

# Community

## Fitness enthusiasts are now protected

Those planning on working out at a fitness club to help keep a New Year's resolution should know about a provincial law introduced by Ontario's Consumer Ministry. The Prepaid Services Act was passed two years ago to deal with many complaints about contracts of \$50 or more with clubs associated with health, fitness, modelling and diets. Talent schools, martial arts academics, sports and dance clubs are also covered by the legislation.

Many consumers who paid large sums for long-term contracts were losing their money when the establishments closed their doors. More than 80 fitness clubs have declared bankruptcy in Ontario in the past six years, representing consumer losses of more than \$40 million.

But, under the act, consumers must now be given the option of paying by monthly instalment. While the club has the right to charge up to 25 per cent more for instalment-plan memberships than for those paid by one annual fee, the month-by-month method protects consumers from major losses.

The act also limits contracts to one year in length. If the club goes out of business, fitness buffs won't be left holding a worthless lifetime contract.

The law provides additional protection for those who sign up for a club that is not yet open. Except in certain circumstances, pre-sold memberships become null-and-void if the club doesn't open on schedule. The buyers' money must be returned on request.

Under the law, all pre-paid membership fees must be held in trust until the club opens. When making pre-payments for a club, it's important to get a receipt for all payments you have made to the club's trustee.

However, if a buyer agrees to use an alternate facility while the new club is under construction, these pre-selling rules don't apply. If the club doesn't open on time, consumers may not get their money back.

Ministry experts advise those considering buying fitness club services before the club opens to have a look at any alternate facility offered before they sign. If the location is inconvenient or the club just doesn't seem up to par - in short if it's not a club you'd consider joining on its own merits - you could spend a long time grumbling before the new location opens.

The Prepaid Services Act also stipulates that initiation fees be limited to no more than twice the club's annual membership fee. This prevents those considering membership from being enticed by law renewal rates into paying high initial fees.

Also, consumers need not allow clubs access to their credit cards or bank accounts, or provide post-dated cheques for monthly payments.

Even those who've signed a contract they regret, can take action - if they act quickly.

Under the legislation, consumers are guaranteed a cooling-off period. This means it is possible to cancel the contract and receive a full refund of payments made within a limited period.

To take advantage of this opportunity, the buyer must deliver a letter of recession (cancellation) to the club's business office within five days of signing. The letter should be sent by registered mail, and the consumer should keep a copy of it. The refund is due within 20 days of receipt of the letter.

Regardless of how much pizzazz the club's appearance presents, asking some basic questions should help you know if you're on the right track.

- Are instructors qualified? A knowledgeable instructor, with a background in fitness, should take the time to evaluate your fitness level and assess your

goals. They should then design a personal program to help you achieve those goals.

- Is equipment appropriate and well-maintained? If you've never tried repetitions on a rowing machine, ask for a demonstration and explanation of how the equipment is used before you sign up. Be wary if a lot of equipment is out of order. All equipment breaks down once in a while, but if a member answers "two months" when you ask how long it's been since the bike's been out of service, watch out.

- Is the club clean? Dirty carpets and neglected washrooms can be an early indication of financial trouble.

- Is there enough room in the club? Schedule a visit at the time you're most likely to attend. Aerobics classes should be neither so full no one can move, or so empty they may be cancelled.

- What are the club hours? Special times are sometimes reserved for certain activities, such as seniors' afternoon aqua-fit classes, or children's Saturday swimming lessons. Make sure the club's agenda fits yours.

Consumers with further questions about the Prepaid Services Act should call their local Consumer Services Bureau, listed in the "blue pages" of the telephone directory, before they sign on the dotted line.



### Local artist exhibition

Les Batten held his oil painting show at the Cultural Centre Gallery Saturday, which attracted many visitors. A local artist who has painted for

over 25 years, Batten said this was his first show at the centre and would like to have another in the near future. (Herald photo)

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