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c 274 Ministry of Consumer and Commercial Relations Act

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CHAPTER 274

Ministry of Consumer and Commercial Relations Act

1. In this Act,

Interpre-
tation

(a) "Deputy Minister" means the Deputy Minister of Consumer and Commercial Relations;

(b) "Director" means the Director of the Consumer Protection Division of the Ministry;

(c) "Minister" means the Minister of Consumer and Commercial Relations;

(d) "Ministry" means the Ministry of Consumer and Commercial Relations;

(e) "Registrar" means the Registrar under an Act administered by the Minister, other than the *Loan and Trust Corporations Act*; R.S.O. 1980, c. 249

(f) "Tribunal" means The Commercial Registration Appeal Tribunal referred to in section 7. R.S.O. 1970, c. 113, s. 1; 1972, c. 1, ss. 1, 23 (2).

2. The ministry of the public service known as the Ministry of Consumer and Commercial Relations is continued. 1972, c. 1, s. 23 (3). Ministry continued

3. The Minister shall preside over and have charge of the Ministry. R.S.O. 1970, c. 113, s. 3; 1972, c. 1, s. 1. Minister to have charge

4. The Minister is responsible for the administration of this Act, any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council, and the following Acts: Minister's Acts

1. *Bailiffs Act*. R.S.O. 1980, c. 37

2. *Collection Agencies Act*. R.S.O. 1980, c. 73

3. *Credit Unions and Caisses Populaires Act*. R.S.O. 1980, c. 102

- R.S.O. 1980,
c. 116 4. *Deposits Regulation Act.*
- R.S.O. 1980,
c. 218 5. *Insurance Act.*
- R.S.O. 1980,
c. 221 6. *Investment Contracts Act.*
- R.S.O. 1980,
c. 249 7. *Loan and Trust Corporations Act.*
- R.S.O. 1980,
c. 255 8. *Marine Insurance Act.*
- R.S.O. 1980,
c. 295 9. *Mortgage Brokers Act.*
- R.S.O. 1980,
c. 299 10. *Motor Vehicle Dealers Act.*
- R.S.O. 1980,
c. 388 11. *Prepaid Hospital and Medical Services Act.*
- R.S.O. 1980,
c. 431 12. *Real Estate and Business Brokers Act.*
- R.S.O. 1980,
c. 466 13. *Securities Act.* R.S.O. 1970, c. 113, s. 4; 1971, c. 21,
s. 1.

**Assignment
of Acts to
Minister**

5. The Lieutenant Governor in Council may assign the administration of any Act to the Minister, in which case the Minister may exercise the powers and shall perform the duties of the minister named in the Act so assigned so long as he administers such Act. R.S.O. 1970, c. 113, s. 5.

**Assignment
of Minister's
Acts to
other
ministers**

6. The Lieutenant Governor in Council may assign the administration of any Act that is being administered by the Minister to any other minister, in which case such other minister may exercise the powers and shall perform the duties of the minister named in the Act so assigned. R.S.O. 1970, c. 113, s. 6.

**Commercial
Registration
Appeal
Tribunal**

7.—(1) The tribunal known as The Commercial Registration Appeal Tribunal is continued and shall be composed of such members as are appointed under subsections (3) and (4):

Duties

- (2) The Tribunal shall,
- (a) advise the Minister on consumer affairs; and
 - (b) hold such hearings and perform such other duties as are assigned to it by or under any Act or regulation.

Members

(3) The Lieutenant Governor in Council shall appoint six members of the Tribunal and shall appoint one of such members, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen. R.S.O. 1970, c. 113, s. 7 (1-3).

(4) The Lieutenant Governor in Council may, after consultation with organizations or other bodies representative of the industries required to be registered under any Act under which hearings are assigned to the Tribunal, appoint a panel composed of persons engaged in each of such industries, who shall be members of the Tribunal. R.S.O. 1970, c. 113, s. 7 (4); 1979, c. 18, s. 1 (1). Idem

(5) Each member of the Tribunal, other than a full-time member, shall be paid his reasonable and necessary expenses incurred in attending meetings and in the transaction of the business of the Tribunal and such remuneration as is fixed by the Lieutenant Governor in Council. Remuneration and expenses

(6) Subject to subsection (7), three members of the Tribunal, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership. Quorum

(7) Where the Tribunal holds a hearing, at least one of the members shall be a person appointed under subsection (4) engaged in the industry governed by the Act under which the hearing is held. R.S.O. 1970, c. 113, s. 7 (5-7). Representative of industry

(8) Where the nature or size of an industry for which registration is required under an Act referred to in subsection (4) is such that a decision by one person engaged in the industry in respect of the affairs of another person engaged in the industry could not reasonably be made without the possibility of a conflict of interest, the Lieutenant Governor in Council may make regulations exempting the Act from the application of subsections (4) and (7). 1979, c. 18, s. 1 (2). Application of subss. (4) and (7)

(9) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require. Duties of chairman

(10) The chairman, with the approval of the Minister, may retain experts to advise the Tribunal in respect of any particular matter coming before it. Experts

(11) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor. Publishing reports

(12) The Lieutenant Governor in Council may appoint a Registrar for the Tribunal who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Tribunal. Registrar of the Tribunal

Administra-
tion of
oaths

(13) The Registrar for the Tribunal and every member of the Tribunal have power to administer oaths and affirmations for the purpose of any of its proceedings. R.S.O. 1970, c. 113, s. 7 (8-12).

Protection
from
personal
liability

8. No action or other proceeding for damages shall be instituted against the Director, any member of the Tribunal or any Registrar, or anyone acting under the authority of such Director, member or Registrar, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. R.S.O. 1970, c. 113, s. 8.

Interim
appoint-
ments

9.—(1) Where a vacancy occurs in the office of Director or Registrar, or if the Director or a Registrar is unable to carry out his duties because of absence or illness, the Deputy Minister may appoint in writing an official of the Ministry to act as Director or Registrar until the Director or Registrar is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. R.S.O. 1970, c. 113, s. 9 (1); 1972, c. 1, s. 1.

Idem

(2) Where a vacancy occurs in the office of chairman of the Tribunal or the chairman is unable to carry out his duties because of absence or illness, the Minister may appoint in writing a member of the Tribunal appointed under subsection 7 (3) to act as chairman until the chairman is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. R.S.O. 1970, c. 113, s. 9 (2).

Application
of section

10.—(1) This section applies to proceedings before the Tribunal.

Members
holding
hearing not
to have
taken part in
investigation,
etc.

(2) Members of the Tribunal holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Notice of
hearing

(3) Where a hearing by the Tribunal is required,

(a) notice of the hearing shall afford to the person requiring the hearing a reasonable opportunity to

show or to achieve compliance before the hearing with all lawful requirements concerning the subject-matter of the hearing; and

(b) the person requiring the hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) The oral evidence taken before the Tribunal at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the payment of such fees therefor as the Lieutenant Governor in Council may prescribe by regulation.

Recording of evidence

(5) The findings of fact of the Tribunal pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Findings of fact

R.S.O. 1980, c. 484

(6) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Tribunal shall be given unless all members so present participate in the decision.

Only members at hearing to participate in decision

(7) Notwithstanding any limitation of time for the giving of any notice requiring a hearing by the Tribunal fixed by or under any Act, and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the Tribunal may extend the time for giving the notice either before or after expiration of the time so limited, and may give such directions as it considers proper consequent upon such extension. 1971, c. 50, s. 28, *part*.

Extension of time for giving notice

11.—(1) Any party to proceedings before the Tribunal may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Appeal from decision of Tribunal

(2) Where any party appeals from a decision of the Tribunal, the Tribunal shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Tribunal's record, shall constitute the record in the appeal.

Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. 1971, c. 50, s. 28, *part*.

Minister entitled to be heard

Idem

(4) Where a hearing is assigned to the Tribunal under an Act not administered by the Minister of Consumer and Commercial Relations, the minister administering the Act under which the hearing is assigned to the Tribunal is the minister entitled to be heard under subsection (3). 1979, c. 18, s. 2.

Powers of
court on
appeal

(5) An appeal under this section may be made on questions of law or fact or both and the court may exercise all the powers of the Tribunal, and for such purpose the court may substitute its opinion for that of the Registrar or of the Tribunal, or the court may refer the matter back to the Tribunal for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1971, c. 50, s. 28, *part*.

Officers
and staff
R.S.O. 1980,
c. 418

12. Such officers, clerks and servants may be appointed or transferred under the *Public Service Act* as are considered necessary from time to time for the proper conduct of the business of the Ministry. R.S.O. 1970, c. 113, s. 10; 1972, c. 1, s. 1.

Expenses of
Ministry

13. The expenses of the Ministry shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 113, s. 12; 1972, c. 1, s. 1.