

Feb. 26, 2020

File # 20-01-357, 20-02-388

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

TO

1980031 Alberta Ltd. (dba Drive Now Auto Sales) B2013995

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

1980031 Alberta Ltd. (dba Drive Now Auto Sales) B2013995

AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF

1980031 Alberta Ltd.

ISSUE

The Alberta Motor Vehicle Industry Council (AMVIC) has identified the following issue during the course of an investigation (File #20-01-357 and 20-02-388).

- 1) Evidence is provided that 1980031 Alberta Ltd. (dba Drive Now Auto Sales) has sold vehicles and not paid outstanding liens on trade-in vehicles.
- 2) The location for Drive Now Auto Sales at #109 2966 Main Street, Airdrie, Alberta is closed and all signage for the business has been removed.

The contraventions is as follows:

Consumer Protection Act

Unfair Practice

Section 6(4)(a) – a supplier's doing or saying anything that might reasonably deceive or mislead a consumer.

Automotive Business Regulation

Section 31.5 - If a business operator engaged in automotive sales knows that a vehicle is subject to a lien, the business operator must, within 7 days of the date that the business operator sells the vehicle, pay the amount owing under the lien to the lienholder.

DIRECTOR'S ORDER

- 1) That 1980031 Alberta Ltd. and its directors immediately cease engaging in the motor vehicle business within the Province of Alberta, until the conclusion of the investigation.
- 2) 1980031 Alberta Ltd. shall remove all advertisements on any form of mass communication.

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
Director of Fair Trading (as delegated)
February 26th, 2020