



Alberta Motor Vehicle Industry Council
ALBERTA'S AUTOMOTIVE REGULATOR

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2018-11-21

File # 18-10-171

DIRECTOR'S ORDER UNDER SECTION 157 OF THE *CONSUMER PROTECTION ACT*

TO

Hassan AL SAMRAE

AND

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF THE ABOVE

This Director's Order was issued under Section 157(1) of the *Consumer Protection Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by Section 157(3) a person or publisher who is subject to an order under this section may appeal under Section 179.

Pursuant to Section 179, to appeal the order, the person must serve the Minister of Service Alberta with a notice of appeal within **thirty (30) days** after receiving the order. Please include your name, your address for service, details of the order being appealed and your reasons for appealing.

DIRECTOR'S ORDER UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT

TO

Hassan AL SAMRAE

ISSUE

The Alberta Motor Vehicle Industry Council ("AMVIC") has identified the following issue during the course of an investigation.

- 1) Evidence is provided that Hassan AL SAMRAE is operating an automotive sales business without having a business licence, which contravenes Section 104(1) of the *Consumer Protection Act* ("CPA"). The contravention is as follows:

Licence Required – designated business

104(1) No person may engage in a designated business unless the person holds a licence under this Act that authorizes the person to engage in that business.

Supporting evidence shows that between April 2017 and October 2018 Hassan AL SAMRAE purchased and sold nine motor vehicles to consumers after owning them for brief periods of time, averaging 69 days each. AMVIC records show Hassan AL SAMRAE previously held an AMVIC licence in the class of wholesale which expired in 2014. Individuals holding a wholesale licence are not permitted to sell motor vehicles to consumers. Hassan AL SAMRAE, having been subject to the regulatory body AMVIC's licence permissions previously, ought to have known the transactions between April 2017 and October 2018 were in contravention of Section 104(1) of the CPA.

DIRECTOR'S ORDER

That Hassan AL SAMRAE and any other employee, representative or agent, **immediately cease engaging in the automotive sales business** within the Province of Alberta until properly licensed as per Section 104(1) of the CPA

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 CPA.

REFUSAL, SUSPENSION, CANCELLATION, TERMS

SECTION 127 (b) (i) *CONSUMER PROTECTION ACT* STATES:

THE DIRECTOR MAY REFUSE TO ISSUE OR RENEW A LICENCE, MAY CANCEL OR SUSPEND A LICENCE AND MAY IMPOSE TERMS AND CONDITIONS ON A LICENCE FOR THE FOLLOWING REASONS:

- (i) FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 129 OR 157, UNLESS, IN THE CASE OF AN ORDER UNDER SECTION 129 OR 157, THE ORDER HAS BEEN STAYED.

"original signed by"

Gerald Gervais, Registrar
Director of Fair Trading (as delegated)
November 21, 2018