

**IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 179 (1) OF THE
CONSUMER PROTECTION ACT, RSA 2000 c. C-26.3**

AND

**IN THE MATTER OF THE DECISION BY
THE DIRECTOR OF FAIR TRADING ON OCTOBER 24, 2024 TO
REFUSE TO ISSUE A LICENCE**

Between:

Joshua Merrill operating as
Vehicle Inspection Services Appellant
("Vehicle Inspection Services")

-and-

Alberta Motor Vehicle Industry Council Respondent
("AMVIC")

Appeal Board: Michael J. Swanson, K.C., Chair
Joanne Pawluk, Member
Dellia Tardif, Member

Counsel for the Appellant: Joshua Merrill (Self-Represented)
Counsel for the Respondent: Ashley Reid, Shores Jardine LLP

CONSENT DECISION

WHEREAS Mr. Merrill operating as Vehicle Inspection Services applied for an automotive repair licence on August 22, 2024 (the "Application"); and

WHEREAS the Director of Fair Trading refused to grant the Application based on Mr. Merrill's outstanding criminal charges; and

WHEREAS Mr. Merrill's outstanding criminal charges have since been addressed in court;

1. The parties agree that the Application should be granted and that Mr. Merrill should receive a licence subject to the following terms and conditions:
 - a. Mr. Merrill must keep the peace and be in full compliance with all laws and regulations including but not limited to the *Consumer Protection Act*, its associated regulations, and the *Criminal Code*.
 - b. Mr. Merrill must immediately report to AMVIC any charges against him or his business under any criminal or other law in force in Alberta or elsewhere.
 - c. If AMVIC receives any complaint about Mr. Merrill or his business, there may be an Administrative Review of the conditional business licence. If AMVIC receives a complaint from a consumer, Mr. Merrill must respond to and cooperate with the investigator, inspector or consumer service officer's request for documentation related to the complaint.

- d. Mr. Merrill, his business, and any employees, agents, or other persons acting on Mr. Merrill's behalf or his business's behalf will properly create and maintain business records. Mr. Merrill will make the business records available for an AMVIC industry standards inspection as required by the *Consumer Protection Act* and its associated regulations. AMVIC will inspect Mr. Merrill by February 28, 2026.

Consumer Protection Act
Duty to maintain records
Section 132

(1) Every licensee and former licensee must create and maintain
(a) complete and accurate financial records of its operations in Alberta for at least 3 years after the records are made, and
(b) other records and documents described in the regulations for the period specified in the regulations.

(2) Every licensee and former licensee must make the records referred to in subsection (1) available for inspection by an inspector at a place in Alberta and at a time specified by the inspector.

Automotive Business Regulation
Records
Section 9

In addition to the requirement to create and maintain financial records in accordance with section 132(1) of the Act, every business operator and former business operator must maintain all records and documents created or received while carrying on the activities authorized by the licence for at least 3 years after the records were created or received.

- e. Mr. Merrill and his business will not engage in an unfair practice under the *Consumer Protection Act*. An unfair practice includes saying or doing anything that might reasonably deceive or mislead a consumer.
- f. Mr. Merrill and his business will notify the Director of Fair Trading in writing of any change in the licensee's address, a change in the partners of the business, and of any decision to cease carrying on the activities for which the licence was issued within 15 days of the change. If there is a change in the business address, Mr. Merrill will obtain any required municipal approvals and update the new address in AMVIC's online portal.
- g. Mr. Merrill must ensure that his AMVIC business licence does not expire as long as he intends to continue to operate in the automotive industry. He must renew his licence prior to the expiry date.
2. The Appeal Board accepts the parties' joint submission and grants the Application subject to the conditions outlined in paragraphs 1a. to 1g.


Signed at Edmonton, Alberta on May 6, 2025.



Ashley Reid, Legal Counsel for AMVIC



Joshua Merrill



Michael Swenson - KC