

LAYCRAFT KITCHENS LTD.
ROBERT A. CHOMIAK, DIRECTOR
MATHEW A. LAYCRAFT, DIRECTOR
DAX KITCHENS

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.

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

TO

LAYCRAFT KITCHENS LTD.

And to

ROBERT A. CHOMIAK, DIRECTOR

And to

MATHEW A. LAYCRAFT, DIRECTOR

And to

**ROBERT ARTHUR CHOMIAK AND MATHEW ALAN LAYCRAFT
DOING BUISNESS AS DAX KITCHENS**

And to

**ANY EMPLOYEE, REPRESENTATIVE, AGENT OR ASSOCIATE
LAYCRAFT KITCHENS LTD. OR DAX KITCHENS**

Issues

In November 2007 a consumer negotiated and concluded a contract at their residence for the construction of kitchen cabinets and a wall unit with representatives of Dax Kitchens. The total cost of the contract was \$25,000 and required an initial down payment of \$12,500.

The work was commenced but progressed slowly. There were also concerns regarding the quality of the workmanship and materials. Ultimately, the consumer cancelled the contract in March 2008.

Dax Kitchens was a partnership between Robert Arthur Chomiak and Matthew Alan Laycraft which was subsequently dissolved on October 24, 2007. Laycraft Kitchens Ltd. was incorporated on May 30, 2007 with the Directors shown as Robert A Chomiak and Matthew A Laycraft.

A prepaid contracting business means the activity of soliciting, negotiating or concluding in person at any place other than the seller's place of business a contract for the construction, altering, maintaining, repairing, adding to or improving a person's private dwelling where all or part of the contract price is paid before all of the goods or services called for in the contract are provided.

At the time the contract was entered into with the consumer Robert Arthur Chomiak and Matthew Alan Laycraft doing business as Dax Kitchens was not licensed as a prepaid contracting business as required by Section 104 of the *Fair Trading Act*. The subsequent company, Laycraft Kitchens Ltd. is also not licensed as a prepaid contracting business.

Mr. Chomiak was informed of license requirements and stated he would be interested in applying for the required license. As of April 2008 no subsequent inquiry or license application has been made. The potential exists that the company may at some future time enter into prepaid contracts in Alberta without a license in violation of the *Fair Trading Act*.

Order

- Laycraft Kitchens Ltd. and directors, Robert Arthur Chomiak and Matthew Alan Laycraft must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) in Alberta until the licence requirements have been met.
- Individuals who are employed by, representing, acting as agent for or otherwise associated with Laycraft Kitchens Ltd. must immediately cease entering into prepaid contracts in Alberta until licence 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)
January 27, 2009