D), (E), (F), (G), (H), (I), and (J) contrary to Section 116 (1), and 127 (C).
- 2 The Supplier will ensure that all collectors, employed by the Supplier, contacting Albertans, will only identify themselves as a representative of the Suppliers licensed name, Metropolitan Credit Adjusters Ltd.
- 3 The Supplier will ensure that all collectors, employed by the Supplier, contacting Albertans, will not indicate that the purpose of their contact is for up dating a Government file.
- 4 The Supplier will ensure that all collectors, employed by the Supplier, contacting Albertans will, after confirming that they are dealing with the true debtor or debtors, identify the true and complete name of the Suppliers client for which they are authorized to collect on behalf of.
- 5 The Supplier will ensure that all collectors, employed by the Supplier, contacting Albertans, will not place calls of such nature or frequency as to constitute harassment.
- 6 The Supplier will ensure that all collectors, employed by the Supplier, that contact Albertans to collect or attempt to collect money, will deal with only the true debtor or debtors, or a person authorized in writing by the true debtor or debtors to act on their behalf.
- 7 The Supplier will ensure that all correspondence produced by the Supplier of any type or nature will only be in the Suppliers licensed name of Metropolitan Credit Adjusters Ltd and will not make reference to Government Services Branch or Division, from the Default & Investigation Department, or from the Dishonoured Cheque Division, or any other terminology.
- 8 The Director acknowledges all signage pertaining to Government Services Branch or Division has been removed from the licensed premises of the Supplier. The Supplier will ensure in the future that only signage reflecting the Suppliers licensed name will be displayed in the licensed premises of the Supplier.

- 9 The Supplier will ensure that when any debtor advises or questions, that they have overpaid their debt or account, that the Supplier will immediately investigate the debtor's file, and provide a response to the debtor, giving sufficient accounting detail and any other evidence necessary to support the Supplier's position on the debtor's file.
- 10 The Supplier will ensure that when a person has informed the collector or collection agency that the person is not the debtor that all collectors employed by the Supplier and the collection agency will immediately cease all contact or communication with that person, until they have taken all reasonable steps or precautions to ensure that the person is in fact the debtor.
- 11 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.
- 12 It is understood that the Supplier has:
 - i) Taken steps to ensure that all collectors employed by the Supplier will identify themselves as employees of Metropolitan Credit Adjusters Ltd and will identify the true and complete name of the Supplier's client for which they are authorized to collect on behalf of.
- 13 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.
- 14 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.

- 15 The Supplier will pay to the Minister of Finance the sum of \$ 3,750.00; an amount that represents a portion of the costs associated with investigating this matter. Such payment is to be made within 10 days from the date of this Undertaking.
- 16 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.

IN WITNESS WHEREOF the Supplier, has on the *12* day of *November*, 2002.
Caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

METROPOLITAN CREDIT ADJUSTERS LTD

PER: 

Frank J. Reilly
President

ACCEPTED by the Director of Fair Trading this *12th* day of *NOVEMBER*, 2002



DIRECTOR OF FAIR TRADING