
DIRECTOR'S ORDER UNDER SECTION 157
OF THE *CONSUMER PROTECTION ACT* (formerly the *Fair Trading Act*)
TO
FLUENT HOME LTD.
AND
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF FLUENT HOME LTD.

This Director's Order was issued under s. 157(1) of the *Fair Trading Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by s. 157.1(1) of the *Fair Trading Act*, this Director's Order is part of the public record.

Albertans who have questions or concerns about this business are encouraged to contact the Service Alberta Consumer Contact Centre at 1-877-427-4088.

For more information on the *Fair Trading Act*, business licensing in Alberta or to search for a licensed business, please click here:

[Search for a Licensed Business, Charity or Fundraiser](#)

To view a tipsheet on this business licence category, please click here:

[Tipsheets](#)

DIRECTOR'S ORDER UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT
(formerly the Fair Trading Act)

TO

FLUENT HOME LTD.

AND

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF THE ABOVE

ISSUE

Service Alberta has investigated allegations related to breaches of the *Consumer Protection Act* (CPA) and found evidence that:

1. FLUENT is licensed as a Direct Seller in Alberta.
2. On November 21, 2017, the complainant entered into a contract with FLUENT for home security services.
3. This contract was 36 months in length at a price of \$47.24 per month, set to expire on November 21, 2020.
4. The complainant learned of a better rate offered by a competitor and contacted FLUENT to see if they would match that rate.
5. On August 12, 2019, the complainant signed a second contract with FLUENT priced at \$34.99 per month.
6. On August 24, 2021, the complainant advised FLUENT of her desire to stop the service.
7. FLUENT advised the complainant that her contract automatically renewed for another three year term and would end in November 2023 and if the complainant were to cancel, she would incur a financial penalty equal to 80% of the remaining balance of payments due over the initial term.
8. The complainant filed a complaint with the Consumer Investigations Unit who opened an investigation.

LEGISLATION

Consumer Protection Act, RSA 2000, c C-26.3

Section 4 If a consumer and a supplier enter into a consumer transaction, or an individual enters into a contract with a licensee and the licensee agrees to supply something to the individual in the normal course of the licensee's business, and

- (a) all or any part of the transaction or contract is evidenced by a document provided by the supplier or licensee, and
- (b) a provision of the document is ambiguous,

the provision must be interpreted against the supplier or licensee, as the case may be.

35 A written direct sales contract must include

- (a) the consumer's name and address;
- (b) the supplier's name, business address, telephone number and, where applicable, fax number;
- (c) where applicable, the salesperson's name;
- (d) the date and place at which the direct sales contract is entered into;
- (e) a description of the goods or services, sufficient to identify them;
- (f) a statement of cancellation rights that conforms with the requirements set out in the regulations;
- (g) the itemized price of the goods or services, or both;
- (h) the total amount of the direct sales contract;
- (i) the terms of payment;
- (j) in the case of a sales contract for the future delivery of goods, future provision of services or future delivery of goods together with services, the delivery date for the goods or commencement date for the services, or both;
- (k) in the case of a sales contract for the future provision of services or the delivery of goods together with services, the completion date for providing the services or the goods together with services;
- (l) where credit is extended,
 - (i) a statement of any security taken for payment, and
 - (ii) the disclosure statement required under Part 9;
- (m) where there is a trade-in arrangement, a description of and the value of the trade-in;
- (n) the signatures of the consumer and the supplier.

Section 157(1) If, in the opinion of the Director

- (a) a person is contravening or has contravened this Act or the regulations,
- (b) a regulated person is using any form, agreement, letter or other document that is misleading or contains a term that misrepresents this Act or the regulations, or
- (c) a print, broadcast or electronic publisher, including but not limited to a publisher of telephone directories and Internet listings, is publishing or has published an advertisement that is misleading or contains a term that contravenes this Act or the regulations,

the Director may issue an order directed to the person or publisher.

(2) An order may direct the person or publisher

- (a) to stop engaging in anything that is described in the order, subject to any terms or conditions set out in the order, and
- (b) to take any measures specified in the order, within the time specified in the order, to ensure that this Act and the regulations are complied with.

(3) A person or publisher who is subject to an order under this section may appeal under section 179.

Designation of Trades and Businesses Regulation

3(2) In this section, “direct selling business” means the activities of soliciting, negotiating or concluding in person, at any place other than the seller’s place of business, sales contracts, including direct sales contracts to which Part 3 of the [Consumer Protection Act](#) applies, for the provision of goods or services, where the buyer is a consumer.

ORDER

Fluent Home Ltd. and any employee, representative, or agent of Fluent Home Ltd. must immediately:

1. ensure that all direct sales contracts are in writing and include the terms required by Section 35 of the *Consumer Protection Act*.

NON COMPLIANCE WITH ORDER

ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE CONSUMER PROTECTION ACT.



Monica Soukoreff
Director of Fair Trading (as delegated)
December 5, 2022