

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

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

A.) Consumer Information

Full Name _____ Phone Number (with area code) _____

Address _____ City _____ Postal Code _____

B.) Business Information

Business Name _____ Phone Number (with area code) _____

Street Address _____ City _____ Postal Code _____

C.) Notice of Cancellation

Sections 25(2) and (3) of the *Business Practices and Consumer Protection Act* state:

25 (2) ... a consumer may cancel a fitness or 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.

25 (3) A material change in the circumstances of the consumer includes, without limitation,

(a) the consumer's death,

(b) a physical, medical or mental disability of the consumer, substantiated in writing by a medical practitioner or nurse practitioner showing that the consumer's continued participation is unreasonable because of the consumer's condition or is likely to endanger the consumer's health, or

(c) the relocation of the consumer for the remainder of the duration of the contract, or the remainder of the time stated in the contract in accordance with section 24, so that the distance between the consumer and the supplier is more than 30 km greater than when the consumer and supplier entered into the contract, if the supplier does not provide reasonably comparable alternative facilities for the use of the consumer not more than 30 km from the consumer's new location.

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

_____ as the consumer's circumstances have changed due to: **(check one & provide supporting documentation)**
(name of business as on contract)

- ☐ Consumer's death.
☐ A substantiated physical, medical or mental disability which makes continued participation unreasonable.
☐ My relocation more than 30km away and not reasonably comparable alternative facilities are provided.

D.) Refund Process

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

25(6) If a consumer cancels a fitness or 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 _____