

**DIRECT HOME DÉCOR INC.**  
**AND**  
**JANICE DOUVILLE**  
**AND**  
**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF**  
**DIRECT HOME DÉCOR INC. AND JANICE DOUVILLE**

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:

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

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

[Tipsheets](#)

Consumer Programs

Commerce Place  
10155 - 102 Street  
Edmonton, Alberta  
Canada T5J 4L4

Telephone (780) 427 5210  
Fax (780) 427 3033

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

**TO**

**DIRECT HOME DÉCOR INC.**

**AND**

**JANICE DOUVILLE**

**AND**

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT  
OF DIRECT HOME DÉCOR INC. AND JANICE DOUVILLE**

**Issues**

Direct Home Décor Inc. and Janice Douville operates a home renovation business where contracts or portions thereof are often solicited, negotiated, or concluded in person at a consumer's home and a consumer is required to pay a deposit or progress payment prior to the completion of work.

In June 2010 Direct Home Décor Inc. and Janice Douville entered into a prepaid contract with a consumer. The contract, worth close to \$30,000, was very extensive and required some negotiation at the consumer's home. The consumer maintained that the contract was negotiated AND concluded at his residence.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed 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 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.

In July 2010 Direct Home Décor Inc. and Janice Douville was informed in writing of the prepaid contracting license requirement. At that time, a licensing package was provided to her. She gave assurances that she would comply with the legislative requirements in one way or another but in any event would disclose her compliance intentions in writing.

*Alberta* ■

Later that month, she attempted to have the Director absolve her of the license requirement by stating that she was not operating a prepaid contracting business.

As of September 20, 2010 no license application has been submitted to Service Alberta.


In light of the attempt to have the Director absolve or otherwise excuse Direct Home Décor Inc. from the definition of prepaid contracting business and, by extension, the licensing requirement, the potential strongly 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**

- Direct Home Décor Inc. and Janice Douville 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 Direct Home Décor Inc. and Janice Douville 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)  
September 20, 2010