

## But for the Plan

### Beware the Salespersons Knocking at your Door - DO NOT LET THEM IN

Thelma, a widow, heard a knock on her door, and when she answered it, a smiling man said that he was from the gas company and that he could sign her up for a rebate on her new furnace. It sounded good! So, Thelma signed a bunch of papers that the smiling man put in front of her - two contracts! He then installed some filters on her furnace, which he said that she needed.

The next day, another man came. He took out her old water heater and installed a new, tankless one. The new water heater never gave her hot enough water, and she began seeing strange charges on her bank statement. She called the number on the paper that she was given, and left numerous voicemail messages that were never returned. Finally, someone called her back and told her that the units were saving her a lot of money on her gas bills!

Frustrated, Thelma stopped the pre-authorized payments at her bank. Shortly after, Thelma received threatening letters and phone calls, some even demanding payment "tonight".

Thelma was frightened. She was going to pay the arrears owing, and start paying monthly again. But a friend reminded her that she had a legal services plan, and that maybe it could help. After calling the Oakville office, Thelma and her friend met with its Managing Lawyer, Paul Vayda.

The contracts that she signed obligated her to pay 10 years of high, monthly payments. ***The total cost of the rental payments over ten years were more than five times the real cost of the products. If that wasn't bad enough, Paul Vayda did a title search and found a lien registered against Thelma's house!***

Although Ontario consumer protection law gives purchasers a 10-day cooling off period to cancel contracts from most door-to-door sales, it was well past the 10 days. But Paul advised Thelma that in certain circumstances she could cancel the contract up to one year after it was signed, and that he found a couple of those circumstances in Thelma's case.

1. The rental contract did not inform her, **in bold print**, that she had a right to cancel the contract within 10 days.
2. The equipment was sold using an unfair business practice - the smiling man lied that he was from the gas company.

Paul wrote a letter cancelling the contracts on that basis. The company sued Thelma in Small Claims Court for the full amount of all the rental payments, plus a very high interest rate. Paul defended the claim on Thelma's behalf. At the initial court hearing, Paul explained to the Judge that the contracts were cancelled, and that Thelma had a legal right to cancel them. The Judge then said that Thelma had a very good defence, and a favourable settlement was reached. Thelma got to keep the equipment, and she paid a small fraction of the amount of the claim. Paul also forced the company to immediately remove the lien registered against her home.

The settlement saved Thelma thousands of dollars!

But for the Plan, Thelma would have overpaid for things that she never asked for, and would have had difficulty selling her home with the lien registered on title.

If someone comes to your door, or calls you saying that they are from the gas company, BEWARE !

If you are offered a rebate on your furnace, or some other similar offer, DO NOT INVITE THEM IN !

And, DO NOT SIGN ANYTHING UNTIL YOU SPEAK WITH A LAWYER!

**And, if you do find that you have been hoodwinked by a smiling man. like Thelma's, call your nearest Plan office and get some advice, and strong action.**

**Note:** *Since March 1, 2018, certain products and services can no longer be offered or sold **at your home unless you** called or emailed the company and you invited them to come to your home. Also, the papers that you are asked to sign must have a cover page attached to them, advising you clearly what your rights are. This law was enacted too late for Thelma.*

Those products are:

- ▶ air conditioners
- ▶ air cleaners
- ▶ air purifiers
- ▶ water heaters
- ▶ water treatment devices
- ▶ water purifiers
- ▶ water filters
- ▶ water softeners
- ▶ duct cleaning services
- ▶ furnaces
- ▶ any good or service that performs one or more of the functions listed above (for example, an HVAC system)



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