

December 13, 2022

File # INS-22-11-017

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

TO

1716275 Alberta Ltd. o/a Maggie's Auto Finance

AND

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 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.

**DIRECTOR'S ORDER UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT****TO****1716275 Alberta Ltd. o/a Maggie's Auto Finance****AND****AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF THE ABOVE****ISSUE**

On November 15, 2022, the Alberta Motor Vehicle Industry Council ("AMVIC") performed an inspection on 1716275 Alberta Ltd. o/a Maggie's Auto Finance (the "Supplier"). It was found the Supplier had contravened legislation as set out in the CPA and the Automotive Business Regulation ("ABR").

The Supplier was found to have an outstanding warranty remittance balance of \$2,927.80 with [REDACTED] dating back to June 1, 2022.

Payment remittances for warranty packages sold to consumers must be made on time.

*Consumer Protection Act***Unfair practices****Section 6(3)** *It is an unfair practice for a supplier*

- (a) to enter into a consumer transaction if the supplier knows or ought to know that the consumer is unable to receive any reasonable benefit from the goods or services;*

**Vicarious liability**

**166** *For the purposes of this Act, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred*

- (a) in the course of the employee's employment with the person, or*
- (b) in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.*

Automotive Business Regulation

**General codes of conduct**

**Section 12** Every business operator must comply with section 6 of the Act and in addition must

*(a) not make any representations, statements or claims that are not true or are likely to mislead a consumer*

**DIRECTOR'S ORDER**

That 1716275 Alberta Ltd. o/a Maggie's Auto Finance, must immediately:

1. Ensure outstanding warranty remittances identified during the inspection are paid in full and provide proof to the inspector by no later than January 31, 2023;
2. Ensure all future warranty remittance payments are paid by the due date; and
3. Cease sharing its warranty portal with other automotive businesses.

**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)

December 13<sup>th</sup>, 2022