

Government of the Province of Alberta
Department of Service Alberta

Notice of Administrative Penalty

File: 37190

To: Joshua Rivera
Edmonton, Alberta

After reviewing the evidence available, I have concluded that you contravened section 31(2) of the *Consumer Protection Act (CPA)* in respect of which an administrative penalty may be imposed. Particulars of the contravention are as follows:

Date of Contravention:

July 24, 2018

Location(s) of Contravention:

Edmonton, Alberta

Details:

Joshua Rivera did not refund a consumer's money 15 days after the direct sales contract was cancelled by a consumer in accordance with their legislated cancellation rights under section 28 of the CPA, contravening section 31(2) of the CPA.

I have assessed an administrative penalty of \$2,000 for the above contravention of the *Consumer Protection Act*.

This notice of administrative penalty to Joshua Rivera has been served pursuant to section 158.1(1) of the *Consumer Protection Act* and the Administrative Penalties (*Fair Trading Act*) Regulation, AR135/2013, for the reasons set out in the attached Decision Letter.

You are required to submit payment for the administrative penalty within thirty days of the date of service of this Notice. Failure to pay the administrative penalty will result in a review of the license status.

If payment has not been received in this time period, the Notice may be filed in the Court of Queen's Bench and enforced as a judgement of that Court pursuant to section 158.4 of the *Consumer Protection Act*.

Dated this 9 day of November, 2020.



J.D. Crookshanks
Director of Fair Trading (as delegated)

Payment of an Administrative Penalty

A person who pays an administrative penalty in respect of a contravention or a failure to comply shall not be charged under the *Consumer Protection Act* with an offence in respect of the same contravention or failure to comply that is described in the Notice.

Right of Appeal

Section 179 of the *Consumer Protection Act* provides a right to appeal this decision. The appeal may be sent to:

Minister of Service Alberta
c/o the Director of Fair Trading
3rd Floor, Commerce Place, 10155-102 Street
Edmonton Alberta T5J 4L4.

The appeal must be received within 30 days of the date you received the Notice of Administrative Penalty. The time period is strictly enforced. Your appeal must include the following information:

- 1) the decision being appealed;
- 2) the rationale for the appeal;
- 3) the name of the appellant; and
- 4) the address for service of the appellant.

Pursuant to the section 4 of the Administrative Penalties (*Consumer Protection Act*) Regulation, AR135/2013, the appeal fee is \$1,000.

Payment Information

You may pay this administrative penalty by cheque or money order payable to the Government of Alberta. A copy of this notice should be included with your cheque or money order.

Payment should be mailed to:

3rd Floor, Commerce Place, 10155 102 Street, Edmonton AB T5J 4L4