

IN THE MATTER OF
THE FAIR TRADING ACT

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

BY: Ralph Edmund RICHARDS, operating as Odyssey Landscapes
 17 Fern Road
 Red Deer, Alberta, T4N 4Z3

(hereinafter called the "Supplier")

TO: The DIRECTOR OF FAIR TRADING,

(hereinafter called the "Director")

WHEREAS:

- (A) The Supplier acknowledges that on or about July 11, 2005 he used the unregistered trade name of Odyssey Landscapes and entered into a prepaid contract with _____ to provide landscaping services to their residential property located at _____ Red Deer, Alberta without being the holder of a prepaid contracting business licence. A deposit of \$3210 was requested and accepted by the Supplier in the form of a cheque dated July 15, 2005 payable to Odyssey Landscapes. The work was to commence August 20-22, 2005. The work was not done and the materials were not delivered.
- (B) The Supplier acknowledges that he failed to issue a refund to _____, within 15 days of their sending a registered letter March 24, 2006 thereby exercising legislated cancellation rights.

The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (A), and (B) herein constitute breaches of the *Fair Trading Act*.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

1. The Supplier acknowledges and admits that he has failed to comply with the licensing provisions of the *Fair Trading Act* and undertakes to the Director that this Supplier will not, at any time hereafter, engage in or allow acts or practices similar to those described in recitals (A) and (B) contrary to the *Fair Trading Act* s. 31(2) and 104(1).
2. The Supplier states he has ceased taking deposits and will ensure that in all capacities, either in his name, a trade name, corporation, or a partnership or in his capacities as an employee, declarants of trade names, director, shareholder of a corporation or as agent for another, or subsidiary of another corporation, he will not take deposits or progress payments on construction, renovation, or maintenance contracts in Alberta unless licensed as a prepaid contracting business under the *Fair Trading Act*.
3. The Supplier will ensure he is acquainted with the requirements of the *Fair Trading Act*, especially those relating to licensing and contract requirements described in the *Fair Trading Act* Sec. 35 and the *Prepaid Contracting Business Licensing Regulation* Section 10(2).

- 4. 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; or
 - (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 termination or variance.

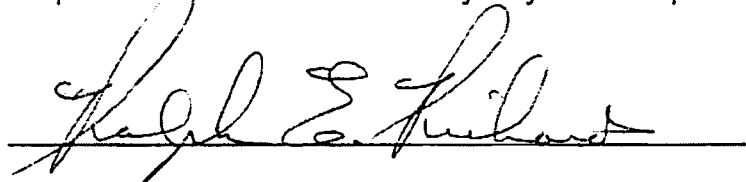
- 6. The Supplier acknowledges that the Director may, upon breach by the Supplier of any term of the Undertaking, institute such proceedings and take such action under the *Fair Trading Act* as he may consider necessary.

- 7. The Supplier will pay restitution to the consumers in the sum of three thousand, two hundred, and ten dollars (\$3210) in the form of a solicitor trust cheque made payable to : Such payment shall be made forthwith at the time of the signing of this Undertaking.

- 8. The Supplier acknowledges that he was advised by the Consumer Services Division of Service Alberta, and is aware that he is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that he is entering into this Undertaking voluntarily.

IN WITNESS WHEREOF the Supplier, has on the 31 day of July, 2007, signed this document.

Ralph Edmund Richards o/a Odyssey Landscapes



Ralph Edmund RICHARDS

ACCEPTED by the Director of Fair Trading this 8th day of August, 2007.



Scott Hood
 DIRECTOR OF FAIR TRADING (as delegated)
 Province of Alberta