



Province of Alberta

CONSUMER PROTECTION ACT

COLLECTION AND DEBT REPAYMENT PRACTICES REGULATION

Alberta Regulation 194/1999

With amendments up to and including Alberta Regulation 159/2018

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Office Consolidation

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(Consolidated up to 159/2018)

ALBERTA REGULATION 194/99

Consumer Protection Act

**COLLECTION AND DEBT REPAYMENT
PRACTICES REGULATION**

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Interpretation

Definitions

1 In this Regulation,

- (a) “Act” means the *Consumer Protection Act*;
- (b) “collection agency” means a person, other than a collector or debt repayment agent,
 - (i) who carries on the activities of collecting or attempting to collect a debt or debts from a debtor in Alberta under any name that differs from that of the creditor to whom the debt is or was originally owed, regardless of to whom or where the payment is made,
 - (A) on behalf of another person, or
 - (B) where the person has purchased a debt or debts that is or are in arrears,

but does not include

- (C) a person who is collecting or attempting to collect a debt of which the person is the original creditor or owner,

- (D) a business that purchases a debt or debts through acquiring or merging with a business in a transaction that includes the transfer of accounts receivable,
 - (E) a business that acquires a debt or debts through the seizure of accounts receivable under a security agreement, or
 - (F) a person to whom the contract that gave rise to the debt was assigned for the purpose of financing the transaction,
- or
- (ii) who carries on the activities of a debt repayment agency;
- (c) “collector” means an individual employed or authorized
- (i) by a collection agency to carry on the activities of a collector by
 - (A) collecting or attempting to collect a debt or debts from a debtor,
 - (B) locating debtors in Alberta, or
 - (C) acting for or dealing with a debtor,
- or
- (ii) by a debt repayment agency to carry on the activities of a debt repayment agent;
- (d) “contact” means communications by telephone, facsimile, e-mail, automated call system, text messaging or in person, including messages left for a debtor with another person or by voicemail or on an answering machine, or any other form of communication not specifically excluded, but does not include communications that the debtor has expressly consented to or solicits in advance;
- (e) “creditor” means a person to whom a debtor owes a debt or who has extended credit to a debtor, including, but not limited to, credit in the form of a sale on credit, a loan of money or the provision of goods and services;
- (f) “debt” means a monetary obligation enforceable at law owed by a debtor in Alberta, including, but not limited to, a purchase on credit, accounts receivable, a loan of money or the provision of goods or services;

- (g) “debt repayment agency” means a collection agency that carries on the activities of offering or undertaking to act for a debtor in Alberta in arrangements or negotiations with the debtor’s creditors or receiving money from a debtor for distribution to the debtor’s creditors in consideration of a fee, commission or other remuneration that is payable by the debtor;
- (h) “debt repayment agent” means a collector employed or authorized by a debt repayment agency to act for or deal with debtors;
- (i) “debtor” means an individual who has an obligation for a debt, including, but not limited to, the owner of a sole proprietorship, a member of a partnership or an individual who has provided a personal guarantee;
- (j) “express consent” means consent in a verifiable form, including, but not limited to, writing and audio recordings;
- (k) “representative” means a person, other than the debtor, that a collection agency or collector has the express consent of the debtor to contact and communicate with about the debt, but does not include a minor child.

AR 194/99 s1;3/2006;159/2018

2 Repealed AR 57/2014 s2.

Licensing

Licences

3(1) The following classes of licence are established:

- (a) a collection agency licence;
- (b) a debt repayment agency licence;
- (c) a collector’s licence;
- (d) a debt repayment agent’s licence.

(2) No person may carry on the activities of a collection agency described in section 1(b)(i) unless the person holds a collection agency licence.

(3) No person may carry on the activities of a debt repayment agency described in section 1(b)(ii) unless the person holds a debt repayment agency licence.

- (4) No individual may carry on the activities of a collector described in section 1(c) unless the individual holds a collector's licence.
- (5) No individual may carry on the activities of a debt repayment agent described in section 1(h) unless the individual holds a debt repayment agent's licence.
- (6) Notwithstanding subsection (4), a collector who proposes to carry on the activities of a debt repayment agent for a debt repayment agency is required to hold only a debt repayment agent's licence.
- (7) No person may hold at the same time
- (a) a collection agency licence, and
 - (b) a debt repayment agency licence.
- (8) No individual may hold at the same time
- (a) a collector's licence, and
 - (b) a debt repayment agent's licence.

AR 194/99 s3;3/2006

Misrepresentation

- 3.1(1)** No person may represent itself as carrying on the activities
- (a) of a collection agency unless the person holds a collection agency licence, or
 - (b) of a debt repayment agency unless the person holds a debt repayment agency licence.
- (2) No individual may represent himself or herself as carrying on the activities
- (a) of a collector unless the individual holds a collector's licence, or
 - (b) of a debt repayment agent unless the individual holds a debt repayment agent's licence.

AR 3/2006 s4

Registered location

- 4(1)** All locations at which collection activity or debt repayment activity occurs must be registered with the Director.

- (2) A collection agency or debt repayment agency must direct debtors
- (a) to make payments at and otherwise communicate through a registered location, or
 - (b) to deal directly with the creditor of the debt.
- (3) All collection agency activity or debt repayment agency activity must be conducted at a registered location and entered on the systems of the collection agency or debt repayment agency.

AR 194/99 s4;3/2006

Term of licences

- (1) The term of a licence for a collection agency or debt repayment agency expires on the last day of the 12th month after it is issued or renewed.
- (2) The term of a licence for a collector or debt repayment agent expires when the collection agency or debt repayment agency licence of the business for which the collector or debt repayment agent acts expires.

AR 194/99 s5;3/2006

Fees

- (1) The fee to issue or renew a collection agency or debt repayment agency licence is \$168.
- (2) The fee to issue or renew a collector's or debt repayment agent's licence is \$72.
- (3) The fee to issue an amended licence for a collection agency, debt repayment agency, collector or debt repayment agent, including the transfer of a collector's licence or debt repayment agent's licence to a different collection agency or debt repayment agency, is \$40.

AR 194/99 s6;3/2006

General Licensing and Security Regulation

- 7 The *General Licensing and Security Regulation* (AR 187/99) applies to collection agencies, debt repayment agencies, collectors and debt repayment agents.

AR 194/99 s7;3/2006

Security

- (1) No licence that authorizes a collection agency or debt repayment agency to act for creditors or debtors may be issued or

renewed unless the applicant submits to the Director a security in a form and an amount approved by the Director.

(2) The Director may, if the Director considers it appropriate, increase the amount of the security that is to be provided by a licensee before the term of the licence expires.

AR 194/99 s8;3/2006

Cessation of employment

9 When a collection agency ceases to employ a collector, or a debt repayment agency ceases to employ a debt repayment agent, the agency must send to the Director within 15 days written notification of

- (a) the name of the collector or the debt repayment agent, as the case may be, and
- (b) the date that the collector or the debt repayment agent ceased to be employed by or authorized to act on behalf of the agency.

AR 194/99 s9;3/2006

Name change

10(1) When the name of a collection agency or debt repayment agency changes, the collection agency or debt repayment agency must

- (a) immediately notify the Director in writing of the new name, and
- (b) return its licence to the Director and ensure that all of the licences of its collectors or debt repayment agents are returned to the Director.

(2) When the Director is notified of a name change by a collection agency or debt repayment agency and receives the fees for issuing amended licences, the Director must issue amended licences for the collection agency or debt repayment agency and its collectors or debt repayment agents that show the new name.

(3) When the name of a collector or debt repayment agent changes, the collector or debt repayment agent must

- (a) immediately notify the Director in writing of the new name, and
- (b) return the collector's or debt repayment agent's licence to the Director.

(4) When the Director is notified of a name change by a collector or debt repayment agent and receives the fee for issuing an amended licence, the Director must issue an amended licence to the collector or debt repayment agent that shows the new name.

(5) When the name of a collection agency, debt repayment agency, collector or debt repayment agent changes, no collection activity or debt repayment activity may be undertaken until an amended licence has been issued

- (a) for a collection agency or debt repayment agency under subsection (2), or
- (b) for a collector or debt repayment agent under subsection (4).

AR 194/99 s10;3/2006

Change in business address

11(1) When the business address of a collection agency or debt repayment agency changes, the collection agency or debt repayment agency must, within 15 days after the change of address, return its licence to the Director and ensure that all of the licences of its collectors or debt repayment agents are returned to the Director.

(2) When the Director is notified of a change of business address by a collection agency or debt repayment agency pursuant to section 134(1) of the Act and receives the fees for issuing amended licences, the Director must issue amended licences for the collection agency or debt repayment agency and its collectors or debt repayment agents that show the new business address.

AR 194/99 s11;3/2006

Prohibited Practices

Prohibited practices for collection agencies

12(1) No collection agency or collector may

- (a) collect or attempt to collect money for a creditor except on the belief in good faith that the money is due and owing by the person to the creditor;
- (b) charge any fee to a person for whom the collection agency or collector acts in addition to those fees provided for in the agreement with that person;
- (c) if a collection agency,

- (i) carry on the activities of a collection agency in a name other than the name in which it is licensed unless it has received the approval of the Director to do so, or
 - (ii) when using an automated call system, fail to provide a contact number for the debtor to call when leaving a message;
- (d) if a collector, collect or attempt to collect a debt without providing
- (i) the collector's name as shown on the collector's licence in all contacts and correspondence, and
 - (ii) the name of the collection agency as shown on the collection agency licence in all contacts and correspondence with the debtor;
- (e) make any arrangement with a debtor to accept a sum of money that is less than the amount of the balance due and owing to a creditor as final settlement without the prior express consent of the creditor;
- (f) fail to provide any person for whom the collection agency or collector acts with a written report on the status of that person's account in accordance with this Regulation;
- (g) make any personal call or telephone call for the purpose of collecting or attempting to collect a debt on any day except between 7 a.m. and 10 p.m. in Alberta;
- (h) directly or indirectly threaten or state an intention to proceed with any action for which the collection agency or the collector does not have the prior express consent of the creditor or for which there is no lawful authority;
- (i) contact or attempt to contact the debtor, any member of the debtor's household, any relative of the debtor, the debtor's employer or any neighbour, friend or acquaintance of the debtor by any means in such a manner as to constitute harassment, including without being limited to
- (i) the use of threatening, profane, intimidating or coercive language,
 - (ii) the use of undue, excessive or unreasonable pressure, or

- (iii) the use of telephone or e-mail to call or send messages excessively;
- (j) give any person, directly or indirectly, by implication or otherwise, any false or misleading information, including, but not limited to, references to the police, a law firm, prison, credit history, court proceedings or a lien or garnishment;
- (k) continue to collect or attempt to collect money from, or continue to communicate with,
 - (i) the person, where the person has informed the collection agency or the collector that the person is not the debtor, unless the collection agency or collector first takes all reasonable precautions to ensure that the person is in fact the debtor, or
 - (ii) the debtor, where the debtor has informed the collection agency or the collector by any verifiable means, including, but not limited to, personal service, certified mail, courier, facsimile, or e-mail, or by any other method, that the debt is in dispute and that the debtor wishes the creditor to take the matter to court;
- (l) contact a debtor's spouse or adult interdependent partner, relative, neighbour, friend or acquaintance unless the contact is limited to the purpose of obtaining the debtor's residential address, personal telephone number or employment telephone number;
- (m) contact the debtor's employer for any purpose other than to confirm the debtor's employment status, business title and the address of the business, in preparation for legal proceedings;
- (n) contact the debtor when the debtor has notified the collection agency in writing to communicate only with the debtor's representative and has provided a current address and telephone number for the representative, and the representative
 - (i) makes reasonable arrangements to discuss the debt with the collection agency or collector, and
 - (ii) discusses the debt with the collection agency or collector in accordance with the arrangements;
- (o) contact a debtor at the debtor's place of employment if the debtor

- (i) requests the collection agency or collector not to contact the debtor there,
 - (ii) makes reasonable arrangements to discuss the debt with the collection agency or collector, and
 - (iii) discusses the debt with the collection agency or collector in accordance with the arrangements;
- (p) communicate information about the debt or the existence of the debt with any person except the debtor, a guarantor of the debt, the debtor's representative or the creditor of the debt unless the debtor has expressly consented to the communication;
- (q) indicate to the debtor or any other person contacted for the purpose of collecting the debtor's debt that the collection agency or the collector is part of a law firm or the legal department of a business, including a legal department of the collection agency itself or of the creditor of the debt;
- (r) if a collector, indicate to a debtor that the collector is a legal collector, litigation specialist or the like;
- (s) charge any fee to a debtor beyond the debt that is due and owing from the debtor to the creditor, excluding a reasonable fee for a dishonoured cheque, if the fee was disclosed to the debtor in writing prior to the submission of the cheque;
- (t) refuse to provide sufficient information on request to the debtor to ensure that the debtor is aware of the identity of the original and current creditor of the debt and the details of the debt;
- (u) enter into or arrange wage assignments with a debtor or the employer of a debtor;
- (v) exceed 3 unsolicited contacts on behalf of the same creditor with a debtor in any period of 7 consecutive days, not including contacts with a third party to locate a debtor, mistaken contact with a third party, or contacts by traditional mail;
- (w) cancel or alter a payment agreement with a debtor if the debtor has complied with the terms of the agreement and the debtor's financial circumstances have not changed materially, unless the debtor has misrepresented the debtor's financial circumstances;

- (x) pursue a non-judgment debt where the last payment or written acknowledgement by the debtor is more than 6 years previous;
 - (y) do anything that is prohibited by this Regulation.
- (2)** A term of an agreement entered into by a collection agency is void if that term
- (a) misrepresents the rights and powers of a person collecting or attempting to collect a debt,
 - (b) misrepresents the obligations or legal liabilities of a debtor,
 - (c) is misleading as to its true nature and purpose, or
 - (d) otherwise contravenes the Act or this Regulation.
- (3)** Notwithstanding section 110(2) of the Act, a collection agency must not enter into an agreement or contract with or make a request of a representative or employee of the collection agency who is exempt under that section to undertake any action that contravenes this section.
- (4)** Subsection (1)(m), (v) and (w) come into force on March 1, 2006.

AR 194/99 s12;3/2006;163/2009

Prohibited practices for debt repayment agencies

- 12.1(1)** No debt repayment agency or debt repayment agent may
- (a) if a debt repayment agent, collect or attempt to collect a debt without providing in all contacts and correspondence with the debtor and creditors
 - (i) the agent's name as shown on the debt repayment agent's licence, and
 - (ii) the name of the debt repayment agency as shown on the debt repayment agency licence;
 - (b) collect from a debtor any amount greater than that prescribed by this Regulation for acting for the debtor in making arrangements or negotiating with the debtor's creditors on behalf of the debtor or receiving money from the debtor for distribution to the debtor's creditors;
 - (c) make any arrangement with a debtor to accept a sum of money that is less than the amount of the balance due and

owing to a creditor as final settlement without the prior express consent of the creditor;

- (d) fail to provide any person for whom the debt repayment agency or debt repayment agent acts with a written report on the status of that person's account in accordance with this Regulation;
- (e) give any person, directly or indirectly, by implication or otherwise, any false or misleading information, including, but not limited to, references to the police, a law firm, prison, credit history, court proceedings or a lien or garnishment;
- (f) charge a fee for a dishonoured cheque unless the fee was included in the debt repayment agreement with the debtor;
- (g) charge or receive any fee in the form of a promissory note or other negotiable instrument other than a cheque or draft;
- (h) lend money or provide credit to a debtor;
- (i) offer, pay or give any gift, bonus, premium, reward or other compensation to a debtor for entering into a debt repayment agreement;
- (j) directly or indirectly collect any fee for referring, advising, procuring, arranging for or assisting a debtor in obtaining any extension of credit from a lender, creditor or service provider;
- (k) make a claim for breach of contract against a debtor who cancels a debt repayment agreement;
- (l) fail to inform a debtor within 30 days after the creditor has notified the debt repayment agency that the creditor has decided not to participate in or has withdrawn from a debt repayment program;
- (m) communicate information about the debt or the existence of the debt with any person except the debtor, a guarantor of the debt, the debtor's representative or the creditor of the debt.

(2) No debt repayment agency may collect or retain from the debtor a fee, commission or disbursement for its services unless before providing the service it has

- (a) entered into a written agreement signed by the debt repayment agency and the debtor to provide the service,

or it has obtained written authorization signed by the debtor to provide the service, and

- (b) delivered a copy of the agreement or authorization under clause (a) to the debtor.

(3) A written agreement under subsection (2)(a) must

- (a) be dated and signed by the debt repayment agency and the debtor,
- (b) include the name, address and telephone number of the debtor and the name, address, telephone number and, if available, fax number and e-mail address of the debt repayment agency,
- (c) describe all the services that are to be provided under the agreement,
- (d) state all fees, separately itemized, that are to be paid by the debtor,
- (e) list all creditors as disclosed by the debtor to whom payments will be made under the agreement, and
- (f) state the total amount owed, the payment amount, the schedule of payments to be made and the total number of payments for each listed creditor.

(4) No debt repayment agency may charge a debtor a fee that exceeds,

- (a) in the case of a debt repayment agreement that includes a schedule of payments, the sum of
 - (i) a one-time administration fee that is not higher than the average monthly payment as set out in the debt repayment agreement, and
 - (ii) 15% of the scheduled payment amount received from or on behalf of the debtor by the debt repayment agency,

or

- (b) in the case of a one-time payment to a creditor or creditors, or an agreement to negotiate on the debtor's behalf with a creditor or creditors identified in the debt repayment agreement, 10% of the debt owing.

(5) A fee under subsection (4)(b) may be charged to the debtor by the debt repayment agency only after a settlement acceptable to the

debtor has been successfully negotiated with the creditor or creditors.

(6) Subsection (1)(l) comes into force on March 1, 2006.

AR 3/2006 s9

Advertising

13 No collection agency or debt repayment agency may produce, distribute or publish any false, misleading or deceptive statements in any written, oral or visual advertisement, circular, program or other advertising medium.

AR 194/99 s13;3/2006

Trust Accounts

Extended meaning of supplier

14 For the purposes of section 143(a) of the Act, supplier includes a collection agency or debt repayment agency.

AR 194/99 s14;3/2006

Trust established

15(1) A collection agency is the trustee of any money collected on behalf of another person.

(2) A debt repayment agency is the trustee of any money received from a debtor for distribution to the debtor's creditors.

AR 194/99 s15;3/2006

Trust account

16(1) Unless subsection (2) applies, a collection agency or debt repayment agency must deposit all of the money collected on behalf of another person or received from a debtor for distribution to the debtor's creditors, without making any deduction, within 3 days of collecting or receiving the money into a trust account maintained in a bank, loan corporation, trust corporation, credit union or treasury branch in Alberta.

(2) The Director may

- (a) authorize a collection agency or debt repayment agency to maintain its trust account in a class of financial institution approved by the Director that is located outside Alberta, and
- (b) prescribe the time when the money referred to in subsection (1) is to be deposited into the trust account.

AR 194/99 s16;3/2006

Deposits into trust account

17 No collection agency or debt repayment agency may deposit any money into the trust account it maintains under section 16 except for money collected or received from a debtor.

AR 194/99 s17;3/2006

Withdrawals from trust account

18(1) No collection agency or debt repayment agency may withdraw money from a trust account it maintains under section 16 except for the purpose of

- (a) paying a creditor money received on behalf of that creditor,
- (b) paying the collection agency or debt repayment agency the fees, commissions and disbursements to which it is entitled,
- (b.1) returning money collected from a debtor by a debt repayment agency if the debt repayment program is rejected by the creditor or cancelled,
- (c) correcting an error caused by money being deposited in the trust account by mistake, or
- (d) making a payment under section 19 or 19.1.

(2) A collection agency or debt repayment agency that pays creditors from money withdrawn from its trust account must do so by means of consecutively numbered cheques and must provide the creditor with a statement containing

- (a) the date or dates on which the money was collected or received by the collection agency or debt repayment agency,
- (b) the name of the debtor,
- (c) the gross amount collected,
- (d) the amount of the fees, commissions and disbursements retained by the collection agency or debt repayment agency,
- (e) the net amount payable to the creditor, and
- (f) the current balance owing by the debtor.

(2.1) A debt repayment agency that pays creditors from money withdrawn from its trust account must do so by means of

consecutively numbered cheques and must provide the creditor with a statement containing

- (a) the name of the debtor, and
- (b) the amount of the payment.

(3) Subject to section 19, a collection agency or debt repayment agency must

- (a) provide each creditor for which it acts with the statement referred to in subsection (2), and
- (b) remit the money it has collected on behalf of a creditor, less its fees, commissions and disbursements, to the creditor

on or before the 20th day of the month following the month in which the money was collected or received.

AR 194/99 s18;3/2006

Unable to locate missing creditors

19(1) If a collection agency is unable to locate a creditor who is entitled to money within 6 months after the money has been collected or received, the collection agency must pay the money, less its fees, commissions and disbursements, to the President of Treasury Board and Minister of Finance in trust within 15 days of the end of the 6-month period.

(2) The President of Treasury Board and Minister of Finance may, on receiving an application and any information the President of Treasury Board and Minister of Finance requires, pay the money received under subsection (1) to the person entitled to it.

(3) If the President of Treasury Board and Minister of Finance does not receive an application for money paid under subsection (1) by a person entitled to it within 5 years from the time that the money is paid to the President of Treasury Board and Minister of Finance, the money must be paid into the General Revenue Fund and all claims to the money by the person entitled to it are extinguished.

AR 194/99 s19;27/2002;3/2006;68/2008;31/2012;62/2013

Unable to locate missing debtors

19.1(1) If a proposed debt repayment program has been rejected and the debt repayment agency is unable to locate the debtor who is entitled to money collected or received by the debt repayment agency from that debtor within 6 months after the rejection of the proposed debt repayment program, the debt repayment agency

must pay the money that has been collected or received by it, less its fees, commissions and disbursements, to the President of Treasury Board and Minister of Finance in trust within 15 days of the end of the 6-month period.

(2) The President of Treasury Board and Minister of Finance may, on receiving an application and any information the President of Treasury Board and Minister of Finance requires, pay the money received under subsection (1) to the debtor.

(3) If the President of Treasury Board and Minister of Finance does not receive an application by the debtor for money paid under subsection (1) within 5 years from the time that the money is paid to the President of Treasury Board and Minister of Finance, the money must be paid into the General Revenue Fund and all claims to the money by the debtor entitled to it are extinguished.

AR 3/2006 s17;68/2008;31/2012;62/2013

Register of trust accounts

20 Every collection agency or debt repayment agency and person who used to carry on the activities of a collection agency or debt repayment agency must

- (a) establish a complete and accurate register for the trust accounts it maintains that sets out all money collected or received from a debtor and all amounts paid out,
- (b) make the register available for inspection by an inspector at a place in Alberta and at a time specified by the inspector, and
- (c) maintain the portion of the register in respect of a debtor for at least 3 years after the last entry respecting that debtor is made.

AR 194/99 s20;3/2006

Requirements for Receipts, Reports and Records

Receipts

21(1) Every collection agency and debt repayment agency must acknowledge the receipt of all cash transactions, payments made in person, or payments made at the debtor's request that the collection agency or debt repayment agency or a collector, debt repayment agent or employee collects or receives from a debtor for distribution to the debtor's creditors by means of receipts that meet the requirements of subsection (2).

(2) The receipts referred to in subsection (1) must contain

- (a) the date the amount is collected or received,
- (b) the name of the debtor,
- (c) the name of the person for whom the collection agency or debt repayment agency acts, and
- (d) the amount received from the debtor.

AR 194/99 s21;3/2006

Settlement agreements

21.1 If a collection agency or a collector reaches a settlement agreement with a debtor, the collection agency or collector must, when the amount set out in the settlement agreement has been paid in full, provide to the debtor a receipt containing

- (a) the amount paid,
- (b) the name of the creditor or creditors, and
- (c) a statement that the amount received is in final settlement of the debt or debts owing.

AR 3/2006 s19

Audits

21.2(1) A collection agency or debt repayment agency must,

- (a) within 120 days after
 - (i) the end of its fiscal year, and
 - (ii) the cessation of operations,

provide the Director with a report of its financial affairs in a form established by the Director and signed by an independent auditor acceptable to the Director, and

- (b) provide the auditor with access to every book and record of the collection agency or debt repayment agency that, in the opinion of the auditor, is necessary to carry out the examination.

(2) The Director may order a collection agency or debt repayment agency to correct, within a specified time, any defect or deficiency in the form or maintenance of any book or record.

AR 3/2006 s19

Reports to creditors

22(1) For the purposes of section 12(1)(f), a written report that is provided to a creditor by a collection agency that holds a licence that authorizes the collection agency to act for creditors must contain the following information:

- (a) the gross amount received by the collection agency from the debtors of the creditor during the period covered by the report;
- (b) the fees, commissions and disbursements that the agency has deducted;
- (c) a description of the activities undertaken by the collection agency to collect the debts owing to the creditor during the period covered by the report.

(2) A collection agency that holds a licence that authorizes the collection agency to act for creditors must provide, without charge, the written report referred to in subsection (1) to the creditor for which the agency acts within 10 days of receiving a written request for the report so long as the written request

- (a) is not made during the first 90 days that the agency is acting for the creditor, or
- (b) is not made more than once during each subsequent 60-day period that the agency is acting for the creditor.

(3) Despite subsection (2), if a collection agency and the creditor that the agency is acting for enter into an agreement in which the agency agrees to provide the reports referred to in subsection (1) more frequently than every 60 days, the agency may charge a fee for the reports as determined under the agreement.

AR 194/99 s22;3/2006

Reports to debtors

23(1) For the purposes of section 12.1(1)(d), a written report that is provided to a debtor by a debt repayment agency must contain the following information:

- (a) the gross amount received by the debt repayment agency from or on behalf of the debtor;
- (b) the amount and date of payments made on behalf of the debtor and to whom they were made;
- (c) any fee, commission or disbursement retained by the debt repayment agency.

(2) A debt repayment agency must provide, without charge, the written report referred to in subsection (1) to the debtor for which the debt repayment agency acts once every 60 days that the agency is acting for the debtor.

AR 194/99 s23;3/2006

Credit reporting

23.1 A collection agency that has reported a debt to a credit reporting agency must inform the credit reporting agency of any change in the status of the account within 35 days of the change.

AR 3/2006 s21

Accounting

23.2(1) A collection agency must provide the debtor on request with a complete accounting of all the details of the debt and, if such an accounting is not in the possession of the collection agency, the agency must request that the creditor provide it.

(2) If, within 30 days after receiving a request for an accounting from a collection agency, the creditor has not provided a complete accounting of the debt, the collection agency must

- (a) inform the debtor in writing that it cannot provide the accounting and the reasons for it, and
- (b) cease all collection activity for that account and not resume collection activity until the accounting is provided.

(3) A debtor may request a complete accounting only once every 6 months, unless the collection agency fails to provide the complete accounting as requested.

(4) This section comes into force on March 1, 2006.

AR 3/2006 s21

Records

23.3(1) Each collection agency and debt repayment agency must create and maintain the following records of its activities:

- (a) in the case of a collection agency, contracts with creditors;
- (b) in the case of a debt repayment agency, contracts with debtors;
- (c) trust account records;
- (d) records relating to receipts issued and disbursements made;

- (e) a log of telephone calls relating to collection activities;
 - (f) records relating to collection activities, including, but not limited to, records of contact such as note lines;
 - (g) settlement or debt repayment agreements with debtors;
 - (h) authorization to sue on behalf of a creditor;
 - (i) authorization from a creditor to accept a debt repayment program;
 - (j) records relating to missing creditors and debtors and the paying of funds to the President of Treasury Board and Minister of Finance;
 - (k) records relating to debtors;
 - (l) reports and corrections sent to reporting agencies;
 - (m) copies of all correspondence related to collection activities or debt repayment activities, including, but not limited to, letters, e-mails and faxes to a debtor, a debtor's representative, a debtor's employer or a bank with respect to the finances of a debtor;
 - (n) records of instructions to a lawyer, law firm or legal representative to commence or continue proceedings in a court of law to obtain or enforce a judgment against a debtor;
 - (o) in the case of a collection agency, records relating to the history of a debt at the time of assignment by the creditor or purchase by the collection agency;
 - (p) in the case of a debt repayment agency, records relating to debt repayment programs, including, but not limited to, the negotiation of a debt repayment program with creditors;
 - (q) a record or log of any debt repayment agreement negotiated with a debtor, including details of the amount of the payments, the schedule of payments and the total number of payments;
 - (r) any other record considered necessary by the Director.
- (2) A record referred to in subsection (1) must be retained by the collection agency or debt repayment agency that created it for a minimum of 3 years after the record is made.

AR 3/2006 s21;68/2008;31/2012;62/2013

Exemption

23.4 Sections 12, 19 and 23.2 do not apply to debt repayment agencies or to debt repayment agents.

AR 3/2006 s21

Offences**Offences**

24 A contravention of section 3(2), (3) or (4), 3.1(1) or (2), 4, 9, 10(1) or (3), 11(1), 12(1) or (3), 12.1(1), (3) or (4), 13, 16(1), 17, 18, 19(1), 20, 21(1), 21.1, 21.2(1), 22, 23(1) or (2), 23.1 or 23.2(2)(b) is, for the purposes of section 162 of the Act, an offence.

AR 194/99 s24;3/2006

**Transitional Provisions, Repeal
and Coming into Force****Continuation of licences**

25(1) A collection agency licence under the *Collection Practices Act* of a class described in section 6(a) of the *Collection Practices Regulation* (AR 77/79) is continued as a debt repayment agency licence and expires on December 31, 1999.

(2) A collection agency licence under the *Collection Practices Act* of a class described in section 6(b) of the *Collection Practices Regulation* (AR 77/79) is continued as a collection agency licence that authorizes the collection agency to act for creditors and expires on December 31, 1999.

(3) A collector's licence under the *Collection Practices Act* is continued as a collector's licence under Part 13 of the *Consumer Protection Act* and expires on December 31, 1999.

AR 194/99 s25;159/2018

Special term and fees for licences

26(1) Despite sections 5 and 6, the term and fee for the renewal of a continued collection agency licence is set out in Table 1.

Table 1

Month in which fiscal year of business ends	Date of expiry of renewed licences	Fee
January	January 31, 2001	\$182
February	February 28, 2001	\$196
March	March 31, 2001	\$210

April	April 30, 2000	\$ 56
May	May 31, 2000	\$ 70
June	June 30, 2000	\$ 84
July	July 31, 2000	\$ 98
August	August 31, 2000	\$112
September	September 30, 2000	\$126
October	October 31, 2000	\$140
November	November 30, 2000	\$154
December	December 31, 2000	\$168

(2) Despite sections 5 and 6, the fee for the renewal of a continued collector's licence is set out in Table 2.

Table 2

Date of expiry of licence (being date of expiry of collection agency licence of business for which the collector acts)	Fee
January 31, 2001	\$ 78
February 28, 2001	\$ 84
March 31, 2001	\$ 90
April 30, 2000	\$ 24
May 31, 2000	\$ 30
June 30, 2000	\$ 36
July 31, 2000	\$ 42
August 31, 2000	\$ 48
September 30, 2000	\$ 54
October 31, 2000	\$ 60
November 30, 2000	\$ 66
December 31, 2000	\$ 72

Repeal

27 The *Collection Practices Regulation* (AR 77/79) is repealed.

28 Repealed AR 159/2018 s5.

Coming into force

29 This Regulation comes into force on September 1, 1999.



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