

Index

The Act and regulations are indexed as follows:

FDA - Arthur Wishart Act (Franchise Disclosure), 2000, S.O. 2000, c. 3

GRA - General Regulations, O. Reg. 581/00

ACTION, RIGHT OF

Breach of duty of fair dealing, **FDA 3(2)**

Contravention of franchisee's right to associate, **FDA 4(5)**

Failure to disclose, **FDA 7(1)**

Misrepresentation, **FDA 7(1)**

ARTHUR WISHART ACT (FRANCHISE DISCLOSURE), 2000

Application of, **FDA 2(1), (2)**

Commencement of, **FDA 15**

Definitions, **FDA 1(1)**

Non-application of, **FDA 2(3)**

Rights under do not derogate from other rights, **FDA 9**

Waiver of rights under void, **FDA 11**

ASSOCIATION

Contravention of right to associate action for damages for, **FDA 4(5)** joint and several liability, **FDA 8(2)**

Franchisee's right to associate, **FDA 4(1)**

Franchisor may not prohibit association, **FDA 4(1)-(3)**

Prohibition on franchisee's right to associate in agreement void, **FDA 4(4)**

CANCELLATION

See **RESCISSION**

CO-OPERATIVE ASSOCIATION

Definition of, **GRA s. 1**

CORPORATION

Deemed control, **FDA 1(3)**

DISCLOSURE

Document

See **DISCLOSURE DOCUMENT**

Exemptions, **FDA 5(7), (8), 13, GRA ss. 8-11**

Failure to disclose

action for damages for, **FDA 7(1)** joint and several liability, **FDA 8(3)**

rescission for, **FDA 6(2)**

Franchisor's obligation to disclose, **FDA 5**

Late disclosure, rescission for, **FDA 6(1)**

Material change, franchisor's obligation to provide statement of, **FDA 5(5), (6), GRA 7.1**

Misrepresentation

See **MISREPRESENTATION**

DISCLOSURE DOCUMENT

Certificate, **GRA s. 7, s. 7.1**

Contents of, **FDA 5(4)**

Deemed reliance on, **FDA 7(3)**

Definition of, **FDA 1(1)**

Delivery of, **FDA 5(2), (3)**

Information in to be accurate, clear, concise, **FDA 5(6)**

Prescribed information

administrative orders and actions, **GRA s. 2 para. 4**

advertising fund, **GRA s. 6 para. 6**

DISCLOSURE DOCUMENT

—Cont'd

- Prescribed information—Cont'd
 - background of directors, officers and partners, **GRA s. 2 para. 2**
 - background of franchisor, **GRA s. 2 para. 1**
 - bankruptcy or insolvency, **GRA s. 2 para. 6**
 - civil actions, **GRA s. 2 para. 5**
 - closure of franchise for one year, **GRA s. 6 para. 15**
 - closure of franchise for three years, **GRA s. 6 para. 16**
 - costs of establishment, **GRA s. 6 para. 1**
 - dispute resolution, **GRA s. 5**
 - earnings projections, **GRA s. 6 para. 3**
 - estimate of annual operating costs, **GRA s. 6 para. 2**
 - exclusive territory, **GRA s. 6 para. 12**
 - financial statements, **GRA s. 3**
 - financing terms and conditions, **GRA s. 6 para. 4**
 - licences required, **GRA s. 6 para. 10**
 - list of franchisees, **GRA s. 6 para. 17**
 - mandatory statements, **GRA s. 4**
 - participation requirement, **GRA s. 6 para. 11**
 - policy on continuation of exclusive territory, **GRA s. 6 para. 13**
 - policy on proximity to exclusive territory, **GRA s. 6 para. 14**
 - previous convictions and pending charges, **GRA s. 2 para. 3**
 - purchase and sale restrictions, **GRA s. 6 para. 7**
 - rebates, **GRA s. 6 para. 8**
 - restrictions on termination, renewal or transfer, **GRA s. 6 para. 18**

DISCLOSURE DOCUMENT

—Cont'd

- Prescribed information—Cont'd
 - rights to trademarks etc., **GRA s. 6 para. 9**
 - training, **GRA s. 6 para. 5**

EXEMPTIONS

- Burden of proof, **FDA 12**
- Disclosure, general, **FDA 5(7), (8), GRA ss. 8-10; GRA ss. 8-10**
- Financial disclosure, **FDA 13, GRA s. 11; GRA s. 11**

FAIR DEALING

- Breach of duty of
 - joint and several liability, **FDA 8(1)**
 - right of action for damages for, **FDA 3(2)**
- Duty of, **FDA 3(1), (3)**

FRANCHISE

- Definition of, **FDA 1(1), (2)**

FRANCHISE AGREEMENT

- Attempt to affect jurisdiction void, **FDA 10**
- Definition of, **FDA 1(1)**
- Disclosure requirement
 - See DISCLOSURE
- Duty of fair dealing, **FDA 3**
- Prohibition on franchisee's right to associate void, **FDA 4(4)**
- Rescission of
 - See RESCISSION
- Waiver of rights void, **FDA 11**

FRANCHISEE

- Definition of, **FDA 1(1)**

FRANCHISE SYSTEM

- Definition of, **FDA 1(1)**

FRANCHISOR

- Definition of, **FDA 1(1)**

FRANCHISOR'S AGENT

- Definition of, **GRA s. 0.1**

FRANCHISOR'S ASSOCIATEDefinition of, **FDA 1(1)****GRANT**Definition of, **FDA 1(1)****JURISDICTION**Attempt in agreement to affect jurisdiction void, **FDA 10****MASTER FRANCHISE**Definition of, **FDA 1(1)****MATERIAL CHANGE**Definition of, **FDA 1(1)**Statement of, **FDA 5(5), (6)****MATERIAL FACT**Definition of, **FDA 1(1)****MISREPRESENTATION**Action for damages for, **FDA 7(1)****MISREPRESENTATION—Cont'd**Deemed reliance on, **FDA 7(2)**Defence to action for, **FDA 7(4), (5)**Definition of, **FDA 1(1)**Joint and several liability, **FDA 8(3)****PROSPECTIVE FRANCHISEE**Definition of, **FDA 1(1)****REGULATIONS**Power to make, **FDA 14****RESCISSION**Failure to disclose, for, **FDA 6(2)**Franchisor's obligations on, **FDA 6(6)**Late disclosure, for, **FDA 6(1)**Notice of, **FDA 6(3)-(5)****SUBFRANCHISE**Definition of, **FDA 1(1)**

