

The Law and You . . .

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- an itemized price list of the goods
- a detailed statement of the terms of payment
- the actual cost of all finance charges shown in dollars and cents and as a percentage
- anything paid as a down-payment, a trade-in or any other credit or security
- all additional charges which can be demanded if you fall behind payments.

Q: Some time before Christmas my wife and I bought a new color television set. We signed an executory contract and agreed to pay in four instalments. We managed the first three payments but couldn't make the fourth. Now the salesman is coming to our door demanding the return of the set. I refused to let him in the door and also refused to hand over the set. Was I within my rights in doing so?

A: The Consumer Protection Act states that where a buyer under an executory contract has paid two-thirds or more of the purchase price of the goods as fixed by the contract and if the buyer then defaults in payment then the seller may not retake possession of or resell the goods without a court order (i.e. he has to obtain leave of a County or District Court Judge to do so). When the seller demands to be let in, you are entitled to refuse him entry. It is your property and his refusal to leave amounts to trespass. Remember, however, that you are still required to pay the balance owing.

Q: I needed \$2,000 to make emergency repairs to my home. I couldn't get a bank loan and being desperate I borrowed from a finance company. I now think that the cost of the loan was excessive. Is there anything I can do?

A: The Unconscionable Transactions Relief Act gives a person the right to have a court determine whether the cost of his mortgage, small loan or financed consumer purchase is harsh and unreasonable. Whether or not there is a substantial discrepancy (the court will not concern itself with minor discrepancies) in the cost of the transaction may be determined by considering the market rate of borrowing in the particular location and at that particular time. It is helpful if one can show that the vendor/lender and the purchaser/borrower were not in equal bargaining positions i.e. due to education and or lack of financial expertise, resulting in an unfair advantage to the vendor/lender. If the cost is determined as excessive and the terms are harsh and unreasonable the court may, in effect, re-write the contract so as to reflect the true cost of the mortgage, loan or purchase or order the creditor to reimburse the debtor for the excessive amount.

Q: Can I challenge mistakes in any credit report concerning myself?

A: Where a consumer disagrees with information in his file, he may require the agency to re-investigate and make appropriate changes to the report. If the consumer is still dissatisfied he may apply for a ruling of the Registrar. Registrar of Consumer Reporting Agencies, Ministry of Consumer and Commercial Relations, 53 Yonge Street, Toronto, Ontario. M4Y 1Y7

Q: My husband's business went into bankruptcy several years ago, will this always affect his credit rating?

A: After seven (7) years all reference to a consumer's previous Bankruptcy must be removed from his credit record, unless he has been bankrupt more than once.

Q: I am being harrassed at home and at work by a collection agency. Can they do this?

A: The Collection Agency Act of Ontario requires that all collection agencies be registered and registration will not be granted unless the agency has a history of financial responsibility and good conduct. Complaints concerning the practices of any agent should be made to the Registrar under that Act.

Q: I think I may have a bad credit rating. How can I find out?

A: The Ontario Consumer Reporting Act, passed in 1973 provides that every consumer may enquire of a reporting agency whether or not a file is maintained concerning his credit standing. The consumer's request must be in writing, and the information must be supplied without charge.

The Energy Savers

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more gasoline each year, and no one can be sure how soon the wells will run dry.

Ideally, we should all be driving cars that give at least 50 miles to the gallon. But, as these will not serve everyone's needs, we can at least see that our cars use as little fuel as possible by keeping them in top mechanical shape.

The Champion Spark Plug Company carried out some tests which showed that almost half of the cars in the Toronto and Montreal areas were badly maintained and wasted fuel, polluted the air excessively or otherwise performed badly. They said that the fuel efficiency of cars could be improved by an average of 9 per cent. They reduced one car's fuel consumption by 55 per cent.

The Office of Energy Conservation, Department of Energy, Mines and Resources, estimates that good car maintenance increases fuel economy by 15 per cent over a poorly maintained car. They explain proper maintenance fully in a publication called *The Car Mileage Book*, which is available free if you write to Box 3500, Station C, Ottawa, Ontario, K1Y 4G1.

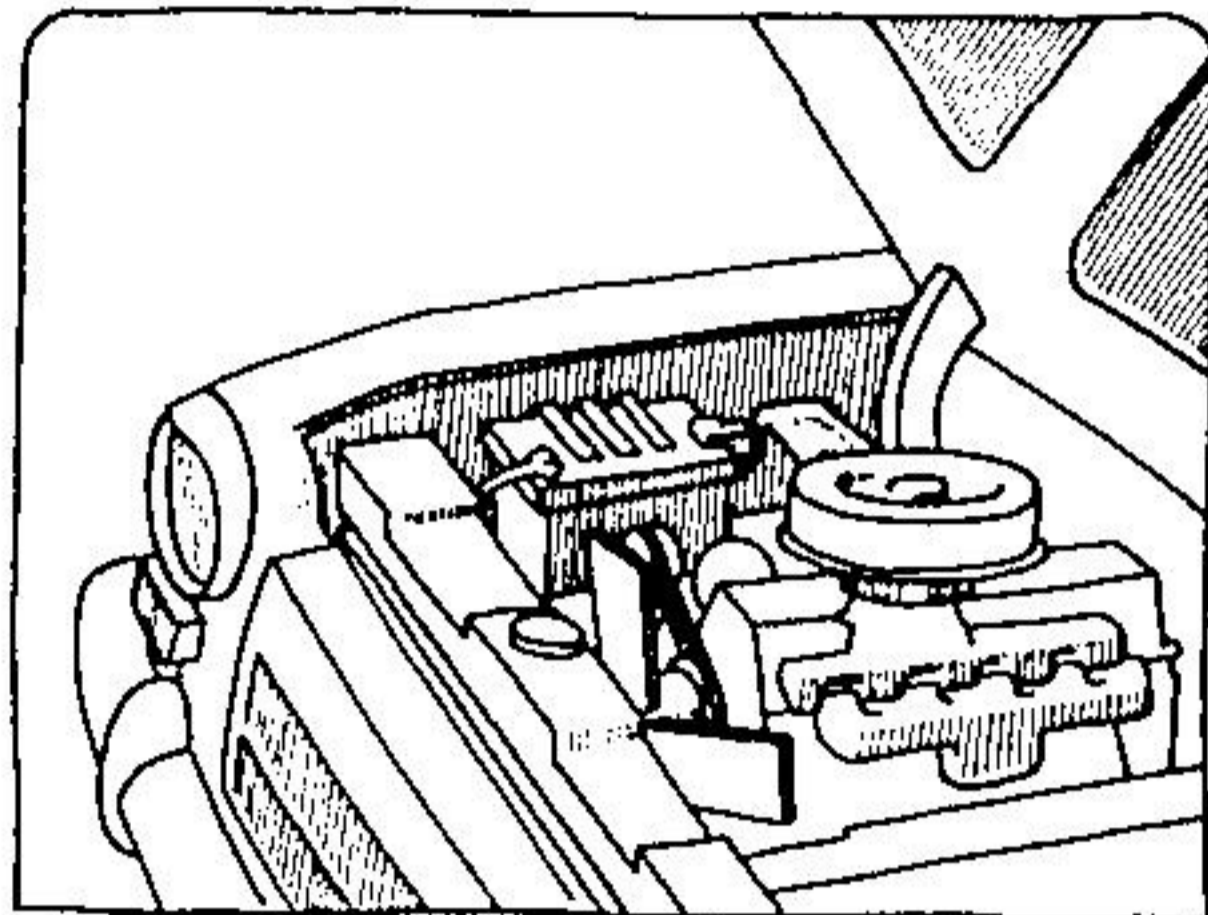
Winters are especially hard on cars. The book recommends a major tune-up in the fall to help make your car last longer and save on fuel. This involves a thorough check to rectify any faults in the following items:

- fuel system - carburetor, air cleaner, fuel lines, fuel filter, emission controls;
- ignition system - spark plugs, ignition leads, coil, distributor (or leads and insulators on electronic ignition), timing;
- cooling system - radiator, hoses, thermostat, coolant (replace it each year);
- oil - change oil usually every 2,000 or 3,000 miles, and replace oil filter at every other oil change;

- mechanical - heat riser valve, control linkages, compression, motor mountings;
- electrical - alternator, voltage regulator, battery, starter, blockheater;
- exhaust system - look for weakened spots in muffler and all pipes;
- drive train - transmission, transmission linkage, differential fluid;
- undercarriage - drive shaft, shocks, steering linkage; also for lubrication and wheel-bearing repack instructions, see your owner's manual;
- brakes - linings, master cylinder, parking brake.

If salt is used on the winter roads where you drive, have your car rustproofed, but insist on a guarantee; or have the underside of your car sprayed with used motor oil before or during winter. Also, if possible, wash the underside of your car at a do-it-yourself car wash, and pay special attention to the places where salt and dirt collect.

Whether you are a do-it-yourselfer or not, you can pick up a lot of useful information about cars and their upkeep in *The Car Mileage Book*.



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