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FRANCHISE LEGISLATION IN CANADA

Peter Dillon

Release No. 29, October 2020

Publisher's Special Release Note 2020

The pages in this work were reissued in October 2020 and all the pages carry that date in the release line. Please note that we have not reviewed the content on every page of this work in this current release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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Franchising has become a highly technical, hotly litigious and liability-prone area of practice. Whether you represent franchisees or franchisors, Franchise Legislation in Canada is a must-have resource for any lawyer practicing in this area. Filled with valuable commentary, case annotations, precedents and background, this text is an indispensable desk-top reference. Franchise Legislation in Canada has the most comprehensive series of Concordances of provincial and US laws and regulations, making it the only truly national and international resource on the topic of franchising.

What's New in the Update:

This release features updates to the legislation and the Issues in Focus section.

Highlights

- **Issues in Focus — When does deficient disclosure amount to no disclosure?** — Where a franchisor provides a franchisee with a disclosure document that is fundamentally inadequate—or, materially deficient and/or misleading—such as to preclude the franchisee from making an informed investment decision when engaging in the franchise agreement, a Court may consider the disclosure so defective that it is tantamount to non-disclosure.
- **Issues in Focus — Is a restrictive covenant unreasonable with respect to a territory where the franchisor does not intend to locate a franchise?** — Whether a restrictive covenant is unreasonable with respect to a territory where the franchisor does not intend to locate a franchise, largely depends on the circumstances of each individual case. Various factors are taken into consideration, including: an assessment of the covenant itself, the geographical coverage of the covenant, the agreement within which the covenant is found, the expectations of the parties at the time they entered the agreement (i.e. the franchisor's anticipated expansion of the business into the territory covered by the covenant, as well as the parties' expectations with respect to the future continued operation of a franchise in the territory covered by the covenant), evidence establishing the franchisor's legitimate or proprietary business interests that need protection by the covenant, etc.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work

- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases, Table of Statutes and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable

