

Bill 178

**An Act to amend various legislative
provisions concerning consumer
protection**

Section 2

AMENDMENT:

Replace "Chapters II, III, IV and V" in paragraph 3 by "Chapter II, excluding section 3, Chapters III and IV, excluding section 39, and Chapter V".

*Adopté
SPR*

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Section 4.1

AMENDMENT:

Insert after section 4:

4.1. Section 55 of the Act is amended

(1) by replacing “set out in section 4” in the first paragraph by
“contemplated in sections 4 and 18.2”;

(2) by inserting the following paragraph after the first paragraph:

Despite the first paragraph, the buyer may not apply for the nullity of a
contract contemplated in Chapter II.1 if the seller has already begun to provide the
services stipulated in the contract.

*Adopté
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AM 3
s. 6 (81.1)

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Section 6

AMENDMENT:

Insert at the end of the second paragraph of proposed section 81.1: "and contracts for which partial or total payment need not be made before death".

*Adopted
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Section 6

AMENDMENT:

Replace “may, by regulation,” in the introductory clause of the first paragraph of proposed section 81.1 by “must, by regulation and within 24 months after the coming into force of this provision,”.

Adopté
SP

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Section 9.1

AMENDMENT:

Insert after section 9:

9.1. Section 54.4 of the Act is amended by inserting the following subparagraph after subparagraph *d* of the first paragraph:

“(d.1) if applicable, the information required under subparagraph *c* of the second paragraph of section 236.1 and under section 236.3;”.

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Section 9.2

AMENDMENT:

Insert after section 9:

9.2. Section 54.9 of the Act is amended by replacing “tickets to an event” and “attend” in paragraph *b* by “a ticket” and “be admitted to”, respectively.

*Adopté
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Section 9.3

AMENDMENT:

Insert after section 9:

9.3. The Act is amended by inserting the following section after section 54.9:

“54.9.1. In addition to the cases provided for in sections 54.8 and 54.9, in the case of a distance contract relating to a resale ticket, the consumer may cancel the contract

(1) at any time after the date on which the event to which the ticket grants admission is cancelled, but before, if applicable, the new scheduled date of the event;

(2) at any time after the merchant has performed his principal obligation, but before the event to which the ticket grants admission, in any of the situations referred to in paragraph c of section 236.3.”

*Adopté
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Section 13

AMENDMENT:

In proposed section 187.10:

1. Replace "to obtain, by onerous title," in the introductory clause of the first paragraph by "the obtaining, by onerous title, of".
2. Replace "advantage" in subparagraph c of the first paragraph by "benefit".
3. Replace "an advantage" and "advantages" in the third paragraph by "a benefit" and "benefits", respectively.
4. Add the following paragraph at the end:

For the purposes of this division, any other contract having the characteristics determined by regulation is also a contract relating to timeshare accommodation rights.

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AM 9
s. 13 (187.12)

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Section 13

AMENDMENT:

Replace "Divisions" in proposed section 187.12 by "Sections 56, 58 and 60 to 63 and Divisions".

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Section 13

AMENDMENT:

In proposed section 187.14:

1. Insert “, itinerant merchant’s permit number” in subparagraph *d* of the first paragraph after “technological address”.
2. Replace both occurrences of “resolution” in the second paragraph by “resolution and resiliation”.

*Adopted
for*

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Section 13

AMENDMENT:

Replace both occurrences of "resolution" in subparagraph *b* of the second paragraph of proposed section 187.21 by "resolution and resiliation".

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Section 13

AMENDMENT:

In proposed section 187.22:

1. Insert "or resiliation" after "resolution".
2. Insert "or the merchant's representative" after "merchant".

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Section 13

AMENDMENT:

Insert the following paragraphs at the end of proposed section 187.24:

In addition, the consumer may, with respect to a contract entered into with a third-party merchant and contemplated in the first paragraph, exercise directly against the merchant a recourse based on the non-performance of the contract or on the provisions of this Act.

The third-party merchant to whom the first paragraph applies because of a credit contract may not, before the expiry of the resolution period provided for in the first paragraph of section 187.21, remit directly to the merchant all or part of the sum for which credit is extended to the consumer.

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Section 13

AMENDMENT:

In proposed section 187.25:

1. Replace "resolution" in the first paragraph by "resolution or resiliation, for the reason set out in section 187.26,".
2. Replace "resolution" in the second paragraph by "such resolution or resiliation".

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AM 15
s. 16 (236.3)

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Section 16

AMENDMENT:

Strike out “advertising or” in paragraph *c* of proposed section 236.3.

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Section 17

AMENDMENT:

In proposed section 245.3:

1. Replace "solicit consumers in person so that they acquire a credit card" in the first paragraph by "propose variable credit in person to consumers".
2. Replace "solicitation" in the second paragraph by "proposal".
3. Replace "a merchant" in the second paragraph by "the merchant".

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Section 17.1

AMENDMENT:

Insert after section 17:

17.1. Section 350 of the Act is amended by adding the following paragraph after paragraph z.5:

“(z.6) determining the characteristics of any other contract that constitutes a contract relating to timeshare accommodation rights for the purposes of Division V.3 of Chapter III of Title I.”

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Section 18.1

AMENDMENT:

Insert after section 18:

**REGULATION RESPECTING THE APPLICATION OF THE CONSUMER
PROTECTION ACT**

18.1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by inserting the following after section 45.4:

“DIVISION III.2

CONTRACT RELATING TO TIMESHARE ACCOMMODATION RIGHTS

“45.5. The Statement of consumer resolution and resiliation rights and the resolution and resiliation form that the merchant must attach to the contract under the second paragraph of section 187.14 of the Act constitutes a document on which appears only the compulsory notice immediately followed by the following compulsory form:

(CONSUMER PROTECTION ACT, SECTION 187.14)

STATEMENT OF CONSUMER RESOLUTION AND RESILIATION RIGHTS

You may resolve this contract for any reason within 10 days after you receive a duplicate of the contract along with the other documents that must be attached to it.

The resolution period may be extended to one year if the contract does not comply with the provisions of the Act.

You may also resiliate the contract for any reason, without cost or penalty, before the merchant begins performing his principal obligation.

To resolve or resiliate the contract, you must send the merchant or the merchant's representative the resolution and resiliation form printed below, or send him

*Adopté
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another written notice to that effect. The form or notice must be sent to the merchant at the address indicated on the form, or at any other address of the merchant or merchant's representative indicated in the contract. You may give notice of resolution or resiliation by personal delivery or by any other method. It is recommended to use a method that will allow you to prove that you gave notice, including registered mail, email, fax or courier.

If the contract is resolved or resiliated for the above reason, the merchant must, if applicable and within 15 days, refund all amounts you have paid him. You also have 15 days to return to the merchant any goods you received under the contract.

It is in your interest to refer to sections 187.21 to 187.26 of the Consumer Protection Act (chapter P-40.1).

A contract related to timeshare accommodation rights is considered a service contract. You may resiliate your contract for other reasons, and you have other rights and recourses.

For further information, you may contact a legal adviser or the Office de la protection du consommateur.

RESOLUTION AND RESILIATION FORM (detachable from schedule)

TO BE COMPLETED BY THE MERCHANT

To:
(*name of merchant*)

.....
(*address of merchant or representative*)

Telephone number of merchant or representative:

(.....)

Fax number of merchant or representative:

(.....)

Technological address of merchant or representative:

.....

TO BE COMPLETED BY THE CONSUMER

DATE: (*date on which form is sent*)

Under section 187.21 or 187.26 of the Consumer Protection Act, I hereby cancel contract No. (CONTRACT NUMBER, IF ANY) entered into on (*date on which contract was entered into*)

..... (*name of consumer*)

Telephone number of consumer: (.....)

Fax number of consumer: (.....)

Technological address of consumer:

.....
(*address of consumer*)

.....
(*signature of consumer*)

The statement must show

- (a) the heading, in bold type of at least 12 points;
- (b) the statement of the 10-day resolution rights contained in the first paragraph, in typeface of at least 12 points;
- (c) all numbers in bold type.

The remainder of the text of the statement and of the resolution and resiliation form must be in typeface of at least 10 points."

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Section 20.1

AMENDMENT:

Insert after section 20:

20.1. Until a regulation made under paragraph *b* of section 350 of the Consumer Protection Act (chapter P-40.1) for the purposes of the first paragraph of section 187.14 of that Act, enacted by section 13, prescribes a model for contracts relating to timeshare accommodation rights, any such contract must put more emphasis on the information referred to in subparagraphs *a*, *d*, *g*, *o* to *r*, *t* and *u* of the first paragraph of section 187.14.

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Section 21

AMENDMENT:

Replace by:

21. This Act comes into force on *(insert the date of assent to this Act)*, except

(1) section 1, paragraph 3 of section 2, and sections 3 to 5 and 19, which come into force on the date or dates to be set by the Government;

(2) sections 9, 13, 14, 17.1, 18.1 and 20.1, which come into force on 1 October 2018;

(3) paragraph 2 of section 11, and sections 12 and 18, which respectively come into force on the date or dates to be set by the Government for the coming into force of sections 9, 67 and 71 of chapter 24 of the statutes of 2017.

*Adopté
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