

STATUTORY PROVISIONS AFFECTING THE LAW OF CONTRACTS

A Study for Professor David R. Percy

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(Headings correspond with chapter headings in Contracts: Cases and Commentaries, edited by C. Boyle and D. R. Percy.)

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1. Offer and Acceptance

Prohibitions against discrimination.

Individual Rights Protection Act, S.A. 1972, c. 2; as amended S.A. 1973, c. 61.

Human Rights Code of British Columbia Act, S.B.C. 1973 (2nd Sess.), c. 119; as amended S.B.C. 1974, c. 87; c. 114.

Human Rights Act, S.M. 1974, c. 65; as amended S.M. 1975, c. 42, s. 26; S.M. 1976, c. 48; S.M. 1977, c. 46.

Human Rights Act, R.S.N.B. 1973, c. H-11; as amended S.N.B. 1974, c. 20 (Supp.); S.N.B. 1976, c. 31.

Newfoundland Human Rights Code, R.S.N. 1970, c. 262; as amended S.N. 1973, No. 34 (Schedule B); S.N. 1974, No. 114.

Fair Practices Ordinance, R.O.N.W.T. 1974, c. F-2.

Human Rights Act, S.N.S. 1969, c. 11; as amended S.N.S. 1970, c. 85; S.N.S. 1970-71, c. 69; S.N.S. 1972, c. 65; S.N.S. 1974, c. 46.

Ontario Human Rights Code, R.S.O. 1970, c. 318; as amended S.O. 1971, c. 50, s. 63; S.O. 1972, c. 119; S.O. 1974, c. 73.

Human Rights Act, S.P.E.I. 1975, c. 72.

Saskatchewan Human Rights Commission Act, S.S. 1972, c. 108; as amended S.S. 1973, c. 94; S.S. 1976-77, c. 81.

Fair Practices Ordinance, R.O.Y.T. 1971, c. F-2.

1. Offer and Acceptance

Auction sales.

Sale of Goods Act, R.S.A. 1970, c. 327, s. 58  
R.S.B.C. 1960, c. 344, s. 72  
R.S.M. 1970, c. S-10, s. 59  
R.S.N.B. 1973, c. S-1, s. 55  
R.S.N. 1970, c. 341, s. 59  
R.S.N.S. 1967, c. 274, s. 58  
R.S.O. 1970, c. 421, s. 56  
R.S.P.E.I. 1974, c. S-1, s. 58  
R.S.S. 1965, c. 388, s. 57

Sale of Goods Ordinances, R.O.N.W.T. 1974, c. S-2, s. 56  
R.O.Y.T. 1975, c. S-1, s. 56

1. Offer and Acceptance

Unsolicited goods and credit cards.

Legislation in British Columbia, Newfoundland, Nova Scotia, Ontario and Saskatchewan provides that there are no legal obligations regarding unsolicited goods or credit cards. Payment is specifically not required, notwithstanding use.

Consumer Protection Act, S.B.C. 1967, c. 14, s. 14A(3);  
as amended S.B.C. 1970, c. 8.

Unsolicited Goods and Credit Card Act, S.N. 1973, No.  
11, ss. 5, 6.

Consumer Protection Act, R.S.N.S. 1967, c. 53, s. 20A(4);  
as amended S.N.S. 1970-71, c. 32.

Consumer Protection Act, R.S.O. 1970, c. 82, s. 46.

Unsolicited Goods and Credit Card Act, S.S. 1971, c. 61,  
ss. 3, 4.

Prince Edward Island legislation simply prohibits delivery of unsolicited goods.

Consumer Protection Act, R.S.P.E.I. 1974, c. C-17, s. 19.

In Alberta and Manitoba, unsolicited goods are not dealt with, but the issuing of unsolicited credit cards is prohibited.

Credit and Loan Agreement Act, R.S.A. 1970, c. 73,  
s. 15.2; as amended S.A. 1972, c. 25.

Consumer Protection Act, R.S.M. 1970, c. C200, s. 114;  
as amended S.M. 1971, c. 36.

## 2. Certainty of Terms

Provisions re price in contracts for the sale of goods.

Sale of Goods Acts, R.S.A. 1970, c. 327; R.S.B.C. 1960, c. 344;  
 R.S.M. 1970, c. S10; R.S.N.B. 1973, c. S-1;  
 R.S.N. 1970, c. 341; R.S.N.S. 1967, c. 274;  
 R.S.O. 1970, c. 421; R.S.P.E.I. 1974, c. S-1;  
 R.S.S. 1965, c. 388.

Sale of Goods Ordinances, R.O.N.W.T. 1974, c. S-2; R.O.Y.T. 1975,  
 c. S-1.

### STATUTORY CONCORDANCE

|   | Alta. | B.C. | Man. | N.B. | Nfld. | N.W.T. | N.S. | Ont. | P.E.I. | Sask. | Yukon |
|---|-------|------|------|------|-------|--------|------|------|--------|-------|-------|
| Ascertainment of price                          | 11    | 14   | 10   | 9    | 9     | 10     | 10   | 9    | 10     | 10    | 10    |
| Price fixed by valuation                        | 12    | 15   | 11   | 10   | 10    | 11     | 11   | 10   | 11     | 11    | 11    |
| Payment and delivery -<br>concurrent conditions | 29    | 33   | 30   | 26   | 30    | 27     | 29   | 27   | 28     | 28    | 27    |
| Delivery within a reason-<br>able time          | 30    | 34   | 31   | 27   | 31    | 28     | 30   | 28   | 29     | 29    | 28    |

4. Consideration

Part Performance - when it extinguishes an obligation.

Judicature Act, R.S.A. 1970, c. 193, s. 34(8).

Laws Declaratory Act, R.S.B.C. 1960, c. 213, s. 2(33).

Mercantile Law Amendment Act, R.S.M. 1970, c. M120, s. 6.

Judicature Ordinance, R.O.N.W.T. 1974, c. J-1, s. 19(g).

Mercantile Law Amendment Act, R.S.O. 1970, c. 272, s. 16.

Queen's Bench Act, R.S.S. 1965, c. 73, s. 45(7).

Judicature Ordinance, R.O.Y.T. 1975, c. J-1, s. 10(g).



6. The Requirement of Writing

Statute of Frauds Acts, R.S.B.C. 1960, c. 369; R.S.N.B. 1973, c. S-14;  
R.S.N.S. 1967, c. 290; R.S.O. 1970, c. 444;  
R.S.P.E.I. 1974, c. S-6.

In other jurisdictions within Canada, the following statutes are applicable:

Statute of Frauds of 1677, 29 Car. 2, c. 3.

Mercantile Law Amendment Act of 1856, 19 & 20 Vict. c. 97,  
s. 3.

6. The Requirement of Writing

STATUTORY CONCORDANCE - Statute of Frauds

|   | Eng. | B.C. | N.B. | N.S. | Ont. | P.E.I.        |
|---|------|------|------|------|------|---------------|
| Writing required for  |      |      |      |      |      |               |
| (a) executor's promise to answer from own estate              | 4*   | -    | 1    | 6    | 4    | No equivalent |
| (b) contract of guaranty                                      |      | 5    |      |      |      |               |
| (c) contract in consideration of marriage                     |      | -    |      |      |      |               |
| (d) contract re interest in land                              |      | 2    |      |      |      |               |
| (e) agreement not to be performed w/i 1 year.                 | ↓    | -    | ↓    | ↓    | ↓    | ↓             |
| consideration need not be expressed in a contract of guaranty | 3**  | -    | 2    | 7    | 6    | 3             |

\*Statute of Frauds of 1677

\*\*Mercantile Law Amendment Act of 1856

6. Requirement of Writing

Sale of Goods Acts - Formalities (writing or acceptance) required for sale of goods of a certain value.

Sale of Goods Acts, R.S.A. 1970, c. 327, s. 7 (\$50+)  
R.S.M. 1970, c. S10, s. 6 (\$50+)  
R.S.N.B. 1973, c. S-1, s. 5 (\$40+)  
R.S.N. 1970, c. 341, s. 6 (\$50+)  
R.S.N.S. 1967, c. 274, s. 6 (\$40+)  
R.S.O. 1970, c. 421, s. 5 (\$40+)  
R.S.P.E.I. 1974, c. S-1, s. 6 (\$30+)  
R.S.S. 1965, c. 388, s. 6 (\$50+)

Sale of Goods Ordinances, R.O.N.W.T. 1974, c. S-2, s. 6 (\$50+)  
R.O.Y.T. 1975, c. S-1, s. 6 (\$50+)

8. Representations and Terms

Condition-warranty distinction.

Sale of Goods Act, R.S.A. 1970, c. 327, s. 14  
R.S.B.C. 1960, c. 344, s. 17  
R.S.M. 1970, c. S10, s. 13  
R.S.N.B. 1973, c. S-1, s. 12  
R.S.N. 1970, c. 341, s. 13  
R.S.N.S. 1967, c. 274, s. 13  
R.S.O. 1970, c. 421, s. 12  
R.S.P.E.I. 1974, c. S-1, s. 13  
R.S.S. 1965, c. 388, s. 13

Sale of Goods Ordinances, R.O.N.W.T. 1974, c. S-2, s. 13  
R.O.Y.T. 1975, c. S-1, s. 13

9. Interpretation of Contracts

Implied terms in sales contracts.

Sale of Goods Acts, R.S.A. 1970, c. 327; R.S.B.C. 1960, c. 344, as amended S.B.C. 1971, c. 52, S.B.C. 1973, c. 84; R.S.M. 1970, c. S10; R.S.N.B. 1973, c. S-1; R.S.N. 1970, c. 341; R.S.N.S. 1967, c. 274; R.S.O. 1970, c. 421; R.S.P.E.I. 1974, c. S-1; R.S.S. 1965, c. 388.

Sale of Goods Ordinances, R.O.N.W.T. 1974, c. S-2; R.O.Y.T. 1975, c. S-1.

STATUTORY CONCORDANCE

|  | Alta. | B.C. | Man. | N.B. | Nfld. | N.W.T. | N.S. | Ont. | P.E.I. | Sask. | Yukon |
|--|-------|------|------|------|-------|--------|------|------|--------|-------|-------|
| Implied conditions and warranties re title | 15    | 18   | 14   | 13   | 14    | 14     | 14   | 13   | 14     | 14    | 14    |
| Sales by description                       | 16    | 19   | 15   | 14   | 15    | 15     | 15   | 14   | 15     | 15    | 15    |
| Implied conditions re quality and fitness  | 17    | 20   | 16   | 15   | 16    | 16     | 16   | 15   | 16     | 16    | 16    |
| Sales by sample                            | 18    | 21   | 17   | 16   | 17    | 17     | 17   | 16   | 17     | 17    | 17    |

Exclusion clauses - prohibitions against contracting out of the Sale of Goods Act

Consumer Protection Acts, R.S.M. 1970, c. C200, s. 58 (as amended S.M. 1970, c. 63, s. 22; S.M. 1971, c. 36, s. 8; S.M. 1972, c. 51, s. 3); R.S.O. 1970, c. 82, s. 29a (as amended S.O. 1971, c. 24, s.2); R.S.N.S. 1967 c. 53, ss. 20C, 20D, 20E (as amended S.N.S. 1975, c. 19).

Consumer Protection Ordinances, R.O.N.W.T. 1974, c. C-12, s. 58;  
R.O.Y.T. 1975, c. C-13, s. 59.

Sale of Goods Act, R.S.B.C. 1960, c. 344, s. 21A(2), as enacted S.B.C. 1971, c. 52, s. 1.

9. Interpretation of Contracts

Provisions re interpretation of Insurance Contracts.

Insurance Acts, R.S.A. 1970, c. 187; R.S.B.C. 1960, c. 197; R.S.M. 1970, c. I-40; R.S.N.B. 1973, c. I-312; R.S.N.S. 1967, c. 148; R.S.O. 1970, c. 224; R.S.P.E.I. 1974, c. I-5; R.S.S. 1965, c. 143.

Fire Insurance Act, R.S.N. 1970, c. 130; Automobile Insurance Act, R.S.N. 1970, c. 17.

Insurance Ordinances, R.O.N.W.T. 1974, c. I-2; R.O.Y.T. 1975, c. I-2.

STATUTORY CONCORDANCE

|                                    | Alta.      | B.C.       | Man.       | N.B.       | Nfld.       | N.W.T.     | N.S.       | Ont.       | P.E.I.     | Sask.      | Yukon      |
|------------------------------------|------------|------------|------------|------------|-------------|------------|------------|------------|------------|------------|------------|
| insured against<br>e               | 218<br>(1) | 204<br>(1) | 138<br>(1) | 123<br>(1) | 4(1)*       | 44(1)      | 115<br>(1) | 118<br>(1) | 109<br>(1) | 120<br>(1) | 43(1)      |
| e of disclaimer<br>uses            | 224        | 211        | 143        | 128        | 9*          | 51         | 125        | 123        | 114        | 126        | 50         |
| sonable disclaimer<br>uses void    | 226<br>(1) | 212        | 145        | 130        | 11*         | 55         | 126        | 125        | 116        | 129        | 54         |
| party claims<br>to ins.)           | 306<br>(1) | 242        | 258<br>(1) | 250<br>(1) | 26<br>(1)** | 137<br>(1) | 101<br>(1) | 225<br>(1) | 237<br>(1) | 211<br>(1) | 136<br>(1) |
| fiction of dis-<br>claimer clauses | 306<br>(4) | 242<br>(3) | 258<br>(4) | 250<br>(4) | 26<br>4**   | 137<br>(3) | 101<br>(4) | 225<br>(4) | 237<br>(4) | 211<br>(4) | 136<br>(3) |

Insurance Act  
Automobile Insurance Act

Implied warranties in sales of farm implements.

Farm Implement Act, R.S.A. 1970, c. 136, s. 5; as amended S.A. 1973, c. 24, s. 4.

Farm Machinery and Equipment Act, S.M. 1971, c. 83, s. 13; as amended S.M. 1972, c. 71, s. 6; S.M. 1974, c. 28, s. 7.

Agricultural Implements Act, S.S. 1968, c. 1, s. 16A; as amended S.S. 1976, c. 2, s. 11.

Farm Implement Act, R.S.P.E.I. 1974, c. F-3, s. 6.

Alberta - new farm implements warranted for at least one year to be:

- (a) made of good material
- (b) properly constructed
- (c) in good working order
- (d) capable of satisfactorily performing work for which intended
- (e) designed and constructed to ensure reasonable durability.

P.E.I. - same, except no provision re one year minimum.

Saskatchewan - different wording but similar scope - one year minimum period - warranties re construction, materials, fitness for purpose, durability.

Manitoba - new farm machinery and equipment sold by a dealer is warranted against defects in material and workmanship:

- (a) tractor - for lesser of 2 years or 1500 hours use;
- (b) combine - for lesser of 2 years or 300 hours use;
- (c) all other farm machinery and equipment - for one year.



10. Parol Evidence and Rectification

Statutory modification of the parol evidence rule.

Trade Practices Act, S.B.C. 1974, c. 96, s. 27.

Business Practices Act, S.O. 1974, c. 131, s. 4(7).

11. Mistake

Sale of Goods - The doctrine of common mistake.

Sale of Goods Act, R.S.A. 1970, c. 327, s. 9.  
R.S.B.C. 1960, c. 344, s. 12.  
R.S.M. 1970, c. S10, s. 8.  
R.S.N.B. 1973, c. S-1, s. 7.  
R.S.N. 1970, c. 341, s. 8.  
R.S.N.S. 1967, c. 274, s. 8.  
R.S.O. 1970, c. 421, s. 7.  
R.S.P.E.I. 1974, c. S-1, s. 8.  
R.S.S. 1965, c. 388, s. 8.

Sale of Goods Ordinances, R.O.N.W.T. 1974, c. S-2, s. 8.  
R.O.Y.T. 1975, c. S-1, s. 8.

12. Frustration

Sale of Goods Act - the Doctrine of Frustration.

Sale of Goods Acts, R.S.A. 1970, c. 327, s. 10.  
R.S.B.C. 1960, c. 344, s. 13.  
R.S.M. 1970, c. S10, s. 9.  
R.S.N.B. 1973, c. S-1, s. 8.  
R.S.N. 1970, c. 341, s. 8.  
R.S.N.S. 1967, c. 274, s. 9.  
R.S.O. 1970, c. 421, s. 8.  
R.S.P.E.I. 1974, c. S-1, s. 9.  
R.S.S. 1965, c. 388, s. 9.

Sale of Goods Ordinances, R.O.N.W.T. 1974, c. S-2, s. 9.  
R.O.Y.T. 1975, c. S-1, s. 9.

## 12. Frustration

### Frustrated Contracts - Acts

All of the provinces and territories, except Saskatchewan and Nova Scotia, have Frustrated Contracts Acts.

Frustrated Contracts Acts, R.S.A. 1970, c. 151; S.B.C. 1974, c. 37; R.S.M. 1970, c. F190; R.S.N.B. 1973, c. F-24; R.S.N. 1970, c. 144; R.S.O. 1970, c. 185; R.S.P.E.I. 1974, c. F-14.

Frustrated Contracts Ordinances, R.O.N.W.T. 1974, c. F-10; R.O.Y.T. 1975, c. F-10.

These acts and ordinances, with the exception of the British Columbia Act, are very similar.

12. Frustration

STATUTORY CONCORDANCE

|                                      | Alta. | B.C. | Man. | N.B. | Nfld. | N.W.T. | Ont. | P.E.I. | Yukon |
|--------------------------------------|-------|------|------|------|-------|--------|------|--------|-------|
| Port title                           | 1     | -    | 1    | -    | 1     | 1      | -    | -      | 1     |
| Definitions                          | 2     | 3    | 2    | 1    | 2     | 2      | 1    | 1      | 2     |
| Application                          | 3(1)  | 1(1) | 3(1) | 2(1) | 3(1)  | 3(1)   | 2(1) | 2(1)   | 3(1)  |
| Exceptions                           | 3(2)  | 1(2) | 3(2) | 2(2) | 3(2)  | 3(2)   | 2(2) | 2(2)   | 3(2)  |
| Adjustment of rights and liabilities | 4(1)  | 5    | 4(1) | 3(1) | 4(1)  | 4(1)   | 3(1) | 3(1)   | 4(1)  |
| Penalties                            | 4(2)  | 7    | 4(2) | 3(2) | 4(2)  | 4(2)   | 3(2) | 3(2)   | 4(2)  |
| Penalties to include..               | 4(3)  | 7    | 4(2) | 3(2) | 4(2)  | 4(2)   | 3(2) | 3(2)   | 4(2)  |
| Benefits                             | 4(4)  | 5    | 4(3) | 3(3) | 4(3)  | 4(3)   | 3(3) | 3(3)   | 4(3)  |
| Assumed obligations                  | 4(5)  | 5    | 5(4) | 3(4) | 4(4)  | 4(4)   | 3(4) | 3(4)   | 4(4)  |
| Insurance                            | 4(6)  | 8    | 4(5) | 3(5) | 4(5)  | 4(5)   | 3(5) | 3(5)   | 4(5)  |
| Special contractual provisions       | 4(7)  | 2,6  | 4(6) | 3(6) | 4(6)  | 4(6)   | 3(6) | 3(6)   | 4(6)  |
| Where contract severable             | 4(8)  | 4    | 4(7) | 3(7) | 4(7)  | 4(7)   | 3(7) | 3(7)   | 4(7)  |
| Interpretation and construction      | -     | -    | 5    | -    | -     | -      | -    | 4      | -     |
| Limitation period                    | -     | 9    | -    | -    | -     | -      | -    | -      | -     |

Significant differences in the B.C. Frustrated Contracts Act as compared to the Frustrated Contracts Acts of other provinces.

#### Application

s. 1(1) provides that the B.C. Act shall apply not only to frustrated contracts, but also to those avoided under s. 13 of the B.C. Sale of Goods Act.

#### Adjustment of rights and liabilities

Instead of dealing separately with payments of money, benefits other than money, and assumed obligations, the B.C. Act simply deals with benefits which are defined (s. 5(4)) as "something done in the fulfilment of contractual obligations whether or not the person for whose benefit it was done received the benefit."

Every party to a contract is entitled to restitution for benefits created by his performance or part performance, and is relieved from fulfilling obligations not yet performed, except insofar as another party to the contract is entitled to damages for consequential loss as a result of failure to fulfil those obligations (s. 5(1), (2)).

The Act also provides for an apportionment of loss between the parties where a loss in the value of the benefit has occurred. (s. 5(3)).

## 12. Frustration

### Special contractual provisions

As in other provinces, the Act does not apply where the contract makes provision for the consequences of frustration or avoidance (s. 2).

In addition, s. 5(3) re restitution for loss in value of a benefit, does not apply where the course of dealing, custom of the trade, or an implied term of the contract, indicates that the party performing the obligation should bear the risk of such loss. Insuring against the loss, either actually or as usual practice in such circumstances, is evidence of a course of dealing or a custom.

### Calculation of restitution

As in other provinces, reasonable expenses may be recovered (s. 7(a)).

A provision is made for the deduction from the claim for restitution for the value of property returned within a reasonable time after the contract is frustrated or avoided (s. 7(b)).

Again, as in other provinces, insurance is not considered in calculating the amount of restitution. An additional provision states that loss of profits shall also not be considered (s. 8).

### Limitation period

s. 9 - same period as for breach of contract.

### 13. Capacity

Infants' contracts.

Contracts of service:

- (1) Independent infants over 16 permitted to enter into binding contracts of service:

Infants Act, R.S.B.C. 1960, c. 193, s. 4.

Any infant over 16 may enter into a binding contract of service:

Child Welfare Act, S.M. 1974, c. 30, s.108.

- (2) Contracts of apprenticeship - enforceable as if apprentice of full age:

Apprenticeship and Tradesmen's Qualification Acts, R.S.O. 1970, c. 24, s. 15; R.S.B.C. 1960, c. 13, s. 16.

Apprentice Training Ordinances, R.O.N.W.T. 1974, c. A-3, s. 6(3); R.O.Y.T. 1975, c. A-1, s. 6(3).

Minors and Apprentices Act, R.S.N. 1970, c. 240, s. 7.

Other contracts:

- (1) Student loans - students bound as though of full age:

Student Loans Guarantee Act, R.S.A. 1970, c. 354, s. 6; as amended S.A. 1971, c. 1.

Nova Scotia Student Aid Act, S.N.S. 1972, c. 11, s. 6.

- (2) Settlement of action re injury to infant - binding if made with sanction of court:

Infants Acts, R.S.A. 1970, c. 185, s. 16; R.S.S. 1965, c. 342, s. 26; R.S.B.C. 1960, c. 193, s. 17. (B.C. Act also covers injury to property)

- (3) Marriage settlements - binding if made with sanction of court:

Infants Acts, R.S.A. 1970, c. 185, s. 11; R.S.B.C. 1960, c. 193, s. 5; R.S.O. 1970, c. 222, s. 13.



13. Capacity

(4) Conveyances - binding if made with sanction of court:

Infants Acts, R.S.A. 1970, c. 185, s. 5; R.S.B.C. 1960, c. 193, s. 18; R.S.O. 1970, c. 222, s. 8; R.S.S. 1965, c. 342, s. 13.

Child Welfare Act, S.M. 1974, c. 30, s. 121.

Ratification of infants' contracts

(1) Ratification must be in writing:

Statute of Frauds, R.S.N.B. 1973, c. S-14, s. 5; R.S.N.S. 1967, c. 290, s. 8; R.S.O. 1970, c. 444, s. 7; R.S.P.E.I. 1974, c. S-6, s. 1.

(2) No action may be brought upon any ratification of an infant's contract:

Infants Act, R.S.B.C. 1960, c. 193, s. 3.

13. Capacity

Requirement of reasonable price for contracts involving necessities.

Sale of Goods Act, R.S.A. 1970, c. 327, s. 4  
R.S.B.C. 1960, c. 344, s. 9  
R.S.M. 1970, c. S-10, s. 4  
R.S.N.B. 1973, c. S-1, s. 3  
R.S.N. 1970, c. 341, s. 4  
R.S.N.S. 1967, c. 274, s. 4  
R.S.O. 1970, c. 421, s. 3  
R.S.P.E.I. 1974, c. S-1, s. 4  
R.S.S. 1965, c. 388, s. 4

Sale of Goods Ordinance, R.O.N.W.T. 1974, c. S-2, s. 4.  
R.O.Y.T. 1975, c. S-1, s. 4

14. Duress, Undue Influence and Unconscionability

Unconscionable Transactions Relief Acts, R.S.A. 1970, c. 377; R.S.M. 1970, c. U20; R.S.N.B. 1973, c. U-1; R.S.N. 1970, c. 382; R.S.N.S. 1967, c. 319; R.S.O. 1970, c. 472; R.S.P.E.I. 1974, c. U-2; S.S. 1967, c. 86.

No British Columbia, Northwest Territories, or Yukon Territory equivalents.

STATUTORY CONCORDANCE

|  | Alta. | Man.  | N.B. | Nfld. | N.S. | Ont. | P.E.I. | Sask. |
|--|-------|-------|------|-------|------|------|--------|-------|
| act title  | 1     | 1     | -    | 1     | -    | -    | -      | 1     |
| definitions  | 2     | 2     | 1    | 2     | 1    | 1    | 1      | 2     |
| orders of Court: to reopen transaction or settlement, order repayment of excess, set aside or revise contract. | 3     | 3     | 2    | 3     | 2    | 2    | 2      | 3     |
| exercise of powers in action creditor or debtor, or other proceedings.   | 4     | 4     | 3    | 4     | 3    | 3    | 3      | 4     |
| procedure  | -     | 5     | 4    | 5     | 4    | 4    | 4      | 5     |
| charging clauses re bona fide purchaser for value and existing jurisdiction.                                   | 5     | 6(1)* | 5    | 6     | 5*   | 5    | 5      | 6*    |
| frivolous action by debtor   | -     | 6(2)  | -    | -     | -    | -    | -      | -     |
| assumption of notice to assignee   | -     | 7     | -    | -     | 6    | -    | -      | 7     |
| statute of limitations period  | -     | -     | -    | -     | -    | -    | -      | 8     |

provisions only existing jurisdiction saved

14. Duress, Undue Influence and Unconscionability

Legislation dealing with unfair trade practices.

Unfair Trade Practices Act, S.A. 1975(2), c. 33; as amended S.A. 1975, c. 55.

Trade Practices Act, S.B.C. 1974, c. 96; as amended S.B.C. 1975, c. 80; S.B.C. 1976, c. 32.

Business Practices Act, S.O. 1974, c. 131.

16. Damages and Equitable Remedies

Interim and interlocutory injunction.

Judicature Act, R.S.O. 1970, c. 228, s. 19(1).

Judicature Act, R.S.A. 1970, c. 193, s. 34(9).

Laws Declaratory Act, R.S.B.C. 1960, c. 213, s. 2(29).

Court of Queen's Bench Act, R.S.M. 1970, c. C280,  
s. 59; as amended S.M. 1970, c. 79; 1976, c. 71, s. 1.  
- amendments provide that there can be no injunctions  
re personal services or against freedom of speech.

Judicature Act, R.S.N.B. 1973, c. J-2, s. 33.

Judicature Act, R.S.N. 1970, c. 187, s. 21(m).

Judicature Ordinance, R.O.N.W.T. 1974, c. J-1, s. 19(h).

Judicature Act, S.N.S. 1972, c. 2, s. 39(9).

Judicature Act, R.S.P.E.I. 1974, c. J-3, s. 15(4)(5).

Queen's Bench Act, R.S.S. 1965, c. 73, s. 45(8).

Judicature Ordinance, R.O.Y.T. 1975, c. J-1, s. 10(1)(h).

16. Damages and Equitable Remedies

Equitable Damages:

Judicature Act, R.S.O. 1970, c. 228, s. 21.

Judicature Act, R.S.A. 1970, c. 193, s. 34(11).

Court of Queen's Bench Act, R.S.M. 1970, c. C280, s. 60.

Judicature Ordinance, R.O.N.W.T. 1974, c. J-1, s. 19(i).

Queen's Bench Act, R.S.S. 1965, c. 73, s. 45(9).

Judicature Ordinance, R.O.Y.T. 1975, c. J-1, s. 10(1)(i).