

2017 Bill 31

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Third Session, 29th Legislature, 66 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 31**

## **A BETTER DEAL FOR CONSUMERS AND BUSINESSES ACT**

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THE MINISTER OF SERVICE ALBERTA

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 31

2017

### A BETTER DEAL FOR CONSUMERS AND BUSINESSES ACT

(Assented to \_\_\_\_\_, 2017)

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

#### Fair Trading Act

Amends RSA 2000 cF-2

**1(1) The *Fair Trading Act* is amended by this section.**

**(2) The title and chapter number of the Act are repealed and the following is substituted:**

#### CONSUMER PROTECTION ACT

Chapter C-26.3

**(3) The following is added before the enacting clause:**

##### Preamble

WHEREAS all consumers have the right to be safe from unfair business practices, the right to be properly informed about products and transactions, and the right to reasonable access to redress when they have been harmed;

WHEREAS businesses thrive when a balanced marketplace is promoted and when consumers have confidence that they will be treated fairly and ethically by members of an industry;

WHEREAS businesses that comply with legal rules should not be disadvantaged by competing against those that do not; and

## **Explanatory Notes**

### **Fair Trading Act**

**1**(1) Amends chapter F-2 of the Revised Statutes of Alberta 2000.

(2) Change of Act title and chapter number.

(3) Adds a preamble.

WHEREAS the Government of Alberta is committed to protecting consumers and businesses from unfair practices to support a prosperous and vibrant economy;

**(4) The enacting clause is amended by striking out “HER MAJESTY” and substituting “THEREFORE HER MAJESTY”.**

**(5) Section 1 is amended**

**(a) in subsection (1)**

**(i) in clause (b) by adding “and except in section 108.1(c)” after “subsection (2)”;**

**(ii) by adding the following after clause (i.1):**

(i.2) “ongoing consumer transaction” means a consumer transaction providing for the continuing or periodic supply of goods or services, whether for a fixed or an indeterminate period of time;

**(b) by adding the following after subsection (1):**

**(1.1)** The Minister may, for the purposes of this Act or any part of this Act and for the purposes of the regulations, make regulations defining any word or term used but not defined in this Act or in the part of this Act.

**(c) in subsection (2) by striking out “The Minister” and substituting “Without limiting the generality of subsection (1.1), the Minister”.**

**(6) The following is added before section 2:**

(4) The enacting clause presently reads:

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

(5) Section 1 presently reads in part:

*1(1) In this Act,*

*(b) “consumer” means, subject to the regulations under  
subsection (2), an individual who*

*(i) receives or has the right to receive goods or services from  
a supplier as a result of a purchase, lease, gift, contest or  
other arrangement, but does not include an individual  
who intends to sell the goods after receiving them,*

*(ii) has a legal obligation to compensate a supplier for goods  
that have been or are to be supplied to another individual  
and the other individual does not intend to sell the goods  
after receiving them, or*

*(iii) has a legal obligation to compensate a supplier for  
services that have been or are to be supplied to another  
individual;*

*(i.1) “notice of administrative penalty” means a notice given  
under section 158.1(1);*

*(2) The Minister may make regulations that restrict or broaden the  
definitions of consumer, consumer transaction, goods, services and  
supplier, and the restricting or broadening of the definitions may  
apply to one or more provisions of this Act and to one or more  
provisions of the regulations under this Act.*

(6) Consumer Bill of Rights.

**Consumer Bill of Rights**

**1.1(1)** The Minister shall establish and make publicly available a Consumer Bill of Rights that highlights consumer rights and protections under this Act.

**(2)** A failure of a person to act in a manner that is consistent with the Consumer Bill of Rights does not in itself give rise to

- (a) a cause of action or other legally enforceable right or legal remedy or claim,
- (b) an offence under this Act, or
- (c) proceedings in any court or before any body or person having the power to make decisions under an enactment.

**(3)** The Consumer Bill of Rights does not limit or otherwise affect any existing rights or obligations under this Act.

**(7) Section 6(4) is amended by repealing clause (t.1) and substituting the following:**

- (t.1) in respect of an ongoing consumer transaction,
  - (i) a supplier's representation regarding the transaction if the supplier fails to provide prominent and full disclosure of the details of the transaction, including duration, changes in price, renewals, extensions or amendments, or
  - (ii) an act or omission that is a contravention of or failure to comply with section 6.1(2);

**(8) The following is added after section 6:**

**Unilateral change**

**6.1(1)** In this section, "substantive term", in respect of an ongoing consumer transaction, means any term in an agreement that

- (a) relates to price,
- (b) relates to renewal of the agreement or extension of the length or period of the agreement, or

(7) Section 6(4) presently reads in part:

*(4) Without limiting subsections (2) and (3), the following are unfair practices if they are directed at one or more potential consumers:*

*(t.1) a supplier's representation regarding an agreement for continuing provision of services if the supplier fails to provide prominent and full disclosure of the details of the agreement, including duration, changes in price, renewals, extensions or amendments, or if the supplier fails to obtain the consumer's express consent to renewals, extensions or amendments of the agreement;*

(8) Unilateral change of ongoing consumer transactions;  
cancellation following notice of unilateral change.

(c) is a term or within a class of terms prescribed as substantive by the regulations.

**(2)** Subject to the regulations, no supplier shall make a change to a substantive term of an ongoing consumer transaction unless

(a) the consumer has expressly consented to the specific change to the substantive term not more than 120 days before the change is to take effect, or

(b) all of the following conditions are met:

(i) the ongoing consumer transaction provides, in writing, for the supplier to make changes to the substantive term without obtaining the consumer's express consent to the specific change;

(ii) the supplier gives the consumer at least 60 days' but not more than 120 days' written notice of the specific change;

(iii) all other applicable conditions or restrictions set out in the regulations.

**(3)** Subject to the regulations, a notice referred to in subsection (2)(b)(ii)

(a) must set out every substantive term of the ongoing consumer transaction that is proposed to be changed, and its proposed replacement,

(b) must specify the date on which the change is proposed to take effect, which must not precede the expiry of the 60-day period provided under clause (c),

(c) must clearly state that the consumer has the option to cancel the ongoing consumer transaction, at no cost or penalty, within 60 days of receiving the notice, or any longer time period expressly allowed by the supplier,

(d) must provide contact information for the supplier to enable the consumer to exercise the option to cancel the ongoing consumer transaction,



- (e) must, in the case of a change in cost for the consumer, set out the total financial impact to the consumer,
- (f) must meet any other requirements set out in the regulations, and
- (g) must be given in the manner set out in the regulations.

**(4)** Where a change is made to an ongoing consumer transaction under this section, the supplier shall, within 30 days of a request by a consumer and at no charge to the consumer, provide the consumer with a copy of the entire amended ongoing consumer transaction in written or electronic form, or make it accessible online.

**(5)** A change to a substantive term of an ongoing consumer transaction is of no effect if it is made in contravention of subsection (2), (3) or (4) or a provision of a regulation made under subsection (6)(b).

**(6)** The Minister may make regulations

- (a) prescribing substantive terms or classes of substantive terms for the purposes of subsection (1)(c);
- (b) respecting notices referred to in subsection (2)(b)(ii), including, without limitation, regulations respecting
  - (i) the provision of notice by suppliers;
  - (ii) the form and content of notices or the manner in which notices are given;
  - (iii) when notices are deemed to have been received;
- (c) respecting the creation, retention and provision of records, including, without limitation, records respecting notices referred to in subsection (2)(b)(ii);
- (d) respecting conditions or restrictions that must be met for the purposes of subsection (2)(b)(iii);
- (e) exempting classes of ongoing consumer transactions from the application of one or more provisions of this section;



- (f) exempting changes or classes of changes to substantive terms from the application of one or more provisions of this section.

**Cancellation following notice of unilateral change**

**6.2(1)** A consumer who receives a notice referred to in section 6.1(2)(b)(ii) may cancel the ongoing consumer transaction by providing the supplier with a written notice of cancellation that

- (a) indicates the consumer's intention to cancel the ongoing consumer transaction, and
- (b) meets all other applicable requirements, if any, set out in the regulations.

**(2)** A cancellation notice referred to in subsection (1) must be sent within the time specified in the regulations.

**(3)** If a consumer cancels an ongoing consumer transaction under this section, the cancellation operates in accordance with the regulations.

**(4)** No supplier shall impose any charge on a consumer or seek any compensation from a consumer for cancelling an ongoing consumer transaction if the cancellation is done in accordance with this section and the regulations.

**(5)** The Minister may make regulations respecting the cancellation of an ongoing consumer transaction, including, without limitation, regulations

- (a) respecting the rights and obligations of consumers and suppliers with respect to the cancellation of an ongoing consumer transaction;
- (b) respecting the contents of notices of cancellation under subsection (1), the manner in which the notices of cancellation are required to be given and when they are deemed to have been received;
- (c) respecting the operation of a cancellation and its effect on the ongoing consumer transaction and any related consumer transactions, including, without limitation, a consumer transaction with a third party;



(d) respecting refunds after a cancellation.

**(9) Section 16 is repealed and the following is substituted:**

**Arbitration clause, agreement**

**16(1)** Subject to subsection (3), a supplier shall not enforce an arbitration clause in a consumer transaction or an arbitration agreement with a consumer.

**(2)** Subject to subsection (3), an arbitration clause in a consumer transaction or an arbitration agreement with a consumer is void and unenforceable.

**(3)** Subsections (1) and (2) do not apply in respect of

- (a) an arbitration agreement voluntarily entered into between a supplier and a consumer after a dispute has arisen, or
- (b) an arbitration agreement or an arbitration clause in a consumer transaction if the agreement or clause allows the consumer to decide, after a dispute has arisen, whether the consumer will use arbitration or an action in court to resolve the dispute.

**(10) The following is added after section 57:**

**Part 8.1  
Ticket Sales and Resales**

**Definitions**

**57.1** In this Part,

- (a) “primary seller” means a person other than a secondary seller who is engaged in the business of making tickets available for sale and includes, as applicable, the owner of the place to which a ticket provides admission, the promoter of the event occurring at that place and any agent of those persons;
- (b) “secondary seller” means a person who is engaged in the business of making available for sale tickets that were originally made available for sale by a primary seller;

(9) Section 16 presently reads:

*16 Despite any provision of this Act, neither a consumer nor the Director may commence or maintain an action or appeal under sections 13 to 15 if the consumer's cause of action under those sections is based on a matter that the consumer has agreed in writing to submit to arbitration and the arbitration agreement governing the arbitration has been approved by the Minister.*

(10) Adds Part 8.1, Ticket Sales and Resales.

- (c) “secondary ticketing platform” means a website, online service, electronic application, print publication or physical location that facilitates the sale of tickets by providing ticket sellers, other than primary sellers, with a method through which to make their tickets available for sale;
- (d) “ticket” means any card, paper, document or thing, whether in electronic form or otherwise, that, on presentation, entitles the holder to admission to a place for a recreational, sporting or cultural event or other prescribed event, located in Alberta;
- (e) “ticket business” means a primary seller, a secondary seller or an operator of a secondary ticketing platform;
- (f) “ticket purchaser” means a person who participates as a purchaser in a transaction involving the sale of a ticket.

**Ticket refund by secondary seller, operator of secondary ticketing platform**

**57.2** A secondary seller or an operator of a secondary ticketing platform shall provide a full refund to a ticket purchaser in any of the following circumstances:

- (a) the event to which the ticket provides admission is cancelled before the ticket can be used;
- (b) the ticket does not grant the ticket purchaser admission to the event for which it was issued;
- (c) the ticket is counterfeit;
- (d) the ticket does not match its description as advertised or as represented to the ticket purchaser;
- (e) the ticket has been cancelled by the primary seller under section 57.3(4) because the ticket was purchased through the use of software described in section 57.3(1).

**Use of certain software**

**57.3(1)** A person shall not use software, including automated ticket purchasing software, intended to circumvent any of the following on a website, online service or electronic application of a ticket business:



- (a) a security measure;
- (b) an access-control system;
- (c) a control or measure that is used to ensure an equitable ticket-buying process;
- (d) a control or measure that is used to limit the number of tickets an individual may purchase;
- (e) a prescribed control, measure or system.

**(2)** Subsection (1) does not apply to the use of software that is intended

- (a) to investigate a contravention of this or any other Act or law,
- (b) to engage in research to identify and analyze flaws and vulnerabilities of measures, systems or controls referred to in subsection (1) for the purpose of advancing the state of knowledge in the field of computer system security or assisting in the development of a computer security product, or
- (c) for a prescribed research or educational purpose.

**(3)** No person shall knowingly make a ticket available for sale or facilitate the sale of a ticket if the ticket was obtained through the use of software described in subsection (1).

**(4)** A primary seller shall

- (a) exercise reasonable diligence to detect the purchase of a ticket through the use of software described in subsection (1), and
- (b) cancel any ticket the primary seller reasonably believes was purchased from the primary seller through the use of software described in subsection (1).

**Court action re prohibited use of software**

**57.4(1)** A ticket purchaser or ticket business that suffers damage or loss as a result of a person's contravention of section



57.3(1) or (3) may commence an action in the Court of Queen's Bench against that person for relief from the damage or loss.

**(2)** In an action under this section, the Court may

- (a) order restitution of any money or other consideration given or furnished by the plaintiff,
- (b) award the plaintiff damages in the amount of any loss suffered because of the contravention, including exemplary or punitive damages,
- (c) grant an injunction restraining the defendant from continuing to contravene the provision,
- (d) make an order of specific performance against the defendant, or
- (e) make any other order the Court considers appropriate.

**(3)** An order under subsection (2)(b) for exemplary or punitive damages may not be made if the defendant took reasonable precautions and exercised due diligence to avoid contravening the provision.

#### **Provincial Court**

**57.5** Subject to the jurisdiction of the Provincial Court, an action under section 57.4 may be commenced under Part 4 of the *Provincial Court Act*.

#### **Regulations**

**57.6** The Minister may make regulations respecting ticket sales or resales, including, without limitation, regulations

- (a) respecting damages for the purposes of section 57.4(2);
- (b) respecting the exemption of a secondary seller or an operator of a secondary ticketing platform or a class of secondary sellers or a class of operators of secondary ticketing platforms from the application of all or part of section 57.2;
- (c) providing for anything that by this Part is to be prescribed by the regulations.



(11) The following is added after section 108:

**Part 10.1**  
**Automotive Sales and Repairs**

**Definitions**

**108.1** In this Part,

- (a) “automotive business” means the business designated as the automotive business under the *Designation of Trades and Businesses Regulation* (AR 178/99);
- (b) “automotive business operator” means a person who is engaged in the automotive business;
- (c) “consumer” means
  - (i) an individual who receives or has the right to receive goods or services for personal use from an automotive business operator as a result of a purchase, lease, gift, contest or other arrangement, but does not include an individual who intends to sell the goods after receiving them, or
  - (ii) a business with a commercial fleet of 5 or fewer vehicles that receives or has the right to receive goods or services for business use from an automotive business operator as a result of a purchase, lease, gift, contest or other arrangement, but does not include a business that intends to sell the goods after receiving them;
- (d) “vehicle” means a vehicle as defined in the *Automotive Business Regulation* (AR 192/99).

**Disclosure, standard bill of sale, warranties, estimates, authorization of work**

**108.2(1)** An automotive business operator engaged in automotive sales shall disclose specified information to each consumer in accordance with the regulations.

**(2)** An automotive business operator engaged in automotive sales shall use a standard bill of sale in accordance with the regulations.

(11) Adds Part 10.1, Automotive Sales and Repairs.

(3) An automotive business operator engaged in automotive repairs shall provide a warranty in accordance with the regulations.

(4) An automotive business operator engaged in automotive repairs shall, on request from the customer, provide an estimate of the cost of proposed work in accordance with the regulations.

(5) An automotive business operator engaged in automotive repairs shall not conduct specified work unless the consumer has provided authorization as required in the regulations.

### **Regulations**

**108.3** The Minister may make regulations respecting the practices of automotive business operators, including, without limitation, regulations

- (a) providing for anything that by this Part is to be prescribed by the regulations;
- (b) respecting the disclosure to consumers of information respecting automotive sales, including, without limitation, information respecting vehicle history;
- (c) respecting the form and content of a standard bill of sale for automotive sales and respecting disclosure in respect of a standard bill of sale;
- (d) respecting the types of transactions in respect of automotive repairs that must be accompanied with warranties;
- (e) respecting warranties for automotive repairs, including, without limitation, regulations
  - (i) respecting the minimum duration of warranties;
  - (ii) respecting terms, conditions and standards to be included in warranties;
- (f) respecting requirements for estimates of the cost of work to be performed by automotive business operators engaged in automotive repairs, including, without limitation, requirements for estimates to be in writing;



- (g) respecting authorization by consumers for work to be performed by automotive business operators engaged in automotive repairs, including, without limitation, requirements for authorizations to be time-stamped;
- (h) exempting a vehicle or class of vehicle from the operation of all or part of this Part.

**(12) The following is added after section 124:**

### **Part 12.01 High-cost Credit**

#### **Definitions**

**124.01** In this Part,

- (a) “high-cost credit agreement” means a credit agreement that provides for a rate of 32% or more as calculated in accordance with the regulations, and includes a lease but does not include a payday loan;
- (b) “high-cost credit business” means the activity of offering, arranging for or entering into a high-cost credit agreement.

#### **Licence required**

**124.02(1)** No person shall provide high-cost credit or carry on the activities of the high-cost credit business unless the person is the holder of a high-cost credit business licence issued under this Act.

**(2)** No person may claim or advertise that the person is a high-cost credit business operator or carries on the activities of the high-cost credit business unless the person is the holder of a high-cost credit business licence issued under this Act.

**(3)** A high-cost credit business operator shall, in accordance with the regulations,

- (a) disclose information respecting high-cost credit agreements, and
- (b) use prescribed agreements or contract terms for providing high-cost credit.

(12) Adds Part 12.01, High-cost Credit.

(4) If required to do so by the applicable regulation, a person who carries on the activities of the high-cost credit business at more than one location must hold a separate licence issued under this Act for each location that authorizes the person to carry on that business.

(5) The Minister may make regulations respecting the high-cost credit business including, without limitation, regulations

- (a) respecting the calculation of the rate referred to in section 124.01(a);
- (b) specifying activities that constitute engaging in the high-cost credit business for the purposes of this Part;
- (c) respecting the licensing of high-cost credit business operators;
- (d) respecting the disclosure of information by high-cost credit business operators;
- (e) respecting the form and content of agreements or contract terms used by high-cost credit business operators;
- (f) respecting the duties and obligations of persons carrying on, or engaged or employed in the high-cost credit business;
- (g) prescribing or adopting, with or without modification, codes, standards or rules governing
  - (i) the manner of carrying on the high-cost credit business,
  - (ii) experience and education requirements and requirements as to the financial responsibility of persons carrying on or wishing to carry on the high-cost credit business,
  - (iii) the type and condition of premises and equipment used in the high-cost credit business,



- (iv) lending practices for high-cost credit business operators, and
- (v) the conduct of persons engaged in carrying on the high-cost credit business;
- (h) respecting the manner of informing members of the public of
  - (i) any sale of or dealing with goods, products or services of the high-cost credit business operator, and
  - (ii) contraventions of this Part;
- (i) respecting terms and conditions for a high-cost credit business operator that has contravened this Part or the regulations made under this Part to continue operating as a high-cost credit business operator under this Part;
- (j) respecting the suspension or cancellation of a high-cost credit business licence;
- (k) prescribing in respect of any high-cost credit business operator that the approval of any authority specified by the Minister is required for the obtaining or renewal of a licence or the establishment of that business;
- (l) respecting advertising by high-cost credit business operators;
- (m) requiring that specified records be maintained by any class of high-cost credit business operator;
- (n) exempting a person or class of persons from high-cost credit business licensing requirements.

**(13) Section 124.8(2)(d) is amended by striking out “Fair Trading Act” and substituting “Consumer Protection Act”.**

(13) Section 124.8(2)(d) presently reads:

*(2) Subject to the regulations, the payday lender shall ensure that the signs required under subsection (1) contain only the following wording or information in the following order:*

*(d) the words “This information meets the requirements of the Fair Trading Act”;*

**(14) Section 127 is amended by adding the following after clause (b)(i):**

- (i.1) fails to repay a fund created under section 137 in respect of amounts paid out in claims against the licensee,
- (i.2) fails to pay a levy of assessment under section 136(8) or a levy of assessment for a fund created under section 137,

**(15) Section 136 is amended**

**(a) in subsection (1) by repealing clause (b) and substituting the following:**

- (b) respecting the appointment of the directors of a regulatory board, including, without limitation, respecting the number of directors, the removal of directors, the terms of office of directors and the filling of vacancies of directors;
- (c) respecting the functions, powers, duties, remuneration and benefits of directors and officers of a regulatory board;
- (d) respecting whether or not a regulatory board is an agent of the Crown;
- (e) respecting the powers of a regulatory board, including, without limitation, regulations specifying that a board has all the powers of a natural person;
- (f) respecting any other governance matters, as the Minister considers necessary, including, without limitation, regulations respecting the conduct of regulatory board meetings and decision making by the regulatory board.

**(b) in subsection (2)(b) and (c) by striking out “members” and substituting “directors”;**

**(c) in subsection (3) by striking out “Director” and substituting “Minister”;**

(14) Section 127 presently reads in part:

*127 The Director may refuse to issue or renew a licence, may cancel or suspend a licence and may impose terms and conditions on a licence for the following reasons:*

- (b) the applicant or licensee or any of its officers or employees*
  - (i) fails to comply with an order of the Director under section 129 or 157, unless, in the case of an order under section 129 or 157, the order has been stayed,*

(15) Section 136 presently reads in part:

*136(1) The Minister may make regulations*

- (b) providing for the appointment of the members of a regulatory board, including, without limitation, providing for the number of members, the method of appointment of members, the terms of office of members and the filling of vacancies.*
- (2) A regulatory board may make bylaws*
- (b) respecting the calling of meetings of the members and the conduct of business at those meetings;*
  - (c) respecting the appointment, removal, functions, powers, duties, remuneration and benefits of members, officers and employees of the board;*
- (3) A bylaw made by a regulatory board is not effective until it is approved by the Director.*
- (5) The Director may by notice in writing to a regulatory board*
- (a) delegate to a regulatory board any or all of the Director's powers, duties or functions under this Act and the regulations, except the power to approve bylaws,*
  - (b) impose any conditions on the regulatory board's exercise of the delegated powers, duties or functions that the Director considers appropriate, and*
  - (c) amend or revoke the notice.*

- (d) in subsection (5) by striking out “Director” wherever it occurs and substituting “Minister”;
- (e) in subsection (6) by striking out “Where the Director” and substituting “Where the Minister”;
- (f) in subsection (9) by striking out “Director” and substituting “Minister”;
- (g) in subsection (10) by striking out “member” and substituting “director”.

**(16) Section 137(7) is amended by adding the following after clause (h):**

- (h.1) respecting appeals from claims decisions;
- (h.2) respecting the giving of notices related to claims against a fund;

**(17) The following is added after section 137.7:**

**Continuation of Alberta Motor Vehicle Industry Council as corporation**

**137.8(1)** On the coming into force of this section, the society incorporated as the Alberta Motor Vehicle Industry Council under the *Societies Act* is continued as a corporation under the name Alberta Motor Vehicle Industry Council and as a regulatory board under this Act.

**(2)** On the coming into force of this section, all the assets and liabilities of the society are vested in the corporation and all rights of action and actions by or against the society may be continued by or maintained against the corporation.

**(3)** Section 4 of the *Companies Act* does not apply to the Alberta Motor Vehicle Industry Council.

**Act, regulations prevail**

**137.9** In the event of an inconsistency or conflict between the bylaws of a regulatory board and this Act or the regulations, this Act or the regulations prevail to the extent of the inconsistency or conflict.

*(6) Where the Director makes a delegation under subsection (5), a reference in this Act or the regulations to the Director with respect to the delegated power, duty or function is to be read as if it were a reference to the regulatory board to whom the delegation was made.*

*(9) A person may not, without the written consent of the Director, disclose any information that the person has obtained in the course of exercising delegated authority under this section.*

*(10) No action or other proceeding for damages may be commenced against a regulatory board, a member or employee of the board or a person appointed or engaged to perform a duty or exercise a power for the board*

(16) Section 137(7) presently reads in part:

*(7) The Minister may make regulations*

*(h) respecting the time period within which claims against a fund must be made;*

(17) Continuation of Alberta Motor Vehicle Industry Council as corporation; Act, regulations prevail; Transitional regulations.

**Transitional regulations, matters**

**137.91(1)** The Minister may make regulations

- (a) respecting the transition, winding up or dissolution of a regulatory board, including the transfer from a regulatory board to the Government of Alberta of
  - (i) any of the powers, duties or other matters relating to, and any obligations, liabilities, rights and interests respecting, a regulatory board,
  - (ii) the responsibility for all or part of the operations of the regulatory board,
  - (iii) employees of a regulatory board,
  - (iv) records of a regulatory board,
  - (v) any unspent levies or fees, and
  - (vi) any applications, appeals, hearings, inquiries, investigations and other proceedings of the regulatory board that have not been completed before the coming into force of this section;
- (b) respecting the transfer of a fund created by a regulatory board under section 137(1) to the Minister and the continuation of the fund by the Minister;
- (c) respecting any transitional issues in respect of changes in a fund created by a regulatory board under section 137(1);
- (d) to remedy any confusion, difficulty, inconsistency or impossibility resulting from a transition or transfer of any matter from a regulatory board to the Minister.

**(2)** Section 14 of the *Financial Administration Act* does not apply to a fund transferred or continued under a regulation made under subsection (1)(b).

**(3)** If a fund created by a regulatory board under section 137(1) is continued by the Minister by a regulation made under subsection (1)(b), a reference in section 137 to a regulatory board is to be read as a reference to the Minister.



**Transitional regulations re continuation of  
Alberta Motor Vehicle Industry Council**

**137.92** The Minister may make regulations

- (a) respecting any transitional matters in respect of the continuation of the Alberta Motor Vehicle Industry Council as a corporation under section 137.8;
- (b) remedying any confusion, difficulty, inconsistency or impossibility in respect of the continuation of the Alberta Motor Vehicle Industry Council as a corporation under section 137.8.

**(18) The following is added after section 142:**

**Court Action by Consumer**

**Court action by consumer re contravention, failure to comply**

**142.1(1)** When a consumer

- (a) has entered into a consumer transaction, and
- (b) in respect of that consumer transaction, has suffered damage or loss due to a contravention of, or failure to comply with, this Act or the regulations,

that consumer may commence an action in the Court of Queen's Bench for relief from that damage or loss against any supplier or any principal, director, manager, employee or agent of a supplier who engaged in or acquiesced in the contravention or failure to comply that caused that damage or loss.

**(2)** In an action under this section, the Court of Queen's Bench may

- (a) award damages for damage or loss suffered,
- (b) award punitive or exemplary damages,
- (c) make an order for
  - (i) specific performance of the consumer transaction,
  - (ii) restitution of property or funds, or

(18) Court action by consumer, Provincial Court.

- (iii) rescission of the consumer transaction,
- (d) grant an order in the nature of an injunction restraining the supplier from contravening or failing to comply with this Act or the regulations, or
- (e) make any directions and grant any other relief the Court considers proper.

(3) In determining whether to grant any relief under this section by a regulation and the nature and extent of the relief, the Court of Queen's Bench must consider whether the consumer made a reasonable effort to minimize any damage resulting from the contravention or failure to comply and to resolve the dispute with the supplier before commencing the action in the Court.

(4) In an action under this section, the Court of Queen's Bench may award costs in accordance with the *Alberta Rules of Court*.

#### **Provincial Court**

**142.2** Subject to the jurisdiction of the Provincial Court, an action under section 142.1(1) may be commenced under Part 4 of the *Provincial Court Act*.

#### **(19) Section 150 is repealed and the following is substituted:**

##### **Publication of information**

**150(1)** The Minister or Director may publish information, including personal information,

- (a) obtained in or arising from an inspection or investigation under this Act,
- (b) relating to charges or convictions under this Act, or
- (c) relating to the status of the licence of a licensed business and any actions taken by the Director under section 127.

(2) Subject to the regulations, the Minister or Director may determine the form, content and timing of any publication under this section.

(3) The Minister may make regulations respecting the publication and disclosure in the public interest of information,

(19) Section 150 presently reads;

*150 The Minister may publish any information obtained under an investigation under this Act for the purpose of assisting the public in choosing who to do business with, and no liability results from the publication so long as it was made in good faith.*

including personal information, including, without limitation, regulations respecting the form, content and timing of publication of information in relation to complaints, warnings, undertakings, orders under section 151 or 157, court orders, injunctions, administrative penalties, charges, prosecutions and convictions under this Act.

(4) No liability attaches to the publication or disclosure of any information under this section done in good faith.

**(20) The following heading is added before section 159:**

#### **Other Remedies**

**(21) Section 161 is amended**

(a) in clause (a) by adding “16(1),” after “11,”;

(b) by adding the following after clause (e):

(e.1) in Part 8.1, sections 57.2, 57.3(1) and (3);

(c) by adding the following after clause (g):

(g.1) in Part 10.1, section 108.2;

(d) by adding the following after clause (i):

(i.01) in Part 12.01, section 124.02(1) to (4);

**(22) The following is added after section 183:**

### **Part 15.1 General**

#### **Publication of review**

**183.1(1)** A business shall not include in a consumer transaction a provision that prohibits a consumer from publishing a review of the business or transaction.

(2) No action lies against a person for compensation, damages or any other remedy for loss or damage resulting from the publication of a negative review or other communication by the person in respect of the conduct of a supplier or any other person to whom this Act applies, unless the review or

(20) Adds a heading.

(21) Section 161 presently reads in part:

*161 Any person who contravenes any of the following provisions is guilty of an offence:*

*(a) in Part 2, sections 6, 9, 10, 11, 23;*

(22) Adds Part 15.1 General.

communication is malicious, vexatious or harassing or otherwise made in bad faith.

**Complainant protection**

**183.2** No action lies against a person for compensation, damages or any other remedy for loss or damage resulting from

- (a) a complaint or other communication by the person to the Minister or Director, an inspector or any other person acting under this Act in respect of the conduct of a supplier or any other person to whom this Act applies,
- (b) assistance provided by the person in an inspection or investigation,
- (c) assistance or evidence given by the person in any proceeding brought by the Director, or
- (d) a claim made by the person pursuant to a regulation under section 139(d).

**(23) If this subsection comes into force**

- (a) **before sections 53 and 54 of the *Condominium Property Amendment Act, 2014* come into force, sections 53 and 54 of the *Condominium Property Amendment Act, 2014* are amended by striking out “*Fair Trading Act*” wherever it occurs and substituting “*Consumer Protection Act*”;**
- (b) **after sections 53 and 54 of the *Condominium Property Amendment Act, 2014* come into force, sections 78.5 and 79.8 of the *Condominium Property Act* are amended by striking out “*Fair Trading Act*” wherever it occurs and substituting “*Consumer Protection Act*”.**

**(24) The following provisions are amended by striking out “*Fair Trading Act*” wherever it occurs and substituting “*Consumer Protection Act*”:**

(23) Amendments to change Statute name.

(24) Amends various Acts to change Statute name.

<b>Act</b>	<b>Section</b>
Agriculture Financial Services Act	17(a)
Cemeteries Act	70(6)
Charitable Fund-raising Act	15(2)(c), 23(2)(c) and 46(2)(d)
An Act to End Predatory Lending	1(b) and (c) and 5(1)
Farm Implement Act	2(3)
New Home Buyer Protection Act	8(4)(b)
Personal Information Protection Act	1(1)(c) and 20(o)
Seniors' Home Adaptation and Repair Act	7(2)

**(25) If this subsection comes into force before section 10(1) of the *Statutes Amendment Act, 2015* comes into force, section 10(1) of the *Statutes Amendment Act, 2015* is amended by striking out “*Fair Trading Act*” and substituting “*Consumer Protection Act*”.**

**(26) Subsections (7), (8), (10) to (12), (14) to (17) and (21)(b), (c) and (d) come into force on Proclamation.**

### **Veterinary Profession Act**

**Amends RSA 2000 cV-2**

**2(1) The *Veterinary Profession Act* is amended by this section.**

**(2) The following is added after section 48:**

### **Part 5.1 Fees, Authorization for Veterinary Medicine**

#### **Fees, authorization for veterinary medicine**

**48.1(1)** A registered veterinarian shall, in accordance with the regulations,

- (a) disclose to a client who seeks veterinary medicine services in respect of a domestic cat or dog or other specified type of domestic animal all fees for the prescribed type of veterinary medicine services proposed for the client's animal, and

(25) Amends chapter 12 of the Statutes of Alberta, 2015.

(26) Coming into force.

### **Veterinary Profession Act**

**2(1)** Amends chapter V-2 of the Revised Statutes of Alberta 2000.

(2) Adds Part 5.1, Fees, Authorization for Veterinary Medicine.

- (b) obtain the client's authorization of the fees and the proposed type of veterinary medicine service

before a prescribed type of veterinary medicine service is performed with respect to the client's animal.

(2) Subsection (1) does not apply in circumstances prescribed by the regulations.

**Publication, advertisement of fees, services**

**48.2(1)** In this section and section 48.3, "advertise" means to use any commercial communication, through any media or other means, that is intended to have or is likely to have the effect of

- (a) promoting the use of veterinary medicine services offered by a registered veterinarian, a partnership of registered veterinarians or a permit holder, or
- (b) enhancing the image of, or attracting clients to, a registered veterinarian, a partnership of registered veterinarians or a permit holder.

(2) A registered veterinarian, a partnership of registered veterinarians or a permit holder may advertise the prescribed types of veterinary medicine services performed in respect of domestic cats and dogs and prescribed types of domestic animals, and the fees that that are charged for the prescribed types of veterinary medicine services, if the information in the advertisement

- (a) is true and objective,
- (b) is complete, accurate, factual and verifiable,
- (c) is not reasonably capable of misleading the recipient or intended recipient, and
- (d) complies with the requirements, if any, set out in the regulations.

(3) A registered veterinarian, a partnership of registered veterinarians or a permit holder may, in compliance with the requirements, if any, set out in the regulations, publish the fees that the veterinarian charges for prescribed types of veterinary



medicine services for domestic cats and dogs and other specified types of domestic animals in respect of which the registered veterinarian performs veterinary medicine services.

#### **Regulations**

**48.3(1)** The Lieutenant Governor in Council, after consultation with the Council, may make regulations respecting fees and authorization for veterinary medicine, including, without limitation, regulations

- (a) specifying types of domestic animals for the purposes of this Part;
- (b) prescribing types of veterinary medicine services for the purposes of this Part;
- (c) respecting the disclosure to a client of fees for prescribed types of veterinary medicine services;
- (d) respecting client authorization prior to the performance of prescribed types of veterinary medicine services with respect to domestic cats and dogs and other types of domestic animals;
- (e) respecting circumstances referred to in section 48.1(2) under which a registered veterinarian is not required to comply with section 48.1(1);
- (f) respecting the advertisement by a registered veterinarian, a partnership of registered veterinarians or a permit holder of prescribed types of veterinary medicine services with respect to domestic cats and dogs and specified types of domestic animals on which a registered veterinarian performs veterinary medicine services or the fees charged in respect of the prescribed types of veterinary medicine services;
- (g) respecting the publication by a registered veterinarian, a partnership of registered veterinarians or a permit holder of the fees charged for prescribed types of veterinary medicine services with respect to domestic cats and dogs and specified types of domestic animals;
- (h) defining a term that is used but not defined in this Part.



**(2)** If there is a conflict or inconsistency between a regulation made under subsection (1) and a regulation or bylaw made by the Council under section 13 or 14, respectively, the regulation made under subsection (1) prevails to the extent of the conflict or inconsistency.

**(3) This section comes into force on Proclamation.**

(3) Coming into force.





