



---

## OMVIC Bulletin – November 2005

### **RE: Are you taking payment for unsolicited goods?**

The following bulletin is sent to you in response to questions regarding the Consumer Protection Act (CPA) 2002 which was recently introduced by the Ministry of Government Services. Please read through the following:

Section II of the CPA prohibits dealers from taking payment for goods or services that are unsolicited:

*13.2: No supplier shall demand payment or make any representation that suggests that a consumer is required to make payment in respect of any unsolicited goods or services despite their use, receipt, misuse, loss, damage or theft."*

Dealers who are providing mandatory "up-sells" or "add-ons" are captured under this section. Examples of add-ons include window etching that may be sold as part of an "anti-theft package" or consumer loyalty/reward programs that require mandatory consumer participation.

You are welcome to offer these "add-ons", but under the CPA you cannot demand payment for them unless the consumer has agreed to the service and its cost. Add-ons cannot be deemed "mandatory" and the consumer must be given the opportunity to decline the service offered. Also keep in mind that in the event of a disagreement or dispute it will be up to the dealer to show that a consumer has expressly agreed to the service.

The CPA also prohibits any misrepresentation of the "purpose of any charge or proposed charge". Please ensure that your negotiations with the consumer and your printed bills of sale accurately represent the purpose of any charges.

So that you are fully aware of your obligations under the Act, you may wish to download a copy and review it carefully.

**The Consumer Protection Act is available online at:**

[http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/02c30\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/02c30_e.htm)

**Regulations to accompany the Act are available online at:**

[http://www.e-laws.gov.on.ca/DBLaws/Source/Regs/English/2005/R05017\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Source/Regs/English/2005/R05017_e.htm)

### **Contact Information**

**Ministry of Government Services:**

1-800-268-1142  
[www.cbs.gov.on.ca](http://www.cbs.gov.on.ca)

**OMVIC:**

1-800-943-6002  
[www.omvic.on.ca](http://www.omvic.on.ca)

Carl Compton, Executive Director and Registrar