

1980 BILL 37

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 37

**THE UNFAIR TRADE PRACTICES
AMENDMENT ACT, 1980**

THE MINISTER OF CONSUMER AND
CORPORATE AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 37

1980

THE UNFAIR TRADE PRACTICES AMENDMENT ACT, 1980

(Assented to , 1980)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 The Unfair Trade Practices Act is amended by this Act.

2 Section 1(g)(i) is repealed and the following is substituted:

(i) provided

(A) in respect of the maintenance or repair of goods or of real property used by an individual as a private dwelling or in conjunction with a private dwelling, or

(B) in respect of an improvement to an existing dwelling house used as a private dwelling by an individual,

or

3 Section 4(1)(d)(xvii) is repealed and the following is substituted:

(xvii) demanding or charging a price for a consumer transaction that is materially higher than the price estimated or quoted by a supplier for the performance of the consumer transaction unless the consumer has, before the supplier has proceeded with performance of the consumer transaction, expressly consented to the performance at the price demanded or charged;

Explanatory Notes

1 This Bill will amend chapter 33 of the Statutes of Alberta, 1975 (Second Session).

2 Section 1(g) presently reads in part:

(g) “services” means services

(i) provided in respect of the maintenance or repair of goods or of real property used as a private dwelling by an individual, or used by an individual in conjunction with a private dwelling, or

3 Section 4(1) presently reads in part:

4(1) For the purposes of this Act, the following are unfair acts or practices:

(d) any representation or conduct that has the effect, or might reasonably have the effect, of deceiving or misleading a consumer or potential consumer and, without limiting the generality of the foregoing, includes any representation or conduct of the following kinds:

(xvii) giving an estimate or quotation of the price of the goods or services which is materially less than the price of the goods or services as subsequently determined or demanded by the supplier and the supplier has proceeded with his performance of the consumer transaction without the express consent of the consumer;

4 The following is added after section 11:

11.1(1) Subject to the jurisdiction of the Provincial Court of Alberta, an action under section 11(1) may be commenced under Part 4 of *The Provincial Court Act, 1978*.

(2) Sections 11(4), (5) and (6) do not apply to an action commenced under this section.

5(1) This Act, except section 4, comes into force on the day upon which it is assented to.

(2) Section 4 comes into force on a date to be fixed by Proclamation.

4 Jurisdiction for the Provincial Court of Alberta.