

**STANLEY TOMLINSON, OPERATING AS
EDINBOROUGH MASONRY
AND TO
ANY EMPLOYEE, REPRESENTATIVE, AGENT OF
STANLEY TOMLINSON AND/OR EDINBOROUGH MASONRY**

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

STANLEY TOMLINSON, OPERATING AS EDINBOROUGH MASONRY

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT
OF STANLEY TOMLINSON AND/OR EDINBOROUGH MASONRY**

Issues

On or about October 14, 2009 Mr. Stanley Tomlinson, operating as Edinborough Masonry, attended a consumer's residence and negotiated and concluded a contract to complete masonry renovations to their personal dwelling. The total price of the contract was \$7,029.36 and a deposit of \$5,200.00 was requested and paid by the consumer at that time. Mr. Tomlinson provided the consumer with a written contract that did not comply with the *Fair Trading Act*. Two additional payments were made to Mr. Tomlinson on December 8, 2009 and April 6, 2010.

The consumers hand delivered a letter of cancellation to Mr. Stanley Tomlinson on August 28, 2010 due to the supplier's unlicensed status and unsatisfactory work. They have not received a refund within 15 days of cancellation.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed as required under Section 104(1) of the *Fair Trading Act*.

A Prepaid Contracting Business means that activities of soliciting, negotiating or concluding in person, at any place other than the seller's place of business, 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. Under Section 10 of the *Prepaid Contracting Business Licensing Regulation*, when a prepaid contract is for a value of more than \$200, the prepaid contracting business must ensure the prepaid contract complies with the requirements of

Alberta

section 35 of the *Fair Trading Act* and sets out the quality or types of materials to be used under the contract and the services and work to be carried out under the contract. A person who is engaged in the prepaid contracting business and who enters into a prepaid contract with a consumer must provide a copy of the signed contract to the consumer on or before the date work commences or within 10 days of the signing, whichever comes first.

Mr. Stanley Tomlinson has entered into a prepaid contract without holding this license. Mr. Stanley Tomlinson was informed of the prepaid contracting license requirements, however; as of May 15, 2011 Mr. Stanley Tomlinson has not obtained the required license.

Order

Mr. Stanley Tomlinson must immediately:

1. Cease entering into prepaid contracts until he has obtained a provincial license as a prepaid contracting business, and
2. Stop taking down payments, deposits or progress payments from consumers before the work is fully completed with residential consumers until the licensing requirements have been met.

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*.

A handwritten signature in black ink, appearing to read 'D. Hood', with a stylized flourish at the end.

Scott Hood
Director of Fair Trading (as delegated)
May 18, 2011