Monty Hall says...

Let's make it better for buyers, better for business.

Now, let's see what's behind DOOR NUMBER THREE!™
It's a beautiful new...

Manitoba’s Plan For Stronger Consumer Protection
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Introduction

To maintain a healthy economy:
➤ Consumers must have confidence that the companies they do business with will treat them fairly and honestly.

➤ Businesses must have confidence that the rules that regulate their operations are reasonable, do not stand in the way of innovation, and put all competitors on an even playing field.

Better consumer protection means better business.

CONSUMER PROTECTION PRINCIPLES
Manitoba’s Five Year Plan is based on the following key principles:

FAIR BUSINESS PRACTICES RESULT IN:
➤ fairness for consumers and fairness for business
➤ consumers with accurate, sufficient and clear information to make informed choices
➤ businesses that operate with honesty and integrity as they fairly compete in the marketplace

CONSUMER EDUCATION MEANS:
➤ consumers have easy access to information to protect themselves from unfair business practices and the skills that enable them to make good decisions
➤ government, businesses and consumer groups promote consumer awareness

REMEDIES ENSURE:
➤ fair and effective investigation of complaints
➤ solutions to problems are timely, accessible and even-handed

A BALANCED APPROACH INCLUDES:
➤ rules that protect consumers, provide a level playing field for businesses and do not stifle business creativity and innovation
➤ laws that consumers can understand, businesses can follow and government can enforce

The Province of Manitoba’s Five Year Plan for Stronger Consumer Protection is a commitment to each and every citizen. We all participate in the marketplace – whether we’re buying, selling, repairing or leasing goods or services. We all have a stake in ensuring that the rules that govern our marketplace are fair, practical and respond to our needs.
MANITOBANS ALREADY BENEFIT FROM A HIGH LEVEL OF PROTECTION IN THE MARKETPLACE THROUGH THINGS LIKE:

- legislation that ensures Manitobans know the full cost and the terms and conditions of their loans and mortgages including rent-to-own
- being the first in Canada to introduce legislation to strictly regulate the payday loan industry
- maximum rates to cash government cheques such as social assistance, child tax credits, employment insurance and workers’ compensation
- legislation that prohibits fees and expiry dates on most types of gift certificates and gift cards
- improved protection against identity theft through the introduction of highly secure birth certificates
- provincial legislation to come into force that will ensure that products labeled as ‘organic’ meet the standards determined by provincial and federal regulations, regardless of the source of the products
- the right to cancel Internet purchases if the seller has not complied with disclosure requirements or has not delivered the goods or services within the time set by law
- the right to participate in class action lawsuits
- reverse mortgage disclosure information

As our economy continues to grow stronger, now is the time to reinforce consumer confidence. Manitoba’s Five Year Plan will build on the vitality of our marketplace, the energy of our business community and the spirit of our people.

“Manitoba’s consumer confidence indicates that we feel positive about our economy, our jobs and our incomes. This translates into a healthy climate for business and stronger economic growth for our province.”

Gord Mackintosh, Minister of Family Services and Consumer Affairs
HOMES, HOME RENOVATIONS AND VEHICLE PURCHASES AND REPAIRS are the biggest expenditures for most people. The Manitoba Government will help citizens feel more confident by helping them to make better-informed choices and protecting them when things do not go as expected.

NEW HOME WARRANTY: New homes and condominiums are complex structures, and defects or other construction-related problems can appear after the owner has moved in. Manitoba will develop legislation to provide a warranty to cover construction defects on new homes. While most builders are reputable, this legislation will help ensure that buyers of new homes will not have to pay the cost of repairing construction-related problems covered by the warranty. The experience of other jurisdictions that have implemented built-in warranties will be very helpful as we move forward with this important protection.

CONDOMINIUM OWNER PROTECTION: Changes will be made to Manitoba’s condominium legislation to make this form of home ownership work better for condo owners. Greater disclosure requirements will help owners make informed decisions about buying a condo. Unfair agreements for management or other services that were entered into before the owners assumed control of the property may be terminated. There will be added protection for unit owners in phased developments. The developers’ obligations before the turnover of control of the property will be clarified.

“The Manitoba Home Builders Association (MHBA) supports warranty legislation which provides necessary protection to consumers and promotes proper professional new home building methods.”

Mike Moore, President MHBA
ENHANCED REAL ESTATE FRAUD PROTECTION:
Real estate fraud is a growing concern across Canada. This occurs when fraudsters sell properties to unknowing purchasers, victimizing both the original property owners and the innocent lenders who help to finance the transactions. Legislation will be brought forward to ensure that property owners and lenders are better protected and that the risk of real estate fraud is reduced.

NEW USER-FRIENDLY FORMS FOR TENANTS AND LANDLORDS: To make sure tenants and landlords know their rights and responsibilities, the Residential Tenancies Branch is adding more information to a number of their forms to make them easier to understand. The new tenancy agreement will include information about security deposits, landlord and tenant responsibilities, rent increases, privacy and notices to move. The notices for ending tenancies will have information about notice requirements and moving expenses.

HOME RENOVATION PROTECTION: Although most home renovation contractors are reputable, some Manitobans may need help to make sure they do not become victims of dishonest contractors. When home owners get an estimate for renovations to their homes, they should expect the total cost to be within a reasonable amount of the estimates they received. Manitoba will consider the experience of other jurisdictions and will consult with consumers and businesses to develop legislation to deal with issues concerning contracts, estimates and final costs.

TENANT MOVING EXPENSE COVERAGE: When a tenant must move because the landlord wants to live in the rental unit or do renovations that cannot be done while the unit is occupied, the landlord is required to pay the tenant’s moving expenses, up to a certain amount. The maximum amount payable for moving expenses will be increased in 2010 to ensure tenants’ costs are more adequately covered.

INDEPENDENT ADVISOR: The Residential Tenancies Branch and The Residential Tenancies Commission hold hearings to decide whether a tenant or landlord has to pay money to the other party, or if a tenant has to move. In a pilot project starting in 2010, an independent advisor will provide assistance to tenants about how to prepare, present and respond to a hearing claim. The first phase of the project will include Winnipeg-based tenants. The project will be expanded in later phases to include landlords who own smaller properties.

REAL ESTATE CONDITION DISCLOSURE: Homebuyers need more information about properties they are buying. A report commissioned by the province has recently recommended that home inspections should be encouraged in real estate transactions and that the standard home sale contract should require the seller to provide a property condition statement. The Manitoba Securities Commission is consulting broadly on the report and, in 2010, will recommend ways to improve current practices. A copy of the report can be viewed at www.msc.gov.mb.ca/real_estate/neufeld.pdf
What We Drive!

**MOTOR VEHICLE INFORMATION DISCLOSURE:** Manitobans want to know exactly what they are buying or leasing so that their motor vehicle meets their needs and fits within their budget. Legislation will come into force that will set out the kinds of information that must be provided to consumers while they are shopping for or arranging to buy or lease a motor vehicle.

**MOTOR VEHICLE REPAIR PROTECTION:** Other provinces have specific laws to deal with issues surrounding motor vehicle repairs. Using these rules as potential models, Manitoba will consult on the following items:

- a mandatory warranty on most new and used parts and labour
- more protection in the area of estimates
- customer authorization before repairs are made
- a requirement to provide all removed old parts to customers, on request

**PUBLIC INFORMATION OF NON-COMPLIANT PERMIT HOLDERS:** Manitoba Public Insurance will improve consumer awareness by publishing on a website the names and locations of individuals and businesses that have received administrative sanctions. These will include a variety of situations such as inspection stations that do incomplete vehicle safety inspections and dealers who roll back odometers.
NOT ALL TRANSACTIONS ARE CREATED EQUAL. Some, like buying insurance or signing a contract for a cell phone, can be complicated and difficult to understand. While consumers need to take the time to learn about what they are committing to, they should also expect to be treated fairly and receive clear and appropriate information.

Better deals happen when contract terms are fair, clear, prominent and understandable.

FAIR AND CLEAR CELL PHONE CONTRACTS: Concerns are often raised about cell phone contracts. Québec has recently passed legislation to better regulate these contracts. Manitoba will work towards better consumer protection that results in plain language cell phone contracts that contain the information necessary to make informed decisions. Other issues to be addressed include when the cell phone company can change the terms of the contract and cancellation rights.

TRAVEL FAIRNESS: The focus of a family vacation should be fun and relaxation, not concerns about potential ‘sticker shock’ that may come from hidden costs. Following along a similar path as other provinces like Ontario, the Manitoba Government will consult on rules concerning travel agents and travel wholesalers, full price disclosure in advertising and accuracy in ads and brochures. The Government will also pursue a compensation fund with other provinces to protect travelers in the event of a business closure.

MODERN RULES FOR HEARING AID DEALERS: Manitoba’s existing rules for hearing aid dealers will be reviewed to ensure that the protections are fair and relevant for today’s marketplace. The review will include how to update hearing aid dealer certification requirements, how consumer interests can best be represented on the Hearing Aid Board, and how to modernize the rules regarding dealer business practices, such as advertising.

MAJOR PRODUCT WARRANTY DISCLOSURE: Current legislation sets out certain implied warranty provisions. Extended warranties are optional services that may be purchased for an additional price. These are common on major purchases such as appliances and electronic goods. Manitoba will work with businesses and consumers to ensure consumers are better informed about statutory and optional warranties that may be offered to them when they make certain purchases.
**BETTER PROPERTY AND LIFE INSURANCE PROVISIONS:** While insurance protects families, it can often be complicated. Insurance law in Manitoba has been in effect for more than 100 years. Manitoba will work with the insurance industry and other stakeholders to modernize legislation and keep it fair for both insurers and policyholders.

The consultation will focus on:

➤ better policyholder disclosure
➤ more options for complaint resolution
➤ more time to cancel, pay and reinstate policies
➤ use of credit scores in underwriting risk and pricing policies
➤ whether incidental sellers of insurance need to be licensed

Discussions with insurance stakeholders will focus on using plain language to make complex insurance contracts and concepts understandable.

**BAN ON NEGATIVE OPTION MARKETING:** Consumers do not like it when a business requires them to opt out of purchasing a good or service. In 2010, the Government will introduce legislative measures to deal with the concerns surrounding negative option marketing.

**MORE PLAIN LANGUAGE IN CONTRACTS:**
Understanding the terms, conditions and costs of contracts helps people:

➤ make better decisions
➤ get the goods and services they want
➤ understand their financial obligations
➤ deal with any problems that arise

Manitoba will work with the business community to develop voluntary guidelines for including plain language in written contracts.

**‘GREEN’ PRODUCT LABELLING:** Manitoba will work with other levels of government towards a national approach to promote accurate ‘green’ labelling on products. Accurate labelling makes sure that consumers can choose products that truly are environmentally friendly.

“**CAC (Manitoba) commends the Province for taking a long-term planning approach to current and emerging consumer issues. We look forward to the implementation process including stakeholder consultation and consumer education.”**  
Consumers’ Association of Canada (Manitoba)
PAYDAY LOAN REGULATION: Payday loan legislation will clamp down on payday loan businesses that take advantage of borrowers. The legislation, which will come fully into force in 2010, will limit payday loan fees to $17 per $100 borrowed, the lowest rate in those provinces that regulate the industry. Additionally, lenders will not be able to provide a loan for more than 30 per cent of the borrower’s net next pay. These and other important measures will continue Manitoba’s leading edge approach to regulate payday loans and will help ensure that more money stays in the hands of our families and our communities.

STRICT LIMITS ON GOVERNMENT CHEQUE CASHING FEES: In Manitoba, there are maximum fees that can be charged to cash a government cheque. In 2010, The Public Utilities Board will review the rates through a public consultation process with businesses and citizens. The goal will be to maintain the balance between fair rates and the interests of the businesses that incur costs in providing this service, particularly in Northern and remote communities.

LIMITS ON CHEQUE HOLDS: The 2010 Federal Budget indicated that the Canadian Government will proceed with regulations concerning cheque holds, including reducing the maximum time that a cheque can be held. Manitoba will consult with provincial credit unions and caisse populaires on cheque holds to determine how provincial rules or practices can be improved to better serve consumers.

PAWNSHOPS - DISCLOSURE OF RATES AND TERMS: Pawning may be a fast way to get money, but it can come with risks. Manitoba will consider legislation to require pawnshops to provide customers with plainly written information at the time of the transaction. The information would include full disclosure of important terms and conditions, such as service charges; the total amount that must be repaid; and when and how customers lose the right to get their goods back.

REVIEW OF GIFT CARD RULES: Manitoba will conduct a review of gift card legislation by 2012 to determine whether provisions on permitted fees, disclosure rules and expiry dates need to be changed. Public input from consumers and businesses, and the approaches taken in other provinces, will help to ensure that the legislation is fair and reasonable.

RULES FOR SECURITY ALERTS: When credit cards are lost or stolen the rightful owner may be at risk for identity theft. Thieves may use this information to obtain credit in someone else’s name. Credit bureaus currently allow people to place alerts on their credit report so that potential credit grantors can make sure that they are dealing with the right person before issuing credit. Manitoba will move forward in 2010 to ensure these rules become law.

ALL MANITOBNANS DESERVE TO BE TREATED FAIRLY when it comes to their hard-earned money. Fees for financial transactions should be reasonable and borrowing terms should be clearly communicated. All citizens should have access to resources that help them make informed financial decisions.
FINANCIALLY SURVIVING DOMESTIC VIOLENCE: Victims of domestic violence often have many physical, emotional and social challenges. They may also face financial challenges such as debt and a damaged credit history. An information guide will be developed to provide survivors of domestic violence with tools to help them overcome their financial challenges as they continue on the road to independence.

DEBT MANAGEMENT HELP: Grant funding to Community Financial Counselling Services is being increased in 2010. This non-profit organization provides comprehensive financial counselling and debt management services to Manitobans. Over 1,000 Manitobans benefited from this service last year. The increased funding will help to extend the benefits of the program. Manitoba will also consider the experience of other jurisdictions, such as Alberta, that have specific provisions in place to regulate debt consolidation businesses.

BETTER RIGHTS AND INFORMATION FOR CREDIT AND OTHER REPORTS: The information in personal reports, such as credit reports, can affect major events in a person’s life such as loan and mortgage applications, tenancy agreements and potential employment.

Manitoba has been working with other Canadian jurisdictions to modernize and harmonize rules for reports that contain personal information. Legislation will be introduced to provide better protection for consumers, as well as clear and fair rules for reporting agencies and those who rely on the reports to make important decisions.

Guidelines will be developed to help people understand their credit reports. The guidelines will explain:

➤ why this information is important
➤ how a person can get a copy of their report
➤ how to read the report
➤ how to correct any inaccurate information.

WE ALL FACE DIFFICULT CHALLENGES AT VARIOUS TIMES IN OUR LIVES. Some problems come up suddenly while others build over time. People need to know that the information they are given is accurate and complete so that they can make the best decisions for themselves and their families during stressful times.

Let’s Make It Through The Tough Times
GRIEVING FAMILY PROTECTION: There are now stronger laws that provide better protection to grieving families who buy funeral and cremation services. Funeral directors must comply with a new code of ethics and provide full information on funeral and cremation products and services, including prices. The changes provide guidelines for investigations and public hearings of complaints against funeral directors. The Cemeteries Act and The Prearranged Funeral Services Act will also be reviewed to learn how the Acts can be modernized and improved.

GRIEVING PET OWNERS: For many people, a pet provides companionship and emotional support. Pet owners want assurance that when their pet dies, their remains will be treated with care and respect. The Government will engage stakeholders such as pet cemetery/crematoria operators, veterinarians and pet owners in discussions leading to a code of ethics for providers of this type of service.

FAIRER COLLECTION PRACTICES: Despite their best efforts, people sometimes fall behind on payments to creditors and end up dealing with collection agencies. While there are laws in Manitoba about collection practices, improvements are needed to protect people when they deal with debt collectors. For instance, borrowers should be better protected in situations where collectors attempt to contact them at work. The Government will look at how other provinces have implemented harmonized provisions, and will seek public feedback on the proposed changes.

“The changes in The Funeral Directors and Embalmers Act allow consumers to better compare prices of services, and give the profession new and strong rules of conduct”

Bob Clarke, Registrar, Board of Administration, Funeral Directors and Embalmers Act
Let’s Make A Smarter Deal

Navigating today’s complex marketplace can be challenging. This is especially true for families living on low incomes or facing other difficult situations. Measures will be introduced to help Manitobans plot a course through their marketplace dealings to help them make smarter deals. The Plan will also support consumers in obtaining the necessary skills, knowledge and information to help them make good financial choices for themselves and for their families.

Better help for young adults in the marketplace: In 2004, ministers responsible for consumer affairs released a series of online booklets called Reality Choices which provides consumer advice for Canadians aged 18 to 30. The series will be revised in 2010 to provide relevant information that specifically targets Manitoba’s young adults. It will be particularly helpful for those young people who have left home and need help with financial decisions to better secure their future and to avoid falling into debt.

Help for newcomers: The Consumer Guide for Newcomers in Manitoba was developed by the Consumers’ Association of Canada (Manitoba) Branch, with funding support from Manitoba Labour and Immigration and Citizenship and Immigration Canada. The guide, written in plain language, informs newcomers about important consumer issues. An updated edition will be distributed.

Protection for older Manitobans: In the first year of the Plan, fact sheets and web-based information will be designed to help older adults steer clear of scams that often target these members of our community.

The Plan also recognizes that there are a growing number of apartment complexes that provide tenants with services such as meals, light housekeeping, laundry, transportation and recreation. Legislation will come into force in 2010 that will ensure clear disclosure of the services provided, notice of any related rate increases and a process to resolve complaints about these services.
MONEY SMARTS: A number of initiatives will provide Manitobans with the skills and knowledge necessary to make informed financial decisions:

➤ Starting in September 2011, Manitoba Education will provide an opportunity for students to learn the skills to make good financial decisions when they reach adulthood.

➤ In 2010, the Manitoba Payday Borrowers’ Financial Literacy Fund will be created to fund financial literacy programs for borrowers and potential borrowers of money through payday loans.

➤ The Supporting Employment and Economic Development program (SEED) will receive funding under Manitoba Saves!, to offer 700 low-income Manitobans with training in money management. The program will also provide 450 people with matched savings support for education purposes, business start-up and home purchases and renovations.

NEW CONSUMER RIGHTS DAY: Legislation will propose that March 15th be declared Consumer Rights Day to celebrate the protections afforded to Manitobans and to increase awareness of the importance of maintaining a healthy and fair marketplace.

NEW NAME FOR THE CONSUMERS’ BUREAU: The Bureau will be renamed to the Consumer Protection Office to better reflect its services and programs. The office will develop new fact sheets and guidelines for better public information. New enforcement powers and increased inspection and investigation activity will help ensure that businesses compete fairly and consumers are informed and protected.

LET’S MAKE A BETTER DEAL™ WEBSITE:
A user-friendly website will offer a broad range of valuable information and advice. It will help everyone in the family, from children to grandparents, become more familiar with their rights in the marketplace. The website will explain provincial rules and requirements, and will also provide links to federal sites for areas that are regulated by the federal government. These include product safety, food inspection, fair competition, telecommunications and vehicle recalls. Remember.....better informed shoppers are better protected shoppers.
Let’s Make Better Solutions

Most businesses in Manitoba observe the law and treat their customers fairly. Unfortunately, a small minority care more about a fast buck than the law or their customers. These businesses are bad for consumers and for honest companies because they compete with an unfair advantage and may hurt the reputation of that sector.

Stronger enforcement provisions will include:
- stiffer fines for those who do not follow the law
- enhanced court-ordered restitution provisions
- greater inspection and investigation powers
- greater ability to issue compliance orders
- broader scope to impose administrative penalties
- the ability to better inform the public about businesses that break the law by posting information on a website

Help in Small Claims Court: Better materials will be provided to help citizens who wish to resolve a dispute in Small Claims Court. This will help to improve consumers’ access to our legal system.

Safeguarding Class Action Rights: Class action lawsuits allow a number of people to join together to file one suit. In certain cases this makes more financial sense as the cost of the legal action is shared. Currently, some consumer contracts say that if there is a dispute the consumer cannot take part in a class action lawsuit and is required to resolve the dispute by mandatory arbitration. The Manitoba Law Reform Commission has recommended changes in this area to improve consumer protection. Manitoba will develop legislation to ensure that people do not lose important class action rights.

Unclear Terms and Conditions to Favour Consumer: Fairness in the marketplace depends on clear terms and conditions in contracts or in the information that must be disclosed to a consumer. Manitoba’s consumer protection legislation will be amended to provide that if such terms and conditions can be reasonably interpreted in more than one way, the interpretation that benefits the consumer is the one that will count.
Help Us Make Better Deals for You!

Your suggestions and feedback on these or any other ideas are very welcome!

WHAT DO YOU THINK ARE THE MOST IMPORTANT CONSUMER ISSUES?

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

WHAT DO YOU THINK IS THE BEST WAY TO DEAL WITH THESE ISSUES?

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

DO YOU HAVE ANY OTHER COMMENTS?

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

To send in your advice and comments, or for assistance or information about consumer protection, please contact:

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