

2021-09-14

File # 21-08-199

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

TO

Jesse C. BAIN

AKA Jesse BAIN

OF

BUSINESS operating as IN MOTION AUTO REPAIR INC.

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****Jesse C. BAIN
AKA Jesse BAIN****OF****BUSINESS operating as IN MOTION AUTO REPAIR INC.****AND****AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF THE ABOVE****ISSUE(S)**

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

Jesse C. Bain operating In Motion Auto Repair Inc. in Calgary, Alberta is engaged in unlicensed designated automotive business activity, specifically operating a mobile repair service, in contravention of the following:

Consumer Protection Act Section 104(1)

Jesse C. BAIN has been the subject of previous AMVIC enforcement and ought to know the designated automotive business activity requires a business license issued by the regulator AMVIC.

DIRECTOR'S ORDER

That Jesse C. BAIN and In Motion Auto Repair Inc. and any other employee, representative or agent, **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* (CPA).

Jesse C. BAIN operating In Motion Auto Repair Inc. must immediately:

1. Cease all designated automotive business activities until licensed to do so under Section 104(1) of the *Consumer Protection Act*.
2. Remove all advertisements on mass media that offer designated automotive business activity until properly licensed. This includes but is not limited to Kijiji, Facebook and Instagram.

3. Review AMVIC website at www.amvic.org/business/business-license/apply-license-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)

September 14, 2021