

**IN THE MATTER OF  
FAIR TRADING ACT**

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

**BY:** Shellco Credit Systems Ltd.  
1280 Steeles Avenue West, Suite 221  
in Concord, 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, unlicensed collectors engaged in collection activities in Alberta.
- (D) The Supplier acknowledges that in the ordinary course of its business, the collection activity notes required by regulations were not created or maintained in a manner that satisfies the requirements of the legislation.
- (E) The Supplier acknowledges that in the ordinary course of its business, an accounting was not provided in the time-frame required by the legislation and that the Supplier did not cease collection activity after failing to provide that accounting, as required by the legislation.
- (F) The Supplier acknowledges that in the ordinary course of its business, collectors discussed a debt with an individual who was not responsible for that debt, in a manner prohibited by the legislation.

- (G) The Supplier acknowledges that in the ordinary course of its business, collectors continued to contact a debtor, rather than the identified debtor's representative, in a manner prohibited by the legislation.
- (H) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (C), (D), (E), (F) and (G) hereof constitute breaches of the *Fair Trading Act* and Collection and Debt Repayment Practices Regulation.

**NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:**

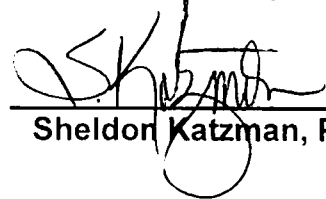
- 1 The Supplier acknowledges and admits that it has failed to comply with the provisions of the *Fair Trading Act* and undertakes to the Director that the Supplier will not, at any time hereafter, engage in acts or practices similar to those described in recitals (C), (D), (E), (F) and (G) that are contrary to or fail to meet the requirements of the legislation.
- 2 The Supplier will ensure, to the best of its ability, that all collectors employed by the Supplier contacting Albertans will be licensed collectors in Alberta.
- 3 The Supplier will ensure, to the best of its ability, that collectors receive training and supervision that addresses the prohibited practices and requirements set out in the Collection and Debt Repayment Practices Regulation, including the prohibition on communicating information related to a debt with individuals other than the debtor and the .
- 4 The Supplier will, to the best of its ability, take steps to ensure that records of calls and collection activities are correctly created and maintained.
- 5 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.
- 6 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.

- 7 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.
- 8 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 17<sup>th</sup> day of AUGUST, 2009.  
Caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

**Shellco Credit Systems Ltd.**

PER:



**Sheldon Katzman, President**

**ACCEPTED** by the Director of Fair Trading this 17<sup>th</sup> day of AUGUST, 2009.



**DIRECTOR OF FAIR TRADING**