

Complaint against Mark Calhoun's ***Stone Orchard Landscaping, Mark's Home Improvement***, etc.

June 22, 2022

Stephen and Jenn Doxsee
28 Edgevalley Drive
Etobicoke, ON
M9A 4N9

Overview	2
Quote	3
Deposit	4
Inactivity	6
Demolition	11
Project Termination	15
Current Status	17

Overview

We paid Mark a deposit in May 2021 to replace our deck with a stone patio.

After 6 months of inactivity, we asked for our deposit back but were told it wasn't available because the stone had been purchased. In May 2022, he finally demolished our deck but disappeared for 3 weeks.

We then found out that he had never ordered the stone in the first place and had been *holding on to our \$8000 deposit under false pretenses*.

We've asked for our money back but he has not complied according to what was agreed. We are left with no deck, no money, and a mess in our backyard.

Quote

Quote Date:

Tuesday, Apr 20, 2021, 10:22 AM

Date: April 20, 2021

Name: The Kane Family
28 Edgevalley Drive

Project Quote: NEW COMPOSITE DECK and STONE PATIO

Scope of Work:

A new deck constructed with Timberteck Composite boards. Railings to be aluminum with metal balusters. This estimate includes replacing all the structural lumber with new pressure treated lumber.

The existing wooden deck to be removed and replaced with a raised stone patio with a complete step down to the pool on oneside and a step down to the garden area on the other side. A step down is the best way to go about building this patio. The stone will be a match to the existing pooldeck. The existing tree in the deck area will have a built in frame of stone to allow this fantastic tree to live without interference.

This estimate includes all bulding materials, delivery fees, disposal fees, applicable taxes and labour.

It is estimated this project to take approximately ten full days

Total Estimate

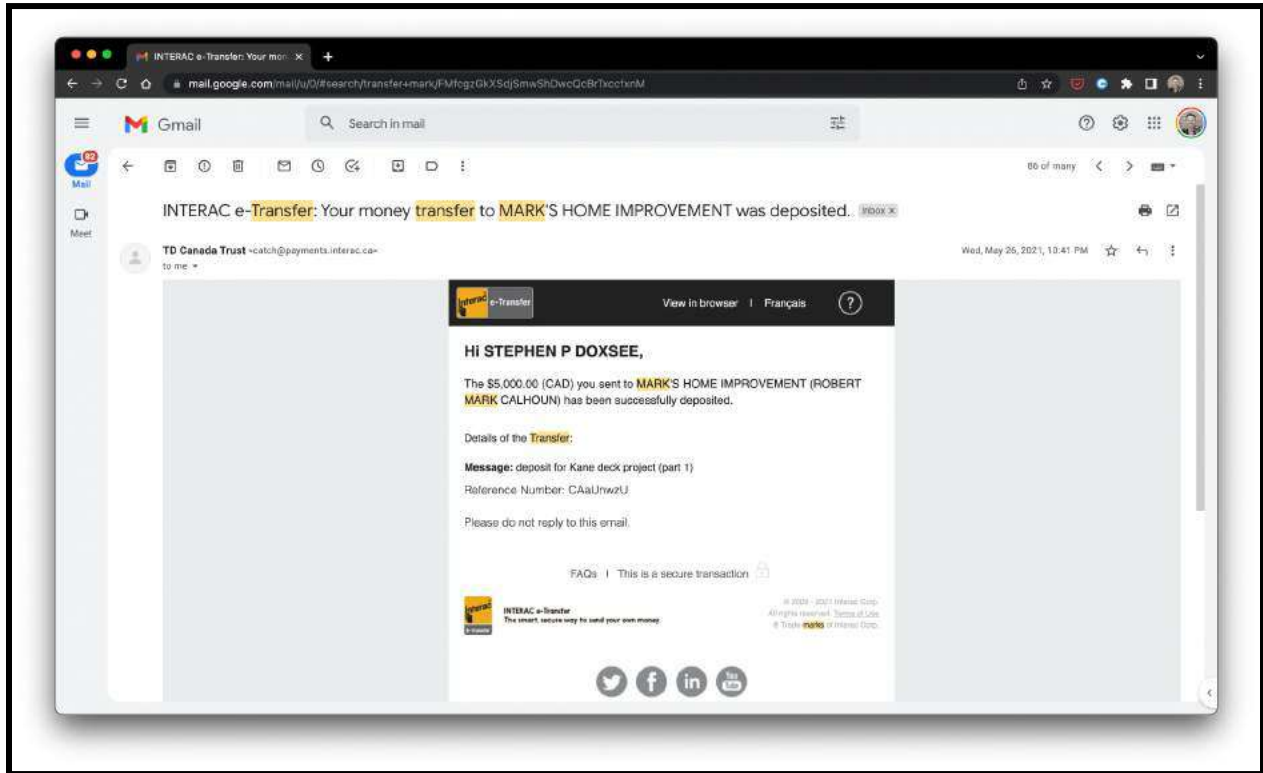
\$14 294.50

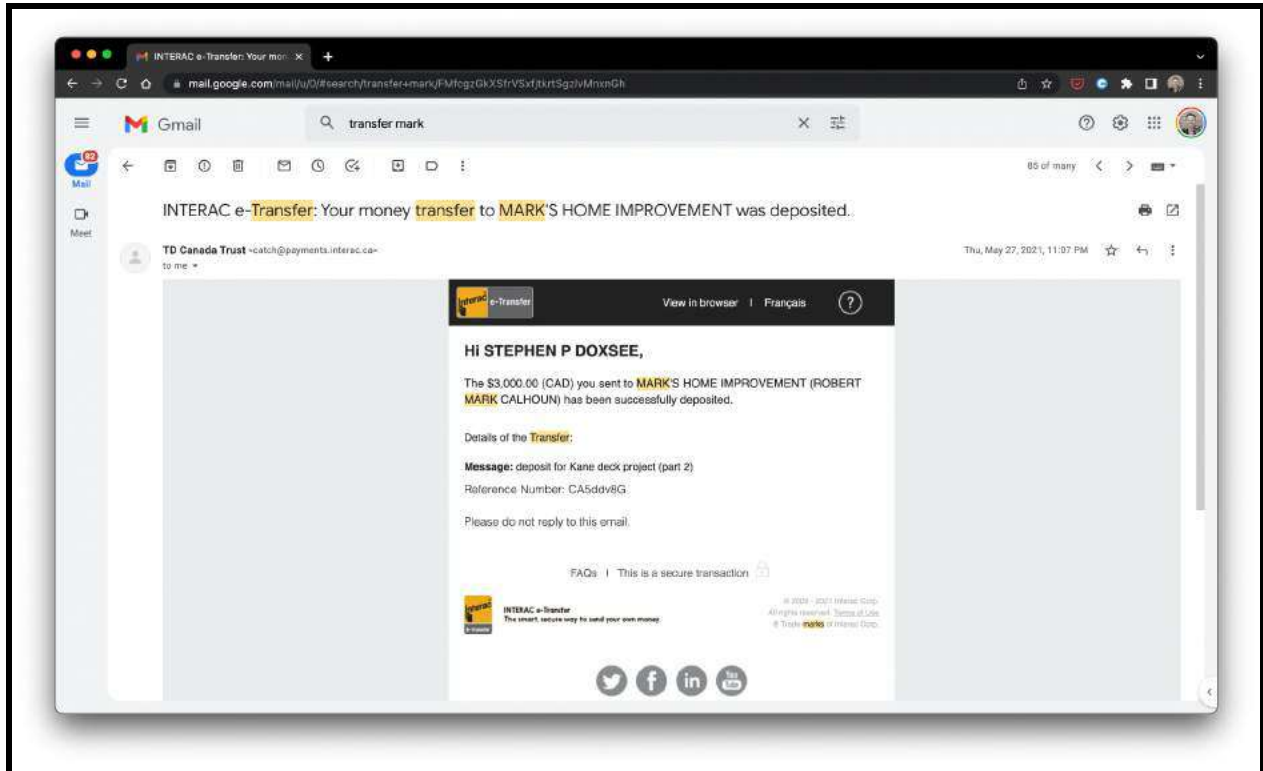
Deposit

Deposit Date: May 26-27th, 2021

- 2 e-transfers \$5000+\$3000

<input type="checkbox"/>	★	TD Canada Trust	INTERAC e-Transfer: Your money transfer to MARK'S HOME IMPROVEMENT was deposited. - (ROBERT MARK CALHOUN) has been successfully deposited. Det...	5/27/21
<input type="checkbox"/>	★	TD Canada Trust	Inbox: INTERAC e-Transfer: Your money transfer to MARK'S HOME IMPROVEMENT was deposited. - (ROBERT MARK CALHOUN) has been successfully deposit...	5/26/21





Inactivity

After taking our deposit on May 26th and 27th 2021, Mark did nothing but provide extensive excuses for delays. That's an issue, but not one that we'll focus on.

Records of the request for return of deposit below...

From: **Mark Calhoun** <mark@stoneorchardlandscaping.com>

Date: Thu, Nov 11, 2021, 6:51 AM

Subject: Re: Scheduling

To: Jennifer Kane <jjbkane@gmail.com>

Good morning

I think that is a very good plan. I'm afraid if I were to start now winter might set in and leave us all in a big mess.

Lets start in spring. Somewhere in April. I will send **back** your **deposit** as well as this is only fair.

If we start in spring it will start on time without any delays

Be **back** in touch

On Nov. 10, 2021 9:48 p.m., Jennifer Kane <jjbkane@gmail.com> wrote:

Hi Mark,

We never heard **back** about last week. Can we plan to be your first project in the spring?

We'd also like our **deposit back** until we're closer to the time of putting the patio in the spring

Thanks,

Jenn

On Wed, Nov 3, 2021, 5:23 AM Mark Calhoun <mark@stoneorchardlandscaping.com> wrote:

Good morning

I'm going to hold off today and tomorrow . Will shoot for Friday. Reason being Sue and myself moved and bought a new home November 1st and we are still in a big mess. Be **back** in touch later today to confirm

On Nov. 2, 2021 7:44 p.m., Jennifer Kane <jjbkane@gmail.com> wrote:

Hi Mark,

Are things still on for tomorrow?

Thanks,

Jenn

On Wed, Oct 27, 2021, 11:06 AM Mark Calhoun <mark@stoneorchardlandscaping.com> wrote:

Hi Jenn

I am finally able to set you a firm start date.

I will be finishing up this long running project this weekend. Therefore I am confident we can finally start your project. I also realize we are nearing the end of this year's building season. But remain comfortable I can start and finish.

I would like to suggest next Wednesday morning I will be there to begin. I will arrange the building materials and dumpster to arrive accordingly.

This has been a challenging year and I am appreciative of your patience on this matter.

From: Mark Calhoun <mark@stoneorchardlandscaping.com>
Date: Mon, Jan 31, 2022, 11:24 AM
Subject: Re: Scheduling
To: Jennifer Kane <jjbkane@gmail.com>

Hi Jennifer

Just wanted to touch base with you. I was not able to get your refund. They said they would not refund the stone so late in the season. I tried but the owner said best they could do was deliver the pavers first thing. Which will be beginning of April. If we get an early spring then it's possible I could have them delivered late March.

I have blocked off a three week schedule to get your project completed. Let me know if this is okay. It is all weather predicated but you will be first project in 2022.

On Dec. 13, 2021 9:18 a.m., Mark Calhoun <mark@stoneorchardlandscaping.com> wrote:

Hi Jennifer

The hold up was they needed approval to refund such a large order. And of course the decision maker was on holidays (he was off **hunting** for two weeks). He was apparently back last week. I will reach out today and get this refund process rolling.

Be back in touch

On Dec. 12, 2021 10:24 p.m., Jennifer Kane <jjbkane@gmail.com> wrote:

Hi Mark,

Any updates?

Thanks,
Jenn

On Mon, Nov 29, 2021, 11:43 AM Mark Calhoun <mark@stoneorchardlandscaping.com> wrote:

Good Monday morning

I am expecting the refund to be dealt with this week. Had to wait for the owner to grant permission for the refund and he was away last week. Will forward the refund to you as soon as I can. Again I can only move 3000.00 per transfer so it will be in a few increments

On Nov. 17, 2021 12:42 p.m., Mark Calhoun <mark@stoneorchardlandscaping.com> wrote:

April it is.

I will maintain communication as that date bears. In fact I will make sure the pavers arrive with plenty of time so there will be no delays.

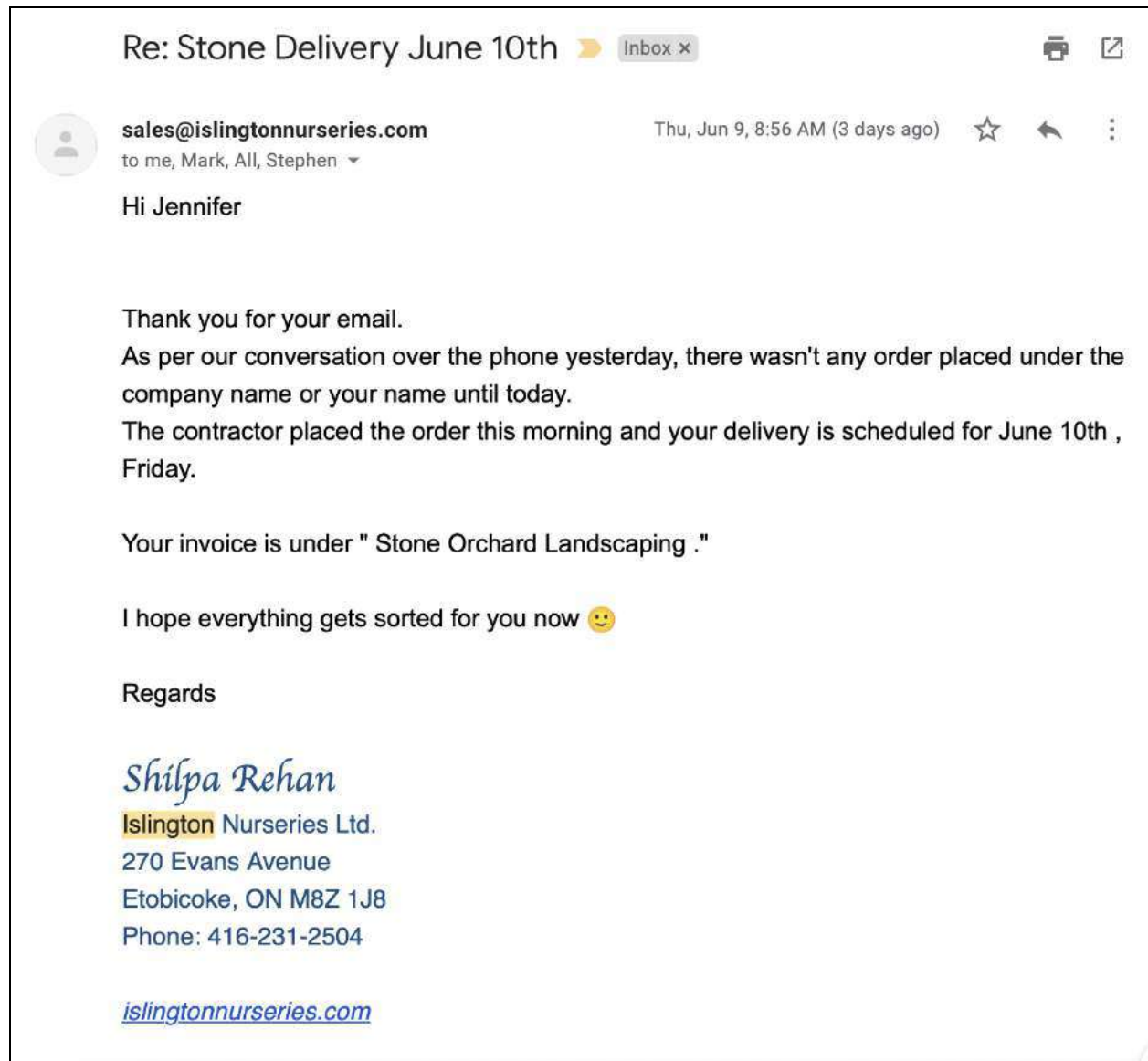
I have requested the refund from the stone yard. Will transfer back asap. FYI, I can only transfer 3000.00 per day so will do this in 3 transfers

On Nov. 17, 2021 9:41 a.m., Jennifer Kane <jjbkane@gmail.com> wrote:

Thanks Mark. April sounds great. Let us know easiest way to send deposit back.

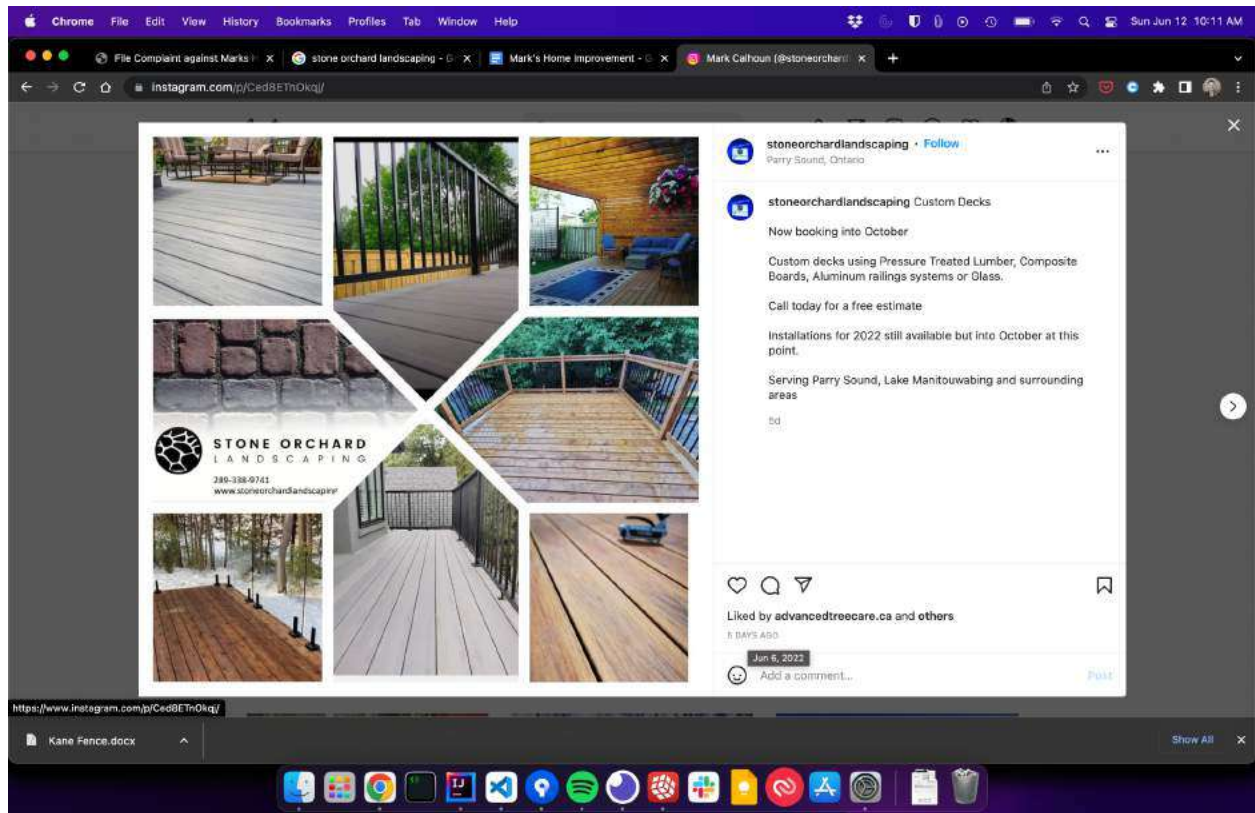
Thanks!
Jenn

Below is confirmation that Mark never ordered the stone in the first place.



Therefore, he was holding on to a deposit under false pretenses.

He continues to offer new estimates as recently as June 6th, 2022.

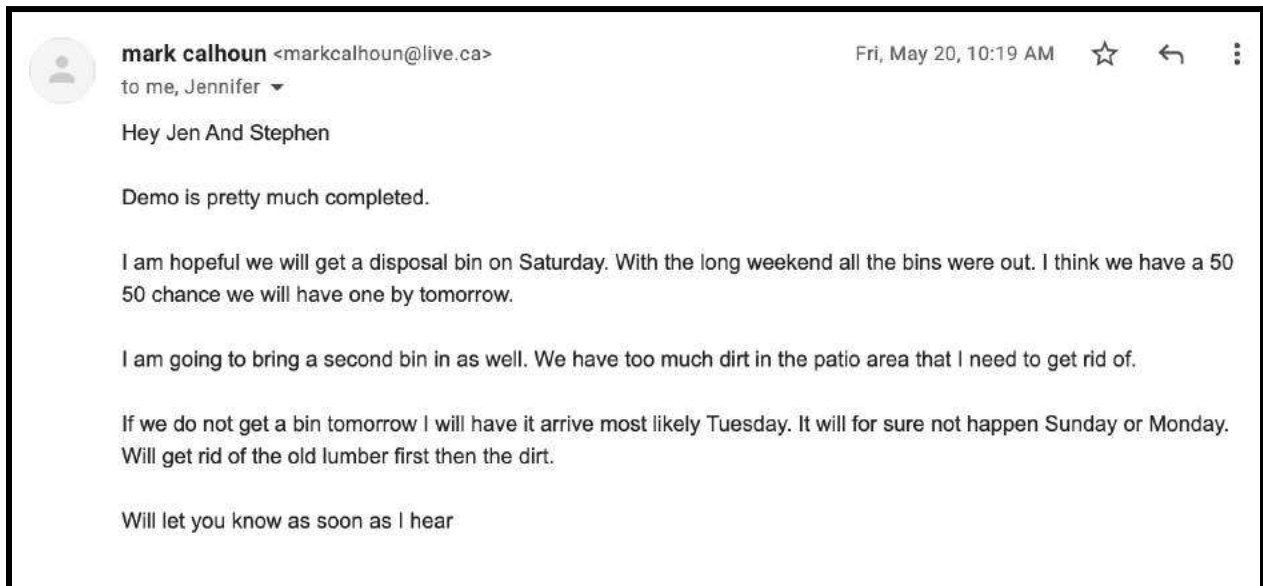


Demolition

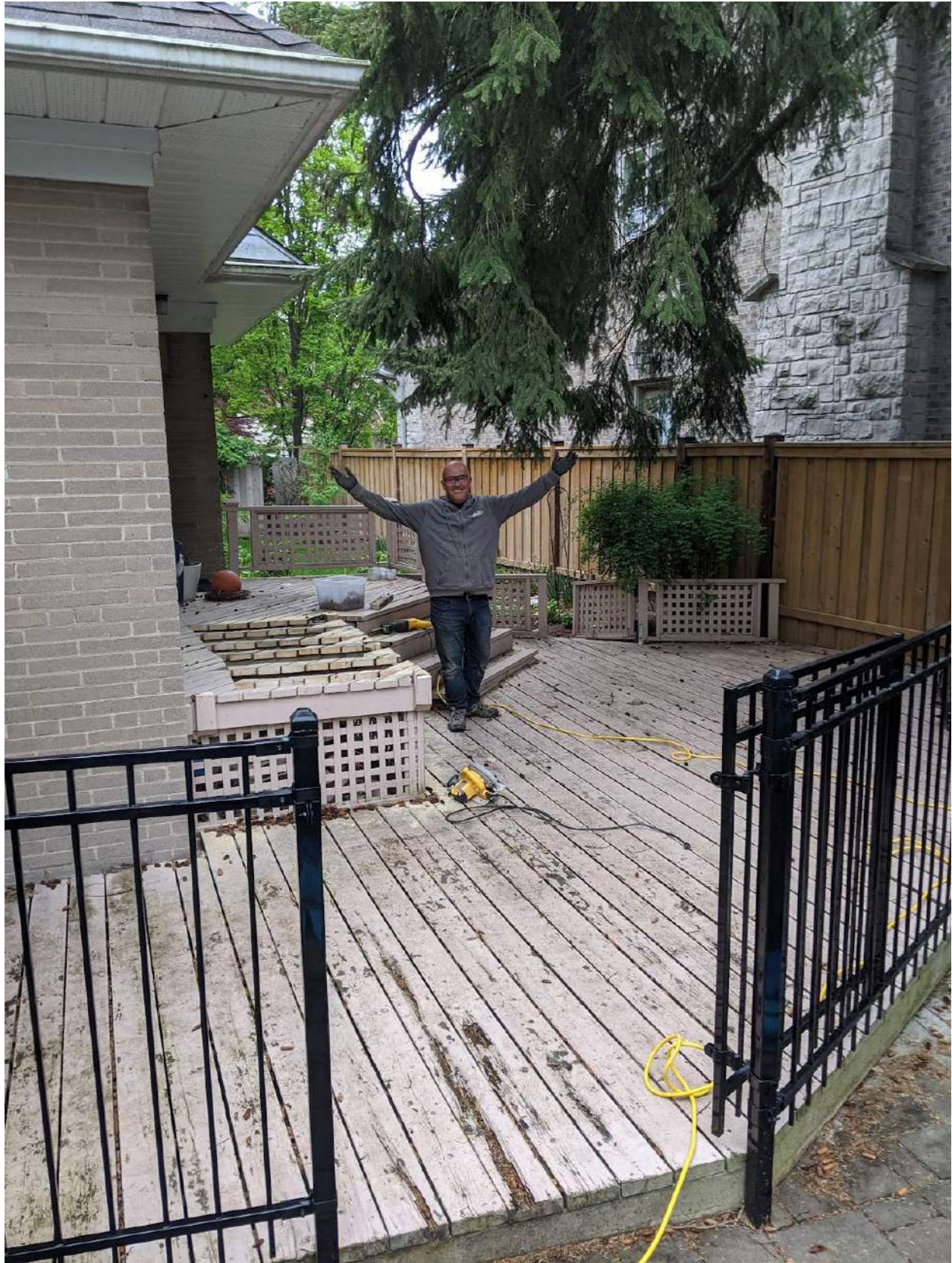
Demolition began Thursday May 19, 2022 at 8am. He left around 3pm



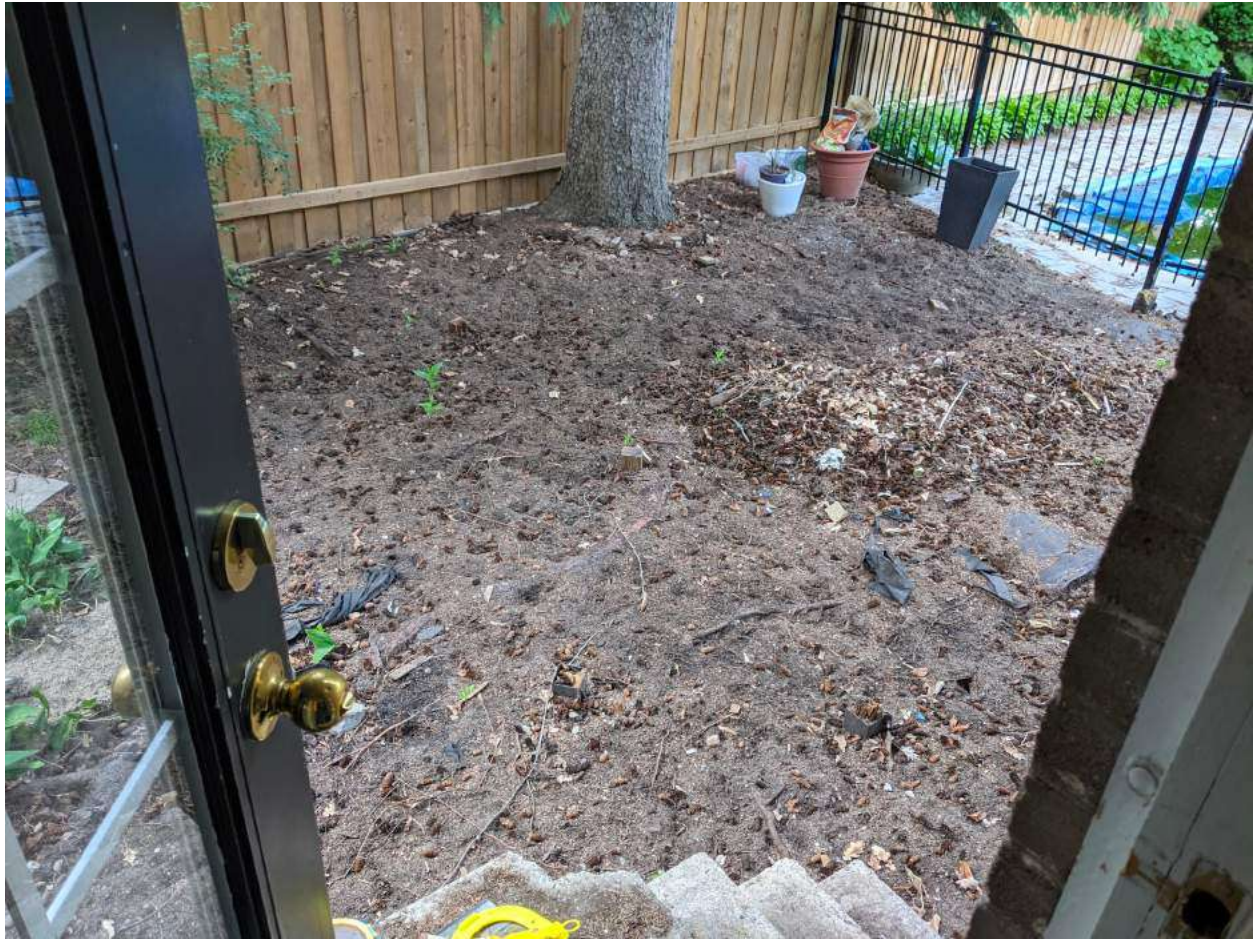
He returned the next day and worked for just over 2 hours.



Before photo:



After photos:



Our deck



The remains of the demolished deck

Project Termination

We'd already agreed on the stone as you can see below...

----- Forwarded message -----
From: **Mark Calhoun** <mark@stoneorchardlandscaping.com>
Date: Mon, Aug 16, 2021, 7:55 AM
Subject: Re: Update?
To: Jennifer Kane <jjbkane@gmail.com>

Good morning

I do have somewhat of an update. I spoke with the manufacturers Rep last week about the Permacon **Trafalgar** pavers that we are waiting for. He told me it has not been as popular a product and that the focus of Permacon has been keeping up with the demand of other products. I was promised he would look around other dealers and see about availability. Permacon **Trafalgar** is made in Milton Ontario and he did say that a load was scheduled to be produced on August.

I will send another reminder message to him now stressing that we have been waiting a long time.


I will be back in touch as soon as I hear

Mark

Sorry this has taken so long

But, when the wrong stone arrived after we'd already confirmed that no stone had ever been ordered for us, we realized he just picked something. We'd had enough and so I asked for the funds back by Friday June 17th, 2022, giving him 7 days to comply.

Project Termination

**Stephen Doxsee** <sdoxsee@gmail.com>
to Mark, Ali, Jennifer ▾
Hi **Mark** and Sue,

Fri, Jun 10, 10:05 PM (10 days ago) ☆ ↶ ⋮

4 skids of stone were delivered today on our lawn. They are different in size, colour and style from what we'd agreed to--the Permacon Trafalgar that we have around the pool. The stone we're supposed to have won't be in until at least August, if ordered today.

We've had enough.

When we asked for our deposit back from you, after 6 months of inactivity, you lied to us in saying that Islington Nurseries would not return the money paid for the stone. You ordered nothing until this past week.

You will arrange and pay for the restocking fee of the incorrect stone.

You only partially demolished the deck in just over a day--leaving it unusable, yet still there. Nothing has been taken away or continued after 3 weeks from start, and over 13 month since the deposit was paid. We're worse off than when we started. We would like the entire \$8000 deposit repaid to us.

If you do not return the money by 10pm, Friday June 17th 2022, we will file a complaint to the Better Business Bureau, Consumer Protection Agency and possibly take other action (including legal) against you.

We are terribly disappointed as we trusted you and you betrayed our trust.

Stephen and Jenn

----- Forwarded message -----

From: **Mark Calhoun** <mark@stoneorchardlandscaping.com>

Date: Fri, Jun 17, 2022, 7:34 PM

Subject: Refund

To: Jennifer **Kane** <jjbkane@gmail.com>

Hi Jenn and Stephen yet

Did the four pallets get picked up today?

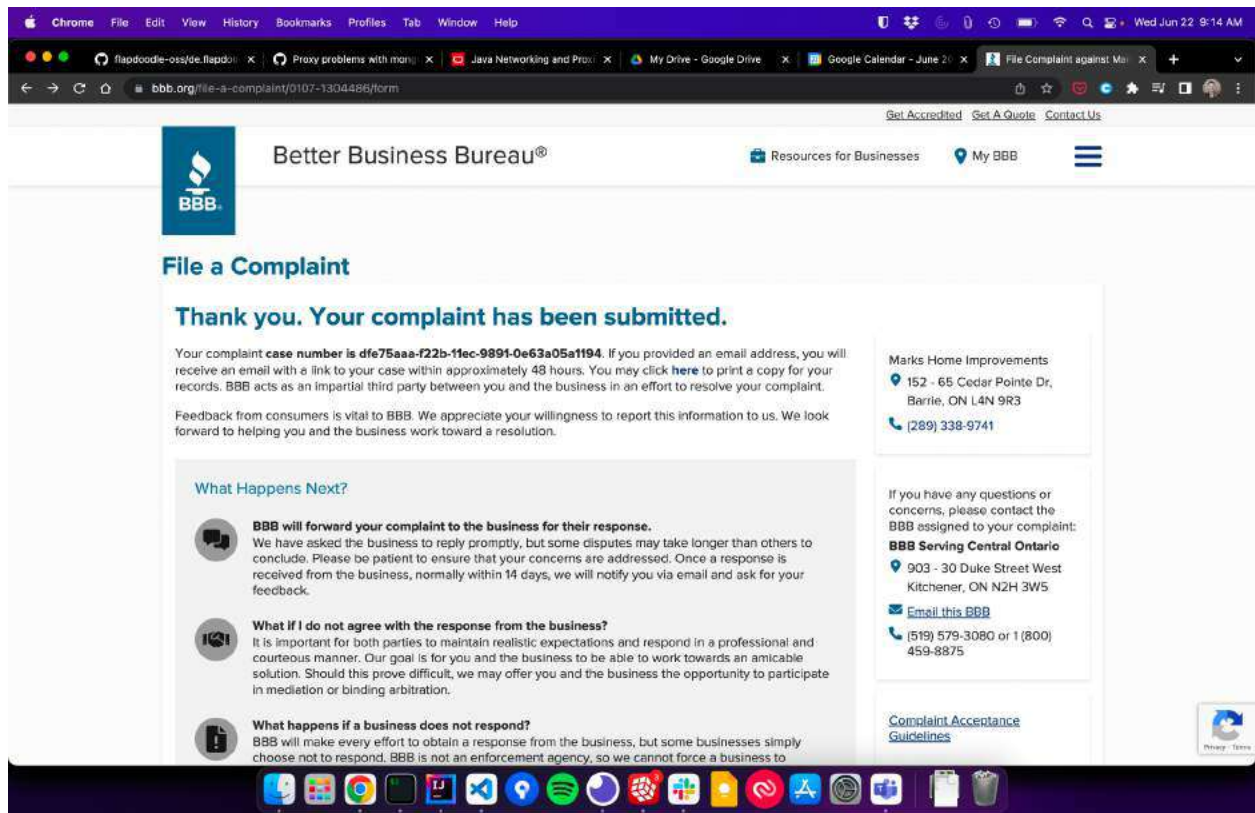
It has not yet been refunded.

I ask for just a few more days and I will send you back your full refund.

Mark

Current Status

Incorrect stone was picked up on Thursday June 16th, 2022. We still have not received our money back from Mark.



dfe75aaa-f22b-11ec-9891-0e63a05a1194

complaint # 1468410