



Contract Cancellations

A contract can take many forms, such as an oral or written agreement. All are equally valid. Getting out of a contract is a very difficult thing, but it can be done in limited circumstances, if:

- both parties could agree to end the contract
- the contract lists the ways in which it can be cancelled
- it is covered by an automatic cooling off period. In some provinces, "cooling off periods" exist for some credit contracts for dating clubs, health clubs, and door-to-door sales, which allow you to cancel the agreement within a set period of time after the contract has been signed.

Cancelling a contract without mutual agreement, or without cause, may end up being more expensive than fulfilling the original contract.

Defective Products

Obviously, consumer goods cannot last a lifetime, but they should work as promised under normal use when purchased. Most consumer goods carry a time limited guarantee.

If the product is defective you can ask:

1. that the product be repaired;
2. if it cannot be repaired, that it be replaced; or,
3. if the product cannot be repaired or replaced, that a refund be provided.

Private Sales

A private seller may offer a given product at a lower price and may be able to provide first-hand knowledge of its history.

It may be difficult to get compensation from a private seller if problems arise, since private sale contracts are not subject to consumer legislation.

Liens

A lien is a legal claim or a "hold" on some type of property, usually due to it being used to secure a loan or services. Always check for liens against a product, especially when buying higher value items such as a car or boat from a private individual. Generally, ownership of a property with a lien cannot be transferred until the debt is paid.



Step 2- Be Prepared:

Good preparation will help you present your complaint in a clear, concise, and factual way. Follow these guidelines:

Keep your complaint information in a file and store it safely. Keep it available so you can explain your complaint accurately.

Your file may include:

- o sales receipts
- o contracts
- o order forms
- o letters to and from the company
- o repair and/or service information
- o cancelled cheques
- o your list of the company representatives with whom you spoke, when you spoke to them, and key points discussed
- o other information you consider important to your case

Step 3- Contact the Business:

- **Practice** explaining the problem to yourself a few times before contacting the service provider, business or merchant. Remember: clear, precise and brief explanations will help your case.
- **Be polite.** It can get you better, and possibly quicker, results.
- **Stay calm and carry on.** Don't resort to anger and threats.

When you call or visit the business, remember to:

- Ask if they have a customer service section that handles after purchase/service issues. Request a complaint reference number and be sure to ask the company to update your complaint file when you provide new information.
- Write down the name, position, and, if available, the employee number of staff with whom you are dealing. Keep brief dated notes of key points discussed.



Consumer Affairs Nunavut contact details:

Call toll free at 866-223-8139 or email consumerprotection@gov.nu.ca

Step 6- Going to Court:

Legal action may resolve the complaint and is the last step. Small claims court and less frequently, class action lawsuits, are two possible options. If, instead, you decide to sue, act within the time limitations for filing a lawsuit. Consider the costs and benefits and seek legal advice.

Small Claims Court

- A relatively simple and less expensive way to resolve disputes than many court proceedings.
- The maximum monetary dollar limit of claims varies by province or territory. Check the monetary limit in your province or territory and whether the subject of your case can be heard before that court.
- There may be a fee to file a claim, plus additional costs may be applied for serving orders, payments to witnesses and travel expenses.
- You do not need a lawyer to go to small claims court.
- Small claims courts allow each side to explain their story and do not expect consumers to know legal technicalities.

Class Action Suits

Individuals who have suffered similar losses or injuries, from time to time, band together to form a class action suit to recover damages and share the legal costs.

- Class actions are available in most jurisdictions in Canada.
- A class action is a potentially complex legal procedure that may take several years to conclude.
- Consider the costs and benefits of a class action, seek legal advice and read about it before you join one.

