

**HARMONIZED LIST OF PROHIBITED COLLECTION PRACTICES**  
**April 25, 2003**

**1. HARASSMENT**

No [collection agency] shall communicate or attempt to communicate with the debtor, any member of the debtor's family or household, any relative, neighbor, friend or acquaintance of the debtor, or the debtor's employer, by any means, in such a manner or with such frequency as to constitute harassment, including:

- (a) the use of threatening, profane, intimidating or coercive language;
- (b) the use of undue, excessive or unreasonable pressure;
- (c) threatening to publish or publishing a debtor's failure to pay.

**2. WHO MAY BE CONTACTED**

- (1) Except for the sole purpose of locating the debtor's address or telephone number, no [collection agency] shall contact or attempt to contact any member of the debtor's family or household, or any relative, neighbour, friend or acquaintance of the debtor unless:
  - (a) the person contacted has guaranteed to pay the debt and is being contacted in respect of that guarantee; or
  - (b) the debtor has requested the collection agency to discuss the debt with that person
- (2) A [collection agency] may contact a debtor's employer on one occasion only and then only for the purpose of confirming the debtor's employment, business title and business address, unless otherwise authorized in writing by the debtor.<sup>1</sup>

**3. LOCATION WHERE DEBTOR MAY BE CONTACTED**

- (1) **Subject to subsection (2), a [collection agency] may not contact a debtor at the debtor's place of employment unless,**
  - a) **the [collection agency] does not have the home address or phone number for the debtor, in which case verbal contact at the debtor's place of employment,**

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<sup>1</sup> This provision reflects a minimum level of protection. Jurisdictions may elect to further restrict the practice.

**for the sole purpose of requesting the debtor's home phone number or address, is permitted.**

- b) attempts by the [collection agency] to contact the debtor at their home phone number have not resulted in contact with the debtor, in which case a single verbal attempt to contact the debtor at their place of employment is permitted.**

- (2) A collection agency may contact the debtor at the debtor's place of employment with authorization from the debtor to do so.**

#### **4. TIME OF CALLS**

Except on the request of the person being contacted, no [collection agency] shall make a telephone call or personal call to the debtor, any member of the debtor's family or household, any relative, neighbour, friend or acquaintance of the debtor, or the debtor's employer or surety:

- (a) on a Sunday<sup>2</sup>, other than between the hours of 1 PM and 5 PM <sup>1</sup>;
- (b) on a statutory holiday; or
- (c) on any other day except between the hours of 7 AM and 9 PM, local time for the person being contacted.<sup>1</sup>

#### **5. COST OF COMMUNICATION**

No [collection agency] shall communicate or attempt to communicate with a person for the purpose of collecting, negotiating or demanding payment of a debt by a means that enables the charges or costs of the communication to be payable by that person.

#### **6. THREATENING ACTION FOR WHICH THERE IS NO LAWFUL AUTHORITY**

No [collection agency] shall directly or indirectly threaten or state an intention to proceed with any legal action:

- (a) for which the [collection agency] does not have the written authority of the creditor; or

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<sup>2</sup> Please note that we have removed the reference to another day of worship specified by the debtor, as this was not actually addressed by Ministers. This issue will be left to the discretion of individual jurisdictions.

- (b) for which there is no lawful authority.

## **7. FALSE AND MISLEADING INFORMATION**

No [collection agency] shall:

- (a) give, directly or indirectly, by implication or otherwise, any false or misleading information;
- (b) misrepresent the purpose of a communication with any person, or the identity of the [collection agency] and creditor.

## **8. DISCLOSURE**

(1) No [collection agency] shall:

- (a) attempt to collect payment of a debt from a debtor until the debtor has been notified by means of a private written communication, or a reasonable attempt has been made to notify the debtor by means of a private written communication, of the name of the creditor with whom the debt was incurred, the balance owing on the account, and the identity and authority of the person making the demand in respect of the collection of the debt;
- (b) communicate or attempt to communicate with a debtor, by any means, with respect to the collection of a debt without indicating the name of the creditor with whom the debt was incurred, the balance owing on the account, and the [collection agency's] registered name and authority to make the demand;
- (c) commence or continue an action for the recovery of a debt in the name of the [collection agency] as plaintiff unless such debt has been assigned to the collection agency in good faith by written instrument for valuable consideration and notice of such assignment has been given to the debtor;
- (d) commence a legal proceeding where there has been an assignment with respect to the collection of a debt, or recommend to a creditor that a legal proceeding be commenced, unless the [collection agency] first gives notice to the debtor that the collection agency or the collector intends to commence the proceeding or recommend that a proceeding be commenced.

(1) A [collection agency] may not initiate any verbal contact with a debtor until 5 days after the written communication mentioned in clause (1) (a) has been sent to the debtor.

(2) Where upon being contacted by a [collection agency] a debtor states he or she has not received the written communication required by clause (1)(a), the [collection agency]

shall send the information required in clause (1)(a) to the debtor at an address provided by the debtor.

## **9. COLLECTING MORE THAN IS OWED**

Notwithstanding any agreement to the contrary between a debtor and a creditor, any charges made or incurred by a collection agency or made or incurred by a creditor in employing a collection agency to collect the debt shall be deemed not to be a part of the amount owing by the debtor and shall not be recoverable by the creditor or by the collection agency acting on behalf of the creditor.

## **10. NO WAIVING OF RIGHTS**

Any waiver or release given of the rights, benefits or protection provided pursuant to the Act or regulations is void.

## **11. MONEY IS OWING**

No [collection agency] shall:

- (a) collect or attempt to collect money from a person who is not liable for the debt; or
- (b) where the person has informed the [collection agency] that the person is not the debtor, continue to communicate with that person unless the [collection agency] first takes all reasonable precautions to ensure that the person is in fact the debtor.

## **12. HOW TO CONTACT**

No [collection agency] shall continue to communicate with a debtor:

- (a) other than in writing, when the debtor has notified the [collection agency] in writing to communicate in writing only and has provided an address at which the debtor may be contacted;
- (b) other than through the debtor's legal advisor when the debtor has notified the [collection agency] in writing to communicate only with the debtor's legal advisor and has provided an address for the legal advisor; or
- (c) where the debtor has notified the creditor [and the collection agency] by registered mail that the debt is in dispute and that the debtor would like the creditor to take the matter to court.

### **13. MISREPRESENTATION — Official Documents**

No [collection agency] shall use, without lawful authority, any summons, notice, demand, or other document that suggests or implies a connection with any court within or outside of Canada.