



Province of Alberta

## CONSUMER PROTECTION ACT

# RETAIL HOME SALES BUSINESS LICENSING REGULATION

### **Alberta Regulation 197/1999**

With amendments up to and including Alberta Regulation 56/2019

Current as of June 18, 2019

### Office Consolidation

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### **Note**

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(Consolidated up to 56/2019)

**ALBERTA REGULATION 197/99**

**Consumer Protection Act**

**RETAIL HOME SALES BUSINESS LICENSING REGULATION**

*Table of Contents*

<b>1</b>	Definitions
<b>2</b>	Licence
<b>3</b>	Complying with laws
<b>4</b>	Term
<b>5</b>	Fee
<b>6</b>	General Licensing and Security Regulation
<b>7</b>	Security
<b>8</b>	Retail home sales contracts
<b>9</b>	Deposit
<b>10</b>	Offences
<b>11</b>	Continuation of licences
<b>12</b>	Repeals
<b>13</b>	Expiry
<b>14</b>	Coming into force

**Definitions**

**1** In this Part,

- (a) “Act” means the *Consumer Protection Act*;
- (b) “licence” means a retail home sales business licence established by this Regulation;
- (c) “manufactured home” means a home that is constructed
  - (i) as an individual pre-assembled unit intended for delivery to a residential site, or
  - (ii) from a number of pre-assembled units that are intended for delivery to and assembly at a residential site;
- (d) “mobile home” means a portable dwelling that
  - (i) is designed to be used as a residence,

- (ii) is mounted on or otherwise attached to its own chassis and running gear, and
- (iii) is capable of being transported on its own chassis and running gear by towing or other means;
- (e) “package home” means a home consisting of materials that are pre-cut or partially pre-assembled and that are intended for assembly, erection or construction into a home at a residential site;
- (f) “retail home sales business” means the business designated as the retail home sales business under the *Designation of Trades and Businesses Regulation*;
- (g) “retail home sales contract” means a contract for the sale of a manufactured home, mobile home or package home entered into by a person engaged in a retail home sales business.

AR 197/99 s1;56/2019

**Licence**

**2(1)** The class of licence to be known as the retail home sales business licence is established.

**(2)** A person who holds a retail home sales business licence is authorized to engage in the retail home sales business.

**Complying with laws**

**3** The Director may refuse to issue or renew a licence if the applicant is unable to satisfy the Director that the applicant is complying with the laws, including municipal bylaws, that apply to the operation of the retail home sales business.

**Term**

**4** The term of a licence expires on the last day of the 24th month after it is issued or renewed.

**Fee**

**5** The fee for a licence is \$120.

**General Licensing and Security Regulation**

**6** The *General Licensing and Security Regulation* applies to the retail home sales business.

**Security**

**7(1)** No licence may be issued or renewed unless the applicant submits to the Director a security that is in a form and in an amount approved by the Director.

**(2)** The Director may, if the Director considers it appropriate, increase the amount of the security that is to be provided by a licensee before the term of the licence expires.

**Retail home sales contracts**

**8(1)** Every person who is engaged in the retail home sales business must ensure that its retail home sales contracts are in writing and set out

- (a) the date on which the contract was entered into,
- (b) the name and address of the seller and the buyer,
- (c) the total amount payable by the buyer and the conditions of payment,
- (d) a detailed description of the home, materials, appliances or fixtures to be supplied,
- (e) if the buyer is required to provide a deposit, the amount of the deposit and the terms respecting what it is to be used for and the circumstances in which it is to be returned to the buyer,
- (f) the delivery date,
- (g) the completion date, if applicable,
- (h) the year of manufacture of the home,
- (i) the name of the home's manufacturer, and
- (j) the home's serial number and its CSA label number.

**(2)** Despite subsection (1), every person who is engaged in the retail home sales business must ensure that, if one of its retail home sales contracts is a direct sales contract under Part 3 of the Act, the retail home sales contract

- (a) complies with the requirements of section 35 of the Act, and
- (b) sets out the information referred to in subsection (1)(d), (e) and (g) to (j).

(3) A person who is engaged in the retail home sales business and who enters into a retail home sales contract with a buyer must provide a copy of the signed contract to the buyer

- (a) on or before the date that the work under the contract begins, or
- (b) within 10 days after the buyer signs the contract,

whichever occurs first.

#### **Deposit**

**9** The deposit paid to a licensee under a retail home sales contract is the property of the person who paid it or on whose behalf it was paid and the licensee must not use it as collateral or appropriate or convert it except in accordance with the terms of the contract.

#### **Offences**

**10** A contravention of section 8 or 9 is, for the purposes of section 162 of the Act, an offence.

#### **Continuation of licences**

**11** A licence under the *Retail Home Sales Business Licensing Regulation* (AR 189/82) is continued as a licence under this Regulation.

#### **Repeals**

**12** The following regulations are repealed:

- (a) *Retail Home Sales Business Licensing Regulation* (AR 189/82);
- (b) *Sale of New Mobile Homes Regulation* (AR 104/92).

#### **Expiry**

**13** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on August 31, 2020.

AR 197/99 s13;68/2004;46/2011;116/2015

#### **Coming into force**

**14** This Regulation comes into force on September 1, 1999.





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