### **Table of Contents**

### **CONSUMER PROTECTION ACT, 2002**

### PART I INTERPRETATION AND APPLICATION (SS. 1–5)

- 1 Interpretation § 1:1 Case Law
  - § 1.1 Case La
- 2 Application
  - § 2:1 Case Law: Section 2(1)
  - § 2:2 Case Law: Section 2(2)
- 3 Anti-avoidance
- § 3:1 Case Law
- 4 Consumer agreements5 Disclosure of information
  - § 5:1 Case Law

### PART II CONSUMER RIGHTS AND WARRANTIES (SS. 6–13.1)

- Rights reserved
- § 6:1 Case Law

6

- 7 No waiver of substantive and procedural rights § 7:1 Case Law
- 8 Class proceedings
  - § 8:1 Case Law
- 9 Quality of services
  - § 9:1 Case Law: Section 9(1)
  - § 9:2 Case Law: Section 9(2)
  - § 9:3 Case Law: Section 9(3)
- 10 Estimates
  - § 10:1 Case Law: Section 10(1)
- 11 Ambiguities to benefit consumer
  - § 11:1 Case Law
- 12 Charging consumers for assistance
- 13 Unsolicited goods or services: relief from legal obligations
  - § 13:1 Case Law
- 13.1 Advertising illegal site

### PART III UNFAIR PRACTICES (SS. 14–19)

- § III:1 Case Law
- 14 False, misleading or deceptive representation

McMillan's Consumer Protection Act (Ontario)

- § 14:1 Case Law
- 15 Unconscionable representation
  - § 15:1 Case Law
- 16 Renegotiation of price
- 17 Unfair practices prohibited
- § 17:1 Case Law
- 18 Rescinding agreement
  - § 18:1 Case Law: Section 18(1)
  - $\$  18:2 Case Law: Section 18(2)
  - § 18:3 Case Law: Section 18(3)
  - § 18:4 Case Law: Section 18(11)
  - § 18:5 Case Law: Section 18(13)
- 19 Transition

### PART IV RIGHTS AND OBLIGATIONS RESPECTING SPECIFIC CONSUMER AGREEMENTS (SS. 20–47.1)

### **DEFINITIONS AND APPLICATION**

- 20 Interpretation
  - § 20:1 Case Law: Section 20(1)
  - § 20:2 Case Law: Reg. Section 42(2)

#### FUTURE PERFORMANCE AGREEMENTS

- § IV:1 Case Law: Reg. Section 23
- 21 Application of sections
- 22 Requirements for future performance agreements § 22:1 Case Law
  - § 22:2 Case Law: Reg. Section 24
- 23 Cancelling future performance agreements
- 24 Rights in other goods not enforceable
- 25 No repossession after two-thirds paid except by leave of court
- 26 Late delivery
  - § 26:1 Case Law
  - § 26:2 Case Law: Reg. Sections 25.1–25.5

### TIME SHARE AGREEMENTS

- 27 Requirements for time share agreements
- 28 Cancellation: cooling-off period
  - § 28:1 Case Law

### PERSONAL DEVELOPMENT SERVICES

- 29 Application
- 30 Requirements for personal development services agreements

xxvi

TABLE OF CONTENTS

- 31 Agreements for one year only
- 32 Only one agreement
- 33 Initiation fee
- 34 Instalment plans
- 35 Cancellation: cooling-off period
- § 35:1 Case Law
- 36 Trustee for payment for unavailable services

### INTERNET AGREEMENTS

- 37 Application
- 38 Disclosure of information
- 39 Copy of internet agreement
- 40 Cancellation of internet agreement

#### DIRECT AGREEMENTS

- 41 Application
- 42 Requirements for direct agreements
  - § 42:1 Case Law: Section 42(1)
  - § 42:2 Case Law: Reg. Section 35(1)
- 43 Cancellation: cooling-off period
- 43.1 Restriction on entering into certain direct agreements
  - § 43.1:1 Case Law: Reg. Section 83

### **REMOTE AGREEMENTS**

- 44 Application
- 45 Disclosure of information
- 46 Copy of remote agreement
- 47 Cancellation of remote agreement
  - § 47:1 Case Law: Sections 45–47

### **REWARDS POINTS**

47.1 No expiry of rewards points

### PART V SECTORS WHERE ADVANCE FEE PROHIBITED (SS. 48–54)

- 48 Definitions
  - § 48:1 Case Law
- 49 Requirements for consumer agreements
- 50 Advance payments prohibited
- 51 Cancellation: cooling-off period
- 52 Officers, directors
- 53 Prohibited representations
- 54 Transition

McMillan's Consumer Protection Act (Ontario)

## PART VI REPAIRS TO MOTOR VEHICLES AND OTHER GOODS (SS. 55–65)

- § VI:1 Case Law: Part VI
- 55 Definitions
- 56 Estimates
  - § 56:1 Case Law
- 57 Estimate fee
- 58 Authorization required
- 59 Authorization not in writing
  - § 59:1 Case Law
- 60 Posting signs
- 61 Return of parts
  - § 61:1 Case Law
- 62 Invoice
- 63 Warranty for vehicles
- 64 Consistent cost
- 65 Transition

### PART VII CREDIT AGREEMENTS (SS. 66-85)

### GENERAL

- § VII:1 Case Law: Part VII
- 66 Definitions
- 67 Non-application of Part
- 68 Agreement for credit card
- § 68:1 Case Law
- 69 Limiting liability for unauthorized charges
- 70 Consequence of non-disclosure
- 71 Correcting errors
- 72 Required insurance
- 73 Termination of optional services
- 74 Deferral of payments
- 75 Default charges
- 76 Prepayment

### DISCLOSURE

- 77 Representations
- 78 Disclosure of brokerage fee
- 79 Initial disclosure statement
- 80 Subsequent disclosure: fixed credit
- 81 Subsequent disclosure: open credit

xxviii

TABLE OF CONTENTS

#### ASSIGNMENT OF SECURITY FOR CREDIT

- 82 Assignment of negotiable instrument
- 83 Obligations of assignee of lender
- 84 Order to pay indemnity
- 85 Allowance for trade-in subject to adjustment

### PART VII.1 AGREEMENTS FOR CASHING GOVERNMENT CHEQUES (SS. 85.1–85.5)

- 85.1 Definitions
- 85.2 Application
- 85.3 Disclosure of information
- 85.4 Limit on fee for cashing government cheques
- 85.5 Statement when cashing cheques

### PART VIII LEASING (SS. 86-90)

- 86 Definitions
- 87 Application of Part
- 88 Advertising
- 89 Disclosure statement
- § 89:1 Case Law
- 90 Compensation re: termination of lease

### PART IX PROCEDURES FOR CONSUMER REMEDIES (SS. 91–101)

- 91 Application
- 92 Form of consumer notice
  - § 92:1 Case Law
- 93 Consumer agreements not binding
  - § 93:1 Case Law
- 94 Cancellation
  - § 94:1 Case Law
- 95 Effect of cancellation
- 96 Obligations on cancellation
  - § 96:1 Case Law: Reg. Section 79
  - § 96:2 Case Law
- 97 Title to goods under trade-in arrangement
- 98 Illegal charges and payments
- 99 Consumer's recourse re: credit card charges
- 100 Action in Superior Court of Justice
- 101 Waiver of notice
  - § 101:1 Case Law: Sections 100 and 101

McMillan's Consumer Protection Act (Ontario)

### PART X POWERS AND DUTIES OF MINISTER AND DIRECTOR (SS. 102–104)

- 102 Powers of Minister
  - § 102:1 Case Law: Section 102(1)
- 103 Duties of Director
  - § 103:1 Case Law: Reg. Sections 86 and 88
- 104 Fees

### PART XI GENERAL (SS. 104.1-123)

- 104.1 Definition
- 105 Ministry receives complaints and makes inquiries
- 105.1 Inspectors
- 105.2 Inspection powers
- 105.3 Delegation of order-making powers
- 106 Appointment of investigators
- 107 Search warrant
- 107.1 Seizure of things not specified
- 108 Searches in exigent circumstances
- 108.1 Report when things seized
- 109 False, misleading or deceptive representation
- 110 Freeze order
- 111 Compliance order
- 112 Order for immediate compliance
- 113 Appeal
- 114 Undertaking of voluntary compliance
- 115 Restraining orders
- 116 Offences
- 117 Orders for compensation, restitution
- 118 Default in payment of fines
- 119 Liens and charges
- 120 Confidentiality
- 121 Service by the Director of notice or order
- 122 Certificate as evidence
- 123 Lieutenant Governor in Council regulations: general

# PART XII COMMENCEMENT AND SHORT TITLE (SS. 124, 125)

- 124 Commencement
- 125 Short title

### **APPENDICES**

Appendix A.Consumer Protection Act, 2023Appendix TC.Table of Concordance

### **Table of Cases**

xxx

TABLE OF CONTENTS

Index