

July 22, 2021

File # 21-07-040

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

TO

Philip Thomas PHYPERS

AKA Phil PHYPERS

AND

Outlaw Auto Glass

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 CPA. 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.

Philip Thomas PHYPERS operating Outlaw Auto Glass in Red Deer, Alberta, is engaged in unlicensed, designated automotive business activity, specifically the installation, removal and repair of motor vehicle windshields, in contravention of the following:

Consumer Protection Act

Section 104(1)

Philip Thomas PHYPERS has been the subject of previous AMVIC enforcement and ought to know the designated automotive business activity requires a business licence issued by the regulator AMVIC.

Philip Thomas PHYPERS and Outlaw Auto Glass hold no municipal authorization to carry on business in the City of Red Deer.

DIRECTOR'S ORDER

That Philip Thomas PHYPERS operating Outlaw Auto Glass and any other employee, representative or agent, immediately cease engaging in a designated automotive business within the province of Alberta until properly licensed as per Section 104(1) of the *Consumer Protection Act* (CPA).

Philip Thomas PHYPERS operating Outlaw Auto Glass must immediately:

1. Cease all unlicensed, designated automotive business activity while unlicensed to do so under Section 104(1) of the *Consumer Protection Act*.
2. Remove all ads on mass media that offer unlicensed, designated automotive business activity until properly licensed with the regulator AMVIC, to engage in this activity.
3. Review AMVIC website at: www.amvic.org/business/business-licence/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*.


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)
July 26, 2021