

**WALTER SWEENEY
AND ANY EMPLOYEE, REPRESENTATIVE OR AGENT
OF WALTER SWEENEY**

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

WALTER SWEENEY

AND

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT
OF WALTER SWEENEY**

ISSUES

Walter Sweeney entered into a pre-paid contract where the contract or portions thereof were solicited, negotiated, or concluded at the consumer's home and the consumer was required to pay a deposit or progress payment prior to the completion of work.

On or about September 10, 2009 the consumers entered into a contract with Walter Sweeney to complete certain roofing and interior work on their residence at 119, 52343 RR 211, Antler Lake, Alberta. They state these contracts were signed at their residence. The total cost of the contract was to be \$24,900.00 + GST, of which it appears \$33,598.04 has been paid to date.

The consumers sent a letter of cancellation due to the unfinished and unsatisfactory work on September 1, 2010 to Walter Sweeney and have not been contacted by him nor received a refund within 15 days of cancellation.

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

At the time of entering into the prepaid contract with this consumer, Walter Sweeney was not licensed as a Prepaid Contracting Business as required under Section 104(1) of the *Fair Trading Act*.



On October 28, 2010 the investigator received a letter from Walter Sweeney and it stated that he has no further intentions of running a prepaid contractor business now or in the future. On November 23, 2010 the investigator met with Walter Sweeney and explained licensing as a Prepaid Contractor. Walter Sweeney stated that he will not be pursuing licensing at this time and will not be conducting any pre-paid contracting work.

As of February 24, 2011 no license application has been submitted to Service Alberta.

In light of the attempts to successfully ensure compliance, 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*.

ORDER

- Walter Sweeney must immediately cease entering into prepaid contracts (taking deposits or progress payments before the work is fully completed) until the licensing requirements have been met in full.
- Individuals who are employed by, representing, acting as agent for or otherwise associated with Walter Sweeney must immediately cease entering into prepaid contracts (taking deposits or progress payments before the work is fully completed) until licensing requirements have been met in full.

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)
April 5, 2011