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Recourses

If a collection agent or other person contacting you der to recover a sum of money does not act within onfines of the law, you can bring legal action against , requesting compensation for damages and interest offence resulted in harm.

Budget planning: A way out

In debt and don't know how to get out? You're not . Many people have debt problems. There are orga-ons which offer free budget planning services. To out which ones are located in your area, contact the e or go to the consumer protection network website: .consommateur.qc.ca.

Your credit file

Once you have repaid your debt, check to make your credit file is up-to-date. Loan institutions seek-o determine your willingness and ability to pay can ult this file. Consequently, it is important to ensure the information it contains is accurate. To find out about your credit file, contact a Canadian credit mation agency (i.e. Equifax or Trans Union Canada). ne can prevent you from checking your credit file. ld a problem arise, contact the Commission d'accès formation (www.cai.gouv.qc.ca), which administers *ct Respecting the Protection of Personal Information e Private Sector.*

Assert your rights

The *Act respecting the collection of certain debts* recognizes your rights. It also facilitates legal recourse if you have been a victim of illegal acts. For more information on your rights or to lodge a complaint against a collection agency, contact the Office.

Regional offices

Abitibi-Témiscamingue
255, avenue Principale, rez-de-chaussée 05
Rouyn-Noranda (Québec) J9X 7G9

Bas-Saint-Laurent
337, rue Moreault
Rimouski (Québec) G5L 1P4

Capitale-Nationale – Chaudière-Appalaches
400, boul. Jean-Lesage, bureau 450
Québec (Québec) G1K 8W4

Centre-du-Québec – Mauricie
100, rue Laviolette, rez-de-chaussée 11
Trois-Rivières (Québec) G9A 5S9

Côte-Nord
456, rue Arnaud, bureau 1.05
Sept-Îles (Québec) G4R 3B1

Estrie
200, rue Belvédère Nord, bureau 3.02
Sherbrooke (Québec) J1H 4A9

Gaspésie – Îles-de-la-Madeleine
96, montée Sandy Beach, bureau 1.02
Gaspé (Québec) G4X 2W4

Laurentides – Lanaudière
500, boul. des Laurentides, bureau 1503-B
Saint-Jérôme (Québec) J7Z 4M2

Montréal – Laval – Montérégie
5199, rue Sherbrooke Est, bureau 3671, aile A
Montréal (Québec) H1T 3X2

Outaouais
170, rue de l'Hôtel-de-Ville
Gatineau (Québec) J8X 4C2

Saguenay – Lac-Saint-Jean
3950, boul. Harvey, bureau 2.12
Jonquière (Québec) G7X 8L6

www.opc.gouv.qc.ca

Office de la protection du consommateur
Québec

September 2007

Office de la protection du consommateur

Overdue accounts

Québec

Although it is important to pay your
s by the due date in order to maintain
ood credit rating, you may have trou-
meeting your financial responsibili-
. If this is the case, you should make
ngements with your creditors before
y turn your account over to a collec-
agency. If you wait too long and a
ection agent calls you, don't panic.
d on to find out who to contact and
t your consumer rights are.

Important:

This folder contains changes to the *Act respecting the collection of certain debts* that came into effect in December 2006.

Collection agent

You should know that collection agents are only intermediaries mandated by creditors (merchants or financial institutions) to recover sums of money owing. The means agents can use are clearly defined in the *Act respecting the collection of certain debts* and must respect consumer rights. Collection agents may not threaten, harass or intimidate. These restrictions apply to people trying to recover sums of money for themselves or others.

When a collection agent contacts you, he must give his name, the name of the collection agency he works for, if applicable, his permit number, the amount of the debt and the name of the creditor.

If you make the request in writing, the collection agent must supply the following information in writing, free of charge and within ten days of receiving your request:

- the account statement date;
- the creditor's name;
- the initial amount of the debt to collect;
- the date and amount of every payment made towards repayment of this debt since the claim notice, if it is an account statement, or since the last account statement, if applicable;
- the balance owing;
- the address of the location where the debt to be collected was contracted;
- the permit holder's name.

Since the amounts he collects are not his, the collection agent deposits them in a trust account.

Prohibited practices

The collection agent initially contacts you by telephone.

This is illegal. Before speaking with you, collection agents must send you a written claim notice.

Recommendations

- According to the Act, you can demand that an agent contact you in writing only. Simply send the agent written notice to this effect. This notice is effective for three months but can be renewed by sending another notice;
- The collection agent may not speak with the debtor if the latter has indicated in writing that the debt is contested and that the creditor must address the courts;
- When you receive a claim notice, ask for the collection agent's permit number. If you doubt its validity, check with the nearest regional bureau of the Office;

Authorized calling times

Collection agents may call you between 8:00 a.m. and 8:00 p.m. Contact outside of these hours is illegal. It is also prohibited for collection agents to disturb you on holidays and Sundays. They may, however, contact you on Saturdays.

A collection agent threatens you

The Act prohibits collection agents from threatening to sue you unless you pay the amounts owing.

The collection agent contacts other people

A collection agent may not contact your spouse or civil union spouse, family members, friends, acquaintances, neighbours or employer. There are, however, two exceptions:

- the collection agent may communicate with these persons on one occasion only, to obtain your address or telephone number if this information is not already known;
- the collection agent may also communicate with one of these persons in order to collect a debt if that person is your surety.

It is prohibited to contact a person who, in the course of a prior communication, indicated that he or she is not the debtor.

Contact at work

A collection agent may call your place of work on one occasion if he has neither your address or personal telephone number to reach you. However, he may contact you at work if you explicitly authorize him to.

The collection agent demands a supplement

You finally repay your debt and the collection agent claims a supplement. Refuse. You must never agree to pay more than what you owe. Collection agents do not have the right to claim a supplement, such as a collection fee or a percentage of the amount owned in exchange for an extended payment deadline.

Recommendation

- Insist on a receipt for all cash payments. Collection agents must provide receipts. At your written request, collection agents must also supply receipts for all non-cash payments. They must provide a receipt within ten days of your cash payment or reception of your written request.

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