

Electronic delivery of franchise disclosure documents coming to Ontario

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Franchisors offering franchises in Ontario will be pleased to know that the Ontario government has recently released an amended regulation to the *Arthur Wishart Act (Franchise Disclosure), 2000* that expressly allows franchisors to deliver their franchise disclosure documents by prepaid courier and electronically. If the document is delivered electronically, the following requirements must be met:

- (a) the document is delivered in a form that enables the recipient to view, store, retrieve and print it;
- (b) the document contains no links to external documents or content;
- (c) the document contains an index for each separate electronic file, if any, of which the document consists, where each index sets out,
 - (i) the file name, and
 - (ii) if the file name is not sufficiently descriptive of the subject matter dealt with in the file, a statement of that subject matter; and
- (d) the franchisor receives a written acknowledgment of receipt from the prospective franchisee.

Prior to this amendment, the only delivery methods specifically identified in the legislation were delivery in person or by registered mail.

This amended regulation will come into effect on July 1, 2016 and brings Ontario in line with the other provinces with franchise disclosure legislation that specifies mandatory delivery methods. The amendment also provides that franchisees may deliver notices of rescission by prepaid courier.

The amended regulation is at: ontario.ca/laws/regulation/000581