

Index

All references are to section numbers of the Consumer Protection Act, 2002 and regulations. References to regulatory sections are preceded by "O. Reg."

ADVANCE FEE PROHIBITED, SECTORS WHERE

- Advance payments prohibited, **50**
- Cancellation, **51**
- Definitions, **48**
- Officers, directors, **52**
- Prohibited representations, **53, O. Reg. 17/05, ss. 45, 47**
- Requirements for consumer agreements, **49, O. Reg. 17/05, ss. 44, 46**

AGREEMENTS FOR CASHING GOVERNMENT CHEQUES

- Application of Pt. VII.1, **85.2**
- Definitions, **85.1**
- Disclosure of information, **85.3**
- Fee for cashing, limit, **85.4, O. Reg. 17/05, s. 71.1**
- Statement when cashing cheques, **85.5, O. Reg. 17/05, s. 71.2**

ANTI-AVOIDANCE

- Generally, **3**

APPEAL

- Stay until disposition, **113**
- Undertaking of voluntary compliance, **114**

APPLICATION

- Generally, **2, O. Reg. 17/05, s. 1**

COMPLIANCE ORDER

- Generally, **111, 112**

CONFIDENTIALITY

- Generally, **120**

CONSUMER AGREEMENTS

- Generally, **4, O. Reg. 17/05, s. 10**
- Agreement for loan brokering or credit repair, **O. Reg. 17/05, s. 14**
- Agreement to work on or repairs to vehicle, **O. Reg. 17/05, s. 13**
- Amendment, renewal and extension of certain agreements, **O. Reg. 17/05, ss. 41 to 43**
- Cancellation, consumer obligations, **O. Reg. 17/05, s. 80**
- Credit agreement, **O. Reg. 17/05, s. 11**
- Direct agreement, **O. Reg. 17/05, s. 17**
- Exceptions to rule in s. 4, **O. Reg. 17/05, s. 10**
- Internet agreement, **O. Reg. 17/05, s. 18**
- Lease, **O. Reg. 17/05, s. 12**
- Personal development services agreement, **O. Reg. 17/05, s. 16**
- Remote agreement, **O. Reg. 17/05, s. 19**
- Time share agreement, **O. Reg. 17/05, s. 15**

CONSUMER RIGHTS AND WARRANTIES

- Advertising illegal site, **13.1**
- Ambiguities to benefit consumer, **11**
- Charging consumers for assistance, **12**
- Class proceedings, **8**
- Estimates, **10**

**CONSUMER RIGHTS AND
WARRANTIES—Cont'd**

No waiver of substantive and procedural rights, **7**
Quality of services and goods, **9**
Rights reserved, **6**
Unsolicited goods or services, **13**
 defined, **13(9)**
 material change, **13(4) O. Reg. 17/05, s. 20**
 refund, **13(7), O. Reg. 17/05, s. 21**

CREDIT AGREEMENTS

Agreement for credit card, **68, O. Reg. 17/05, s. 71**
Assignment of security for credit, **ss. 82 to 85**
Correcting errors, **71**
Default charges, **75, O. Reg. 17/05, s. 71(4)**
Definitions, **66, O. Reg. 17/05, ss. 53 to 57**
Disclosure
 generally, **O. Reg. 17/05, s. 70**
 brokerage fee, **78, O. Reg. 17/05, s. 71(6)**
 initial disclosure statement, **79, O. Reg. 17/05, ss. 62 to 64, 69**
 non-disclosure, consequences, **70, O. Reg. 17/05, s. 59**
 subsequent disclosure, fixed credit, **80, O. Reg. 17/05, ss. 65, 66, 71(7) to 71(10)**
 subsequent disclosure, open credit, **81, O. Reg. 17/05, ss. 67 to 69, 71(11) to 71(14)**
Insurance, required, **72**
Non-application of Pt VII, **67, O. Reg. 17/05, ss. 60(3), 70**
Optional services, termination, **73**
Payments, deferral, **74**
Prepayment, **76, O. Reg. 17/05, ss. 60, 71(5)**

CREDIT AGREEMENTS—Cont'd

Provisions not applying, **O. Reg. 17/05, s. 11**
Recourse, credit card charges, **99, O. Reg. 17/05, s. 85**
Representations, **77, O. Reg. 17/05, s. 61**
Unauthorized charges, limiting liability, **69, O. Reg. 17/05, ss. 58, 71**

DEFINITIONS

Generally, **1**
Agreements for cashing government cheques, **85.1**
Consumer remedies, procedures for, **O. Reg. 17/05, s. 78**
Credit agreements, **66**
Future performance agreements, **O. Reg. 17/05, s. 23**
Leasing, **86, O. Reg. 17/05, s. 72(1)**
Repairs to motor vehicles and other goods, **55**
Sectors where advance fee prohibited, **48**
Specific consumer agreements, **20(1)**

DIRECT AGREEMENTS

Application of ss. 42-43, **41, O. Reg. 17/05, s. 34**
Cancellation, **43, O. Reg. 17/05, s. 83**
Exemptions, **O. Reg. 17/05, ss. 5, 7 to 9**
Provisions not applying, **O. Reg. 17/05, ss. 12 to 18**
Requirements, **42, O. Reg. 17/05, ss. 35 to 35.2, O. Reg. 8/18, s. 1**
Restrictions, certain agreements, **43.1, Reg. 17/05, s. 35.3**

**DISCLOSURE OF
INFORMATION**

Generally, **5**

**FALSE, MISLEADING OR
DECEPTIVE
REPRESENTATION**Generally, **109****FREEZE ORDER**Generally, **110****FUTURE PERFORMANCE
AGREEMENTS**Application of ss. 22 to 26, **21(1)**,
O. Reg. 17/05, s. 23.1Cancellation, **23**Definitions, **O. Reg. 17/05, s. 23**Exemptions, **21(2)**, **O. Reg. 17/05,**
ss. 4 to 9Express opportunity to accept or
decline, **O. Reg. 17/05, s. 25**Gift card agreements, **O. Reg.**
17/05, ss. 25.1 to 25.5Late delivery, **26**No repossession after two-thirds
paid, **25**Provisions not applying, **O. Reg.**
17/05, ss. 10 to 19, 25.2Requirements, **22**, **O. Reg. 17/05,**
ss. 24, 25.5Rights in other goods not enforce-
able, **24****GIFT CARD AGREEMENTS**Application of ss. 25.2 to 25.5, **O.**
Reg. 17/05, s. 25.1Definitions, **O. Reg. 17/05, s. 23**Exemption, **O. Reg. 17/05, s. 25.2**Limit on fees, **O. Reg. 17/05, s.**
25.4No expiry dates, **O. Reg. 17/05, s.**
25.3Requirements for agreements, **O.**
Reg. 17/05, s. 25.5**GOVERNMENT CHEQUES,
AGREEMENTS FOR
CASHING**Application of Pt. VII.1, **85.2**Definitions, **85.1****GOVERNMENT CHEQUES,
AGREEMENTS FOR
CASHING—Cont'd**Disclosure of information, **85.3**Fee for cashing, limit, **85.4**, **O. Reg.**
17/05, s. 71.1Statement when cashing cheques,
85.5, **O. Reg. 17/05, s. 71.2****INSPECTORS**Appointment, **105.1**Defined, **104.1**Delegation of order-making powers
to, **105.3**Inspection powers, **105.2****INTERNET AGREEMENTS**Application of ss. 38 to 40, **37**Cancellation, **40**Content, **39(2)**, **O. Reg. 17/05, s.**
33(2)Copy, **39(1)**, **O. Reg. 17/05, s. 33(1)**Deemed supply, **39(3)**, **O. Reg.**
17/05, s. 33(3)Disclosure of information, **38**, **O.**
Reg. 17/05, s. 32Exemptions, **O. Reg. 17/05, ss. 4 to**
9Prescribed amount, **O. Reg. 17/05,**
s. 31Provisions not applying, **O. Reg.**
17/05, ss. 12 to 18**INVESTIGATORS**Appointment, **106**Defined, **104.1**Report when things seized, **108.1**Searches in exigent circumstances,
108Search warrant, **107**Seizure of things not specified,
107.1**LEASING**Advertising, **88**, **O. Reg. 17/05, s.**
73

McMILLAN'S CONSUMER PROTECTION ACT (ONTARIO)

LEASING—Cont'd

- Application of Pt. VIII, **87, O. Reg. 17/05, ss. 40, 77**
- Compensation, termination of lease, **90, O. Reg. 17/05, s. 76**
- Definitions, **86, O. Reg. 17/05, s. 72**
- Disclosure statement, **89, O. Reg. 17/05, ss. 74, 75**
- Leases to which Pt VIII does not apply, **O. Reg. 17/05, ss. 12, 40**

MINISTRY OF CONSUMER AND BUSINESS SERVICES

- Complaints and inquiries, **105**
- Fees, **104**
- Powers and duties
 - Director, **103, O. Reg. 17/05, ss. 86 to 91**
 - Minister, **102**
- Service by Director of notice or order, **121**

OFFENCES

- Generally, **116**
- Fines
 - default in payment of, **118**
 - liens and charges, **119**

ORDERS

- Compensation, **117**
- Compliance, **111, 112**
- Freeze, **110**
- Restitution, **117**
- Restraining, **115**
- Service, **121**

PERSONAL DEVELOPMENT SERVICES

- Agreements for one year only, **31**
- Application of ss. 30 to 36, **29, O. Reg. 17/05, s. 27**
- Cancellation, **35**
- Initiation fee, **33**
- Instalment plans, **34**
- Only one agreement, **32**

PERSONAL DEVELOPMENT SERVICES—Cont'd

- Provisions not applying, **O. Reg. 17/05, ss. 12 to 15**
- Renewal provision, **31(3), O. Reg. 17/05, s. 30**
- Requirements, **30, O. Reg. 17/05, ss. 28 to 29**
- Trustee for payment for unavailable services, **36**

PROCEDURES FOR CONSUMER REMEDIES

- Action in Superior Court of Justice, **100**
- Application of Pt. IX, **s. 91**
- Cancellation, **94 to 96, O. Reg. 17/05, ss. 25.2, 79 to 83**
- Consumer agreements not binding, **93**
- Definitions, **O. Reg. 17/05, s. 78**
- Form of consumer notice, **92, O. Reg. 17/05, s. 85(2)**
- Illegal charges and payments, **98, O. Reg. 17/05, s. 84**
- Recourse, credit card charges, **99, O. Reg. 17/05, s. 85**
- Title to goods under trade-in arrangement, **97**
- Waiver of notice, **101**

REGULATIONS

- Generally, **122 to 123**

REMEDIES

- See PROCEDURES FOR CONSUMER REMEDIES

REMOTE AGREEMENTS

- Application of ss. 45 to 47, **44, O. Reg. 17/05, s. 36**
- Cancellation, **47**
- Content, **46(2), O. Reg. 17/05, s. 39(2)**
- Copy, **46(1), O. Reg. 17/05, s. 39(1)**
- Deemed supply, **46(3), O. Reg. 17/05, s. 39(3)**

REMOTE AGREEMENTS**—Cont'd**

- Disclosure of information, **45, O. Reg. 17/05, ss. 37 to 38**
- Exemptions, **O. Reg. 17/05, ss. 4 to 9**
- Provisions not applying, **O. Reg. 17/05, ss. 12 to 18**

REPAIRS TO MOTOR VEHICLES AND OTHER GOODS

- Authorization
 - not in writing, **59, O. Reg. 17/05, s. 49**
 - requirement, **58**
- Consistent cost, **64**
- Definitions, **55**
- Estimate fee, **57**
- Estimates, **56, O. Reg. 17/05, s. 48**
- Invoice, **62, O. Reg. 17/05, s. 51**
- Posting signs, **60, O. Reg. 17/05, s. 50**
- Return of parts, **61**
- Warranty for vehicles, **63, O. Reg. 17/05, s. 52**

RESTRAINING ORDER

- Generally, **115**

REWARD POINTS

- Expiry due to passage of time, **O. Reg. 17/05, s. 43.6**
- No expiry, **47.1**
- Non-application of Pt IV, **O. Reg. 17/05, s. 43.2**
- Non-application of s. 47.1, **O. Reg. 17/05, ss. 43.3 to 43.5**
- No retroactive offences, **47.1**
 - consumer's recourse, **47.1(4)**
 - disclosure of information, **47.1(2)**
 - existing consumer agreements, application to, **47.1(11)**
 - extinguishment of rights, modification, **47.1(12)**
 - no compensation, **47.1(8)**
 - no expropriation or injurious affection, **47.1(9)**

REWARD POINTS—Cont'd

- No retroactive offences, **47.1**
 - Cont'd
 - regulations, **47.1(10)**
 - request, **47.1(5)**
 - requirements, **47.1(1)**
 - reward points, expiry of, **47.1(3)**
 - rewards points supplier, obligations, **47.1(6)**
 - right of action, **47.1(7)**
- Reinstated or recreated consumer agreement, **O. Reg. 17/05, s. 43.9**
- Retroactive effect on expiry, **47.1(5), O. Reg. 17/05, s. 43.8**
- Termination, **47.1(3), O. Reg. 17/05, s. 43.7**

RIGHTS AND OBLIGATIONS RE SPECIFIC CONSUMER AGREEMENTS

- Agreement type continues, **O. Reg. 17/05, s. 43**
- Amendment, renewal and extension, **O. Reg. 17/05, ss. 41 to 42**
- Cancellation
 - consumer obligations, **O. Reg. 17/05, s. 80**
 - limitations, **20(2)**
- Definitions, **20(1)**
- Direct agreements
 - application of ss. 42 to 43, **41, O. Reg. 17/05, s. 34**
 - cancellation, **43, O. Reg. 17/05, s. 83**
 - exemptions, **O. Reg. 17/05, ss. 5, 7 to 9**
 - provisions not applying, **O. Reg. 17/05, ss. 12 to 18**
 - requirements, **42, O. Reg. 17/05, ss. 35 to 35.2, O. Reg. 8/18, s. 1**
 - restrictions, certain agreements, **43.1, Reg. 17/05, s. 35.3**

**RIGHTS AND OBLIGATIONS RE
SPECIFIC CONSUMER
AGREEMENTS—Cont'd**

Future performance agreements
application of ss. 22 to 26, **21(1)**,
O. Reg. 17/05, s. 23.1
cancellation, **23**
definitions, **O. Reg. 17/05, s. 23**
exemptions, **21(2)**, **O. Reg.**
17/05, ss. 4 to 9
express opportunity to accept or
decline, **O. Reg. 17/05, s. 25**
gift card agreements, **O. Reg.**
17/05, ss. 25.1 to 25.5
late delivery, **26**
no repossession after two-thirds
paid, **25**
provisions not applying, **O. Reg.**
17/05, ss. 10 to 19, 25.2
requirements, **22**, **O. Reg. 17/05,**
ss. 24, 25.5
rights in other goods not enforce-
able, **24**

Internet agreements
application of ss. 38 to 40, **37**
cancellation, **40**
content, **39(2)**, **O. Reg. 17/05, s.**
33(2)
copy, **39(1)**, **O. Reg. 17/05, s.**
33(1)
deemed supply, **39(3)**, **O. Reg.**
17/05, s. 33(3)
disclosure of information, **38**, **O.**
Reg. 17/05, s. 32
exemptions, **O. Reg. 17/05, ss. 4**
to 9
prescribed amount, **O. Reg.**
17/05, s. 31
provisions not applying, **O. Reg.**
17/05, ss. 12 to 18

Personal development services
agreements for one year only, **31**
application of ss. 30 to 36, **29**, **O.**
Reg. 17/05, s. 27
cancellation, **35**
initiation fee, **33**

**RIGHTS AND OBLIGATIONS RE
SPECIFIC CONSUMER
AGREEMENTS—Cont'd**

Personal development services
—Cont'd
instalment plans, **34**
only one agreement, **32**
provisions not applying, **O. Reg.**
17/05, ss. 12 to 15
renewal provision, **31(3)**, **O. Reg.**
17/05, s. 30
requirements, **30**, **O. Reg. 17/05,**
ss. 28 to 29
trustee for payment for unavail-
able services, **36**

Provisions not applying when
agreement of more than one
type
agreement for loan brokering or
credit repair, **O. Reg. 17/05,**
s. 14
agreement for work on vehicle,
O. Reg. 17/05, s. 13
credit agreement, **O. Reg. 17/05,**
s. 11
direct agreement, **O. Reg. 17/05,**
s. 17
exceptions to rule in s. 4, **O. Reg.**
17/05, s. 10
gift card agreement, **O. Reg.**
17/05, ss. 25.2, 25.5
internet agreement, **O. Reg.**
17/05, s. 18
lease, **O. Reg. 17/05, ss. 12, 40**
personal development services
agreement, **O. Reg. 17/05, s.**
16
remote agreement, **O. Reg.**
17/05, s. 19
time share agreement, **O. Reg.**
17/05, s. 15

Remote agreements
application of ss. 45 to 47, **44**, **O.**
Reg. 17/05, s. 36
cancellation, **47**

**RIGHTS AND OBLIGATIONS RE
SPECIFIC CONSUMER
AGREEMENTS—Cont'd**

- Remote agreements—Cont'd
 content, **46(2), O. Reg. 17/05, s. 39(2)**
 copy, **46(1), O. Reg. 17/05, s. 39(1)**
 deemed supply, **46(3), O. Reg. 17/05, s. 39(3)**
 disclosure of information, **45, O. Reg. 17/05, ss. 37 to 38**
 exemptions, **O. Reg. 17/05, ss. 4 to 9**
 provisions not applying, **O. Reg. 17/05, ss. 12 to 18**
- Reward points
 expiry due to passage of time, **O. Reg. 17/05, s. 43.6**
 no expiry, **47.1**
 non-application of Pt IV, **O. Reg. 17/05, s. 43.2**
 non-application of s. 47.1, **O. Reg. 17/05, ss. 43.3 to 43.5**
 reinstated or recreated consumer agreement, **O. Reg. 17/05, s. 43.9**
 retroactive effect on expiry, **47.1(5), O. Reg. 17/05, s. 43.8**
 termination, **47.1(3), O. Reg. 17/05, s. 43.7**

**RIGHTS AND OBLIGATIONS RE
SPECIFIC CONSUMER
AGREEMENTS—Cont'd**

- Time share agreements
 cancellation, **28**
 provisions not applying, **O. Reg. 17/05, ss. 13 to 14**
 requirements, **27, O. Reg. 17/05, s. 26**

SEARCH AND SEIZURE

See INVESTIGATORS

TIME SHARE AGREEMENTS

- Cancellation, **28**
 Provisions not applying, **O. Reg. 17/05, ss. 13 to 14**
 Requirements, **27, O. Reg. 17/05, s. 26**

UNFAIR PRACTICES

- False, misleading or deceptive representation, **14**
 Prohibited, **17**
 Renegotiation of price, **16**
 Rescinding agreement, **18**
 Unconscionable representation, **15**

WARRANTIES

See CONSUMER RIGHTS AND WARRANTIES

