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Payday Loans Act, 2008

ONTARIO REGULATION 209/09

ADMINISTRATIVE PENALTIES

Consolidation Period: From December 15, 2009 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Amount

1. (1) For the purposes of subsection 59 (3) of the Act, the amount of an administrative penalty shall be the amount set out in this section. O. Reg. 209/09, s. 1 (1).

(2) The amount of the penalty is \$100 each time that a loan broker contravenes subsection 28 (1) of the Act by receiving a payment from a borrower for assisting the borrower in obtaining a payday loan. O. Reg. 209/09, s. 1 (2).

(3) The amount of the penalty is \$500 each time that a licensee contravenes subsection 4 (4) or (5) of Ontario Regulation 98/09 (General) made under the Act. O. Reg. 209/09, s. 1 (3).

(4) The amount of the penalty is set out in subsection (13) if a licensee contravenes subsection 14 (1) of Ontario Regulation 98/09 by failing to ensure that the poster required by that subsection is visible to borrowers immediately upon entering the office. O. Reg. 209/09, s. 1 (4).

(5) The amount of the penalty is \$500 each time that a licensee contravenes subsection 14 (1) of Ontario Regulation 98/09 by including in the poster required by that subsection anything not mentioned in subsection 14 (3) of that regulation. O. Reg. 209/09, s. 1 (5).

(6) The amount of the penalty is set out in subsection (13) if a licensee contravenes subsection 14 (5) of Ontario Regulation 98/09 by failing to communicate to the borrower the information required by subsection 14 (3) of that regulation for the poster before discussing with the borrower anything about payday loans. O. Reg. 209/09, s. 1 (6).

(7) The amount of the penalty is \$200 each time that,

- (a) a lender contravenes subsection 29 (1) of the Act, together with paragraph 1 of subsection 18 (1) of Ontario Regulation 98/09, by failing to ensure that the table required by that paragraph is complete, is set out on the first page of the agreement

and does not include anything not mentioned in that paragraph; or

- (b) a loan broker contravenes subsection 29 (3) of the Act, together with paragraph 1 of subsection 18 (1) of Ontario Regulation 98/09, by facilitating a contravention described in clause (a). O. Reg. 209/09, s. 1 (7).
- (8) The amount of the penalty is \$100 each time that,
 - (a) a lender contravenes subsection 29 (1) of the Act, together with paragraph 2 of subsection 18 (1) of Ontario Regulation 98/09, by failing to ensure that the payday loan agreement includes the date of the agreement; or
 - (b) a loan broker contravenes subsection 29 (3) of the Act, together with paragraph 2 of subsection 18 (1) of Ontario Regulation 98/09, by facilitating a contravention described in clause (a). O. Reg. 209/09, s. 1 (8).
- (9) The amount of the penalty is \$500 each time that,
 - (a) a lender contravenes subsection 29 (1) of the Act, together with paragraph 9 of subsection 18 (1) of Ontario Regulation 98/09, by failing to ensure that the payday loan agreement accurately sets out the statements required by that paragraph; or
 - (b) a loan broker contravenes subsection 29 (3) of the Act, together with paragraph 9 of subsection 18 (1) of Ontario Regulation 98/09, by facilitating a contravention described in clause (a). O. Reg. 209/09, s. 1 (9).
- (10) The amount of the penalty is set out in subsection (13) if a lender contravenes subsection 18 (4) of Ontario Regulation 98/09. O. Reg. 209/09, s. 1 (10).
- (11) The amount of the penalty is \$200 each time that a loan broker contravenes subsection 18 (6) of Ontario Regulation 98/09 by failing to facilitate compliance with subsection 18 (4) of that regulation. O. Reg. 209/09, s. 1 (11).
- (12) The amount of the penalty is \$1,000 each time that a lender under a payday loan agreement contravenes subsection 28 (1) of Ontario Regulation 98/09 by accepting an assignment of wages or any part of them from the borrower. O. Reg. 209/09, s. 1 (12).
- (13) The amount of the penalty for a contravention described in any one of subsections (4), (6) and (10) is,
 - (a) \$500 for the first contravention of the applicable subsection in the period of one year immediately before the contravention occurred;
 - (b) \$1,000 for the second contravention of the applicable subsection in that time period; or
 - (c) \$3,000 for any subsequent contravention of the applicable subsection in that time period. O. Reg. 209/09, s. 1 (13).

Service of order

- 2.** An order made under subsection 59 (1) of the Act is deemed to have been served,
 - (a) on the day it is given, if it is given by personal service;
 - (b) on the day it is sent by e-mail, if it is sent by e-mail; or
 - (c) on the third day after it is mailed, if it is sent by registered mail. O. Reg. 209/09, s. 2.

Time for payment

3. An order imposing an administrative penalty against a licensee shall specify that the licensee is required to pay the penalty within 30 days of being served with the order imposing the penalty. O. Reg. 209/09, s. 3.

Appeal of order

4. (1) For the purposes of subsection 60 (1) of the Act, the person to whom a licensee may appeal an order made under subsection 59 (1) of the Act shall be the Director. O. Reg. 209/09, s. 4 (1).

(2) For the purposes of subsection 60 (7) of the Act, the Director shall not vary the amount of the administrative penalty imposed by the order unless,

(a) the amount imposed by the order was not in accordance with the amounts set out in section 1; and

(b) the varied amount imposed is in accordance with the amounts set out in section 1.
O. Reg. 209/09, s. 4 (2).

5. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 209/09, s. 5.

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