

Table of Contents

CONSUMER PROTECTION ACT, 2002

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

- 1 Interpretation
 - § 1:1 Case Law
- 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 agreements
- 5 Disclosure of information
 - § 5:1 Case Law

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

- 6 Rights reserved
 - § 6:1 Case Law
- 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

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
- 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
- 31 Agreements for one year only

TABLE OF CONTENTS

- 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

**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

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
- 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

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

- 102 Powers of Minister
 - § 102:1 Case Law: Section 102(1)

CONSUMER PROTECTION ACT (ONTARIO)

- 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, 2023
- Appendix TC. Table of Concordance

Table of Cases

Index