

Draft Regulation

Consumer Protection Act
(chapter P-40.1)

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21)

Monetary administrative penalties with respect to the Consumer Protection Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Acts (chapter R-18.1), that the Regulation respecting monetary administrative penalties with respect to the Consumer Protection Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the objectively observable failures to comply with a provision of the Consumer Protection Act (chapter P-40.1) or with a voluntary undertaking which may give rise to the imposition of a monetary administrative penalty and the amounts of the penalties.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Mtre Valérie Roy, advocate, Direction des affaires juridiques, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: consultationOPC@opc.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Denis Marsolais, President, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: presidenceOPC@opc.gouv.qc.ca.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation respecting monetary administrative penalties with respect to the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 350, par. z.7).

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21, s. 32, par. 2).

CHAPTER I

FAILURES TO COMPLY WITH a PROVISION OF
THE CONSUMER PROTECTION ACT

DIVISION I

CONTRACTS REGARDING GOODS AND
SERVICES

§1. General

1. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to anyone who contravenes a provision of any of sections 10 and 11, the first paragraph of section 11.1, the first and second paragraphs of section 11.2, the first paragraph of section 11.3, sections 11.4 and 12, the first paragraph of section 13 and section 19 of the Consumer Protection Act (chapter P-40.1).

§2. Rules governing the making of certain contracts in respect of which title I requires a writing

2. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first and fourth paragraphs of section 26 and section 28 of the Act.

§3. Warranties

3. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant or a manufacturer who contravenes a provision of any of sections 48, 49 and 52.1 of the Act.

4. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a merchant or a manufacturer who

(a) contravenes a provision of any of paragraph *b* of section 38.5, made by section 3 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods (2023, chapter 21), section 39.6, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, and section 41 of the Act;

(b) in contravention of section 39.3 of the Act, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, omits to make available free of charge information necessary to maintain or repair goods, other than automobile data referred to in section 39.4, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, when it is accessible on a technological medium;

(2) to a manufacturer who contravenes section 39.1 of the Act, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods;

(3) to a merchant who contravenes a provision of any of sections 38.9, made by section 3 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, and section 39.2 of the Act, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods;

(4) to anyone who

(a) contravenes a provision of any of sections 40 and 46 of the Act;

(b) in contravention of section 44 of the Act, provides for an exclusion in a conventional warranty when the exclusions are not indicated in separate and successive clauses;

(c) fails to indicate in a writing evidencing a warranty information prescribed by section 45 of the Act.

§4. Distance contracts

5. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of section 54.3, the first paragraph of section 54.4 and sections 54.5 and 54.6 of the Act;

(2) fails to send a copy of the contract to the consumer within 15 days after the contract is entered into, in contravention of section 54.7 of the Act.

6. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a merchant who contravenes the first paragraph of section 54.13 of the Act;

(2) to a credit card issuer who contravenes section 54.16 of the Act.

§5. Contracts entered into by itinerant merchants

7. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a merchant who contravenes a provision of any of the first paragraph of section 58 and section 60 of the Act;

(2) to anyone who contravenes the third paragraph of section 62 of the Act.

8. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first and third paragraphs of section 63 and section 64 of the Act.

§6. Contracts of credit

9. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant who

(1) fails to assume the costs of restitution, in contravention of section 77 of the Act;

(2) contravenes a provision of any of sections 84, 86, 87 and 96 of the Act.

10. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a merchant who contravenes a provision of any of sections 71, 80, 81 and 94, the first paragraph of section 98, section 99, the first and second paragraphs of section 100.2, sections 101, 103.4, 105 and 111, the first paragraph of section 112, sections 113 to 115, 115.2, 119.1 and 120, the second paragraph of section 121, sections 122, 125 and 125.2, the first paragraph of section 126, section 126.3, the first paragraph of section 127, the second paragraph of section 128, the first

paragraph of section 128.1, the second paragraph of section 129, sections 130, 134, 139, 142, 147, 148 and 150 of the Act;

(2) to anyone who contravenes section 102 of the Act.

11. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a merchant who contravenes a provision of any of sections 73, 78, 83, 90, 91, 92 and 97, the second paragraph of section 122.1, the third paragraph of section 123, the second paragraph of section 124, the first paragraph of section 126.1, the first paragraph of section 127.1, sections 128.3, 136 and 138 and the second paragraph of section 140 of the Act;

(2) to a credit card issuer who contravenes the third paragraph of section 124 of the Act.

§7. Long-term contracts of lease of goods

12. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 150.4 to 150.7, 150.13, 150.14, 150.17.1, 150.20, 150.22 and 150.25, the first paragraph of section 150.30 and the first paragraph of section 150.32 of the Act.

13. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of sections 150.9, 150.9.1, 150.21 and 150.26 of the Act;

(2) imposes costs or a penalty for the cancellation of a contract, in contravention of section 150.23 of the Act.

§8. Contracts relating to automobiles and motorcycles

14. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a merchant or a manufacturer who contravenes paragraph *b* of section 151 of the Act;

(2) to a merchant who

(a) contravenes a provision of any of section 155, the first paragraph of section 156, section 158, the first paragraph of section 162 and sections 168 and 170 to 173 of the Act;

(b) fails to post in the establishment the sign prescribed by section 180 of the Act.

15. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 179 of the Act.

§9. Repair of household appliances

16. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first and third paragraphs of section 183 and sections 184 and 185 of the Act.

§10. Contracts for the sale of prepaid cards

17. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 187.2 of the Act.

18. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 187.3 to 187.5 of the Act.

§11. Contracts relating to loyalty programs

19. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 187.7 of the Act.

20. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 187.8 of the Act.

§12. Contracts relating to timeshare accommodation rights

21. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first and second paragraphs of section 187.14, sections 187.16, 187.17 and 187.19, the first and second paragraphs of section 187.20, the third paragraph of section 187.24 and section 187.27 of the Act.

22. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of sections 187.15 and 187.18 and the first and third paragraphs of section 187.25 of the Act;

(2) imposes costs or a penalty for the resiliation of a contract, in contravention of section 187.26 of the Act.

§13. Service contracts involving sequential performance for instruction, training or assistance

23. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 190 to 192, 199 to 201, 203, 205, 206 and section 208 of the Act.

24. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who

(1) imposes costs or a penalty for the cancellation of a contract, in contravention of sections 194 and 202 of the Act;

(2) contravenes a provision of any of sections 195, 196 and 211 of the Act.

§14. Contracts involving sequential performance for a service provided at a distance

25. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant who contravenes section 214.5 of the Act.

26. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of section 214.2, the first paragraph of section 214.4 and sections 214.9 to 214.11 of the Act.

27. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 214.3, 214.7 and 214.8 of the Act.

§15. Contracts entered into by debt settlement service merchants

28. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 214.15, 214.16 and 214.25 of the Act.

29. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of section 214.14, the first and third paragraphs of section 214.20, section 214.21, the third paragraph of

section 214.23, the first, second and fourth paragraphs of section 214.26, the first paragraph of section 214.27 and section 214.28 of the Act.

DIVISION II
BUSINESS PRACTICES

30. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to anyone who contravenes section 241 of the Act.

31. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a merchant, a manufacturer or an advertiser who

(a) makes false representations to a consumer, in contravention of section 219 of the Act;

(b) contravenes a provision of any of paragraph *c* of section 220, section 221, paragraphs *a*, *d*, *f* and *g* of section 222, subparagraphs *b* and *c* of the first paragraph of section 224, paragraph *c* of section 230, section 238 and paragraph *b* of section 239 of the Act;

(2) to a merchant who

(a) omits to indicate the sale price of goods, in contravention of section 223 of the Act;

(b) contravenes a provision of any of section 227.0.2, made by section 14 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods (2023, chapter 21), the second paragraph of section 228.3, made by section 15 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, the first paragraph of section 236.1 and sections 242, 244.3 and 244.5 of the Act;

(c) omits to inform the consumer in writing of the existence and nature of the warranty provided for in sections 37 and 38, in contravention of the first paragraph of section 228.1 of the Act;

(d) makes representations to directly promote time-share accommodation rights without indicating that the merchant is engaged in such business, in contravention of section 229.2 of the Act;

(e) at the time of the entering into of a debt settlement service contract with a consumer or at the time of the performance of such a contract, offers to enter into or enters into a credit contract with the consumer, in contravention of section 244.4 of the Act;

(3) to a merchant or a manufacturer who contravenes a provision of any of sections 226 and 243 of the Act;

(4) to a manufacturer who contravenes section 227.0.1 of the Act, made by section 14 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods;

(5) to anyone who

(a) makes false representations concerning the existence, charge, amount or rate of duties payable under a federal or provincial statute, in contravention of section 227.1 of the Act;

(b) contravenes a provision of any of sections 232.1, 234, 236.2 to 236.4, 237.1, 244 and 245.1, subparagraph *a* of the first paragraph of section 246, sections 247, 247.1, 250 and 251, the first paragraph of section 251.1 and section 251.2 of the Act;

(c) makes, directly, in a contract made with a consumer, the grant of a rebate, payment or other benefit dependent upon the making of a contract of the same nature between that person or consumer and another person, in contravention of section 235 of the Act;

(d) in any advertisement concerning credit, illustrates goods or services, in contravention of section 245 of the Act;

(6) to a credit broker who contravenes the first paragraph of section 230.1 of the Act.

DIVISION III **SUMS TRANSFERRED IN TRUST**

32. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 254 to 258 of the Act.

DIVISION IV **ADMINISTRATION OF SUMS COLLECTED IN RESPECT OF ADDITIONAL WARRANTIES**

33. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a merchant who

(a) contravenes a provision of any of section 260.7, the first paragraph of section 260.8, sections 260.9 to 260.11 and the first paragraph of section 260.24 of the Act;

(b) in contravention of section 260.13 of the Act, omits to keep separate accounting records of all operations affecting the reserve account or keep and update a register of all consumers having entered into a contract of additional warranty with the merchant, stating in respect of each contract the date of signing, the date of expiry and the price, the sum deposited in trust, and any amount used or withdrawn;

(2) to a trust company who contravenes section 260.12 of the Act;

(3) to anyone who contravenes a provision of any of sections 260.21 and 260.22 of the Act.

DIVISION V **SPECIAL PROVISIONS RESPECTING ROAD VEHICLE DEALERS AND RECYCLERS**

34. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a holder of a road vehicle dealer's or recycler's permit who fails to keep the permit posted in the establishment, in contravention of section 260.30 of the Act.

35. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a road vehicle dealer or recycler who contravenes a provision of any of the first paragraph of section 260.27 and section 260.28 of the Act;

(2) to a holder of a road vehicle dealer's or recycler's permit who contravenes section 260.29 of the Act.

DIVISION VI **PROOF AND PROCEDURE**

36. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 268 of the Act.

DIVISION VII **ADMINISTRATION**

§1. Powers of the president

37. A monetary administrative penalty of \$1,750 in the case of a natural person and \$3,500 in other cases may be imposed to anyone who,

(1) in contravention of section 307 of the Act, refuses to give the president or a person authorized by the president any information or document which the president or person is entitled to obtain under any Act or regulation the application of which is under the supervision of the Office;

(2) does not comply with a voluntary undertaking made under section 314 or the application of which has been extended by order made under section 315.1 of the Act.

§2. *Permits*

38. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a road vehicle dealer or recycler who contravenes the first paragraph of section 329.3 of the Act;

(2) to a permit holder who contravenes a provision of any of the first paragraph of section 330 and section 331 of the Act.

39. A monetary administrative penalty of \$1,750 in the case of a natural person and \$3,500 in other cases may be imposed to a merchant who contravenes the first paragraph of section 321 of the Act.

CHAPTER II

FAILURES TO COMPLY WITH A PROVISION OF THE ORDER IN COUNCIL RESPECTING THE POLICY ON ACCURATE PRICING FOR MERCHANTS WHO USE OPTICAL SCANNER TECHNOLOGY

40. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of sections 1, 3 and 4 of the Order in Council respecting the Policy on accurate pricing for merchants who use optical scanner technology (chapter P-40.1, r. 2);

(2) in contravention of section 2 of the Order, omits to post in the establishment the accurate pricing policy in dark letters on the white background of a sign measuring at least 387 cm² and on which only the policy appears, or where the area of the establishment open to the consumers is 697 m² or more, omits to post the policy in the establishment in dark letters on the white background of a sign measuring at least 0.56 m² and on which only the policy appears.

CHAPTER III

FAILURES TO COMPLY WITH A PROVISION OF THE ORDER IN COUNCIL RESPECTING THE APPLICATION OF RULES OF CONDUCT TO USED AUTOMOBILE MERCHANTS

41. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of sections 1, 2, 6, 7 and 15 of the Schedule to the Order in council respecting the application of rules of conduct to used automobile merchants (chapter P-40.1, r. 4);

(2) omits to state, in all advertising of a used automobile, the selling price or retail value, excluding the Québec Sales Tax (QST) and the Goods and Services Tax (GST), and the number of kilometres actually travelled, in contravention of section 3 of the Schedule to the Order;

(3) omits to state, if the merchant advertises used automobiles for sale or long-term lease by lot, the highest asking price, excluding the Québec Sales Tax (QST) and the Goods and Services Tax (GST), or, as applicable, the highest asking retail value among all the automobiles in the lot, in contravention of section 4 of the Schedule to the Order;

(4) omits to state the highest number of kilometres actually travelled among all the automobiles in a lot, if the merchant advertises used automobiles for sale or long-term lease by lot, in contravention of section 5 of the Schedule to the Order.

42. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 16 of the Schedule to the Order.

CHAPTER IV

FINAL

43. This Regulation comes into force on 5 January 2025, except

(1) the provisions of section 4, to the extent that they refer to sections 39.1 to 39.3 and 39.6 of the Consumer Protection Act (chapter P-40.1), made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), which come into force on 5 October 2025;

(2) the provisions of section 4, to the extent that they refer to sections 38.5 and 38.9 of the Consumer Protection Act, made by section 3 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods, and the provisions of section 31, to the extent that they refer to sections 227.0.1 and 227.0.2, made by section 14 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods, and the second sentence of the second paragraph of section 228.3 of the Act, made by section 15 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods, which come into force on 5 October 2026.

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