

**FERDINAND BURTON
F & R CONSTRUCTION**

This Director's Order was issued under s. 157 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:

[Search for a Licensed Business, Charity or Fundraiser](#)

To view a tipsheet on this business licence category, please click here:

[Tipsheets](#)

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

TO

FERDINAND BURTON o/a F&R CONSTRUCTION

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
FERDINAND BURTON o/a F&R CONSTRUCTION

Issues

Ferdinand Burton, operating as F&R Construction, operates a home renovation business where contracts or portions thereof are often solicited, negotiated, or concluded at a consumer's home and a consumer is required to pay deposit or progress payments prior to the completion of work.

In April 2009, Ferdinand Burton, operating as F&R Construction was informed in writing of the prepaid contracting license requirement. In May 2009 he met with a representative of Service Alberta and expressed the intent and desire to comply by obtaining a license forthwith.

As of June 12, 2009 no further inquiry had been made and no formal license application submitted to Service Alberta.

The supplier made in clear in communications with Service Alberta that he normally accepts deposits or progress payments but was unaware of the legislative requirements respecting licensing. The potential remains that the supplier will at some future time enter into prepaid contracts in Alberta without a license in violation 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.

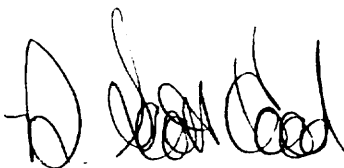
A "Construction or Maintenance Contract" in part means a contract for the purpose of, constructing, altering, maintaining, repairing, adding to or improving a person's own private dwelling or a structure/building located on the same property, used in connection with a person's own private dwelling or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

Order

- Ferdinand Burton, operating as F&R Construction must immediately cease entering into prepaid contracts (taking down-payments, deposits or progress payments before the work is fully completed) until the licensing requirements have been met.
- Individuals who are employed by, representing, acting as agent for or otherwise associated with Ferdinand Burton, operating as F&R Construction must immediately cease entering into prepaid contracts until 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*.**



Scott Hood
Director of Fair Trading (as delegated)
June 19, 2009