

Background

The City of Greater Sudbury Business Licensing By-Law 2004-350, as amended, became effective January 01, 2005. The primary purpose of business licensing is to ensure that businesses follow the City's municipal land use regulations, building, fire, and other community safety requirements. Business Licensing is a way for the City to provide consumer protection and maintain a safe environment for the general public through inspections.

In the event a business is operating contrary to the provisions of the Business Licensing By-Law, the Licence Issuer may suspend, revoke or refuse to issue any licence. Part IV of the By-Law, Building Trades, requires all building contractors performing or soliciting alterations, repairing or renovating building or structures to obtain an annual Building Renovator business licence with the municipality.

The grounds for revoking a licence are pursuant to Part II, section (24) (e) of By-Law 2004-350;

(e) The Issuer of Licences, or, where there is a referral to Council, the Council, may suspend, revoke or refuse to issue any licence that may be issued under the provisions of any part of this By-Law, if, in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the business will not be carried on in accordance with the law or with honesty and integrity.

Part II, sections 24, 25, 26, 27 of the By-Law provides for specifics to refer the matter to Council for its consideration. Where there is a referral to the Hearing Committee, it shall hold a meeting for the purpose of directing the Issuer of Licences whether to issue the licence. As per section 25, the Issuer of Licences is not only required to give notice to the affected business owner but to all persons or agencies that appear to have an interest in the revocation of the business licence.

According to Part II, section 27, the Hearing Committee, upon written request of an applicant, shall afford the affected business owner an opportunity at the meeting to make submissions in respect of the matter. A letter of Appeal was received by the appellant on April 11, 2019 and it is attached to this report.

The Hearing committee is also required to provide affected person or agencies the same opportunity to make submissions in respect to the revocation of the business licence. After due consideration to the submissions is made, the Hearing Committee, by resolution, shall direct the Licence Issuer as to their decision.

Facts Supporting the Licence Revocation

EcoLife Home Improvements Inc., owner David MURRAY, had been licenced with the City of Greater Sudbury as a Building Renovator discontinuously (with lapses) since April 13, 2016 up until December 31, 2018. City staff have had numerous interactions with Mr. MURRAY to encourage/remind for the renewal of the required Building Renovator licence in a timely manner. It has been documented that the appellant has been difficult with staff during these interactions and issues with behavior have been escalated to management. Management was previously able to correct issues with lateness and professionalism in order to ensure compliance with the licensing by-law and allow Mr. MURRAY to retain the Building Renovator licence up until December 31, 2018

On December 21, 2018 the By-Law and Licensing office received the first of several complaints that the services offered by David MURRAY, owner of EcoLife Home Improvements Inc, were not being carried out in accordance with the law or with honesty and integrity. As a result, following an investigation, the City of Greater Sudbury Licensing Issuer revoked the Building Renovator licence for EcoLife Home Improvements Inc. The notice was sent by registered mail on March 28, 2019 where it sat unclaimed at a Canada Post office. A copy of the notice was hand delivered April 09, 2019 to Mr. MURRAY at 850 Notre Dame Avenue, Sudbury. Copies of the business licensing revocation letter are attached to this report and details of the events that occurred while delivering of the letter are explained in the ACR 849407 case comments.

On March 07, 2019 individuals who claim to have been affected negatively by Mr. MURRAY's business operations held a protest near Tom Davies Square, Greater Sudbury.

Since the decision to revoke Mr. MURRAY's licence by the Issuer of Licences was officially declared on March 28, 2019, the By-Law and Licensing Section has received several more complaints as to the integrity of the business operations of Mr. MURRAY.

In addition to the complaints received in the By-Law and Licensing section, the City of Greater Sudbury's Building Services has been dealing with complaints from the public regarding the operations of EcoLife Home Improvements Inc related to performing renovation and construction work without the required building permits. The Manager of Building Inspection Services, Andre GUILLOT, is in support of the revocation of the Building Renovator's licence for EcoLife Home Improvements Inc.

In consultation with Greater Sudbury Police Service (GSPS), Detective Constable Andy WILLIAMS, has recommended that the City of Greater Sudbury does not issue a business licence to Mr. MURRAY and further confirmed several complaints and an ongoing criminal investigation into the allegations.

In addition, it was brought to the attention of the Issuer of Licences that EcoLife Home Improvements Inc is registered with the Ministry of Government and Consumer Services as a contractor defined and listed on their Consumer Beware List. The Consumer Beware List is a searchable public record and the Ministry maintains this list of businesses that have either:

- not responded to the ministry after they were sent 2 notifications about a consumer complaint. If the business does not take action after the second notification, it is added to the list
- been charged or convicted in relation to the [Consumer Protection Act](#) or [other acts of the ministry](#)

Attached is the report from the public website of the Ministry of Government and Consumer Services showing Mr. MURRAY, owner of EcoLife, was charged and convicted in 2016 of offences related to the *Consumer Protection Act, 2002*.

Mr. MURRAY has since closed his store front at 850 Notre Dame Avenue, Sudbury, and posted on the door is a notice dated April 24, 2019 from the Ontario Bailiff and Lien Registration Corp. regarding non-payment of rent.

Mr. MURRAY was also arrested and charged criminally on April 23, 2019. The criminal charges levied against MURRAY were not in relation to any of his business clients. However, as GSPS spokesperson Kaitlyn DUNN confirmed in the Sudbury.com Northern Life article, that MURRAY was charged with theft under \$5,000 and trafficking stolen property. The article is attached to this report. Where the Business Licensing By-law requires Building Renovators to provide a criminal record check, this offence and potential conviction would negatively impact any future licenses by the appellant.

At this time there are eleven (11) complaints filed with the Licence Issuer related to the conduct of Mr. MURRAY pertaining to his business dealings. Due to the ongoing criminal investigation and civil litigation the Licence Issuer has chosen not to include the submissions of the complainants in this report. Below is a list and summary of the documents submitted by complainant. However, all of the complainants were invited to attend this meeting and can speak to their complaints.

Timeline of Complaints received by the City of Greater Sudbury By-Law Services regarding EcoLife Home Improvements Inc.;

Complaint 1 - December 21, 2018

ACR 849407 - complainant [REDACTED]

Submissions include: email correspondence between the complainant and EcoLife, copies of cheque for a deposit written to EcoLife, text message logs, letter from the complainant requesting deposit returned during a 'Cooling-Off Period'

Complaint 2 – March 11, 2019

ACR 849407 – complainant [REDACTED]

Submissions include: letter correspondence from the complainant to EcoLife, copy of Consumer Complaint made to the Ministry of Government and Consumer Services, letter from the Ministry to EcoLife, copy of quote from EcoLife

Complaint 3 – March 13, 2019

ACR 849407 – complainant [REDACTED]

Submissions include: email correspondence and complaint information

Complaint 4 – March 14, 2019

ACR 849407 – complainant [REDACTED]

Submissions include: email correspondence and complaint information

Complaint 5 – March 14, 2019

ACR 849407 – complainant [REDACTED]

Submissions include: email correspondence, small claims reports, Ontario Ministry of Consumer Services – Consumer Protection Branch reports and witness statements, pictures of construction and renovation work, legal correspondence from the complaint's lawyer to EcoLife, copies of siding and roofing quote, copies of correspondence between the complainant and EcoLife,

Complaint 6 – March 20, 2019

ACR 849407 – complainant [REDACTED]

Submissions include: email correspondence, receipts for building materials shipped to David MURRAY, copy of quote for renovation from EcoLife, copy of contract between the complainant and Ecolife, bank withdrawal stubs from the complainant, Building

Services Inspection Notice, text message logs, Facebook posts and private messages, EcoLife information compiled by the complainant.

Complaint 7 – April 28, 2019

ACR 849407 – complainants [REDACTED] and [REDACTED]
Submissions include: letter of complaint

Complaint 8 – April 29, 2019

ACR 849407 – complainant [REDACTED] and [REDACTED]
Submissions include: statements made to By-Law Enforcement Officer SAGLE on April 29, 2019 contained in ACR comments.

Complaint 9 – May 01, 2019

ACR 849407 – complainant [REDACTED]
Submissions include: letter of complaint, correspondence from the complainant to EcoLife, copies of cheques, Superior Court of Justice court papers, statements, copy of the Order of the Court from February 2019

Complaint 10 – May 07 2019

ACR 849407 – complainant [REDACTED]
Submissions include: letter of complaint, statements from the complainant, copy of contract, text message logs, copy of bank drafts to EcoLife, copy of quote, bank loan paperwork

Complaint 11 – May 13, 2019

ACR 849407 – complainant [REDACTED]
Submissions include: letter of complaint

Conclusion

The Licence Issuer is confident that the revocation of the Building Renovator licence from Mr. David MURRAY, owner of EcoLife Home Improvements Inc., satisfies the requirements of By-Law 2004-350, Part II, section (24) (e) whereas there is reasonable grounds for belief that the business will not be carried on in accordance with the law or with honesty and integrity. The purpose of the denial is to mitigate the recurrence of similar incidents and provide assurance for consumer protection for the general public. The Licence Issuer recommends that the revocation be upheld by the Hearing Committee.

Related News Articles

CTV News

March 08 2019 - 'Sudbury homeowners upset with contractor over unfinished work'
<https://northernontario.ctvnews.ca/mobile/sudbury-homeowners-upset-with-contractor-over-unfinished-work-1.4328429?cid=sm>

Sudbury Star

March 15, 2019 – 'Grievances aired over unfinished renos'

<https://www.thesudburystar.com/news/local-news/grievances-aired-regarding-local-contractor>

Sudbury.com – Northern Life

March 13, 2019 – Protesters say something must be done about local home improvement company

<https://www.sudbury.com/local-news/protesters-say-ecolife-has-scammed-sudburians-out-of-hundreds-of-thousands-of-dollars-1320057>

April 26, 2019 – EcoLife owner charged for theft and trafficking stolen property

<https://www.sudbury.com/local-news/ecolife-owner-charged-for-theft-and-trafficking-stolen-property-1394721>

April 26, 2019 – 'They are trying to force me to close': Contractor appealing after business licence revoked

<https://www.sudbury.com/local-news/theyre-trying-to-force-me-to-close-contractor-appealing-after-business-licence-revoked-1394694>

Canadian Contractor Magazine

April 03, 2019 – 'Sudbury ON, clients of controversial contractor Eco Life take to the streets'

<https://www.canadiancontractor.ca/canadian-contractor/sudbury-ont-clients-of-controversial-contractor-take-to-the-streets/1003285557/>

April 10, 2019 - 'Sudbury Police confirm ongoing investigations into Eco Life'

https://www.canadiancontractor.ca/canadian-contractor/sudbury-police-confirm-ongoing-investigations-into-eco-life/1003285602/?fbclid=IwAR2jCGLRPFITTYcLcCh-OCbjS0tOjjGn-VsJf2oTAK_nXFJdL5-jJivV6_A

April 25, 2019 – 'Update: Police arrest and charge Eco Life's David Murray'

<https://www.canadiancontractor.ca/canadian-contractor/update-police-arrest-and-charge-eco-lifes-david-murray/1003285709/>