

Door-to-door sales: Increased protection for buyers, sellers

"The window installer raced over to the woman's home. She had said the severe storm had blown out her kitchen windows and water was pouring in. It was a mess, but within a couple of hours, the panes were replaced and the woman could start cleaning up."

"When the client refused to pay the bill, the window installer planned to take her to small claims court. But he couldn't — he didn't have the details in a written contract."

Recent amendments to Ontario's consumer protection legislation ensure the installer is entitled to reasonable payment.

— This was an emergency home repair job.

— The consumer solicited the seller.

— The consumer asked for the work to be done within 10 days.

Businesses are advised by Ontario's Ministry of Consumer and Business Services to protect their interests by setting the three points listed above in their contracts. Effective August 3, 2001, in the case of emergency renovation work, direct sellers must be able to provide proof that all three conditions were met if they wish to avoid having to refund money to a consumer who cancels a contract within 10 days.

On May 18, 2001, Ontario's Consumer Protection Act was amended to increase the cooling off period for door-to-door sales to 10 days from 48 hours. Other changes, such as the emergency home repairs

provision, are effective August 3, to give companies time to change their business practices and forms to ensure that the contracts they give to consumers contain the necessary information.

Consumers will be entitled to the following protection under the amended Consumer Protection Act:

— In addition to the name and address of the buyer and seller, a description of the item and price, delivery dates, delivery charges and start and finish dates must all be stated clearly on the contract.

— The consumer may cancel the contract within 10 days of signing by sending a registered letter to the seller or by personally delivering the letter to the address on the contract.

— Consumers who sign a contract sold by a door-to-door vendor may cancel it if goods are not received or services provided within 30 days of the date promised.

— Consumers will have the option of cancelling the contract up to a year after signing it, if the company doesn't provide the required

information and the business could be required to refund any fees or payments made within that period.

In order to avoid potential conflict if contractors do not begin home renovation projects until the 10-day cooling off period is over, the amendments include safeguards so that true emergencies may be resolved quickly and efficiently.

If the consumer cancels the contract, the seller will be allowed reasonable compensation for services provided only if the consumer solicits the seller and the consumer asks for the work to be done within 10 days. These facts should be documented in the contract.

For more information on this subject or other issues of consumer interest, contact the Ministry of Consumer and Business Services at 416-326-8555 or toll free 1-800-268-1142. Special electronic equipment for people who have hearing or speech difficulties is available at 416-325-8566, or visit the ministry's web site at www.cbs.gov.on.ca.

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