Consultation Documents

Consumer Protection Act, 2002 – Consultation on Draft Regulations

Introduction

The Ministry of Consumer and Business Services is pleased to begin the countdown to the proclamation of the new Consumer Protection Act, 2002 (the Act), with the release of the first three draft regulations for public comment.

These draft regulations concern the following topics:

- Motor vehicle repairs
- Personal development services
- Time shares

To participate in the consultation, please see the instructions below.
The Act consolidates six core consumer protection laws, and was passed with unanimous consent by the legislature on December 13, 2002. To make it operational, the government must create regulations covering a wide variety of issues, ranging from the contents of auto repair invoices to the disclosure documents required in consumer lending.

The draft regulations will only become law if ultimately promulgated by Cabinet. Once all necessary regulations have been approved, the Act may be proclaimed and come into force.

N.B. Until the Act is proclaimed, the current consumer legislation and regulations remain in force. For information on how a Bill becomes law, visit the Legislative Assembly site.

Objectives

The Eves government seeks to achieve three main objectives through these proposed regulations:

- consumer protection law must be fair and enhance Ontario’s reputation as a place for investment, business growth and consumer confidence;
- laws should be consistent and practical, with rules that both consumers and businesses can understand and apply;
- the government must remain open and responsive to changes in the marketplace and emerging issues.

Consultation in stages

We invite the input, advice, views and suggestions of consumers, businesses, professionals, academics and others to help us ensure that we meet these objectives.

We plan to publish drafts of the proposed regulations for public review and comment as they become available. Parties are encouraged to submit comments within 45 days of their publication. A final deadline for comments will be announced once all draft regulations have been published.

Your Turn

Please submit your comments on proposed regulations concerning:

- Motor vehicle repairs
- Personal development services
- Time shares

to: CPA2002@cbs.gov.on.ca.
or by mailing them to:

Ministry of Consumer and Business Services  
Consumer Reform Consultation  
250 Yonge Street, 35th Floor  
Toronto ON   M5B 2N5

Fax: 416-326-8885.  
For more information call 416-326-8748  
TTY: 416-325-3408 or 1-800-268-7095

Reviewing the Draft Regulations

The proposed regulations should be reviewed in the context of the Act. Any terms defined in the Act have the same meaning when used in its regulations. View the Act online.

Many of the draft regulations, including the initial three that follow, deal with disclosures to consumers. In considering proposed disclosure requirements, it is worthwhile to note the requirements in Section 5 of the Act:

Disclosure of information

5. (1) If a supplier is required to disclose information under this Act, the disclosure must be clear, comprehensible and prominent.

Delivery of information

(2) If a supplier is required to deliver information to a consumer under this Act, the information must, in addition to satisfying the requirements in subsection (1), be delivered in a form in which it can be retained by the consumer.

Disclosure of information made by way of regulations under the Act must comply with the requirements set out in Section 5 of the Act.

This is a public consultation

All materials or comments received from organizations will be considered public information and may be used and disclosed by the Ministry to assist the Ministry in evaluating and revising the proposed draft regulations. This may involve disclosing materials or comments, or summaries of them, to other interested parties during and after the consultation.

An individual who provides materials or comments and who indicates an affiliation with an organization will be considered to have submitted those comments or materials on behalf of the organization so identified.
Materials or comments received from individuals will not be considered public information unless expressly stated otherwise by the individual. However, materials or comments provided by individuals may be used and disclosed by the Ministry to assist in evaluating and revising the proposed draft regulations. Personal information, such as an individual's name and contact details, will not be disclosed by the Ministry unless required by law.

If you have any questions about the collection of this information, you can contact:

The Freedom of Information and Privacy Coordinator
Ministry of Consumer and Business Services
(416) 326-8470
Draft Regulation on Motor Vehicle Repairs

If adopted, this draft regulation would work in conjunction with Sections 55 through 65 in Part VI of the Act.

Together with the Act, it would replace the current *Motor Vehicle Repair Act*

The draft regulation addresses these matters:

- information disclosed in estimates;
- information disclosed in invoices;
- signage requirements in repair facilities;
- repair work authorizations that are not in writing;
- exceptions to the minimum warranty on repairs.

**Minimum Warranty on Repairs**

Under the Act, every repairer will be deemed to warrant all new or reconditioned parts installed and the labour required to install them for a minimum of 90 days or 5,000 kilometers, whichever comes first, or for such greater minimum as may be prescribed by regulations.

The 90 day and 5,000 kilometer provisions are also found in the current *Motor Vehicle Repair Act*, and the draft regulations propose the same continued limited exceptions. However, the ability to set a higher minimum warranty is a new feature of the Act.

The minimum warranty does not prevent repairers warranting superior coverage, and many do so currently.

Ontario and Quebec are currently the only provinces in Canada where consumers enjoy
the protection of a three month or 5000 kilometer minimum warranty on repairs. The
ministry invites comments on whether the minimum warranty should be increased or
remain the same as currently set out.

**Draft regulation on motor vehicle repairs (*pdf)**

The draft regulation attached is provided in English. We welcome your input in either
English or French. If approved, the regulation will be available in both languages.

If you have difficulty accessing the draft regulation, please contact the ministry at:

Telephone: 416-326-8748
TTY: 416-325-3408 or 1-800-268-7095
Facsimile: 416-326-8885.

Ministry of Consumer and Business Services
Consumer Reform Consultation
250 Yonge Street, 35th Floor
Toronto ON  M5B 2N

To send comments or submissions on the draft regulations, write or fax to the above, or e-
mail us at CPA2002@cbs.gov.on.ca.

The above document is available in Acrobat (*.pdf) format. If you do not have the latest
Acrobat reader, you can obtain it free of charge from Adobe®.
The file http://www.cbs.gov.on.ca/mcbs/english/pdf/MVRA.pdf is a secure document that has been embedded in this document. Double click the pushpin to view.
Draft Regulation on Personal Development Services

Personal development service providers include such businesses as health, fitness and dance clubs, martial arts clubs and modelling services. If adopted, this draft regulation would work in conjunction with Sections 20 and 29 through 36 in Part IV of the Act.

Together with the Act, it would replace the current Prepaid Services Act. The proposed draft regulations carry forward and strengthen provisions of the current Prepaid Services Act. They propose to require disclosure of the cooling off period, which would be extended from five to 10 days. They also strengthen disclosure requirements by proposing more detailed descriptions of the services consumers will receive.

The proposed draft regulation does not deal with the disclosure of the cost of paying by installment in the same way as the current Prepaid Services Act. Rather, it is proposed that any cost for paying by installment should be disclosed as a cost of credit, consistent with the manner in which retailers are expected to treat disclosures on installment plans.

Draft regulations on cost of credit disclosure will be posted in the future.

Draft regulation on personal development services (*pdf)

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Fax: 416-326-8885.
Draft Regulation on Personal Development Services

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The above document is available in Acrobat (*.pdf) format. If you do not have the latest Acrobat reader, you can obtain it free of charge from Adobe®.
The file http://www.cbs.gov.on.ca/mcbs/english/pdf/PersDevServ.pdf is a secure document that has been embedded in this document. Double click the pushpin to view.
There are currently no time share disclosure rules under Ontario law. These draft regulations would, if adopted, become the first such rules.

If adopted, this draft regulation would work in conjunction with Sections 20, 27 and 28 in Part IV of the Act. Under Section 28, consumers will have a cooling off period from the day they enter into the agreement until 10 days after they receive a written copy of a time share agreement; if the written copy does not contain the required disclosures, the consumer has a year in which to cancel the agreement.

Time shares and travel clubs – A definition

It is worthwhile to note the definition of “time share agreement” in Section 20 of the Act:

"time share agreement" means a consumer agreement by which a consumer,

(a) acquires the right to use property as part of a plan that provides for the use of the property to circulate periodically among persons participating in the plan, whether or not the property is located in Ontario, or

(b) is provided with access to discounts or benefits for the future provision of transportation, accommodation or other goods or services related to travel.

This definition covers both arrangements commonly marketed as “time shares” and also various “travel club” plans.

Travel services

It is also important to note that the people who arrange the provision of travel services and accommodation they do
not themselves own, may also be travel agents or wholesalers under the *Travel Industry Act* and require registration.

**View the draft regulation on time shares (*pdf)*

The draft regulation attached is provided in English. We welcome your input in either English or French. If approved, the regulation will be available in both languages.

If you have difficulty accessing the draft regulation, please contact the ministry at:

Telephone: 416-326-8748  
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The above document is available in Acrobat (*.pdf) format. If you do not have the latest Acrobat reader, you can obtain it free of charge from Adobe®.
Draft Regulation on Time Share Disclosure

Telephone Service: For general ministry information, call (416) 326-8555 or Toll free 1-800-268-1142 (in Ontario).
For consumer information and advice: (416) 326-8800 or Toll free 1-800-889-9768.
TTY/Teletypewriter users only: (416) 325-3408 or Toll free 1-800-268-7095.

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