

**IN THE MATTER OF
FAIR TRADING ACT**

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

BY: MJR Capital Inc.
 7033 Telford Way Unit 17-18
 in the City of Mississauga, in the Province of Ontario

 (hereinafter called the “**Supplier**”)

TO:

The **DIRECTOR OF FAIR TRADING**,

(hereinafter called the “**Director**”)

WHEREAS:

- (A) The Supplier is a licensed collection agency authorized to conduct business in Alberta.
- (B) The Supplier employs licensed collectors, authorizing them to collect, attempt to collect, deal with or locate debtors in Alberta on behalf of the Supplier.
- (C) The Supplier acknowledges that in the ordinary course of its business through its employees it continued to collect or attempt to collect a debt alleged to be owed by _____, despite her appointed legal council providing evidence that the debt was not owed by _____.
- (D) The Supplier acknowledges that the collection activity notes of the collectors indicated they continued to initiate contact after they had received evidence that they were in contact with the wrong person.
- (E) The Supplier acknowledges that in the ordinary course of its business, _____ an unlicensed collector, employed by the Supplier, conducted or attempted to conduct collection activity with legal council appointed for _____ between the dates of January 3, 2007 and March 23, 2007.

- (F) The Supplier acknowledges that in May, 2006 the Director of Fair Trading, by letter advised the Supplier of his decision to refuse issuing ... a collector's license in Alberta. Despite this notice ... conducted collection activity in Alberta on behalf of the Supplier.
- (G) The Supplier acknowledges that collection activity notes initially provided by the supplier on this file did not indicate which collector was conducting the collection activity. The Supplier acknowledges that in the ordinary course of business, it failed to record correspondence received on the account.
- (H) The Supplier acknowledges that in the ordinary course of its business collection notices were sent to Alberta debtors wherein that resulted in the assignment of the account to an unlicensed collector, resulting in unlicensed collection activity in Alberta.
- (I) The Supplier acknowledges that in the ordinary course of its business it sent collection notices or demand for payment notices that state in part "prior to the file being referred to our legal department for further action", which statement is a prohibited practice under the *Collection and Debt Repayment Practices Regulation*.
- (J) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (C), (D), (E), (F), (G), (H), and (I) hereof 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 provisions of the *Fair Trading Act* and undertakes to the Director that the Supplier will not, at any time hereafter, engage in acts or practices similar to those described in recitals (C), (D), (E), (F), (G), (H), and (I) are contrary to Section 111(3) of the *Fair Trading Act* and Section 12 (1) (a), 12 (1) (k) (l), and 23.3 (1) of the *Collection and Debt Repayment Practices Regulation*.
- 2 The Supplier will ensure that all collectors employed by the Supplier contacting Albertans will be licensed collectors in Alberta.
- 3 The Supplier will provide instructions and training to all collectors employed by the Supplier that contact Albertans so that upon being advised by the person that they are not the debtor, all collection activity or communication with that person will cease, unless the collection agency or collector first takes all reasonable precautions to ensure that the person is in fact the debtor.

- 4 The Supplier will provide instructions and training to that all collectors employed by the Supplier will not collect or attempt to collect money for a creditor except on the belief in good faith that the money is due and owing by the person to the creditor.
- 5 The Supplier will include identifying information for all collectors and employees of the in all records of its activity provided to Service Alberta, including identifying the collector conducting the collection activity for each entry on the file and a complete record of that activity.
- 6 The Supplier will ensure all collection correspondence sent to Albertans will identify a licensed collector in Alberta, when the correspondence directs the debtor to a contact person with the agency. It is acknowledged the Supplier has advised they have implemented controls to ensure future compliance for collection correspondence being sent to Albertans.
- 7 The Supplier will ensure all collection correspondence does not contain or make reference to the account being referred or sent to the legal department of the agency, a lawyer, or law firm unless the Supplier has issued instructions to a lawyer to take legal proceedings and the legal proceedings are being taken.
- 8 The Supplier will ensure the account in the name of _____ is no longer pursued under the provisions of section 12 (1) (x) of the *Collection and Debt Repayment Practices Regulation*.
- 9 The Supplier will, to the best of its ability, ensure that all of its officers, partners, employees, representatives and agents are forthwith acquainted with the requirements of the Fair Trading Act especially as it pertains to Part 11 – Collection Practices.
- 10 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 the 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.

- 11 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.
- 12 The Supplier will pay to the Minister of Finance the sum of \$1,500.00; an amount that represents the costs associated with investigating this matter and costs associated with this undertaking. Such payment is to be made within 15 days from the date of this Undertaking.
- 13 The Supplier acknowledges that it was advised by Service Alberta, and is aware that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily.

IN WITNESS WHEREOF the Supplier, has on the 24th day of September, 2008. Caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

MJR Capital Inc.

PER: _____

Marty Rosik, President

ACCEPTED by the Director of Fair Trading this 6th day of October, 2008.

DIRECTOR OF FAIR TRADING