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(Hansard)**

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**Standing Committee on
Justice Policy**

Better for Consumers,
Better for Businesses Act, 2023

1st Session
43rd Parliament

Wednesday 22 November 2023

**Comité permanent
de la justice**

Loi de 2023 pour mieux
servir les consommateurs
et les entreprises

1^{re} session
43^e législature

Mercredi 22 novembre 2023

Chair: Goldie Ghamari
Clerk: Thushitha Kobikrishna

Présidente : Goldie Ghamari
Greffière : Thushitha Kobikrishna

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Wednesday 22 November 2023

Mercredi 22 novembre 2023

The committee met at 0900 in committee room 2.

The Clerk of the Committee (Ms. Thushitha Kobikrishna): Good morning, honourable members. In the absence of the Chair and Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? MPP Bailey.

Mr. Robert Bailey: I nominate MPP Lorne Coe.

The Clerk of the Committee (Ms. Thushitha Kobikrishna): Okay. Does the member accept the nomination?

Mr. Lorne Coe: I do, Madam Clerk. Thank you.

The Clerk of the Committee (Ms. Thushitha Kobikrishna): Excellent. Are there any further nominations?

There being no further nominations, I declare the nominations closed and MPP Coe elected Acting Chair of the committee.

BETTER FOR CONSUMERS,
BETTER FOR BUSINESSES ACT, 2023
LOI DE 2023 POUR MIEUX
SERVIR LES CONSOMMATEURS
ET LES ENTREPRISES

Consideration of the following bill:

Bill 142, An Act to enact the Consumer Protection Act, 2023, to amend the Consumer Reporting Act and to amend or repeal various other Acts / Projet de loi 142, Loi visant à édicter la Loi de 2023 sur la protection du consommateur, à modifier la Loi sur les renseignements concernant le consommateur et à modifier ou abroger diverses autres lois.

The Chair (Ms. Goldie Ghamari): Good morning, everyone. I call the meeting of the Standing Committee on Justice Policy to order. The committee will resume public hearings on Bill 142, An Act to enact the Consumer Protection Act, 2023, to amend the Consumer Reporting Act and to amend or repeal various other Acts. Are there any questions before we begin?

As a reminder, our presenters today have been scheduled in groups of three for each one-hour time slot. Each presenter will have seven minutes for their presentation, and after we have heard from all three presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. The time for questions will be broken down into two rounds of seven and a half minutes for the government members, two rounds of seven

and a half minutes for the official opposition and two rounds of four and a half minutes for the independent member.

ADVOCACY CENTRE FOR THE ELDERLY
CONSUMERS COUNCIL OF CANADA
CANADIAN BANKERS ASSOCIATION

The Chair (Ms. Goldie Ghamari): I will now call upon our first presenter, Advocacy Centre for the Elderly. Please state your name for the record, and then you may begin. You will have seven minutes.

Mr. Graham Webb: Graham Webb, lawyer, executive director, Advocacy Centre for the Elderly.

If I may begin, thank you for the opportunity to appear to speak to Bill 142. ACE is a community legal aid clinic serving low-income seniors. We've operated continuously since 1984. We have extensive experience in consumer protection law. In fact, one of our staff litigation lawyers has been with us since 1989, continuously practising in the area of consumer protection since then. I myself have been with the clinic since 1995—the past 28 years.

ACE was widely consulted by the ministry on the modernization of the Consumer Protection Act. We are grateful for that consultation, and we support Bill 142. There's much to like in this bill, and we ask that it should pass third reading and receive royal assent shortly.

I'll skip over what I like about it because I do want to speak to 12 matters—I won't get to them all; I'll have to try and prioritize them—where we asked for some amendments to the bill and other action. Our suggested amendments are found in section 3 of our written submissions that have been filed. You may not have them before you, because they were filed only this morning, but I do ask you to please look at them if and when time permits.

I think the most urgent amendment we would ask for is found in section 3.2 of our submissions, which is a tolling provision for mental incapacity. Within the Consumer Protection Act as written, and in the new bill, there are notice periods for consumers to escape contracts, to rescind contracts and other matters. Those periods can be as long as one year, but many times our clients—who are older adults who often have marginal mental capacity and may in fact be mentally incapable of financial management—are not able to meet those requirements. Unlike the Limitations Act, which pauses any limitation period based on mental incapacity, there's no similar provision in the Con-

sumer Protection Act. We ask that before this bill leaves the floor, there be written into the act a provision that any time period prescribed within the act is suspended if the consumer lacks the mental capacity to give the notice or to do the act that is required of them.

Another amendment we would like to speak to is found in section 2.10 of our submission, concerning the time-share agreements. We're supportive of the new law giving a right of consumers to exit time-share agreements after a specified period of time. The time proposed is 25 years. For the older adults we serve, that's a life sentence. When someone buys a time-share in mid-life or approaching retirement, let's say 50 or 55 years of age, a 25-year span might bring them to age 75 or 80.

Within that time, there's a lot that can happen in a person's life. Ordinarily, we see couples buying time-shares. One of the partners may suffer a medical event; they may even die. The other spouse, the surviving spouse, usually the woman, will have a reduced income and limitations—in fact, probably her own physical limitations.

We do represent older adults who are saddled by time-shares that, really, they aren't able to take advantage of nor afford during old age. We think that 10 years rather than 25 years would be more reflective of the actual real-life experience of older adults in time-share agreements. There should be some provision for escaping time-shares after 10 years.

We ask in section 3.1 of our paper for retrospective remedies. These might be provided by regulation, but within the statute itself, we think it would be important for there to be retrospective relief for unfair business practices and unconscionable transactions. These transactions are intended to be prohibited because they're not right. They were unconscionable at the time they were made already as well as in the future.

We represent many, many older adults who have been victimized by door-to-door salespeople and are under extreme financial duress, even to the point of potentially losing their homes. We urgently look forward to the enactment of the new Consumer Protection Act that will give them broader remedies and more defences against these oppressive contracts.

The new act will be of no help to our existing clients who are already victimized and just as worthy of relief unless there are retrospective remedies provided for them.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Graham Webb: The two last things I'd like to briefly speak to are in sections 5 and 6 of our written submissions; I direct your attention. The first is the administrative penalties section. We think that this is a very worthy initiative. It's already on the books. It was enacted in 2020 but has never been proclaimed. We ask the government to proclaim the administrative penalties even before bringing the new act into effect.

Finally, we need more resources for the enforcement of consumer rights. Over the past 28 and 34 years that we have been at ACE, we've never seen a prosecution. We've never seen any disciplinary action on the many, many

consumer complaints we've advocated for. We've been told the ministry lacks resources, and we ask the ministry to provide the resources for enforcement that are needed. Thank you.

The Chair (Ms. Goldie Ghamari): That's all the time. Thank you.

We'll now turn to Consumers Council of Canada. Please state your name for the record and then you may begin. You will have seven minutes.

Mr. Chris Ballard: Good morning. Chris Ballard with the Consumers Council of Canada. I am the president of that organization. I am joined today by Ken Whitehurst, the council's executive director.

Our council is a not-for-profit, voluntary organization. It has worked toward an improved marketplace for consumers in Canada and Ontario since 1994. The council is a member of Consumers International, the peak organization for consumers worldwide. I invite you to acquaint yourselves with the council's work at consumerscouncil.com.

0910

Thank you for the opportunity to speak to you today. We are all here today because we care about fairness for Ontario's consumers and because after nearly 20 years of a rapidly changing marketplace, it's time for a major review of Ontario's Consumer Protection Act by this legislation. The council approves of the many ways Bill 142 addresses some long-festered consumer problems, but now the impacts of COVID-19 on the economy, inflation and a significantly changed economy demand even more action. Legislators need to ask themselves, "Should there be more to this bill to help Ontario consumers safely navigate the marketplace for the next 20 years?"

Who knows? Another major review might be 20 years away. This is a busy legislature.

Today, we bring you a few points to consider as you review this important bill. We make five major observations. You can learn important lessons by finding out why certain key problems exist. Looked at on paper, the old act might seem fine to a casual reader, so why haven't outcomes for consumers been better? Why is oversight and enforcement weak and criminal behaviour in the marketplace growing? Has the existing oversight and enforcement authority been used well? Why aren't more consumer problems mediated successfully? Well-documented consumer protection failures fill the news. We urge you to fact-gather as you review Bill 142 so you deliver a modern Consumer Protection Act for Ontario, one to make you proud.

Consumers Council of Canada maintains a library of ways that consumer protection and empowerment can improve in Ontario and across Canada. The proposed reforms are the tip of the iceberg for what needs to be done. In seven minutes, we can't possibly cover everything you could do to make this a better bill, so the council will deliver a detailed written submission. We hope it will help you with your plans to govern Ontario better.

However, I will quickly highlight six areas where the bill could be improved:

(1) A simpler, more inclusive definition of “consumers” is needed. Our written submission suggests one.

(2) Ontario needs to do more to authenticate sellers to consumers, so consumers know who the government can confidentially reach for consumer protection purposes.

(3) Recognize consumers need contracts well in advance of a purchase to be able to shop around.

(4) Don’t just make prohibited contract conditions moot. Require that they be kept out of agreements.

(5) Introduce changes to clarify to lower courts what higher courts have found. Expressly clarify that privity of contract is not required for consumers to access their protections.

(6) Establish that suppliers of products and services should bear the burden of proof that their representations are complete and truthful.

Governments across Canada have taken too long to modernize consumer protection law. They have not focused on or devoted the resources needed to protect and empower consumers in a rapidly changing marketplace. Despite its massive consumer protection mandate and sweeping powers, Consumer Protection Ontario has framed its primary role as being an awareness program that promotes consumer rights and public safety. This awareness focus is out of sync with the intent and perception of the ministry’s Bill 142, which is to not stand by and allow bad actors to take advantage of hard-working Ontarians through “unfair business practices”—and that’s a direct quote from the proposed bill.

The Legislature and the public deserve more detailed performance measurements and reporting on the protection and empowerment of consumers in Ontario. An idea to accomplish this is to create an office of the consumer advocate, a new capable office of the Legislature. The advocate’s mandate could include detailed performance measurements and reporting. The advocate could bring a more nimble, whole-of-government approach, and the advocate could build a strong, constructive and trustworthy relationship with the people of Ontario.

You have an important challenge and opportunity before you. Please focus on what you can do to provide relief for Ontario consumers. Pressed momentarily by inflation, rising food and housing costs in particular, the people of Ontario want to be assured of a fair marketplace.

Thank you for your time today, and good luck with your important work.

The Chair (Ms. Goldie Ghamari): Thank you very much. We’ll now turn to our third and final presenter, from the Canadian Bankers Association. Please state your name for the record, and then you may begin. You will have seven minutes.

Ms. Angelina Mason: Good morning. My name is Angelina Mason, and I am general counsel and senior vice-president of legal and risk at the Canadian Bankers Association. It is a pleasure to be with you today.

The CBA is the voice of more than 60 domestic and foreign banks that help drive Canada’s growth and prosperity. Over 194,000 Ontarians are employed in bank branches and regional offices across the province.

I am pleased to be here today to discuss Bill 142, specifically the Consumer Protection Act. We thank the government of Ontario for taking a leadership role in introducing this important piece of legislation, and all MPPs for their commitment to protecting consumers. This legislation will serve well to better enhance consumer protections for those industries that are currently not bound by a separate existing consumer protection framework.

Canada’s banks, however, have and continue to be bound by a rigorous consumer protection regime which covers bank’s products and services. This regime strikes a careful, highly tailored balance between the needs of Ontario consumers and federally regulated financial institutions. Many of the consumer protection provisions included in the recently implemented federal financial consumer protection framework, covered under the Bank Act, are either similar to or go beyond what is contained in Bill 142. Those provisions already covered include sales practices, appropriate selling of products, conduct obligations imposed on banks, requirements to keep consumers informed with electronic alerts and notices, requirements to establish procedures for dealing with consumer complaints, whistleblower protections, and banks being subject to ongoing oversight by the Financial Consumer Agency of Canada and being required to self-report breaches of consumer provisions in the Bank Act. Penalties for breaches can result in fines of up to \$10 million and the mandatory public naming of a bank.

It is due to these existing protections that the CBA asks that the committee amend Bill 142 at regulation to exempt financial products and services regulated under the Bank Act. This would follow a precedent to section 6 of the Mortgage Brokerages, Lenders and Administrators Act, 2006, which contains a similar exemption.

The exemption of financial products and services regulated under the Bank Act will serve to clarify how bank consumer complaints are actually handled. The Financial Consumer Agency of Canada handles such complaints, whereas the government of Ontario and associated regulators do not. It is imperative that unintended consequences, such as consumer confusion, be avoided.

From helping families buy a home and save for retirement to providing resources for small businesses to grow and thrive, Canada’s banks are there for Ontarians every step of the way.

The Chair (Ms. Goldie Ghamari): Thank you very much.

For this round of questioning, we’ll begin with the independent member for four and a half minutes. MPP Blais, you may begin.

Mr. Stephen Blais: Thank you very much. Our presenters have disappeared from the screen, so I hope they’re still there.

This is for the Consumers Council of Canada. You mentioned in your presentation the idea of an independent consumer advocate, and that came up a couple of times throughout the hearings yesterday. I’m wondering, are there other jurisdictions in Canada that have such a position?

Mr. Chris Ballard: I think it best if I pass this question to our executive director, Ken Whitehurst—if he could be un-muted.

Mr. Ken Whitehurst: Hello. No, this is a new idea. It's rooted in the fact that, once upon a time, provincial governments and the federal government had explicit ministries responsible for consumer protection. Those vanished in the 1990s. They had whole-of-government functions. There hasn't been a strong inclination for governments to return to creating an entire ministry that would take a whole-of-government approach to consumer protection.

0920

We think that, certainly, creating a more capable officer of the Legislature to make sure that the various ministries that are involved with consumer protection are actually pulling together, working together and getting the job done would be an important step forward because, presently, there really is not a lot of good-quality, detailed reporting or an overarching look at consumer protection questions. For example, another speaker just raised this question of, how do you harmonize federal and provincial legislation to work most effectively together? Those are the kinds of issues that do need to be resolved in the modern economy.

So we're looking for what would be a constructive administrative process and something where government and the Legislature are proactive rather than waiting for Auditor General value-for-money audits that inevitably are tearing agencies apart for non-performance. I just think this is a constructive thing that, really, all Legislatures across the country should consider in order that a better job is done.

Mr. Stephen Blais: I think that's a fair point.

To the gentleman from Advocacy Centre for the Elderly: Sir, you mentioned, as part of your presentation, that you thought the time periods within the various aspects of the legislation should be suspended for those who are mentally incapacitated. That seems to make a lot of sense. I'm wondering if you've had any conversations with those in government or others as to why that is not already the case, and is there any opposition—or what is the opposition to that kind of idea?

Mr. Graham Webb: Mr. Blais, we have not yet discussed that with the ministry—and perhaps we're neglectful in doing so, in terms of looking at bigger pictures. But I can tell you this is important—because there are many aspects of this legislation where we're also asking for amendments that could be done by regulation. This is something that, if this bill passes as is, would not be done by regulation, because it's not in the statute; it's not within the regulation-making authority—and it should be in the statute to begin with.

This, as I said, resembles, for anyone who is familiar with the limitation of actions—section 7 of the Limitations Act, which suspends the limitation for the institution of action in the case of mental incapacity.

This is a different type of notice period. The consumer, under this act, has one year to deliver a notice of rescission. We have many, many cases where door-to-door salesmen have preyed upon older adults with marginal mental capacity,

who simply are not able to exercise their rights even within the year, and that can pose a significant problem in settling the matter out of court.

This is something that's urgently needed.

I ask that that amendment be made before the bill leaves the floor.

Mr. Stephen Blais: I think we're out of time, so we'll come back to you after.

The Chair (Ms. Goldie Ghamari): We'll turn to the government. MPP Coe.

Mr. Lorne Coe: Thank you, Chair. Through you, to the representative from the Advocacy Centre for the Elderly: Thank you very much for joining us, and thank you for your work in advocating for seniors in our province.

You'll know that, for a period of time, I worked at the Ontario Seniors' Secretariat, and part of what I had to do was related to not only advocacy but stakeholder relations with your group and several other seniors' groups across the province going forward.

I'm very interested in what you had to say in your support of the legislation. I wanted to ask you a question about some of the ways that the government can continue to support seniors you've represented so well over a number of years in making informed choices, because I think part of our discussion centres on informed choices, what seniors' rights are within this particular legislation. But it also speaks to awareness and education, and that's part of what you've done for a number of years as well, is the education. So for this legislation, should it pass and we receive royal assent, I think a piece that you can play a role in and other seniors group like the United Senior Citizens of Ontario and others is the education part.

Can you speak to the role that you can play in continuing to support seniors in making informed choices through consumer awareness and education efforts as it relates to this legislation, please?

Mr. Graham Webb: Yes, Mr. Coe. Education on consumer rights is at or near the top of our priority list in 2022, 2023 and 2024. The reason for that is that there is an epidemic of mortgage frauds throughout southern Ontario that begin with door-to-door sales and gross violations of consumer protection law.

As we speak today, the OPP is meeting with police forces throughout Ontario—a member of our clinic is at that meeting—where they're presenting on the mortgage fraud issue, which is integrally tied to the enforcement of the Consumer Protection Act. We're part of that group. We're speaking with police agencies throughout Ontario.

On October 24, we held our annual general meeting—we're a non-profit charitable corporation—and we devoted our entire meeting to the topic of mortgage fraud, including consumer protection abuses. We had two sergeants from the OPP Serious Fraud Office speaking, along with the director of enforcement from the Financial Services Regulatory Authority and a lawyer in private practice who was co-counselling with us on many of the mortgage fraud files we're filing.

We've been speaking to consumer groups, to service providers. We have published a lengthy article in our news-

letter published in September this year that we're planning to—and sorry, we've also published extensive materials online at our new website, www.ancelaw.ca. So this is front and centre for us, because the more we can do by way of education in terms of prevention, the better.

The problem is that these frauds are being perpetrated by groups of young men who are going knocking on doors throughout southern Ontario, looking for vulnerable, marginally mentally capable older adults of whom they can take advantage, and they are simply beyond our reach. We can't educate them. We need this new act to give broader remedies to our clients. We also need the co-operation of the ministry in active enforcement.

In this area, we've seen the law society suspend lawyers who are connected with these frauds. We've seen the Financial Services Regulatory Authority, FSRA, take actions against mortgage brokers and agents. We've seen the OPP and police departments devote significant resources to investigations and enforcements. We have seen nothing from the ministry in terms of enforcement of the Consumer Protection Act, and we need that help. We need the active involvement and the partnership of the ministry in enforcing this good law that's on the books.

Mr. Lorne Coe: Thank you for that response and thank you for your support of this proposed legislation. We look forward to working with your group on the future regulations.

Through you, Chair, to my colleagues for further questions please.

The Chair (Ms. Goldie Ghamari): MPP Riddell.

Mr. Brian Riddell: My question is for the Consumers Council of Canada, and it details the right to review. When a customer interacts with a business to obtain a good or service, it's reasonable to expect that they should be able to share a review of their interaction. However, we have heard that some businesses have tried to control negative consumer comments and bill people whose comments they consider to be damaging.

Bill 142 would support the exchange of information in the marketplace by prohibiting businesses from including terms in a contract that try to deter consumers from publishing reviews or that bill consumers in response to the contents of those reviews.

Consumers should be able to share their experiences with a business without fear or repercussions. How does a change like this support Ontarians in making for informed marketplace choices and build a more fair and open marketplace? I'd just like to know if you support that.

0930

Mr. Chris Ballard: Yes, we would support that. I think the consumers have a right to express their opinions publicly and should not be bound by a corporate contract.

I'm not sure if Ken Whitehurst has a further comment.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Ken Whitehurst: The businesses are very amply protected in law—through libel, slander and defamation—if a consumer is abusing them. So, really, there shouldn't be restraints on people's free speech about their experiences in the marketplace. A lot of times, these measures are

abusive. On the other hand, there is a problem about whether some of the hosting platforms are also acting as responsible publishers and—so there are some problems. Consumers also need good information and good reviews. So there are a lot of subtleties in this.

But I think at base, you simply have to say that there's already a lot of framework law around people damaging people, so there shouldn't be any prior restraint of people to be able to express their concerns about politics or consumer transactions.

The Chair (Ms. Goldie Ghamari): That's all the time we have.

We'll now turn to the official opposition. MPP Rakocevic.

Mr. Tom Rakocevic: Thank you very much to the presenters for today.

I'm going to begin with the Consumers Council of Canada. First of all, I want to thank you for your years of work, the reporting that you do, which is really an asset for governments, whether they wish to read it or not. And you do this, if I understand correctly, all, essentially, as volunteers, on your own time. In some ways, it's a passion project to help consumers across Ontario and across this country.

Would it benefit you and other organizations like yours—and they're very few and far between in this day and age—if governments would provide funding or some other form of assistance so that you could expand the important work that you do?

Mr. Chris Ballard: I can speak to that, to say that there was a time when the Ontario provincial government supported the consumers' movement in Ontario to allow it to educate consumers and to gather information about consumer experiences in the marketplace. So we certainly would appreciate—I think any consumer group would appreciate a role in working more closely with government to educate consumers and to be able to report back to government on what's happening in the marketplace, so that government can adjust appropriate regulations or even introduce legislation.

Mr. Tom Rakocevic: Unlike you, the industries themselves—for the most part, sellers, especially big sellers, form entire industries, and they generally have associations that they become a part of that essentially act as lobby groups to push governments. Consumers, to some degree, I think, are misled into thinking that some of these associations exist for the purpose for consumer protection, when in reality they exist to take money from big businesses and corporations within an industry and then advocate on their behalf to change rules.

This leads to the second part. You mentioned that ministries really are not providing the consumer protection that has existed in the past. There are other jurisdictions around the world which are considered more of a gold standard, like the European Union and countries there, when it comes to protecting consumers' rights. What they have, in many cases, are what you've described: a consumer advocate, and the ability to proactively respond to issues in the marketplace, to go out there and be able to enforce and to do a lot more than the reactionary system, without

enforcement, for the most part, that our government here in Ontario continues to support.

I have a bill that's on the order paper right now that I issued in the last session calling for a consumer watchdog—very similar in scope to what you are asking for. Do you support this bill being passed by the government—a consumer watchdog in Ontario?

Mr. Chris Ballard: Yes. We would be supportive of any function that provides improved monitoring and enforcement of marketplace regulations and legislation. I don't care if you call it a watchdog or an advocate; we need—consumers really need this help. As I said in the presentation, Consumer Protection Ontario frames itself as an awareness program that promotes consumer rights and public safety, and consumers are asking government to do more to protect them when they go into the marketplace. So, whether it's a watchdog, whether it's an advocate, this role, I think and we believe, is crucial, and that's why we mentioned it in today's presentation.

Mr. Tom Rakocevic: Thank you.

I'd like to move to Mr. Webb from the Advocacy Centre for the Elderly. Thank you so much for all of your work. I want to touch on something that you mentioned, which is something that I had just mentioned myself, which is about enforcement. Do you think it is helpful for the elderly, just like all the other consumers in Ontario—that when they're facing a problem against—I don't know, a billion-dollar corporation, that they've been taken advantage of, that ultimately, they're told, "Call a consumer hotline," which, in turn, will just simply tell them, "Get a lawyer and fight this giant business." Do you think this is very helpful to many elderly, or do you think we need to do more as government to protect those who are being taken advantage of, in some cases by unscrupulous sellers?

Mr. Graham Webb: Hotlines have their place, Mr. Rakocevic, but they aren't the answer. They're simply a referral. In the broad scheme of things, there's information referrals and advocacy, and hotlines are simply not able to provide advocacy. We need agencies within government that are able to do the things that only government can do. Under the Consumer Protection Act, there can be inspections, investigations, orders and prosecutions. We're seeing none of that.

We are seeing the ministry facilitate mediations between consumers and businesses. With compliant businesses, mediation is not even necessary. When we're dealing with a reputable supplier, if there's a problem with the Consumer Protection Act, we're usually able to sort it out without litigation, without going to mediation. It's the bad actors that the minister rightly speaks of that we have to try to mediate with.

Mediation is a voluntary process. The problem is that the non-compliant businesses don't give their full co-operation, and the consumer has a two year time limitation to bring legal action. The mediation is never completed within the two years. The consumer, if they wish to preserve their rights, must bring legal action, which ends the mediation. That's the extent of the ministry's involvement, nothing more. So, we need a ministry that does more than educate,

that does more than facilitate mediation. We need a ministry that does enforce the Consumer Protection Act as only government can.

By the way, we completely support the establishment of a consumer advocate or a consumer watchdog or whatever agency would be established, because partnership is the name of the game, and we need more partners to work with. On these problems we're facing—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Graham Webb: They're overwhelming our small clinic, and we need more partners actively advocating for consumers' rights. We're using everyone we can.

Mr. Tom Rakocevic: Thank you for that. In the little bit of time remaining: I think what we've seen, for the most part, with those who have come to present to us has been support in general for the legislation, but a reminder that it just doesn't go far enough to really bring us to a gold standard of protection here in Ontario. Do you feel that this legislation brings us to a gold standard in Ontario of consumer protection?

Mr. Graham Webb: It's very good law, and we support this bill. We think it's a very advanced, nuanced and effective law in terms of consumers advocating for their own remedies. However, the part that requires government activity in terms of enforcing it falls far short. It's not just this government. It's preceding governments for the past 40 years—well, 39 years, throughout the life of our clinic—that we have never seen—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we have.

We'll now have to turn to the independent member for four and a half minutes. MPP Blais, you may begin.

Mr. Stephen Blais: I'll start with the gentleman from the Advocacy Centre for the Elderly. Yesterday, we heard from a number of presenters about dark patterns and how this type of activity online is predominantly impacting vulnerable peoples, especially seniors who are perhaps not as familiar with online practices, and young people with video games—but I appreciate that's not your particular clientele. I'm wondering if you have a point of view on dark patterns and efforts that might be taken to clean that up.

0940

Mr. Graham Webb: Mr. Blais, if anyone in this room were to spend a day in our office walking with us and meeting our clients, it would shock you, amaze you and perhaps break your heart. Only last Friday, one of our staff litigation lawyers and myself spent almost an entire day meeting with a 72-year-old woman from London, Ontario who took the train into our office to see us, who has been victimized at least a dozen times over the past three years, starting, essentially, during the COVID pandemic with consumer protection violations and liens against her home that threaten her continued possession of her own home that she has owned since 1990.

We are overwhelmed with the consumer protection violations we're seeing that begin with and revolve around these door-to-door sales and registration of liens, NOSIs, against title to person's homes. That's a whole separate

discussion. The government is thankfully doing a consultation on NOSIs. They've been very active on the NOSI consultations. We're grateful for that.

But it's a bad place in Ontario, Mr. Blais. Consumer protection violations are rampant; they're injuring older adults everywhere.

Mr. Stephen Blais: Thank you very much.

I'm wondering if the gentleman from the Consumers Council of Canada—if you have a point of view on dark patterns and what might be done to end them and better protect vulnerable internet users and video game users, like children and seniors.

Mr. Chris Ballard: Very high level. I would suggest that simply raising consumer awareness and consumer education is important, but this government needs to do more. The province needs to do much more and go much further in providing protections—not just the legislation and the regulations, but the enforcement of those regulations.

As we've said, as the other speakers have said, there's a lot of good regulation on the books. There's good legislation. It's just never been enforced, and that's what is so disappointing to our organization and to consumers. Let's enforce this new act and make sure that consumers have protection.

I'm not sure if Ken Whitehurst has anything to add, but I'll leave it there.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Ken Whitehurst: We've made some pretty fundamental points around the fact that a lot of work is being done so that consumers have to authenticate themselves to business and entities, but not nearly enough work has been done to improve, even from a technological standpoint, the actual ability of consumers to authenticate who they're dealing with. In the online environment, people have no idea what the party is on the other side, unless they happen to be a really large business that spends billions of dollars promoting their brand.

There are concrete things that can be done. In our experience, however, talking to governments, commonly, public servants and politicians' eyes glaze over, because they really don't understand the basis of the technological solutions that are required, and what needs to be demanded—

The Chair (Ms. Goldie Ghamari): That's all the time that we have. Sorry.

We'll now have to turn to the government. MPP Kusendova-Bashta.

Ms. Natalia Kusendova-Bashta: Thank you to our presenters.

I do want to make a statement, though, about the enforcement, because the ministry has taken and continues to take enforcement action against non-compliant businesses where appropriate and has secured positive outcomes for consumers. Some of the actions that the ministry may take include mediation and educating the business about consumer protections. The ministry can also issue a compliance order, can investigate and prosecute, and we also have a “consumer beware” list that the ministry maintains

and businesses that are found in violation can be actually placed on this “consumer beware” list.

However, it is not the role of the ministry to advocate for individual consumers. As you can imagine, that would not be an effective way. In taking action, the ministry will not prosecute every complaint received against a business, but will select a representative sample, which those cases will offer the strongest evidence for the offence. So the ministry is taking action in terms of enforcement of the Consumer Protection Act.

But I wanted to ask a question to the Advocacy Centre for the Elderly—and thank you so much for all of your work that you're doing to protect vulnerable Ontarians. In my riding of Mississauga Centre, I hear often from seniors who are basically conned at the door into signing contracts that they did not fully understand or grasp the implications of. Certainly the language barrier is a big issue in my riding where we have so many newcomers and elderly who do not actually speak English.

Yesterday, one of our presenters talked about the dark patterns that are targeted at children. I was wondering: In your experience, are you seeing any dark patterns that are being targeted specifically to the elderly and seniors?

Mr. Graham Webb: I hesitate to say this, but this is true. In the course of investigating these consumer protection frauds, culminating in mortgage frauds, a police officer seized the phone of one of the perpetrators doing door-to-door sales, who had a list in his phone of vulnerable adults upon whom these door-to-door salesmen were preying. They exchanged the lists.

We had a client, who recently died, who lacked mental capacity and repeatedly had many, many salesmen selling many, many different things time and again to her, because they collaborate. We think it's a conspiracy, and we pleaded it as such in legal actions before the Superior Court.

So, yes, there is collaboration. There is organization. There is preying upon vulnerable individuals with marginal mental capacity, and also those who are newcomers to Canada where English is not their first language. These rogues prey upon the vulnerable. They're looking for people who are not able to defend their own rights.

Ms. Natalia Kusendova-Bashta: Thank you for that. Certainly with the rise of artificial intelligence, what we have also seen are scams where people are calling senior citizens, impersonating their grandchildren or children, actually using artificial intelligence to simulate the voice. So I think this is an area which we also do need to look at and focus in on. Do you have any suggestions for ways that the government can better support our seniors in making informed choices and raising consumer awareness, specifically for our seniors?

Mr. Graham Webb: I think what the government really needs to do is to do more of the things that you've spoken of in terms of compliance orders, investigations and prosecutions. There are educational initiatives from all quarters: from ourselves, from the law society, from FSRA, from the OPP. The OPP is sending out letters to vulnerable adults who may be subject to the frauds, notifying them they would be subject to the fraud. There's a lot of education going on.

We know the government has the tools, and we beg them to use them.

Ms. Natalia Kusendova-Bashta: Thank you very much.

The Chair (Ms. Goldie Ghamari): MPP Dixon.

Ms. Jess Dixon: This is to ACE: Can you talk to me a little bit about limitation periods and discoverability with these unfair practices? What's happening now and what do you see in this bill, particularly as far as vulnerable seniors?

Mr. Graham Webb: The discoverability rule is very important. In terms of the limitation of actions, bringing a legal action in court against someone else, the limitation period does not begin to run until the basis of the claim is discovered, then the clock starts. That applies to consumer—well, it doesn't actually apply. It applies to consumer actions that are governed by the Limitations Act, but within the Consumer Protection Act, there are other time limitations that are not affected by the Limitations Act. An important one is the one-year limitation for a consumer to give notice rescinding a contract. That rule does not have any reference to a discoverability rule. The facts upon which a rescission—it might not be known within a year.

Aside from discoverability, there is again the mental incapacity issue, and this comes back to the tolling issue we asked for. This is a very important issue for this committee. You're intended to look at this bill on a detailed basis. This is an important missing detail that will really help advance the rights of consumers of Ontario if this committee can propose a provision that gives a tolling provision based on discoverability, but also a tolling provision based on incapacity.

0950

Thank you so much, Ms. Dixon, for the question.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Jess Dixon: And just to confirm—I didn't get your materials, or only this morning—that's what you're talking about, the tolling provision for mental incapacity? Are we talking about the same thing there?

Mr. Graham Webb: We didn't mention discoverability, although we should have. But a tolling provision for mental incapacity—when you do receive our materials, all of our amendments are found in section 3 of our materials, and the tolling provision is addressed in section 3.2.

Ms. Jess Dixon: Okay. If you at some point want to add about the discoverability, I'm certainly happy to hear it.

Mr. Graham Webb: Yes. We would very much appreciate a provision that would speak to discoverability in terms of the rescission periods within the act. Any time periods in the act where the consumer is required to give a notice within a certain period of time, we would ask that time only start to count after the—

The Chair (Ms. Goldie Ghamari): That's all the time that we have.

We'll now have to turn to the official opposition for the final round. MPP Rakocevic.

Mr. Tom Rakocevic: I'm going to direct my next question to the Canadian Bankers Association. Ms. Mason, thank you so much for being here. You had asked for an exemption from this Consumer Protection Act here in Ontario, stating that there are federal regulations that

capture consumer protection. My question to you is, do the existing regulations provide more stringent requirements for consumer protection than what the province of Ontario, the government here, is suggesting? Which act provides more consumer protection, in your opinion?

Ms. Angelina Mason: I would say the federal, but that's because it's been designed sector-specific. Because of the role that financial institutions play within society, they're held to a higher standard. I think part of the challenge in dealing with general consumer protection law is that you've got multiple sectors.

Mr. Tom Rakocevic: I understand. I hear you loud and clear, and you're saying that this act does not provide the same level of protection for consumers in all realms as what the act does for people that are going to banks and financial institutions. Okay. Thank you for that.

My next question is to, again, Mr. Webb. You had mentioned time-shares, and you talked about the fact that people that are, let's say, elderly are purchasing a time-share and how that 25-year period is too long. It should be shorter. I just wanted to ask you a question in general about the industry. Do you think it is a business practice whereby they're counting on some consumers to purchase at a later age or to not be able to get what they bargained for with these types of purchases? Do you have any thoughts about the industry as a whole? Is 10 years enough to deal with the problem that many people are finding themselves in serious financial binds by buying into these time-shares in the first place?

Mr. Graham Webb: Sir, I can only speak to this from the consumer side. I really can't ascribe motives to the industry or describe industry practices because I'm really not familiar with them from the landlord's side.

But from the consumer side, we hear of extraordinary pressure being brought to bear on our clients to enter into time-sharing agreements. We hear of them being entered into at least mid life but usually later life. And we hear of problems when couples have entered into this together, looking forward to spending quality time together, only to be followed by a stroke or a medical event or dementia or even the death of one of the partners, leaving the other partner unable to fulfill the time-sharing agreement and having no practical way to escape it. So we're grateful for the ministry bringing rules concerning time-shares.

We do have concerns that 25 years is too long, because the situation of a 50-year-old is not at all comparable to that of a 70-, 75- or 80-year-old if they have encountered bad health or limited financial circumstances.

Mr. Tom Rakocevic: Okay. Thank you.

Mr. Whitehurst, any comments on time-shares? Do you think that this is a good value proposition for people—in the balance of all people—when they're making these purchases? Do you think there might be more needed in this area? I'm sure you would agree. And do you actually agree with his 10-year period instead of 25?

Mr. Ken Whitehurst: That would be a step in the right direction. These agreements are extremely complex. Are they investments? Are they services? What are they? In the securities industry, to trade futures contracts at the

level of complexity that you can see in some of these agreements, only regulated parties would even be able to engage in the transactions. This is a classic case where, because there's not a whole-of-government approach taken to looking at a service and investment offering, it falls between the regulatory crevices.

There's no one really looking at this holistically in government to say, "What's really going on here? What's the real intention of these agreements?" So a fundamental relook should be taken at the whole area, and it's going to need to be cross-disciplinary because it's going to require the sales practices side that's there; it's going to require the kind of oversight that you might see the Ontario Securities Commission or FSRA apply.

It's just a very, very complex transaction for people entering into it, and yet it seems so simple to them until they start running into the implications of the provisions.

Mr. Tom Rakocevic: Mr. Whitehurst, the government does talk about gouging when it comes to this legislation. But it seems that their solution—and I don't think it is very descriptive in terms of how they'll achieve this, especially in light of the fact that there's almost a complete lack of enforcement when it comes to bad behaviour by sellers in the province of Ontario in terms of government action.

Do you believe that this legislation can really help with industry-wide problems of gouging when you have large industries—let's say the auto insurance industry. They have their own association that advocates for them. We pay some of the highest rates in North America here for drivers. Do you believe this legislation will be able to address gouging in areas where there's industry-wide problems? And do you think more is needed?

Mr. Ken Whitehurst: Price gouging is very hard to prove. You find it very few times, except maybe when there is a huge swell of public opinion over a public emergency and gouging happens in that context. We saw it with Uber with their demand pricing, where there was just a great upswell. It's almost like the marketplace corrected it, but there were laws passed in a lot of jurisdictions to deal with it as regulated transportation in an emergency.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Ken Whitehurst: Gouging is really hard, and there's a lot of other kinds of framework law and enforcement that are required to make sure industries are on track.

Mr. Tom Rakocevic: In the time remaining, I want to say that I've heard very loud and clear that this legislation does not take us to the enforcement needed in Ontario. I hear loud and clear the support for an advocate or a watchdog or some such other body that could bring us to the gold standard to proactively investigate in terms of consumer protection.

I want to thank all three of you that are here today and for your presentations and participation in this important matter.

The Chair (Ms. Goldie Ghamari): Thank you very much, and thank you for your presentations today.

At this point we'll now recess until 1 p.m. Thank you very much, everyone.

The committee recessed from 0959 to 1300.

The Chair (Ms. Goldie Ghamari): Good afternoon, everyone. The committee will resume public hearings on Bill 142, An Act to enact the Consumer Protection Act, 2023, to amend the Consumer Reporting Act and to amend or repeal various other Acts.

COMMUNITY LEGAL AID, UNIVERSITY
OF WINDSOR

CANADIAN PREPAID PROVIDERS
ORGANIZATION

The Chair (Ms. Goldie Ghamari): I will call upon our first presenter, Community Legal Aid, University of Windsor. Please state your name for the record, and then you may begin. You will have seven minutes. Thank you.

Ms. Lilian Bahgat: Good afternoon, Madam Chair and committee members. My name is Lilian Bahgat, and I am review counsel and a supervising lawyer at Community Legal Aid or CLA. Thank you for the opportunity, for letting me speak to you today about Bill 142.

A brief background on us: CLA is the University of Windsor's student legal services organization. CLA, for over five decades, has been providing free legal assistance to low-income residents of Windsor, the greater county of Essex and undergraduate students at the University of Windsor while we also teach the law students here at the faculty of law.

As a poverty law clinic that practises in consumer protection and elder law, CLA commends the ministry's initiative to bring clarity to the Consumer Protection Act and to strengthening consumer rights. Our involvement in the consultations over the past several years are indicative of and underscore our support for Bill 142, and we look forward to its urgent enactment. The adverse effects of predatory business practices and tactics disproportionately impact our financially vulnerable clients, exacerbating their challenges and, frankly, contributing to the cycle of poverty.

Today, I aim to discuss with you three main points: the first being enhancing clarity and disclosure requirements for the bill; the second being amplifying the consumer-remedies portion of the act; and the third being strengthening enforcement mechanisms for greater efficacy. Throughout these points, I will try to use cases we've encountered at the clinic to illustrate why these changes need to be made.

To my first point about enhancing clarity and disclosure requirements: We propose explicitly including residential lease-breakers in the definition of a contract-breaker. During the pandemic, we witnessed a surge in cases that involved companies targeting international students and newcomers, offering lease terminations being done primarily online, making it much more difficult for us to track down these companies when a contract dispute arose.

For clients with limited English proficiency, we propose adding the phrase, "readily translatable" to the criteria of clarity, comprehensibility and prominence in the disclosure section, section 4 of the proposed act. We've had cases

where the consumer was not proficient in English and it was very apparent, yet the salesperson had the consumer's 10-year-old son, for example, translate the contract terms before having her sign.

Additionally, requiring proof of notice of delivery under section 4 of the proposed act would counteract contracts that are finalized through text messages. A common occurrence among certain companies, we've seen this tactic being more frequently used by businesses offering credit repair services.

We ask that the government review all the time periods within the act. Notice periods in the act should focus on discoverability. They should take into consideration informed consent, literacy and digital literacy, and capacity issues. We ask for a retroactive clause that captures contracts that were entered into during the pandemic period in particular, where we saw an increase in predatory practices aimed at senior citizens, newcomers and international students.

Furthermore, under section 21 of the proposed act, which addresses purchase-cost-plus leases, we suggest mandating in the language of the act that the critical information needs to be prominently displayed on the contract's first page, in plain language, in a sizable font. Contracts in industries like heating and cooling businesses tend to bury the buyout schedules. We also think it's very important that the act actually mention and address implicit finance rates. We need to have a clear explanation of this put in the act, so that the consumer is made aware of this and the buyout schedule prior to executing the contract.

To my second point about amplifying consumer remedies: Section 45(3) of the proposed act concerns third-party charges, and we ask that it should implicitly address damages caused by suppliers during the installation and removal of goods.

Our clinic had a case that involved a 74-year-old client agreeing to a water heater installation, arguably though she didn't need one. The installer ran an out-pipe from her basement through her kitchen floor and out the exterior wall of her home. While she was still within the cancellation period, she was burdened with the repair cost that she would have to incur after the equipment was removed. We ask that the act stipulate that installations and removals rest with the supplier and extend to all the hired independent contractors. We don't see any language mentioning independent contractors hired by suppliers.

Our clinic has worked with other clinics in the province in tracking down companies that are registering the notices of security interest, NOSIs. We appreciate there is a separate consultation currently ongoing with NOSIs and we look forward to participating in that. Expanding the definition of "supplier" to encompass assignees of the original contracting businesses in relation to NOSIs is imperative, and requiring that notice be provided to the consumer prior to the registration of a NOSI is also very important. So is the need to have this effective notice of an assignment incorporated in sections 60 and 61 of the act.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Lilian Bahgat: To my final point about strengthening enforcement mechanisms while the fines against violating

businesses have increased, and we're appreciative of this, the enforcement state of the CPA remains worrisome. A robust enforcement branch is pivotal; without it, regulations would falter. We encourage you to consider mandatory mediations or, at least, fines against a business that is non-responsive to the mediation process. For low-income consumers, mediation is often the last resort as they can't afford to go to court and don't have the resources to do so.

We also ask you to resource the investigations, which are vital for consumers when they're faced with a limitations period, and that these investigations be done in a timely manner. Often, we're relying on the fraud departments of our police forces because the ministry itself is under-resourced to assist.

Lastly, we would ask that the act encompass predatory practices in the online marketplace such as drip pricing, algorithmic pricing and fake reviews, and to do so either directly or indirectly through the comprehensive regulations.

All of these things are very urgent. We do thank the ministry for its attention to the Consumer Protection Act. Thank you for your time.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now go to our second presenter, the Canadian Prepaid Providers Organization. Please state your name for the record, and then you may begin. You will have seven minutes.

Ms. Jennifer Tramontana: Thank you, Madam Chair and members of the committee. Good afternoon, and thank you for inviting me to join you to discuss Bill 142, the Better for Consumers, Better for Businesses Act, 2023. My name is Jennifer Tramontana. I'm executive director of the Canadian Prepaid Providers Organization. I'm joined today by Noah Niznick from PAA, who advises the CPPO on regulatory and government relations matters.

Our association is the collective voice of the \$10-billion open-loop prepaid payments industry in Canada and counts major financial institutions, payment card networks, program managers, fintechs and key vendors among its membership.

Open-loop prepaid is the platform enabling much of the payments and digital banking innovation flourishing in Canada. Open-loop prepaid products today operate in many ways like traditional bank accounts, providing consumer benefits such as mobile payment transactions, savings accounts, bill pay, points programs, credit monitoring or even cash-back systems. They are also particularly well-suited to support rural and remote populations who may not have access to other forms of banking and small businesses who have limited affordable banking options. For many demographics, open-loop prepaid products offer a more attractive, affordable and accessible access point than traditional banking products, including credit and debit.

A recent Leger study revealed that in terms of client satisfaction, Canadians rank open-loop prepaid products in their top-three preferred payment methods. The growth of the industry is driven by younger Canadians, who use credit and cash significantly less often than those over 55. These younger demographics use digital wallets, prepaid

and other digital payments at much higher rates than their older counterparts. In addition, we see open-loop prepaid as having particular appeal to underbanked populations like new Canadians, who are using it more and more as a primary financial tool.

Canadians like open-loop prepaid for a few key reasons: it is universally accessible to all Canadians; it is safe and easy to use because it runs on the existing payments rails; and it is the platform of choice for innovative solutions.

Today, open-loop prepaid is powering important e-commerce applications like Instacart grocery delivery, new solutions that give workers immediate access to their paycheques daily or after every shift, as well as cheaper access to banking and payment services for small businesses. Ultimately, open-loop prepaid is ensuring access to the digital economy, bringing down the cost of banking and payments and promoting financial health and equitable access to the financial system.

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Against this backdrop, the CPPO welcomes the government's decision to amend the Ontario Consumer Protection Act. We believe that Bill 142 can be the right avenue to address consumer protection in a more consistent manner that recognizes how Canadians transact with prepaid payment tools today.

With that goal in mind, our key recommendation is that the new Consumer Protection Act, 2023, be harmonized with the federal prepaid product regulations. Federal regulations have long recognized that open-loop prepaid products are different from retailer-specific prepaid cards. Because open-loop products function more like a traditional bank account, the federal regulations permit maintenance fees that operate like monthly bank account fees. CPPO believes that the Ontario prepaid regulations should reflect this difference. In the absence of such a change, provincially regulated financial regulations will be at a competitive disadvantage to those regulated at the federal level.

In recent years, a number of non-federally-regulated challenger FIs like KOHO, Neo Financial, Wealthsimple, EQ Bank, Mydoh from RBC and others have expanded their open-loop prepaid product offering. They've bundled the capabilities of prepaid with lower costs and innovative services like cashback programs, savings features and credit scoring, to bring new, affordable services to all Ontarian consumers. As Bill 142 is currently drafted, these providers would not be able to collect the maintenance fees that are standard at the federal level for reloadable open-loop prepaid products.

The resulting barrier to entry creates an uneven playing field between federal and provincial FIs that could reduce the options available to Ontario consumers, particularly those neglected by traditional financial offerings. Rather than safeguarding the rights of Ontario consumers, such an outcome risks disadvantaging the unbanked, younger and new Canadians who do not interact with mainstream banking services at the same level.

There are a few other aspects of the text of the legislation, as currently written, that are out of step with realities

of the product. For example, the bill prohibits the expiry of a physical card. We understand the intention of this, namely that the funds on the prepaid product should not expire. However, the very nature of a reloadable prepaid product involves the renewal periodically of the payment instrument for security purposes, but without the funds ever being extinguished. We are hopeful that this nuance could be incorporated into the act or accompanying regulations.

In addition, we propose that, like the federal regulations, Ontario should consider certain exemptions to allow for the expiry of funds for promotional products. These are products that are purchased by an entity such as a car dealership and distributed as part of a promotional loyalty or reward program. These cards are usually exchanged for free with a consumer, therefore the federal regime recognizes that these products can expire.

In closing, let me reiterate CPPO's support for this bill and what it seeks to achieve. We believe that it gets us well down the road towards a consistent national framework for consumer protection. Our goal is to ensure that we make a few adjustments to bring about similar consistency to federal and Ontario regimes governing the open-loop product market

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Jennifer Tramontana: Once again, thank you for having us to this meeting. I look forward to answering any questions you may have.

The Chair (Ms. Goldie Ghamari): Thank you very much.

For this round of questions, we'll begin with the government for seven and a half minutes. MPP Coe.

Mr. Lorne Coe: Thank you to both the presenters. You did a good job with what you had to say. I need some clarity, though, from the representative from the Canadian Prepaid Providers Organization, and it's on gift cards. There's always a lot of discussion about gift cards, even within my own family. So let me ask you this question: Why should gift cards have arbitrary draw-downs or expiry dates when people have paid for and expect the full value that they're worth?

I don't think that's an unusual expectation on behalf of the people I represent, and I'm sure the others around the table would expect that as well. So can you explain a little bit more fully your position on that? Because I heard you, but I find it surprising given the expectation, at least of the people I represent. Thank you.

Ms. Jennifer Tramontana: Thank you very much for your question. I appreciate it.

When we are speaking about gift cards, there are two kinds of gift cards. One is what we would call a closed-loop gift card, which is offered by one specific retail location, like Indigo or Tim Hortons. So you go into Tim Hortons, you fork over your \$20 to Tim Hortons, they give you the gift card and it then gets used by yourself or a friend/family at some later date. Those cards, like I said, we refer to as closed-loop, and they are sales that are made right directly within a retail location. They are given the

money up front, they can book it as a sale and then later they are exchanged for goods.

Open-loop gift cards, which are only one element of open-loop prepaid products, as I alluded to in my opening statement, operate on the traditional payment rails and they operate more like credit cards, although the funds are prepaid onto the gift card. So they are able to be used at any location that accepts Visa or MasterCard, be it in a traditional retail location, physical store location, online or anywhere else the consumer wants to use it. They have also that backing that is behind them. They need to have compliance that is associated with the financial institution that holds the funds. They run on the network rails by Visa and MasterCard and others. So there are costs associated with the convenience of being able to purchase those cards and use them anywhere.

As I said in my opening statement, the funds do not expire, but some open-loop gift card products either charge an upfront fee for purchasing those cards or potentially a maintenance fee if they are not used within a period of time; they differ. That just goes to cover the cost of compliance, convenience and the ability to use it anywhere, unlike that traditional retailer that knows they're getting the entire sale within their store.

Mr. Lorne Coe: Thank you for that response. And through you, Chair, to MPP Hogarth.

The Chair (Ms. Goldie Ghamari): MPP Hogarth.

Ms. Christine Hogarth: I just want to thank you both for your presentations today.

My question is actually going to go towards the Community Legal Aid, University of Windsor. First of all, I want to thank you for the work you do, especially with the vulnerable citizens in our communities—just the work to help them through sort of difficult times. When they need legal help, it's usually at a desperate time of their lives.

I think what this bill is trying to obtain, it's trying to make things a little bit better for our consumer and protecting our consumer. Right now, we have some rules in place and laws in place to ensure that our consumers are protected, but we want to make those laws even better for people out there in all of our communities.

I just want to actually touch on gift cards as well—something that my colleague just mentioned. You're dealing with more vulnerable citizens, so if they received a gift card or, say, a Visa credit card, sometimes they get these cards because they don't actually have credit to allow them to have their own physical credit card. That's why someone may give them a gift card so they can use that. If anybody is going to book a hotel room or rent a car, they need to have a credit card. So you have these prepaid Visa cards that people give as gifts, and we are coming into the gift-giving season. Your thoughts on your clientele and what you think about prepaid credit cards or prepaid cards and the changes we're making in Bill 142 to protect our consumers?

Ms. Lilian Bahgat: Thank you for your question. I think you touched on the vulnerability because often these sorts of products are catered towards our clients because they don't have means of accessing financial institutions,

they don't have bank accounts, and so they really essentially rely on these as a fundamental form of payment for necessities. So we see what is proposed in the act as something that is supportive to protecting their consumer rights, and we're certainly happy to support the overall bill because of that.

With prepaid cards, again, we did do the consultation earlier on high credit ratings and that sort of aspect because in our communities, it's very far and few between that you will find actual banking institutions. So vulnerable folks rely on these more so, so they're not getting the value, per se, and the ability to use it. I think it's, unfortunately, part of the cycle of poverty.

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Ms. Christine Hogarth: Okay. Thank you for that answer. When you are talking with your network of clients, is there anything else they have brought to your attention about consumer protection or maybe something they're not aware of that you've brought to their knowledge about this bill, and they may not even know the bill is here.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Christine Hogarth: Are there other items in this bill that you think will help your clients out?

Ms. Lilian Bahgat: Yes, certainly. Most clients aren't aware of the bill overall. They certainly are not aware of their cancellation rights, and that's why we were happy to see more language in there about notice. Our concern with notice, as I mentioned in my opening statements, is that it has to take into consideration our clients' literacy. A lot of our clients are newcomers. They're international students, and English is not their first language, so the assumption that 10 days is enough time for someone to rescind a contract when they may not have even appreciated the terms of the contract is something that we're urging the government to look at and consider. It's an act we interact with so often because a lot of it has to do with—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time we have for this round.

We'll now turn to the official opposition. MPP Rakocevic.

Mr. Tom Rakocevic: Thank you to both presenters for being here and for sharing your ideas on this bill. I think I'll begin with the Canadian Prepaid Providers Organization. Can you provide the rationale for maintenance fees on these cards? People buy the cards and there will be an upfront fee, in some cases, which I won't comment on, but the fact that the balances will begin to diminish—what is a typical maintenance fee, do you think, on a card, and do you believe that this is a fair business practice? It seems to me that you're counting on people not using the entire balance and a lot of it goes to waste. Well, not to you, of course, but to the consumer.

Ms. Jennifer Tramontana: Thank you very much for your question. I'd like to start by categorizing a difference here between open-loop gift cards and then reloadable open-loop products.

If we're talking about an open-loop gift card, which is a single-use gift card that you would buy somewhere, let's say Shoppers Drug Mart for the Gift Card Mall, from Visa or MasterCard, you would be able to go out and use it until

it was completely drained down from usage. There is generally a fee for purchasing the card, and then the vast majority of consumers—I believe it's 98%—use that product within one to three months. I cannot comment on every card that is in market with respect to any maintenance fees on it, but generally we see that the cards are used right away and there's pretty much only that upfront fee.

When we are talking about reloadable prepaid products, which means you receive a card and you can keep loading money onto it, this is what I was alluding to in my remarks when we are talking more about those that are more similar to traditional banking products. A typical checking account from a large financial institution, as you know, can be about \$20 a month if you don't carry a significant monthly balance. So to compete for market share, most reloadable open-loop products offer either no or very low-fee accounts that are backed by open-loop prepaid, and that is really why more and more Canadians are using them as their primary financial platform. They are far cheaper than using a bank account, not to mention there's no overdraft fees, there's no ability to get into credit card debt or have those interest payments. In addition, they can avoid using either a cheque-cashing service or a payday lender.

So having a small amount of monthly maintenance fees in order to offer what is very close to a traditional banking account, with much less cost to the consumer, with all of the compliance associated and safety and security of having the funds at a financial institution—that would be the rationale behind charging those small fees every month.

Mr. Tom Rakocevic: So essentially, it's kind of a financial product that you're offering.

I just wanted your comment on the fact that the Canadian Bankers Association spoke earlier today, and they had said that they wanted to be exempt from this legislation and that they should just simply default to federal rules. I had asked them which protections were more stringent, what was at the federal level versus at the provincial level, and they claim the federal rules were more stringent.

If I understand, at the beginning of your presentation you were saying that if you were to adhere to the new rules that are being proposed, in this instance it would put you at a competitive disadvantage, I guess, with other provinces. Can you elaborate on what the changes are that would provide that competitive disadvantage, and if that's the case, why shouldn't the government be pushing for consumer protection instead of protecting you?

Ms. Jennifer Tramontana: Thank you for that question. I'll reiterate what we are looking for. Our key recommendation is that the new act, the Consumer Protection Act, be harmonized with federal prepaid product regulations, and that is because they have long recognized that open-loop prepaid products are different from the retail-specific cards that I spoke about before. Because they function more like that traditional bank account, the regulations permit some maintenance fees to operate like monthly bank account fees, and we believe that the Ontario prepaid regulations should reflect this difference.

There is a key reason for that. In the last few years, a number of non-federally regulated, those challenger FIs—

I'm sure you're familiar with them—like KOHO, Neo Financial, Wealthsimple have expanded their open-loop offerings. They are backed by Visa and MasterCard's regime and they're starting to bundle these capabilities with lower cost and innovative services. We want to make sure that those who are not federally regulated but are regulated in Ontario are playing on the same playing field as federally regulated institutions, and that's why we are asking for that.

Mr. Tom Rakocevic: In the remaining time I have, I'd like to speak to the University of Windsor legal aid representative who's with us today. Thank you so much for your presentation and your work in providing legal aid to vulnerable individuals.

You brought up an example of the fact that suppliers should cover installation fees when there's a problem. It brought to mind an example that I used in the bill I tabled calling for a consumer watchdog in Ontario, and it was something that was documented. It was a large retailer—I don't remember which one in particular, but it was basically a home retailer. Of course, there was a delivery and the delivery truck came and, I think, took out a garage door, and it was only until they went to the media and were successful in shaming this large business that they were able to get compensation. They were able to get compensation, of course, because of shaming. This big corporation now had to respond.

You mention a lack of enforcement with regard to consumer protection here as well, I believe. Can you tell the members of the committee why it's essential that even if the government brings in new rules and improvements—and there are definitely improvements in the bill—that in absence of enforcement, it really doesn't matter because it's pitting David against Goliath when it comes to fighting these big retailers often. Could you expand on that a little bit?

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Lilian Bahgat: Yes. Thank you for your question. To be clear, we are supporting the bill but, absolutely, you're right. A lot of times the efficacy comes through going to the media. We've had our own cases where we've had to go to the media to get the attention of the business. However, at the same time, there are really good prophylactic measures going on right now with educating consumers. What we're looking for and urging is looking at things like mediation and turning that into being mandatory, turning around and shortening the times of investigation periods because our clients don't want to go to court. Most of them can't afford to go to court. We're overrun ourselves; we can't take every case to court either. So we do need to have more investigators hired. We do need to shorten the investigation times. We need those orders to be issued and to be publicized in a timely manner so that the consumer has the most information upfront before they're actually signing those contracts.

As a network working amongst our own interprovincial clinics, we work on the education piece with our public legal education—

The Chair (Ms. Goldie Ghamari): That's all the time we have.

We'll now turn to the independent member for four and a half minutes, MPP Blais.

Mr. Stephen Blais: Thank you for your presentations. I have a question for Ms. Bahgat. I think you referenced the fact that some vulnerable communities and new-Canadian communities rely on some of these cards as their method of doing business because they don't access banking in a traditional way. I can appreciate if you pay cash for one of these prepaid Visa or Mastercard, but how do they get reloaded? If they don't have a traditional bank account, how do you reload money onto them after you've expired the 100 bucks or 150 bucks, whatever it is that you're prepaying at Shoppers Drug Mart?

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Ms. Lilian Bahgat: I don't know if I can actually speak to how it gets done. I know that we often work in our clinic, frankly, with social workers who assist our clients in getting these sorts of things done, so I don't think I'd be the best person to speak to that. I just know that they're relied on. We have them here at our clinic to help migrant workers, to help sex trade workers, whoever needs it that isn't interacting—

Mr. Stephen Blais: I appreciate it from that perspective. But I guess the point I'm getting to is, if you have to pay five bucks every time you want to use 100 bucks, that's a lot of skin, right? That's a very high percentage fee to use your own money. So it seems kind of—if I had to pay five bucks every time I took 100 bucks out of my bank account, I would stop using that bank. It seems to kind of go counter to the idea of consumer protection.

Ms. Lilian Bahgat: It certainly adds up. While we can argue that, yes, banks have \$20 a month, for example. But it depends on how often that person needs to reload it and how much of that percentage is going to be taken for those sorts of fees. That is the concern. The concern is that it's the primary means that a lot of our clients use for their finances. So I do agree with you; I'm not disputing it.

Mr. Stephen Blais: Sure. And can you think of a way, either through this legislation or maybe something else that needs to be worked on in the future, to address that particular problem?

Ms. Lilian Bahgat: I think with a lot of the aspects in this act, the regulations have to be looked at, and I think the regulations have to be worked on at the same time as the act is being proposed. I think in the regulations, we need to look at limits, perhaps, or percentage cutoffs for these fees being charged. Because I do think that what you're saying is that the money isn't making it into the hands of the people who need it the most. They're often the users too. I can hear and understand and appreciate young people, but newcomers, first-time workers, international students—these are our clientele base, and these are the folks that are relying on these products the most.

Mr. Stephen Blais: I'd be interested in understanding the breakdown of the product in terms of how many people use it that are in your situation, like an agency such as yours that's giving it out to help people in need etc., versus someone mentioned it's gift-giving season. This is a very easy way, at Shoppers Drug Mart, on the way to the

Christmas party you forgot you were going to, to give someone 100 bucks, and it seems like it's nicer than just taking 100 bucks and giving it to them.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Stephen Blais: But you're paying a \$5 fee when you buy the thing, and then the person who has it either has to spend more than 100 bucks in order to use everything that's on the card, or they buy something for 98 bucks or something like that, and then there's \$2 left. Who's going to carry around a card that has got \$2 on it?

Again, I appreciate the difference between the vulnerable sector that you're dealing with and what I think is probably the vast majority of the users of this product: people who are grabbing it very quickly at Shoppers or the grocery store on the way out to a Christmas party or a birthday party or something like that when they forgot to buy the gift they wanted to buy.

I'm not a fan of these particular products. I think it's, generally speaking, a waste of money from a gift perspective, and I think it's the point that the providers tend to probably keep a lot of the little extras that are on the end. You and I might not care about the 97 cents left—

The Chair (Ms. Goldie Ghamari): That's all the time that we have. Sorry, we'll have to wait for the next round.

We'll now turn to the government for seven and a half minutes. Who would like to begin? Who's beginning? Government, any questions? MPP Riddell.

Mr. Brian Riddell: Not at this time, no.

The Chair (Ms. Goldie Ghamari): MPP Hogarth?

Ms. Christine Hogarth: Thank you again for the comments. I guess we can continue to talk a little bit about the act itself and protecting our consumers.

I know some of the opposition were talking a little bit about our protection of consumers and, really, what we have in place to protect our consumers. We do have a Consumer Protection Act—there is a number people can call if there is a problem or a concern. So we don't want people to think that there isn't somewhere they can go if they do feel that they've been taken advantage of. There's also a website that people can go to. Because not everybody—especially seniors don't feel comfortable using online methods; they would rather use a telephone, so we want to make sure that people are aware of that.

I know we seem to be talking about having a body, another level of bureaucracy to create, I guess, a consumer protection association. I'm not exactly sure what they're getting at. But I just want to make sure that people know that there is that in place, and fines have been laid in the past. We do some—not us, but the government itself does some homework, and they look at some of these areas of misdemeanours to make sure that our people are protected, especially our seniors.

I guess I will go back to legal aid, University of Windsor. When you talk to your seniors, what are they saying about consumer protection? Probably a lot of them may be newcomers, may not have a grasp of the English language. What are they saying about consumer protection, and are they aware that there is a number that they can call if they feel that they have been taken advantage of?

Ms. Lilian Bahgat: Thank you for your question. Most of them are not aware of the number. We certainly do share the number, and we share the website and the information on there. However, I think it plays a lot into, frankly, elder abuse, and there's a shame and embarrassment that you've been duped out of a contract. A lot of the clients come to us after their children have discovered the contract or the work being done in the home, and they're advocating on behalf of their elderly parent, because they're just embarrassed.

So I appreciate there is the hotline and there are the materials, and I know that the ministry looks to investigate patterns or companies with repetitive infractions. We just would love to see a lot more robustness being put into that portion of the act by funding the enforcement measures.

Ms. Christine Hogarth: Are you hearing anything from your student population?

Ms. Lilian Bahgat: Yes. Like I mentioned at the beginning, we have a huge international student body at the university. They're the ones that were falling prey to lease-breaking scams—I'm going to call them that, frankly. Because English isn't their first language, it's very hard to go through a densely fine-fonted contract to understand that, "Oops, my international phone calls are going to be charged to me." So we're hearing a lot from international students and newcomers. For newcomers, those door-to-door sales tactics were the ones that were really, really prominent in our area.

Ms. Christine Hogarth: Are you able to share this information that they do have a right and these places will be looked at and possibly be fined? Are you sharing that information, the call-in line or even the website? Is that something that your organization can do to help out these people who are vulnerable and in these vulnerable situations and have perhaps been taken advantage of?

Ms. Lilian Bahgat: Yes, we do share that information. I do just want to go back to the notice period, and that's the frustrating part, because a lot of the cancellation rights are implicit on the fact that everybody reads and understands and knows their rights. Most often, victims to fraud do not, and that's what's unfortunate about it. So that's what we're looking for: to have that comprehension enacted in there to deal with digital literacy and literacy per se and not the assumption that everyone speaks English and speaks English well enough to read these terms.

Ms. Christine Hogarth: I think you made certainly an important point. We have to make sure that all consumers are protected. It doesn't matter the age or language barriers; we have to make sure. I think this is a step forward from the legislation we've had. We will continue. There's always more work we can do, but I do believe this is a solid piece of legislation that we can move forward with.

I just want to say thank you to you for the work you do for our students and our vulnerable members of society. So thank you, and I'll pass it over to my colleagues.

The Chair (Ms. Goldie Ghamari): MPP Dixon.

Ms. Jess Dixon: My question is for the clinic. Just to continue on the topic of international students, out of

curiosity, where are they falling victim to this? Is this booths on campus, store credit cards, that type of thing?

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Ms. Lilian Bahgat: What we've seen a lot of them falling victim to, particularly during the pandemic, was these companies operating online with these fancy websites offering residential lease termination services, which in fact really aren't a thing, because the rights are right there within the Residential Tenancies Act. Some of them started to fall into debt, because the funds that they come over here with are certainly not enough for them to go to school, pay their tuition and live off of, so they are buying these credit cards and prepaid credit cards. Then they started to deal with these credit-loan-rehabilitation programs.

A lot of this stuff is online. That's why we were happy to see the ministry taking initiative to update the Consumer Protection Act. Frankly, it needed that, and it has needed it that for quite some time. Most of it, with students, is dealing with online platform services.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Jess Dixon: We heard earlier from the law commission, and they talked about dark patterning, as well as defining "online contract." Does that fit into some of what your clients have experienced as well, almost drawing people into it?

Ms. Lilian Bahgat: Yes, and the lack of understanding of what they are clicking away on to get them to the point where they have agreed to the contract. I think another thing that was unique that we started to see a pattern on was completing the contract in two various platforms online and then having the salesperson say, "I'm going to text-message you the other terms," which was very odd.

But yes, definitely algorithmic pricing and a lot of that is starting to come into play, and I think the digital marketplace is the main workplace nowadays, so it's imperative the Consumer Protection Act—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time we have for this round.

We'll now turn to the official opposition. MPP Rakocevic.

Mr. Tom Rakocevic: We've heard a lot of things during the hearings. Again, by and large, most people or organizations who have come to depute have said that there are definitely improvements to consumer protection as part of this legislation—with the exception of one who said it was actually a regression, but that was not the norm, for sure. We, as the official opposition, did support moving this bill forward.

What I've noticed at every committee has been a commercial from the government members talking about the consumer hotline. You help vulnerable individuals and the elderly. Can you perhaps share with the members of the committee what will happen if you direct someone vulnerable for help to call the consumer protection hotline, and most likely, after being told whether they have rights or not in this instance, they're basically told to go to court?

Do they feel that they're achieving consumer protection in this manner? Do you think that they would be very happy to be told to call a hotline, when ultimately the burden falls on them to go fight a business, a corporation

or whatnot in a court without there being any kind of proactive enforcement happening? Do you think that this is actually very helpful to consumers to be told this?

Ms. Lilian Bahgat: I think that more information is always helpful, but I think that—again, I’m sorry to sound like a broken record, but I have to bring us back to those notice periods and cancellation periods, because I think that’s what is imperative and that’s what we see with our seniors when they’re running up against the clock, whether it’s because the limitations period is up and they have to make a decision on whether they’re going to sue in court or not, or whether they’re waiting for an investigation to happen or to hear a response back from mediation.

We do support the bill, and we’re happy to see the improvements to it. There’s always more that can be done, certainly. I would advocate for an advocacy office or an ombudsman if that was what is needed, because right now, we rely on community relationships and agencies, and working with our fraud departments to help.

Mr. Tom Rakocevic: Okay. That leads into my second—actually, I do want to make a comment: Again, during the pandemic, the Premier himself proudly told everyone to call the consumer hotline, and there were about 30,000 complaints and, to our understanding, not a single fine issued. So there are certainly probably 30,000 not-too-happy consumers out there, having called that hotline they were suggested to call.

But where you sort of ended up leads me into what I wanted to ask you about. Many of the presenters that came here spoke about the need for something more, not even necessarily as part of this legislation, but running alongside it. The Consumers Council of Canada called it an office of the consumer advocate.

I put down a bill calling for a consumer watchdog in Ontario—an office that could provide reports, research, issue fines and penalties. I call it a watchdog because the watchdog has teeth.

Do you believe that this would well serve the vulnerable people that you are trying to protect, by having an advocate out there—a watchdog—that exists in places and jurisdictions that are in the gold standard of consumer protection? Do you think this would help consumers, or do you think, as the member said, this would probably be needless additional regulation that we just heard?

Ms. Lilian Bahgat: I think enforcement measures is what’s going to help our clients—and meaningful enforcement measures. I think that businesses right now—it’s a cost-loss analysis for them and a fine is a fine, if they’re making profits instead.

To be fair, I think the Consumer Protection Act has been around since 2002, I believe, and it’s been weak in enforcement. It’s been weak in enforcement through several governments and so, while this government is taking the initiative and we appreciate it, we’re looking for regulations.

If the office you’re proposing is going to come with someone who can issue a fine, get that order paid, publicize it so that more consumers are aware of which companies are being fined, then, yes, that would certainly help our clients. We just need enforcement measures to stop

bad actors, rather than making them decide whether this is just a business cost that they need to do to run their profits.

Mr. Tom Rakocevic: Thank you very much for that.

I want to go back to the Canadian Prepaid Providers Organization; I believe it was Ms. Tramontana.

One of the things that I think you mentioned in your comments was that there are many individuals that are using the prepaid product that you’re offering, but I think one of the challenges is that the people that use them and are relying essentially on them who are vulnerable will not have the ability to build credit, in this case. So it may be fixing a problem for some individuals, but will it be causing a long-term or a larger problem for them in the long run? Do you have any comments on the effect of what your industry has on individuals who are then solely relying on your product and the challenges they may face when they need credit to make a larger purchase, where it’s necessary?

Ms. Jennifer Tramontana: Thank you very much for your question; it’s a really good one.

So as we are all aware, to build credit at this juncture, you must have a credit product, and for many people, that has proven to be challenging. Credit cards, as we know, come with very high interest rates and we’re all very aware of the cycle of credit card debt that many Canadians get into every year—not just the most vulnerable, but everyone.

Currently, prepaid products—you cannot build credit on a prepaid product for the nature of the fact that you’re putting funds on, and you can only use that amount of funds. There’s no credit associated with it.

However, many of these new challenger banks that I referred to earlier today, such as KOHO and Neo Financial and others—you will see that they are adding credit-monitoring services to what they are offering, and they are looking at, over time, how to continue to innovate and build upon their products to where they offer these types of services. So I think that we may see those changes over time.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Jennifer Tramontana: I would also like to clarify, for the record, just importantly, what was said earlier about it costing \$5 every time to reload a card, just to be crystal clear: There are no maintenance fees on single-use, open-loop gift cards at all. The funds do not expire under provincial or federal regulation. We are highly in support of that. You can put money on a reloadable prepaid card for free through the post office, through companies such as the North West Co. that operate in the Northwest Territories, through any sort of direct deposit from wages, government, payments etc. So I just wanted to clarify that. There are myriad—

Mr. Tom Rakocevic: Thank you for that.

Thank you to all presenters who have participated in these hearings. It is very helpful to all of us in ensuring legislation is the best possible and thank you again.

The Chair (Ms. Goldie Ghamari): We’ll now go to the independent member.

Mr. Stephen Blais: I find it very hard to imagine that the vulnerable we are speaking about today are going to

go to a post office or the northwest whatever was just mentioned to reload money and cash onto a card. They're going to go to the Shoppers Drug Mart or the corner store or the grocery store and buy another \$200 card in cash and pay another \$5 or whatever it is for the activation, and they're going to leave 97 cents on the back end of the card because what can you buy for 97 cents? And these companies are just going to skim that off the top over time.

I have no further questions. Thank you very much, Madam Chair.

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes our public hearings on Bill 142. I'd like to thank the presenters for joining us today.

As a reminder, the deadline to send in a written submission will be at 7:00 p.m. today. The deadline to submit amendments will be 5:00 p.m. on Friday, November 24.

Seeing that there is no other business, the committee is now adjourned until 9:00 a.m. on Wednesday, November 29, 2023. Thank you very much, everyone.

The committee adjourned at 1351.

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