

**BRIAULT CONTRACTING
AND
ERNEST BRIAULT
AND
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
BRIAULT CONTRACTING LTD.**

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 of the *Fair Trading Act*, this Director's Order is part of the public record.

For more information on the Fair Trading Act, business licensing in Alberta or to search for a licensed business, please click here:

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DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

TO

BRIAULT CONTRACTING LTD.

AND TO

ERNEST BRIAULT

AND TO

TRACY BRIAULT

**AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT
OF BRIAULT CONTRACTING LTD.**

Background and Issues

Briault Contracting Ltd. solicited, negotiated, or concluded in person away from its business premises a residential renovation contract with Victor and Debra Michalchuk. The respective contract was entered into in November, 2009. In this instance the consumers provided a deposit payment, as well as progress payments before the contract was completed.

This activity constitutes a "**Prepaid Contracting Business**" requiring Briault Contracting Ltd. to be licensed as required under Section 104(1) of the *Fair Trading Act*.

At the time of entering into the prepaid contact with these consumers, Briault Contracting Ltd. was not licensed as a Prepaid Contracting Business as required under Section 104(1) of the *Fair Trading Act*.

A "Prepaid Contracting Business" means the activities of soliciting, negotiating or concluding in person, at any place other than the seller's place of business, a prepaid contract.

A "Prepaid Contract" means a construction or maintenance contract in which all or part of the contract price is to be paid before all of the goods or services called for in the contract are provided.

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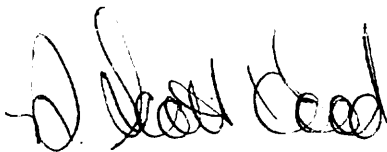
A "Construction or Maintenance Contract" in part means a contract for the purposes of constructing, altering, maintaining, repairing, adding to or improving a person's own private dwelling or a structure / building located on the same property, used in conjunction with the person's own private dwelling or improving real estate property to be used in connection with the person's own private dwelling / building / structure.

Order

- Ernest Briault individually or through any employee, representative, agent, or associate must immediately stop engaging in the activities of a "Prepaid Contracting Business" by soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a prepaid contract.
- Tracy Briault individually or through any employee, representative, agent, or associate must immediately stop engaging in the activities of a "Prepaid Contracting Business" by soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a prepaid contract.
- Briault Contracting Ltd. through any employee, representative, agent, or associate must immediately stop engaging in the activities of a "Prepaid Contracting Business" by soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a prepaid contract.

NON COMPLIANCE WITH ORDER

ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE *FAIR TRADING ACT* CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE *FAIR TRADING ACT*.



Scott Hood
Director of Fair Trading (as delegated)
December 17, 2010