



ALBERTA MOTOR VEHICLE
INDUSTRY COUNCIL

Alberta Motor Vehicle Industry Council
ALBERTA'S AUTOMOTIVE REGULATOR

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amvic.org

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

TO

Sayad Arafath RUZDIANA

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.



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March 22, 2019

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TO

Sayad Arafath RUZDIANA

ISSUES

The Alberta Motor Vehicle Industry Council (AMVIC) has identified the following issue during the course of an investigation (file #18-10-213):

- 1) Evidence is provided that Sayad Arafath RUZDIANA 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 businesses

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.

SYNOPSIS

Sayad Arafath RUZDIANA was the subject of three AMVIC investigations in 2015 and 2016 at which time he was directed to cease and desist all unlicensed motor vehicle sales as he did not have a licence to conduct consumer transactions as issued by the regulator AMVIC. He was also the subject of investigation by the City of Calgary business compliance unit for operating an unlicensed motor vehicle business in 2018.

From September 2018 to January 2019, AMVIC received five complaints reporting unlicensed automotive sales at a Calgary location. Files 18-09-330, 18-10-213, 18-11-057, 19-01-276 and 19-01-380 were generated from these complaints. The individual found to be engaged in the unlicensed automotive sales on all five files was Sayad Arafath RUZDIANA.

Regarding file 18-09-330, in September 2018 a consumer gave a deposit to purchase a vehicle from Sayad Arafath RUZDIANA based on agreed upon terms. Those terms were not met and Sayad Arafath RUZDIANA refused to return the consumer's deposit.

Regarding file 18-10-213, in October 2018 a private individual purchased a vehicle from Sayad Arafath RUZDIANA. The vehicle was in poor mechanical condition on inspection. Sayad Arafath RUZDIANA refused to refund the purchase price to the consumer.

Regarding file 18-11-057 a member of the general public reported an individual who had multiple motor vehicles posted for sale on a public sales site. As a result of this information an AMVIC investigator acting in a covert capacity was able to enter into negotiations with Sayad Arafath RUZDIANA to purchase a vehicle.

Regarding file 19-01-276, in January 2019 a private individual saw a vehicle posted for sale on a public sales site with declarations about its poor mechanical condition. The same vehicle was seen posted one day later by a different person whose ad did not declare its poor mechanical condition. The investigation has determined the poster of the second ad to be Sayad Arafath RUZDIANA.

Regarding file 19-01-380, in January 2019 a private individual sold his vehicle on a public sales site, declaring it was from out of province and would not pass an Alberta inspection. A couple of days later the original owner saw his vehicle posted for sale on a public sales site with the none of the declarations or mechanical issues included in the sales ad. The vehicle was then re-sold to a new consumer. The investigation has determined the seller to be Sayad Arafath RUZDIANA.

The investigation shows Sayad Arafath RUZDIANA regularly offers vehicles for sale to the public that are not his personal vehicles but misrepresents them as such.

AMVIC records show Sayad Arafath RUZDIANA has never been issued any class of licence to sell motor vehicles to the public by the regulator, AMVIC.

DIRECTOR'S ORDER

The Respondent, Sayad Arafath RUZDIANA, must immediately:

1. Cease the sale of all motor vehicles while unlicensed to do so under Section 104(1) of the *Consumer Protection Act*.
2. Remove all vehicle advertisements on any form of mass communication.
3. Review the AMVIC website at:
www.amvic.org/industry-3/licensing/apply-licence-registrationrenewals/
for licensing requirements.

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*.

"original signed by"

Gerald Gervais, Registrar
Alberta Motor Vehicle Industry Council (AMVIC)
Director of Fair Trading (as delegated)
March 25th, 2019