



Hey!
That's
not fair!

A **Guide to Consumer Protection** in the NWT

Government of
Northwest Territories

Table of Contents

Who can I talk to if I have issues with a business?	2
Consumer Affairs	2
I know my rights!	3
What do you mean I have responsibilities?	4
I don't like to complain!	5
Is there a 'right' way to complain?	6
Visit or make a phone call	6
Write a letter	7
File a complaint	7
In what areas does Consumer Affairs have jurisdiction?	8
Real Estate	8
Door-to-Door Sales	8
Collection Agencies	8
Warranties and Guarantees	9
Lotteries	9
Business Licensing	9
Film Classifications	9
What laws does MACA administer for consumer protection?	10
How do I know which government to go to with my issue?	11
How do I reach you?	12
Additional Resources	13



Hey!

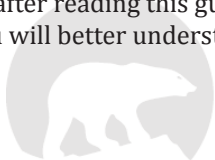
Who can I talk to if I have issues with a business?

Consumer Affairs

The Department of Municipal and Community Affairs (MACA) has a unit that helps consumers navigate the marketplace in the Northwest Territories (NWT); this unit is called Consumer Affairs. So, whether you are purchasing products like groceries, clothing or a vehicle, or using services like going to a dry cleaner, a mechanic or going out to a restaurant—that makes you a consumer. As a consumer you have certain rights and responsibilities that you need to know.

This guide is intended to let you know how Consumer Affairs can work with you and with businesses to resolve issues as they arise. This guide will also explain what your rights and responsibilities are as a consumer so that you can make better informed choices whenever you spend your hard-earned dollars.

If you should find yourself in a dispute, this guide also describes a process for you to follow to make an effective complaint in order to try and resolve it. We hope after reading this guide you will feel empowered as a consumer, and that you will better understand how Consumer Affairs can help you.



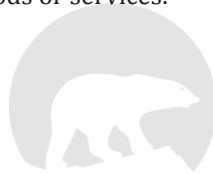
Hey!

I know my rights!

In order to make an informed decision when you make a purchase, it is important to know your rights. **Consumer rights** are what every consumer should expect from people selling goods and services. For example, consumers should expect manufacturers and stores to honour warranties for goods they buy. Consumers should also only expect to pay for the services provided.

As a consumer, it is your **right** to:

- Be protected against goods and services that are hazardous to your health and well-being.
- Be given all the facts and information to help choose the best product.
- Be provided with opportunities to get the knowledge and skills for making informed decisions.
- Choose among a variety of products and services of good quality.
- Receive compensation in the form of a fair settlement (or your money back) to make up for unsatisfactory goods or services.
- Live in a healthy and safe environment.



Hey!

What do you mean I have responsibilities?

Consumer responsibilities are reasonable actions that you should take to make sure that you are well informed before buying a product or service. It is your responsibility to make sure you are getting what you paid for, and it is your responsibility to make sure you let the business or service provider know if there are any problems with a product or service as soon as possible so that it may be remedied quickly and to your satisfaction.

As a consumer, it is your **responsibility** to:

- Read instructions on products and use them as directed.
- Check the qualifications of service providers.
- Ask for the information you need to make an informed choice.
- Inform yourself about goods and services you intend to purchase by reading consumer reports, following the news and asking questions.
- Compare prices, find out about differences between products and services and make informed decisions. If you feel the price is too high, raise the issue with the business or look for the product or service elsewhere.
- Insist on a fair and reasonable deal if you are not satisfied with your purchase.
- Make your needs and expectations known to businesses selling goods and services.

Hey!

I don't like to complain!

If you are **not** satisfied with goods or services that you have paid for, you **should** complain. As a consumer, it is your responsibility to complain about poor products and services. If you are able to complain effectively, it will benefit you and others, and may help the company improve its products or services. It is more challenging for businesses to change if they are not aware of problems. While going through the process of complaining can be unpleasant, it can be a very effective way to resolve your issue and improve the marketplace overall.

You have a **valid complaint** if:

- The product or service did not work the way it was supposed to function; and
- You have taken proper care, have looked after the product, and have followed the conditions of the warranty.



Hey!

Is there a 'right' way to complain?

Yes! We are so glad you asked. It is important to give the business a chance to make things right. There are a number of steps we recommend you take to make a complaint to get the best result. In general, the steps we recommend are as follows: **make a phone call** and/or **write a letter, file a complaint** with an organization or governing body. If you still are not satisfied with the result you can approach Consumer Affairs or **take the matter to a small claims court**.

Let's go through those steps:

Visit or make a phone call

Your first step is usually to **visit** or **call** the company.

Before you visit or make the call, write down details about the product or service and your complaint. For example, include the date, time, names and titles of the people you spoke with at the company. Collect documents such as warranties, guarantees, receipts and bills.

When you talk with a representative, explain your problem with the product or service. Try to negotiate a satisfactory solution and get a promise and a date by which the problem will be resolved. If the problem is not resolved by this date, ask to speak with someone who can make a decision, such as a manager. Do not hang up until you think you achieved all that you can.

Write a letter

If you are **not** able to resolve your problem through a phone call, you can **write a letter** to the company. Your letter should include three sections:

- **Explain the problem and give all the details** such as the service provided or the product purchased, the make, brand name and serial number of the product, price, date, place of purchase, name of the salesperson, date the problem was discovered, conditions of the warranty and anything else you can think of.
- **Make your request.** Describe what the company can do to fix the problem. For example, you may want to ask the company to give you a refund or repair the product. Also, ask for a date by which you want the problem fixed, such as two or three weeks from the date of the letter.
- **Explain your plans.** Describe any **further action** you might take if the company does **not** solve your problem. For example, you might go to a **small claims court** for help, or you could **file a complaint with a government organization**.

File a complaint

If you still do **not** get a satisfactory response from the company, you can contact Consumer Affairs who offer a voluntary, free mediation service that may help to resolve the matter in a collaborative manner. This service is available to NWT consumers who wish to complain about a service or product offered by businesses both in the NWT and outside of the NWT. The mediation process involves:

- The consumer completes a *Consumer Complaint Form* outlining the details of the complaint;
- Consumer Affairs sends the *Consumer Complaint Form*, as well as supporting documentation, to the business in question requesting a response; and
- Consumer Affairs reviews the response with the complainant in an attempt to mediate a solution that is acceptable to both parties.

If mediation is unsuccessful, the consumer may need to speak with a lawyer or bring the matter to the NWT court system.

Hey!

In what areas does Consumer Affairs have jurisdiction?

Real Estate

Consumer Affairs helps protect NWT residents by making rules for how NWT real estate agents and salespersons (realtors) work with residents in home sales and purchases. If there is a complaint that a realtor did something wrong, Consumer Affairs will investigate. Examples could include: if a realtor did something that unfairly affected a sale or purchase or didn't take down signage after a sale.

Door-to-Door Sales

The Government of the Northwest Territories regulates door-to-door sales in the NWT. This means that anyone who phones a home, appears at a residence or distributes flyers, has rules they must follow in dealing with NWT residents. As an example, you can cancel a direct sales contract for any reason within 10 days (cooling off period). If you have questions about door-to-door sales, Consumer Affairs can help answer your questions.

Collection Agencies

The Government of the Northwest Territories has rules about collection agencies calling residents. These rules include items like providing a person with written notice of a debt before they call; specifying days and times when they may phone; and how to stop them from calling if a person only wants written communications. If you are experiencing problems with a collection agency or would like more information, Consumer Affairs may be able to assist you.

Warranties and Guarantees

Did you know that all sales in the NWT are deemed final and there is no rule that says a business needs to take a product back? While many businesses may have a return policy where they may refund or exchange a product, this is left to individual businesses to decide upon.

NWT law does however, enforce warranty and guarantees from a product's manufacturer. This means if something is warrantied or guaranteed, and does not perform as advertised; the government can force the manufacturer to resolve this matter.

Lotteries

The Government of the Northwest Territories is also responsible for charitable gaming in smaller NWT communities. This includes bingos, pull tickets, raffles and charitable casinos. If you have concerns about events of this nature, or unlicensed gaming activities, Consumer Affairs may be able to provide information and assistance.

Business Licensing

Consumer Affairs is responsible for regulating NWT businesses in smaller NWT centers. If you have a complaint related to a licensed business, or are aware of unlicensed business activities, Consumer Affairs may be able to provide assistance.

Film Classifications

The Government of the Northwest Territories is responsible for establishing a ratings system for movies in NWT theatres (Fort Smith, Hay River and Yellowknife). Based on the Alberta standards (as theatre movies are distributed through an Alberta Distributor), the law establishes things like a minimum age for watching a movie, or for the age of staff working in a theatre. If you have questions concerning film ratings in the NWT, Consumer Affairs may be able to provide assistance.



What laws does MACA administer for consumer protection?

MACA is responsible for various consumer protection statutes including:

- *Business Licensing Act*
- *Consumer Protection Act*
- *Lotteries Act*
- *Real Estate Agents' Licensing Act*
- *Film Classifications Act*
- *Cost of Credit Disclosure Act*

If you have questions about these pieces of legislation, Consumer Affairs can assist you.



Hey!

How do I know which government to go to with my issue?

When it comes to the marketplace, different levels of government are responsible for different things. The **federal government** is responsible for maintaining many standards across the country. Overall, the federal government's job is to create policies that support a fair, efficient, competitive and safe marketplace for producers, traders and consumers. Federal laws cover things like product safety (except electrical equipment), competition, labeling, weights and measures. Industry Canada and Public Works and Government Services Canada have more information on their websites and you can find web addresses to those websites in the appendix of this guide. Overall, it is the federal government's job to provide broad based protection (such as safety of food being imported) to all Canadians.

The **territorial government** is responsible for areas such as conditions of sale, business practices, public safety and licensing. Consumer Affairs accomplishes this through the issuing of business licenses and the regulation of industries (such as real estate agencies or collection agencies). The other important job Consumer Affairs has is to respond to individual consumer complaints for specific products or services.

Municipal governments administer a licensing function through a bylaw that may address certain types of consumer protections. Licensing at the municipal level may ensure a business meets requirements such as workers' compensation coverage or ensuring a facility is inspected by a fire department or health inspector to ensure it meets safety regulations for the public's use. In cases where a consumer is seeking assistance in resolving a complaint, that responsibility remains with the territorial government.

Hey!

How do I reach you?

Consumer Affairs is a part of the Public Safety Division of Municipal and Community Affairs (MACA). Their office is located on the 6th floor of the Northwest Tower in Yellowknife.

If Consumer Affairs can be of any assistance, they can be contacted at (867) 767-9161 Ext. 21021 or 21022.

The mailing address for the office is:

Consumer Affairs, Public Safety Division
Municipal and Community Affairs
Government of the Northwest Territories
#600 5201-50th Avenue
Yellowknife NT X1A 3S9

The office can also be reached by:

Email: consumer_affairs@gov.nt.ca
Fax: (867) 873-0309



Hey!

Additional Resources

A number of useful websites are available to provide NWT consumers with access to relevant consumer literature, resources and product recall information.

These include:

The Department of Municipal and Community Affairs

www.maca.gov.nt.ca

The Government of Canada's Consumer Information Gateway

www.consumerinformation.ca/eic/site/032.nsf/eng/h_00395.html

The Canadian Consumer Handbook

www.consumerhandbook.ca

National "Do Not Call" List (Spam related calls or emails)

www.lnnte-dncl.gc.ca/index-eng



