

Gift Card Legislation Across Canada

Legislation Requirements	British Columbia
When does/did the Legislation come into effect?	November 1, 2008
How are gift cards defined by the Legislation?	"Prepaid purchase card" means a card, written certificate or other voucher or device with a monetary value that is issued or sold to a person in exchange for the future supply of goods or services to a consumer, and includes a gift card and gift certificate, but does not include a cash card as defined in Part 6.1 [Payday Loans].
Does the legislation eliminate expiry dates?	Yes
Are expiry dates still allowed in some specific cases?	Yes: For cards issued or sold for charitable or promotional purposes. For cards issued or sold for a specific good or service.
Does the Legislation prohibit gift card fees?	Yes , a supplier must not charge a fee to a consumer for anything in relation to a prepaid purchase card, except as may be permitted by the regulations.
Are some fees still allowed in specific cases?	Yes. 1) Personalizing a card, for example with the consumer's picture. 2) Replacing a lost or stolen card. 3) Cards that may be used at multiple unaffiliated sellers, commonly known as mall cards.
What information are retailers required to provide to consumers?	(a) all restrictions, limitations, terms and conditions imposed in respect of use, redemption or replacement of the prepaid purchase card, including, without limitation, any permitted fee or expiry date; (b) a description of the way in which a consumer can obtain information respecting the prepaid purchase card, including any remaining balance;
How is this information to be conveyed to consumers?	It must be communicated clearly and in a manner likely to bring it to the attention of the customer.
Are multi-vendor gift cards treated differently?	Yes. Mall cards can charge the following fees: A fee of up to \$1.50 at the time of purchase. If there is a balance remaining on the card 15 months after purchase, a post-purchase fee of up to \$2.50 per month may be deducted from the balance. A consumer may request a three-month extension before the fees are charged.
Is a mandatory review included in the legislation?	No

What are the penalties for non-compliance?	The application of penalties is unlikely as the Province has indicated an interest in resolving issues without use of enforcement provisions. However, part 10 of the <i>Business Practices and Consumer Protection Act</i> allows for an administrative penalty of up to \$50,000 for non-compliance with an order of the registrar.
More information on the legislation can be found at:	http://www.bpcpa.ca/index.php?option=com_content&task=view&id=374&Itemid=5