

IN THE MATTER OF
THE FAIR TRADING ACT

THIS UNDERTAKING is made pursuant to section 152 of the Fair Trading Act.

BY: Overhead Door Co. of Grande Prairie (1979) Ltd.
8702-111A Street
Grande Prairie, Alberta T8V 5L3

(hereinafter called the "Supplier")

TO: The **DIRECTOR OF FAIR TRADING**

(hereinafter called the "Director")

WHEREAS:

- (A) The Supplier operates a garage door business in and around the City of Grande Prairie in the Province of Alberta.
- (B) The Supplier acknowledges that it did, between September 3, 1999 and February 15, 2001, sell to consumers, 1/3 horsepower garage door openers represented as 1/2 horsepower openers. The openers had 1/2 HP Overhead Door stickers placed overtop the manufacturers 1/3 HP insignia and some of the manufacturer's specification plates were defaced.
- (C) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recital (B) herein constitute breaches of the Fair Trading Act.

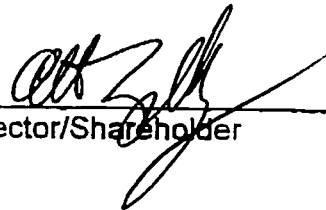
NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

- 1) The Supplier acknowledges and admits that it has failed to comply with the Fair Trading Act and undertakes to the Director that the Supplier will not knowingly nor intentionally, at any time hereafter, engage in acts or practices similar to those described in recital (B) or any other prohibited acts in the Fair Trading Act.
- 2) The Supplier will ensure that all employees, representatives and agents are forthwith acquainted with the requirements of the Fair Trading Act, especially as it pertains to Part 2, Division 1, Unfair Practices.

- 3) The Director acknowledges that the Supplier has plead guilty to one count under Section 7 of the Fair Trading Act, being an unfair practice described in Section 6(4)(e).
- 4) The Supplier will, by June 30, 2003, replace the garage door openers at no cost whatsoever, to the consumers identified in Appendix A. If any of these consumers have already replaced their original units due to mechanical failure, the Supplier will provide a full refund of the original purchase price to the consumer.
- 5) The Supplier commits to providing replacement openers at no cost whatsoever, to any other consumers who purchased an opener after September 1, 1999 and come forward with a valid claim before June 30, 2003. Such claims are to be verified solely at the discretion of the Director. If any of these consumers have already replaced their original units due to mechanical failure, the Supplier will provide a full refund of the original purchase price to the consumer. The Supplier will have 90 days to complete the replacement of the units or provide the refund.
- 6) The Supplier will pay to the Director, for deposit with the Finance Minister of Alberta, the sum of \$3,000.00, which represents a portion of the costs associated with investigating this matter. Such payment shall be made within 10 days of the signing of this Undertaking.
- 7) This Undertaking will be binding upon the Supplier and its successors and assigns unless;
 - a) terminated by the Director or varied with the consent of the Supplier;
 - b) varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking;
 - c) terminated by an Order of a Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Supplier has undertaken to refrain from engaging in, was not unfair; however, in any such case, the termination or variance does not invalidate anything done under this Undertaking prior to the termination or variance.
- 8) The Supplier acknowledges that the Director may, upon breach by the Supplier of any terms of the Undertaking, institute proceedings and take such action under the Fair Trading Act as he may consider necessary.

IN WITNESS WHEREOF the Supplier, has on the _____ day of April 2003,
caused its common seal to be hereunto affixed and attested by the signatures of
its proper officers duly authorized in that behalf.

Overhead Door Co. of Grande Prairie (1979) Ltd.

Per: 
Ott Zelko, Director/Shareholder

ACCEPTED by the Director of Fair Trading this ^{14th} day of April 2003.


Mr. Rob Phillips
Director of Fair Trading
Province of Alberta