

Gouvernement du Québec

O.C. 1702-2024, 27 November 2024

Consumer Protection Act
(chapter P-40.1)

Regulation
— **Amendment**

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

WHEREAS, under paragraph z.7 of section 350 of the Consumer Protection Act (chapter P-40.1), the Government may make regulations determining the objectively observable failures to comply with a provision of the Act or of a regulation, or with a voluntary undertaking made under section 314 of the Act or whose application has been extended by an order made under section 315.1 of the Act which may give rise to the imposition of a monetary administrative penalty, setting out the conditions for applying the penalty and determining the amounts or the methods for calculating them. The amounts may vary according to the seriousness of the failure to comply, without exceeding the amounts provided for in section 276.1 of the Act;

WHEREAS, under paragraph z.8 of section 350 of the Act, the Government may make regulations determining among the provisions of a regulation those whose contravention constitutes an offence and setting for each offence the minimum and maximum amounts of the fines to which the offender is liable, which may not exceed those referred to in section 279 of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Consumer Protection Act was published in Part 2 of the *Gazette officielle du Québec* of 21 August 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 350, pars. z.7 and z.8).

1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by adding the following after section 178:

“CHAPTER XI
MONETARY ADMINISTRATIVE PENALTIES

DIVISION I
STIPULATIONS PROHIBITED IN A CONTRACT

179. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to anyone who contravenes any of the provisions of Chapter II.1.

DIVISION II
FORM OF WRITINGS

180. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to anyone who contravenes a provision of any of the third paragraph of section 26 and sections 27 and 28.

DIVISION III
COMPULSORY CLAUSES

181. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 29, 32 and 43 to 45.1.

DIVISION IV
PRESENTATION STANDARDS

182. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 50.1.

DIVISION V
CONTRACTS OF CREDIT

183. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 61.0.9.

184. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 57, 58, 60, 61 and 62 to 64.

DIVISION VI
LONG-TERM CONTRACTS OF LEASE

185. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 69.4.

DIVISION VII
AUTOMOBILES, MOTORCYCLES AND
HOUSEHOLD APPLIANCES

186. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant who contravenes section 76.

DIVISION VIII
CONTRACTS RELATING TO A LOYALTY
PROGRAM

187. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 79.6.5 and 79.6.6.

DIVISION IX
CONTRACTS MADE BY A DEBT SETTLEMENT
SERVICE MERCHANT

188. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 79.15.

DIVISION X
SECURITY AND DUTIES

189. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a permit holder who contravenes section 106;

(2) to a merchant who contravenes a provision of any of the first and second paragraphs of section 123.

DIVISION XI
EXEMPTION FROM THE RULES RELATING TO
CERTAIN AMOUNTS TRANSFERRED TO
A TRUST

190. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 165.

DIVISION XII
ADDITIONAL WARRANTY

191. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first paragraph of section 168.1 and sections 171 and 173.1 to 175.

CHAPTER XII
PENAL PROVISIONS

192. Every person who contravenes section 25.4 to 25.10, 57, 58, 60, 61, 62 to 64, 69.4, 79.6.5 to 79.6.7, 79.15, 106, 123, 165, 168.1, 171, 173.1, 174 or 175 is liable

(a) to a minimum fine of \$2,500 in the case of a natural person and \$5,000 in any other case; or

(b) to a maximum fine of \$62,500 in the case of a natural person and \$125,000 in any other case, or of an amount equal to 5% of worldwide turnover for the preceding fiscal year, whichever is greater, without exceeding the amount of \$175,000.

193. Every person who contravenes section 26 to 29, 32, 43 to 45.1, 50.1 or 61.0.9 is liable, in the case of a natural person, to a fine of \$1,500 to \$37,500 and, in any other case, to a fine of \$3,000 to \$75,000.

194. Every person who contravenes a provision of this Regulation not referred to in sections 179 and 180 is liable, in the case of a natural person, to a fine of \$600 to \$15,000 and, in any other case, to a fine of \$1,200 to \$30,000.”

2. This Regulation comes into force on 5 January 2025.

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