A BETTER DEAL FOR CONSUMERS AND BUSINESSES ACT

Statutes of Alberta, 2017
Chapter 18

(not in force provisions only current as of January 1, 2019)
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A BETTER DEAL FOR CONSUMERS 
AND BUSINESSES ACT

Chapter 18

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

Consumer Protection Act

Amends RSA 2000 cC-26.3

1(1) The Consumer Protection Act is amended by this section.

(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

(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 for a period of no less than 180 days from the date of the consumer’s request.

(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.

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

(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 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.