



**Collection Agencies Act
Loi sur les agences de recouvrement**

R.R.O. 1990, REGULATION 74

GENERAL

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This Regulation is made in English only.

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APPLICATION

1. (1) An application for registration as a collection agency or a renewal thereof shall be in a form provided by the Minister. R.R.O. 1990, Reg. 74, s. 1 (1).

(2) An application for registration as a collector or renewal thereof shall be in a form provided by the Minister. R.R.O. 1990, Reg. 74, s. 1 (2).

(3) A notice by a collection agency under clause 20 (1) (a), (b) or (c) of the Act or by a collector under subsection 20 (2) of the Act shall be in a form provided by the Minister. R.R.O. 1990, Reg. 74, s. 1 (3).

(4) A request for voluntary cancellation of registration under subsection 8 (7) of the Act shall be in a form provided by the Minister. R.R.O. 1990, Reg. 74, s. 1 (4).

- (5) When notified by the Registrar, the applicant shall file,
 - (a) the examination fee prescribed in section 11;
 - (b) the appropriate fee prescribed in section 11; and
 - (c) the bond required by section 2. R.R.O. 1990, Reg. 74, s. 1 (5).

BONDS

2. (1) Every applicant for registration as a collection agency shall be bonded. R.R.O. 1990, Reg. 74, s. 2 (1).

(2) On an initial application, where the applicant has not acquired an operating collection agency, the amount of the bond shall be \$5,000. R.R.O. 1990, Reg. 74, s. 2 (2).

(3) On subsequent applications for maintenance of registration or where the applicant has acquired an operating collection agency, the amount of the bond shall be based upon the amount of money collected by the collection agency in the calendar year immediately preceding the date of the application for registration. R.R.O. 1990, Reg. 74, s. 2 (3).

- (4) Where the amount collected was,
 - (a) less than \$50,000, the amount of the bond shall be \$5,000;
 - (b) \$50,000 or more but less than \$100,000, the amount of the bond shall be \$10,000;
 - (c) \$100,000 or more but less than \$150,000, the amount of the bond shall be \$15,000;
 - (d) \$150,000 or more but less than \$250,000, the amount of the bond shall be \$20,000; or
 - (e) \$250,000 or more, the amount of the bond shall be \$25,000,

provided, however, that where the collection agency is involved in a prepaid collection service the Registrar may require any of the aforementioned amounts to be increased by an additional amount of up to \$20,000. R.R.O. 1990, Reg. 74, s. 2 (4).

- (5) The bond shall be,
 - (a) the bond of an insurer licensed under the *Insurance Act* to write surety and fidelity insurance;
 - (b) a personal bond accompanied by collateral security; or
 - (c) the bond of a guarantor, other than an insurer licensed under the *Insurance Act* to write surety and fidelity insurance, accompanied by collateral security. R.R.O. 1990, Reg. 74, s. 2 (5); O. Reg. 103/06, s. 1 (1, 2).

(6) The classes of negotiable security that may be accepted as collateral security for a bond are,

- (a) bonds issued or guaranteed by Canada; or
- (b) bonds issued or guaranteed by any province of Canada. R.R.O. 1990, Reg. 74, s. 2 (6).

(7) The collateral security referred to in subsection (5) shall be deposited with the Minister of Finance and maintained at a market value of not less than the face value of the bond. R.R.O. 1990, Reg. 74, s. 2 (7).

- (8) The bond referred to in subsection (5) shall be in Form 1, Form 2 or Form 3, as the

case may be. R.R.O. 1990, Reg. 74, s. 2 (8); O. Reg. 103/06, s. 1 (3).

3. A bond may be cancelled by any person bound thereunder by giving to the Registrar and the collection agency named in the bond at least two months notice in writing of intention to cancel and, subject to section 4, the bond shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the Registrar. R.R.O. 1990, Reg. 74, s. 3.

4. For the purpose of every act or omission occurring,

(a) during the period of registration; or

(b) during the period prior to cancellation of the bond under section 3, where there has been no termination of registration,

every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years following the termination of the registration or the cancellation of the bond, as the case may be. R.R.O. 1990, Reg. 74, s. 4.

5. Where a bond has been cancelled or the registration has been terminated, and the bond has not been forfeited, the Minister of Finance may, two years following termination of the registration to which the bond relates or two years after the cancellation of the bond, deliver the collateral security to the person who deposited such security. R.R.O. 1990, Reg. 74, s. 5.

6. The Registrar may declare any bond mentioned in section 2 forfeited,

(a) where a collection agency, in respect of whose conduct the bond has been conditioned or any collector or official of the collection agency has been convicted of,

(i) an offence under the Act, or

(ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada),

and the conviction has become final;

(b) where proceedings by or in respect of a collection agency, including any member of a partnership, in respect of whose conduct the bond has been conditioned, have been taken under the *Bankruptcy and Insolvency Act* (Canada) or by way of winding-up and a receiving order under the *Bankruptcy and Insolvency Act* (Canada) or a winding-up order has been made, and the order has become final;

(c) where a judgment based on a finding of fraud has been given against a collection agency, including any member of a partnership, in respect of whose conduct the bond has been conditioned, or against a collector or other official for money collected for any other person and the judgment has become final; or

(d) where judgment has been given against a collection agency, including any member of a partnership, in respect of whose conduct the bond has been conditioned or a collector or other official of the collection agency on any claim involving a collection matter, and the judgment has remained unsatisfied for a period of ninety days,

and thereupon the amount thereof becomes due and owing by the person bound thereby as a debt due the Crown in right of Ontario. R.R.O. 1990, Reg. 74, s. 6; O. Reg. 24/08, s. 1.

7. Where a bond secured by the deposit of collateral security is forfeited under section 6,

the Minister of Finance may sell the collateral security at the current market price. R.R.O. 1990, Reg. 74, s. 7.

8. If the Crown in right of Ontario becomes a creditor of a person in respect of a debt to the Crown arising from section 6, the Registrar may take the proceedings that he or she sees fit under the *Bankruptcy and Insolvency Act* (Canada), the *Courts of Justice Act*, the *Corporations Act* or the *Winding-up and Restructuring Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. O. Reg. 24/08, s. 2.

9. (1) The Minister of Finance may in his or her discretion,

(a) assign any bond forfeited under section 6 and transfer the collateral security, if any;

(b) pay over any money recovered under the bond; or

(c) pay over any money realized from the sale of the collateral security under section 7, to any person who,

(d) is a judgment creditor of any collection agency, including any member of a partnership, in respect of whose conduct the bond has been conditioned, or a collector or other official of the collection agency, where the judgment was based on a claim arising out of a transaction involving a collection matter;

(e) in respect of a claim for less than \$100 against any collection agency, including any member of a partnership, in respect of whose conduct the bond has been conditioned, or a collector or other official of the collection agency, arising out of a transaction involving a collection matter, satisfies the Registrar as to the validity of such claim; or

(f) has proven a claim in bankruptcy against any collection agency, including any member of a partnership, in respect of whose conduct the bond has been conditioned, in respect of any claim arising out of a transaction involving a collection matter,

provided that the claim or transaction occurred during the period referred to in clause 4 (a) or (b). R.R.O. 1990, Reg. 74, s. 9 (1).

(2) The Minister of Finance may, where he or she considers it advisable, without any order, pay the whole or any part of the proceeds referred to in clause (1) (b) or (c) to the Accountant of the Ontario Court in trust for such persons as are or may become entitled to share in the proceeds of the bond under the provisions of subsection (1). R.R.O. 1990, Reg. 74, s. 9 (2).

10. Where a bond has been forfeited and the Minister of Finance has not received notice in writing of any claim against the proceeds of the bond or such part as remains in his or her hands within two years of the forfeiture, the Minister of Finance may pay the proceeds of the bond or the collateral security, or any part remaining, to any person who made a payment under the bond or who deposited the collateral security, after first deducting the amount of any expenses that have been incurred in connection with any investigation or otherwise relating to the collection agency in respect of whose conduct the bond was conditioned. R.R.O. 1990, Reg. 74, s. 10.

FEES

11. The following fees are payable to the Registrar:

1. \$290, upon application for registration as a collection agency or renewal of the registration.
 2. \$290, for each branch office of the collection agency.
 3. \$190, upon application for registration as a collector or renewal of the registration.
 4. \$10, for each written examination of an applicant for registration as a collection agency. O. Reg. 515/97, s. 1; O. Reg. 54/98, s. 1.
- 12.** (1) No person shall be registered as a collection agency unless the person,
- (a) has had at least two years of actual experience in all phases of the collection agency business, or has related experience that, in the opinion of the Registrar, is equivalent to that actual experience; and
 - (b) is 18 years of age or over, if the applicant for registration is an individual. O. Reg. 231/00, s. 1.
- (2) No person shall be registered as a collector unless the person,
- (a) is an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada; and
 - (b) is 18 years of age or over. O. Reg. 231/00, s. 1.

TERMS AND CONDITIONS OF REGISTRATION

13. (1) Every registration expires on the date shown on the certificate of registration unless an application for renewal of registration in a form provided by the Minister, together with the appropriate fee prescribed in section 11, is filed with the Registrar prior to the date of expiry. R.R.O. 1990, Reg. 74, s. 13 (1).

(2) Every applicant for registration shall state in the application an address for service in Ontario. R.R.O. 1990, Reg. 74, s. 13 (2).

(3) A collection agency shall not operate any branch office unless such branch office is authorized by the registration. R.R.O. 1990, Reg. 74, s. 13 (3).

(4) Every applicant for registration as a collection agency shall file with the Registrar copies of all forms and form letters that it proposes to use in dealing with debtors, as well as copies of forms of agreement that it proposes to use in its dealings with persons for whom it acts or proposes to act. R.R.O. 1990, Reg. 74, s. 13 (4).

(5) Where an applicant for registration is a corporation, a copy of a current financial statement prepared by a person licensed under the *Public Accounting Act, 2004*, or where the corporation is recently incorporated or is a sole proprietorship or partnership, an opening financial statement prepared by a person licensed under the *Public Accounting Act, 2004* shall be attached to the application. R.R.O. 1990, Reg. 74, s. 13 (5); O. Reg. 24/08, s. 3.

(6) A copy of the current financial statement prepared by a person licensed under the *Public Accounting Act, 2004* shall be attached to the application for renewal referred to in subsection (1). R.R.O. 1990, Reg. 74, s. 13 (6); O. Reg. 24/08, s. 3.

(7) A registration of a collection agency is not transferable. R.R.O. 1990, Reg. 74, s. 13 (7).

(8) A collector shall be registered only where he or she is to be employed by a registered collection agency. R.R.O. 1990, Reg. 74, s. 13 (8).

(9) Where a collector has not applied for transfer of registration within sixty days after termination of employment and where he or she intends to continue to act as a collector, he or she shall apply for registration by filing an application in a form provided by the Minister. R.R.O. 1990, Reg. 74, s. 13 (9).

(10) Every person registered as a collection agency shall operate from a permanent place of business that is not a dwelling and that shall be open to the public during normal business hours. R.R.O. 1990, Reg. 74, s. 13 (10).

(11) The Registrar may require further information or material to be submitted by any applicant or any registered person within a specific time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted. R.R.O. 1990, Reg. 74, s. 13 (11).

(12) Every collection agency or branch thereof shall keep on its premises proper records and books of accounts showing money received and money paid out and such books shall include a receipts journal, disbursements journal, general journal, clients' ledger, general ledger and such additional records as the Registrar considers necessary in accordance with accepted principles of double entry bookkeeping. R.R.O. 1990, Reg. 74, s. 13 (12).

(13) An entry in a record book of account kept under subsection (12) shall be retained for a period of six years from the date of the entry. R.R.O. 1990, Reg. 74, s. 13 (13).

(14) Every person registered as a collection agency who collects debts for a single creditor who exercises control directly or indirectly over the agency shall not carry on business except on behalf of that creditor and shall disclose the full name of that creditor on all correspondence and communications. R.R.O. 1990, Reg. 74, s. 13 (14).

(15) No person who is registered as a collector or as a collection agency shall engage directly or indirectly in the business of lending money whether as principal or as agent. R.R.O. 1990, Reg. 74, s. 13 (15).

(16) Where a notice of intention to cancel a bond has been served on the Registrar under section 3 and the bond has been cancelled on the date stated in the notice, the registration of the collection agency shall no longer be valid unless prior to that date a replacement bond has been received by the Registrar. R.R.O. 1990, Reg. 74, s. 13 (16).

14. A financial statement referred to in subsection 13 (6) shall include a statement by the person who prepares the financial statement that the registrant has complied with the provisions of this Regulation respecting trust accounts. R.R.O. 1990, Reg. 74, s. 14.

15. (1) Every individual applicant and every active officer or director of a corporate applicant or registrant who has not been previously registered shall pass a written examination based on the Act and such further subject matters as the Registrar prescribes. R.R.O. 1990, Reg. 74, s. 15 (1).

(2) Every collection agency that is not a corporation and every officer or director of a corporate collection agency, who has been previously registered but has not been registered under this Act for a period of one year or more preceding an application for registration, shall write and pass the examination referred to in subsection (1). R.R.O. 1990, Reg. 74, s. 15 (2).

(3) No corporation shall be registered or shall maintain its registration as a collection agency unless all of its officers and directors who are actively engaged in the business of the agency have met the examination requirements. R.R.O. 1990, Reg. 74, s. 15 (3).

(4) The examination shall be conducted in the presence of a presiding officer appointed by the Registrar or his or her nominee. R.R.O. 1990, Reg. 74, s. 15 (4).

(5) The examination papers shall be marked by the Registrar or his or her nominee. R.R.O. 1990, Reg. 74, s. 15 (5).

(6) Not less than 75 per cent shall be considered a pass mark for the examination. R.R.O. 1990, Reg. 74, s. 15 (6).

(7) The Registrar or his or her nominee may review, and, where so requested in writing by an applicant who fails to obtain the pass mark prescribed in subsection (6), shall review the examination paper and make such changes in the marks obtained as he or she considers proper. R.R.O. 1990, Reg. 74, s. 15 (7).

(8) Upon written application to the Registrar, an applicant who fails to obtain the pass mark prescribed in subsection (6) may take a further examination at any time, but where he or she fails the second examination, the applicant shall not take any subsequent examination until after the expiration of four months from the date of his or her latest examination. R.R.O. 1990, Reg. 74, s. 15 (8).

16. Where a collection agency is a corporation it shall, within five days after the event, notify the Registrar in a form provided by the Minister where there is a change in a director of the corporation or where there is a change in its controlling interest. R.R.O. 1990, Reg. 74, s. 16.

TRUST FUNDS

17. (1) All funds received by a collection agency in the normal course of business from clients or debtors, other than those which clearly represent payment for fees earned, and all advance payments or deposits for services to be rendered or expenses to be incurred at some future date are deemed to be trust funds. R.R.O. 1990, Reg. 74, s. 17 (1).

(2) Every collection agency or branch thereof shall maintain in respect of all trust funds that come into its hands a separate trust account in any Province of Ontario Savings Office or any Ontario branch of a bank, a corporation registered under the *Loan and Trust Corporations Act* or a credit union as defined in the *Credit Unions and Caisses Populaires Act, 1994* authorized by law to accept deposits, and such account shall be designated as the "Collection Agencies Act Trust Account". R.R.O. 1990, Reg. 74, s. 17 (2); O. Reg. 299/05, s. 1.

(3) For the purposes of this section, no collection agency or branch thereof shall maintain more than one account designated as a trust account without first notifying the Registrar and obtaining the Registrar's consent in writing. R.R.O. 1990, Reg. 74, s. 17 (3).

(4) All trust funds received by a collection agency or branch thereof whether by cash, cheque, or otherwise, shall be deposited in the collection agency trust account within two banking days of their receipt. R.R.O. 1990, Reg. 74, s. 17 (4).

(5) No collection agency shall disburse or withdraw any money held in trust, except in accordance with the terms and conditions upon which the money was received or as otherwise provided. R.R.O. 1990, Reg. 74, s. 17 (5).

(6) Where a collection agency collects debts for other persons in consideration of the payment of a commission or other remuneration it shall remit all money collected to the persons entitled thereto in accordance with subsection 18 (1). R.R.O. 1990, Reg. 74, s. 17 (6).

(7) Nothing in this section shall be construed as affecting the right to any remedy available in law to a collection agency or any other person having a lawful claim to the money held in the trust account referred to in subsection (2). R.R.O. 1990, Reg. 74, s. 17 (7).

(8) When so requested in writing by the Registrar or a person entitled to an accounting, every collection agency shall account within thirty days for all trust funds received from or on behalf of the person entitled to such accounting. R.R.O. 1990, Reg. 74, s. 17 (8).

18. (1) Every collection agency shall without any notice or demand account for all money collected and pay the money less the proper fees of such collection agency, to the person entitled thereto on or before the 20th day of the month following the month in which the money was collected, but when the money collected and due is less than \$15, payment to the person entitled thereto shall be made within ninety days. R.R.O. 1990, Reg. 74, s. 18 (1).

(2) Where for any reason a collection agency is unable to comply with subsection (1) and any money collected by it remains for a period of six months unclaimed by, or unpaid to, the person entitled to the money, it shall cause the money to be paid to the Minister of Finance who may pay the money to the person entitled thereto upon satisfactory proof being furnished by the person that the person is entitled to receive the money. R.R.O. 1990, Reg. 74, s. 18 (2).

EXEMPTIONS

19. The Act does not apply to a telephone system or telephone company that is,

(a) engaged in the business of a collection agency on behalf of Tele-Direct Limited or Tele-Direct (Publications) Inc.; or

(b) collecting accounts through its normal procedures on behalf of other parties where use of a telecommunications system is an integral part of the service provided by such a party to its customers. R.R.O. 1990, Reg. 74, s. 19.

19.1 (1) The restriction in subsection 4 (1) of the Act against a person acting as a collector, unless the person is registered by the Registrar under the Act, does not apply to a person employed by an incorporated full or associate member agency of the Ontario Association of Not-For-Profit Credit Counselling Services. O. Reg. 467/01, s. 1.

(2) The following provisions do not apply to an incorporated full or associate member agency of the Ontario Association of Not-For-Profit Credit Counselling Services:

1. Section 22 of the Act.

2. Section 11. O. Reg. 467/01, s. 1.

(3) Section 15 does not apply to an incorporated full or associate member agency of the Ontario Association of Not-For-Profit Credit Counselling Services or to the officers or directors of that member agency. O. Reg. 467/01, s. 1.

19.1.1 (1) Subsection 4 (2) and clause 22 (d) of the Act and clauses 20 (a) and (g) of this Regulation do not apply to a collection agency or collector that is contacting a debtor in the name of a creditor pursuant to a written contract between the collection agency and the creditor under which,

- (a) the collection agency is authorized to act in the name of the creditor to collect money owed that is no more than 60 days past due;
- (b) the collection agency or collector is not compensated contingent on or based on the amount, if any, collected from the debtor;
- (c) the collection agency or collector does not receive payment directly from the debtor and may not request that the debtor make any payment to the collection agency or collector; and
- (d) the collector is required to give the debtor the name of the creditor and his or her own name in every contact with the debtor. O. Reg. 466/01, s. 1.

(2) The exemptions in subsection (1) only apply to a registered collection agency or collector while engaged in the collection of money owed as described in that subsection and do not apply to the same collection agency or collector while engaged in any other activity. O. Reg. 466/01, s. 1.

(3) A collection agency that is exempt under subsection (1) shall, before engaging in the activity described in that subsection, notify the Registrar in writing,

- (a) that the collection agency has entered into a contract as described in that subsection; and
- (b) of the name and address of the creditor. O. Reg. 466/01, s. 1.

19.2 The Act does not apply to an authorized foreign bank within the meaning of section 2 of the *Bank Act* (Canada). O. Reg. 24/08, s. 4.

PROHIBITED PRACTICES AND METHODS IN THE COLLECTION OF DEBTS

20. In sections 21 to 25,

“contact” includes communication by e-mail or voice mail;

“debtor’s employer” includes any and all of the employer’s employees;

“spouse” means,

- (a) a spouse as defined in section 1 of the *Family Law Act*, or
- (b) either of two persons who live together in a conjugal relationship outside marriage. O. Reg. 103/06, s. 2.

21. (1) No collection agency or collector shall demand payment, or otherwise attempt to collect payment, of a debt from a debtor unless the collection agency or collector has sent the debtor, by ordinary mail, a private written notice setting out the following information:

1. The name of the creditor to whom the debt is owed.
2. The balance owing on the debt.
3. The identity of the collection agency or collector who is demanding payment of the debt.
4. The authority of the collection agency or collector to demand payment of the debt. O. Reg. 103/06, s. 2.

(2) No collection agency or collector shall make a telephone call to or a personal call on

the debtor before the sixth day after mailing the written notice required by subsection (1).
O. Reg. 103/06, s. 2.

(3) Subsection (1) does not require that the written notice be sent before a written demand for payment but is satisfied if the written demand for payment is contained in the written notice.
O. Reg. 103/06, s. 2.

(4) If a debtor states to a collection agency or collector that the debtor has not received the notice required by subsection (1), the collection agency or collector shall send the notice to the debtor at the address provided by the debtor, and no demand for payment, or other attempt to collect payment, of the debt shall be made before the sixth day after the day the notice is sent.
O. Reg. 103/06, s. 2.

22. (1) If a debtor sends a collection agency or collector, by registered mail, a letter stating that the debtor disputes the debt and suggests that the matter be taken to court, the collection agency or collector shall not thereafter contact or attempt to contact the debtor, unless the debtor consents to or requests the contact. O. Reg. 103/06, s. 2.

(2) If a debtor or his or her lawyer sends a collection agency or collector, by registered mail, a letter requesting that the collection agency or collector communicate only with the debtor's lawyer and setting out the lawyer's address and telephone number, the collection agency or collector shall not thereafter contact or attempt to contact the debtor other than through the debtor's lawyer, unless the debtor consents to or requests the contact. O. Reg. 103/06, s. 2.

(3) No collection agency or collector shall contact or attempt to contact the debtor's spouse, a member of the debtor's family or household, or a relative, neighbour, friend or acquaintance of the debtor unless,

- (a) the person being contacted has guaranteed to pay the debt and the contact is in respect of that guarantee;
- (b) the debtor has requested the collection agency or collector to discuss the debt with the person being contacted; or
- (c) the collection agency or collector does not have the debtor's home address or home telephone number and the contact is for the sole purpose of obtaining the debtor's home address or home telephone number. O. Reg. 103/06, s. 2.

(4) No collection agency or collector shall contact or attempt to contact the debtor's employer unless,

- (a) the employer has guaranteed to pay the debt and the contact is in respect of that guarantee;
- (b) the debtor has given the collection agency or collector written authorization to contact the debtor's employer;
- (c) the contact occurs only once and is for the sole purpose of confirming one or more of the debtor's employment, the debtor's business title and the debtor's business address; or
- (d) the contact is in respect of payments pursuant to,
 - (i) a wage assignment given to a credit union within the meaning of the *Credit*

Unions and Caisses Populaires Act, 1994, or to a *caisse populaire* within the meaning of that Act, or

- (ii) an order or judgment made by a court in favour of the collection agency or collector or of a creditor who is a client of the collection agency or collector.
O. Reg. 103/06, s. 2.

(5) No collection agency or collector shall,

- (a) collect or attempt to collect a debt from a person who the collection agency or collector knows or reasonably ought to know is not liable for the debt; or
- (b) contact or attempt to contact a person for the purpose of collecting a debt if the person has informed the collection agency or collector that the person is not who the collection agency or collector intends to contact, unless the collection agency or collector first takes all reasonable precautions to ensure that the person is, in fact, who the collection agency or collector intends to contact. O. Reg. 103/06, s. 2.

(6) No collection agency or collector shall engage in conduct described in any of the following paragraphs with respect to the debtor, the debtor's spouse, a member of the debtor's family or household, a relative, neighbour, friend or acquaintance of the debtor, the debtor's employer, a person who guaranteed the debt or a person mistakenly believed to be the debtor:

1. Make a telephone call or personal call at any of the following times, except at the request of the person being contacted:
 - i. On a Sunday, other than between the hours of 1 p.m. and 5 p.m. local time of the place where the contact is being made.
 - ii. On any day of the week other than a Sunday, between the hours of 9 p.m. and 7 a.m. local time of the place where the contact is being made.
 - iii. Despite subparagraphs i and ii, on any holiday listed in subsection (7).
2. Contact the person more than three times in a seven-day period on behalf of the same creditor, subject to subsections (8) and (9).
3. Publish or threaten to publish the debtor's failure to pay.
4. Use threatening, profane, intimidating or coercive language.
5. Use undue, excessive or unreasonable pressure.
6. Otherwise communicate in such a manner or with such frequency as to constitute harassment. O. Reg. 103/06, s. 2.

(7) For the purposes of subparagraph 1 iii of subsection (6), the following days are holidays:

1. New Year's Day.
 - 1.1 Family Day, being the third Monday in February.
2. Good Friday.
3. Revoked: O. Reg. 24/08, s. 5.
4. Victoria Day.

5. Canada Day.
6. Civic Holiday.
7. Labour Day.
8. Thanksgiving Day.
9. Revoked: O. Reg. 24/08, s. 5.
10. Christmas Day.
11. December 26.
12. Any day fixed as a holiday by proclamation of the Governor General or Lieutenant Governor. O. Reg. 103/06, s. 2; O. Reg. 588/07, s. 1; O. Reg. 24/08, s. 5.

(8) For the purposes of paragraph 2 of subsection (6), the following types of contact shall not be counted:

1. Contact made by ordinary mail.
2. Contact consented to or requested by the person being contacted.
3. Contact of a person other than the debtor where the purpose of the contact is to locate the debtor. O. Reg. 103/06, s. 2.

(9) The prohibition set out in paragraph 2 of subsection (6) does not apply to a collection agency or collector until such time that the collection agency or collector speaks with the person being contacted either in a telephone call or a personal call, but the prohibition applies thereafter. O. Reg. 103/06, s. 2.

23. (1) No collection agency or collector shall directly or indirectly threaten, or state an intention, to commence a legal proceeding for the collection of a debt, unless the collection agency or collector has the written authority of the creditor to commence the proceeding, and the proceeding is not otherwise prohibited by law. O. Reg. 103/06, s. 2.

(2) No collection agency or collector shall recommend to a creditor that a legal proceeding be commenced for collection of a debt, unless the collection agency or collector first gives notice to the debtor of its intention to make the recommendation. O. Reg. 103/06, s. 2.

(3) No collection agency or collector shall commence a legal proceeding for the collection of a debt,

(a) in the name of the creditor, unless the collection agency or collector has the written authority of the creditor to do so; or

(b) as a plaintiff, unless the following conditions have been satisfied:

- (i) The creditor has assigned the debt to the collection agency or collector by written instrument and for valuable consideration, and the creditor has no further interest in the debt.
- (ii) If a legal proceeding was commenced by the creditor prior to assigning the debt, the collection agency or collector has given written notice to the debtor of the assignment.
- (iii) If a legal proceeding was not commenced by the creditor prior to assigning the debt, the collection agency or collector has given written notice to the debtor of

the assignment and, either separately or together with the written notice of assignment, has given notice to the debtor of its intention to commence a legal proceeding. O. Reg. 103/06, s. 2.

24. No collection agency or collector shall,

- (a) give any person, directly or indirectly, by implication or otherwise, any false or misleading information;
- (b) misrepresent to any person contacted in respect of the debt the purpose of the contact or the identity of the creditor or of the collection agency or collector; or
- (c) use, without lawful authority, any summons, notice, demand or other document that states, suggests or implies that it is authorized or approved by a court in Canada or another jurisdiction. O. Reg. 103/06, s. 2.

25. (1) Charges incurred by a collection agency or collector in collecting a debt and charges incurred by a creditor to retain a collection agency or collector do not form part of the debt owed by the debtor, and no collection agency or collector shall collect or attempt to collect any such charges, subject to subsection (2). O. Reg. 103/06, s. 2.

(2) A collection agency or collector may collect, as part of the debt owed by a debtor, all reasonable charges incurred by the collection agency or collector in respect of the debtor's dishonoured cheques if,

- (a) the agreement between the creditor and the debtor provides that the debtor is liable for such charges if incurred by the creditor and sets out the amount of the charge;
- (b) the creditor has provided information to the debtor, by any method, that the debtor is liable for such charges if incurred by the creditor and the debtor knows or reasonably ought to know of his or her liability for such charges and the amount of the charge; or
- (c) the collection of such charges is expressly permitted by law. O. Reg. 103/06, s. 2.

FORM 1

BOND OF AN INSURER LICENSED UNDER THE INSURANCE ACT TO WRITE
SURETY AND FIDELITY INSURANCE

Collection Agencies Act

FORM 1
BOND OF AN INSURER LICENSED UNDER THE INSURANCE ACT TO WRITE SURETY AND FIDELITY
INSURANCE

Collection Agencies Act

Bond No. Amount \$

We
..... as Principal and
..... as Surety are held and firmly bound
unto Her Majesty in right of Ontario, the Obligee, in the sum of Dollars (\$) of lawful money of Canada,
to be paid unto the Obligee, her successors and assigns, for which payment well and truly to be made, I,,
(name of Principal)
bind myself, my heirs, executors, administrators and assigns, and we, bind
(name of Surety)
ourselves, our successors and assigns jointly and firmly by these presents.

The total liability imposed upon the Principal or Surety by this Bond and any and all renewals thereof shall be concurrent and not cumulative and shall in no event exceed the penal sum written above or the amount substituted for such penal sum by any subsequent endorsement or renewal certificate.

SEALED with our seals and dated this day of, 20.....

THE CONDITION of the above obligation is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under the *Collection Agencies Act*, then the obligation shall be void but otherwise shall be and remain in full force and effect and shall be subject to forfeiture as provided by the Act.

SIGNED, SEALED AND DELIVERED, in the presence of

Witness
(As to Signature of Principal)

.....
Surety:

Principal
(Signature of Principal)

R.R.O. 1990, Reg. 74, Form 1; O. Reg. 103/06, s. 3 (1).

FORM 2
BOND OF A GUARANTOR OTHER THAN AN INSURER LICENSED UNDER THE
INSURANCE ACT TO WRITE SURETY AND FIDELITY INSURANCE

Collection Agencies Act

FORM 2
BOND OF A GUARANTOR OTHER THAN AN INSURER LICENSED UNDER THE INSURANCE ACT TO WRITE SURETY AND FIDELITY INSURANCE

Collection Agencies Act

Bond No. Amount \$

We as Principal and as Surety are held and firmly bound unto Her Majesty in right of Ontario, the Obligee, in the sum of Dollars (\$) of lawful money of Canada, to be paid unto the Obligee, her successors and assigns, for which payment well and truly to be made, I, (name of Principal), bind myself, my heirs, executors, administrators and assigns, and I, the said (name of Guarantor) guarantee the payment of the sum of Dollars (\$) to the Obligee and I, the said (name of Guarantor) bind myself, my heirs, executors, administrators and assigns, jointly and firmly by these presents and by depositing with the Obligee as collateral security to this Bond.

The total liability imposed upon the Principal or Guarantor by this Bond and any and all renewals thereof shall be concurrent and not cumulative and shall in no event exceed the penal sum written above or the amount substituted for such penal sum by any subsequent endorsement or renewal certificate.

SEALED with our seals and dated this day of , 20.....

THE CONDITION of the above obligation is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under the *Collection Agencies Act*, then the obligation shall be void but otherwise shall be and remain in full force and effect and shall be subject to forfeiture as provided by the Act.

SIGNED, SEALED AND DELIVERED

in the presence of

.....
.....

Principal

Guarantor

R.R.O. 1990, Reg. 74, Form 2; O. Reg. 103/06, s. 3 (2).

FORM 3
PERSONAL BOND

Collection Agencies Act

FORM 3
PERSONAL BOND
Collection Agencies Act

Bond No.

Amount \$

I, ,
the Obligor, am held and firmly bound under Her Majesty in right of Ontario, the Obligee, in the sum of
Dollars (\$) of lawful money of Canada, to be paid unto the Obligee, her successors and assigns, for which payment
well and truly to be made, I, bind myself, my heirs,
(name of Obligor)
executors, administrators and assigns and I, deposit with the Obligee
(name of Obligor)
as collateral security to this Bond.

SEALED with our seals and dated this day of , 20.....

THE CONDITION of the above obligation is such that if the said obligation does not by reason of any act, matter or thing
at any time hereafter become or be forfeit under the *Collection Agencies Act*, then the said obligation shall be void but
otherwise shall be and remain in full force and effect and shall be subject to forfeiture as provided by the Act.

SIGNED, SEALED AND DELIVERED

in the presence of

.....
.....

Obligator
.....

R.R.O. 1990, Reg. 74, Form 3.

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