

Office
de la protection
du consommateur

Information Kit

for Consumers



This information kit was compiled by the Office de la protection du consommateur.

It provides a **step-by-step explanation of what you should do to resolve your problem with a merchant.**

The Office also makes the **Get information about a merchant** tool available on its website. It lets consumers know how many formal notices a merchant has received in instances where the Office has obtained a copy. **This information kit does not allow you to enter your formal notice in the Get information about a merchant tool.** To do so, you must:

1. call the Office to speak to an agent and file a complaint against the merchant concerned;
2. use the formal notice form that the agent will send you.

opc.gouv.qc.ca

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**Telephone service
of the Office de la protection du consommateur**

Montréal	514 253-6556
Québec	418 643-1484
Elsewhere in Québec	1 888 672-2556

To find the addresses of our **regional offices**, consult the **Contact Us** section on the Office's website.

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The kit also contains:

- information about **your rights** and the merchant's **obligations**, as well as legislative clauses on the topic that concerns you;
- a **formal notice form**;
- a **list of legal support organizations**.

First steps

Taking the following steps is essential to the success of your initiative.

1. State your problem

- **Clearly define** the problem you encountered with the goods you purchased or the services you obtained.
- **Carefully reread** the contract, guarantee, advertising, instructions, etc., to ensure that you have acted appropriately.
- Know **your rights** and the **merchant's obligations**. They are presented in an attached document.

In some instances, a **specialist in the area** concerned can assist you in clearly defining the problem you encountered. The specialist's opinion can serve as an argument and as proof when taking subsequent steps.

2. Gather useful information

- Put **all the relevant documents** you have in chronological order (invoices, contracts, letters, etc.).
- **Write down everything** that happened after the purchase was made.

This step will help you find documents quickly and retrace events pertaining to your problem. As a result, the file that you put together will be organized and extensive.

3. Decide on the outcome you want

- **Determine what you would consider a satisfactory solution** to your problem. For example: repair, exchange, total or partial reimbursement, resumption of work, etc. Refer to the **Potential Solutions** page to get a better idea of what can be claimed from the merchant.
- Consider **solutions that are feasible and fair to both parties**. For example, if you have a guarantee, you should generally accept having the goods repaired rather than demanding a reimbursement.

4. Negotiate with the right person

- Negotiate with the person who can solve your problem and make a final decision (store manager, customer service manager, owner, etc.).
- If you negotiate in person, make an **appointment** beforehand. Bring a **witness** with you and insist on meeting with the **person you planned to see**.
- Take down the **names** and **titles** of the people who provide you with explanations. Also note the **date** and **time** of the meeting.

5. Negotiate an agreement

- **Explain** your problem **clearly and concisely** and the solution or solutions you expect.
- **Remain calm and polite**; keep the discussion focused on your problem and the possible solutions.
- **Let the merchant make his/her suggestions**. Consider them with an open mind and assess them one by one.
- If applicable, inform the merchant that you have consulted the **Office de la protection du consommateur**, a **consumer association** or a **lawyer**. Refrain from mentioning anything else and above all, don't claim that these resource people made statements that they didn't actually make. That could be detrimental to your case.
- If the negotiations reach a deadlock, consider the possibility of making **concessions** or mutually taking **time out to reflect**.
- Make a **summary of your meeting** and its outcomes. You might need this if you don't get what you want from the merchant.

If your negotiations fail, fill out the Formal Notice Form that is provided in the kit by following the instructions. The form should only be used to resolve the problem that you submitted to the Office.

When negotiations fail: formal notice

A formal notice is an official letter that orders the recipient, for example a merchant, to do or refrain from doing something. It could involve remedying a problem, paying an amount or complying with a contract, among other things.

The formal notice specifies the conditions and timeframe that must be met. It gives the merchant an opportunity to respond to your request without going through the courts.

Instructions for filling out the Formal Notice Form

1 Information on the consumer

- Enter the name of the **consumer who entered into the transaction or contract**. If the merchant gave you a written contract, write the consumer's name as it appears on the contract.

Office de la protection du consommateur Québec

Formal Notice Form

By certified mail
WITHOUT PREJUDICE

Consumer			
Last name and first name			
Address		City	Postal Code
Home Phone	Office Phone	Extension	Email

2 Information on the merchant(s)

- Enter the **merchant's name** as it appears on the contract, invoice or, if applicable, in the advertisement.
- Also enter the **name of any other merchant** who may be involved in the problem. Examples:
 - The goods purchased have a manufacturing defect that impedes their normal use. The maker (the manufacturer) can also be held liable.

- The goods are the subject of a financing contract, such as an installment sale or a long-term lease. The merchant who entered into this contract may also have obligations to you.

First Merchant		
Name		
Address	City	Postal Code
Phone	Email	
Second Merchant		
Name		
Address	City	Postal Code
Phone	Email	

3 Summary of the **problem**

- Describe your **problem clearly and briefly** in order to remind the merchant of the important facts.
- Get to the main point, i.e., **what you are asking for** and the **reasons** why it is justified.
- Support your request with the appropriate **legislative clauses**. They are presented in an attached document.

1. Summary of the problem

4 Desired **settlement**

- Explain what **you want to obtain**.
- Consider **solutions** that are **realistic and fair** to you and the merchant. For example, if repairing the goods would restore them to the condition they should have been in, you should accept that they be repaired rather than replaced.
- If you need more space, attach an **additional sheet**.

2. Settlement desired by the consumer

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5 Desired time period

- In most instances, a **10-day** period is considered reasonable.

I hereby give you formal notice to resolve this dispute and/or pay me the sum of \$ _____ within _____ days.
Failing this, legal proceedings could be brought against you with no further notice or extension.

5

6 Signature

- **Sign and date** the Formal Notice Form.

Consumer's signature _____ Date _____

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Sending the formal notice

- Include copies of relevant documents, such as **invoices, contracts, advertisements**, etc., in your mailing.
- Retain a **copy of your Formal Notice Form** for your **files**.
- Send the Formal Notice Form by **registered mail** to the merchant concerned. If you entered the names of two merchants on the form, you must send each a copy.

If the formal notice does not produce the desired results: the **courts**

Court proceedings

You could seek recourse through the Small Claims Division of the Court of Québec if your **claim is for \$15,000 or less**. Note that this amount may have been changed. The Québec.ca [Small Claims](#) page provides up-to-date information. You must represent yourself, without a lawyer, in small claims court. However, you may consult a lawyer or legal support organization to better prepare yourself. This will provide you with advice on how to proceed and the points to consider in your request. A list of organizations is attached to the information kit.

If your **claim barely exceeds the amount that may be claimed at the Small Claims Division**, you can lower the amount in order to seek recourse there.

If you are **claiming a higher amount**, you must seek recourse in the Civil Division of the Court of Québec. In this case, you may be represented by a lawyer or represent yourself.

Useful resources are available in the [Resolve a Problem with a Merchant](#) section of the Office website.

To consult judgments rendered in cases similar to yours, visit the [Société québécoise d'information juridique](#) website (jugements.qc.ca).

Difficulty in having a judgement enforced

If you obtained a judgement against a merchant who holds a permit from the Office and experience difficulty in having the judgement enforced, contact us again. We will assess the possibility of having the judgement enforced via the security (a sum of money) furnished by the merchant to hold a permit.

To check if a merchant holds a permit from the Office, you can use the [Get information about a merchant](#) tool accessible on the website of the Office.

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