



Alberta Motor Vehicle Industry Council
ALBERTA'S AUTOMOTIVE REGULATOR

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amvic.org

2019-11-28

File # 19-10-490

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

TO

Thomas Mitchel STICA

OF

Mitchel's Mobile Mechanical

AND

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF THE ABOVE

This Director's Order was issued under Section 157(1) of the *Consumer Protection Act* (CPA) 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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ISSUE(S)

The Alberta Motor Vehicle Industry Council (AMVIC) has identified the following issue during the course of an investigation (file 19-10-490):

- 1) Evidence is provided that Thomas Mitchel STICA is operating a mobile automotive repair 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

Mitchel's Mobile Mechanical is operating a mobile automotive repair business without being the holder of the required provincial AMVIC business licence. Mitchel's Mobile Mechanical is advertising on social media offering mobile automotive mechanical services. Services offered include roadside assistance, general mechanical services including vehicles and small engines, winter tire installation, battery replacement, transmission repair, brake services, oil change, suspension services and engine repair.

Industry Standards Administrator Candace C [REDACTED] sent a warning letter to Mitchel's Mobile Mechanical on August 9, 2019 from investigative file 19-08-128. On October 10, 2019 AMVIC received complaint file 19-10-490 relating to mobile repairs. Mitchel's Mobile Mechanical is registered on CORES, TN21552633,

with a registration date of 2018/11/13. No attempt has been made by this business to acquire an AMVIC business licence.

DIRECTOR'S ORDER

That Thomas STICA of Mitchel's Mobile Mechanical and any other employee, representative or agent must:

- 1) Immediately cease engaging in the automotive repair business within the Province of Alberta until properly licensed as per Section 104(1) of the *Consumer Protection Act*.
- 2) Remove all advertisements and the offering of services on any form of mass communication.
- 3) Review AMVIC website for licensing requirements www.amvic.org/business/business-licence/apply-licence-registrationrenewals/

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*.

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
Alberta Motor Vehicle Industry Council (AMVIC)
Director of Fair Trading (as delegated)

December 4th, 2019