

Notice of Cancellation of a Fitness or Personal Services Contract due to Material Change in the Circumstances of the Supplier

*When completing this form, please print clearly. Be sure to retain a copy of the completed form and proof of delivery to the business.

A.) Consumer Information

Full Name _____ Phone Number (with area code) _____

Address _____ City _____ Postal Code _____

B.) Business Information

Business Name _____ Phone Number (with area code) _____

Address _____ City _____ Postal Code _____

C.) Notice of Cancellation

Sections 25(2) and (4) of the *Business Practices and Consumer Protection Act* state:

25(2) ... a consumer may cancel a fitness or other personal services contract by giving notice of cancellation and the reason for the cancellation to the supplier at any time if there has been a material change

- (a) in the circumstances of the consumer, or
- (b) in the services provided by the supplier.

25 (4) A material change in the services provided by the supplier occurs

- (a) when, for reasons that are wholly or partly the fault of the supplier, the services are not completed, or at any time the supplier appears to be unable to reasonably complete the services within the period of time stated by the supplier under section 24,
- (b) when the services are no longer available, or are no longer substantially available as provided in the contract, because of the supplier's discontinuance of operation or substantial change in operation, or
- (c) when the supplier relocates his or her facility so that the distance between the supplier and the consumer is more than 30km greater than when the supplier and the consumer entered into the contract, and the supplier does not provide reasonably comparable alternative facilities for the use of the consumer not more than 30 km from the consumer's location

Please consider this notice of cancellation of this contract between _____
(consumer name)

and _____ due to the following material change in the services provided by the
(name of business as on contract)

supplier: _____
(Reason for this cancellation)

D.) Refund Process

Section 25(6) of the *Business Practices and Consumer Protection Act* states:

25(6) If a consumer cancels a fitness or other personal services contract under subsection (2), the supplier must

- (a) within 15 days after the notice of cancellation has been given, refund to the consumer,
 - (i) in the case of a cancellation under subsection (2) (a), the portion determined in the prescribed manner of all money paid under the contract, less a prescribed amount on account of the supplier's costs, or
 - (ii) in the case of a cancellation under subsection (2) (b), the portion determined in the prescribed manner of all money paid under the contract, and
- (b) within 30 days after the notice of cancellation has been given, return to the consumer or cancel, as applicable, every cheque, pre-authorized debit or other negotiable instrument executed by the consumer in connection with the contract.

As per above, I demand a refund to be provided to me within 15 days of _____
(date of cancellation)

Signature _____ Name _____ Date _____