

Frequently Asked Questions

SECTION 1: INJUNCTIONS	
1.	<p>What is an “injunction” and how would the proposed changes to injunctions deter errant retailers?</p> <p>An injunction is a court order requiring a person or entity to do or cease to do a specific action. Under the CPFTA, the courts may grant an injunction order restraining a retailer (business or individual) from engaging in a specified unfair practice.</p> <p>The proposed changes to the CPFTA aim to raise consumer awareness of retailer who are under injunction orders and prevent them from side-stepping the orders such as by setting up new entities to persist with the unfair practice. Retailer under injunction orders may be required by the courts to do the following:</p> <ul style="list-style-type: none"> • Publicise, at its own costs, details of the injunction; • Notify the consumer in writing about the injunction against the retailer and obtain a written acknowledgement from the consumer that he or she has been duly notified before entering into a consumer transaction; • Include a statement that the court has granted an injunction against the retailer in every invoice or receipt issued by the retailer to consumers; and/or • Keep the appointed administering agency informed of the following changes, viz: <ul style="list-style-type: none"> ○ Premises or number of premises which the retailer carries on business; ○ Internet address or number of internet addresses through which consumer transactions may be entered into; ○ Corporate changes such as the conversion from a firm or company to a limited liability partnership; and/or ○ (In respect of a person) Status of employment, directorship, partnership.
2.	<p>Can the appointed administering agency enforce compliance with injunction orders? What are the penalties for non-compliance with injunction orders?</p> <p>The appointed administering agency may take errant retailers who do not comply with injunction orders to court for contempt of court. Contempt of court is considered a criminal offence. The punishment for contempt of court is imprisonment and/or a fine.</p>

3.	<p>Can consumers obtain redress and/or compensation through injunctions? If not, what can consumers do to obtain redress and/or compensation?</p> <p>Injunction orders do not provide for redress and/or compensation to consumers. The aim of the injunction order is to stop retailers from persisting in the unfair practice(s) and raise consumers' awareness of retailers who are under injunction.</p> <p>Consumers seeking redress/compensation from retailers can do so in these ways, viz:</p> <ul style="list-style-type: none"> • <u>CASE</u>: CASE can assist consumers to negotiate with the retailer, facilitate mediation between the parties, and/or obtain a voluntary compliance agreement from the retailer to stop the unfair practice and compensate affected consumers; and/or • <u>Civil action such as via the Small Claims Tribunal ('SCT')</u>: The SCT can assist consumers on claims of up to \$10,000 (or \$20,000 should both parties agree).
SECTION 2: APPOINTED ADMINISTERING AGENCY	
4.	<p>What is the role of the appointed administering agency?</p> <p>The appointed administering agency's role is to investigate cases of errant retailers who persist in unfair practices, file injunction applications with the courts, and take enforcement action to ensure compliance with the injunction orders.</p>
5.	<p>What are the actions that may be taken against errant retailers who engage in unfair practices?</p> <p>A spectrum of actions may be taken against errant retailers. CASE may engage the errant retailers to stop the unfair practice, mediate between consumers and retailers, and/or enter into voluntary compliance agreements ('VCAs') with the retailers. These actions are effective in getting the majority of errant retailers to cease their unfair practices. For the small number of persistent errant retailers, SPRING, as the administering agency may investigate and may file injunction applications against them. Egregious cases involving criminal offences such as cheating will continue to be handled by the Police.</p>