

# Publisher's Note

2018 — Release 4  
Previous release was 2018-3

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Osler, Hoskin & Harcourt LLP

## Canadian Franchise Guide

This work contains more than 2,000 pages from one of the country's leading franchise law firms. You will find reliable guidance to help your clients achieve their business goals, whether they intend to start a franchise, expand their franchise in Canada or internationally, bring or defend business critical franchise litigation or buy or sell an existing franchise system.

### What's New in this Update:

The release features updates to Chapters 9 (Considerations for Foreign Franchisors Relating to Franchising in Canada), 10 (Franchising in the United States), 12.1 (chapter renamed as Competition Matters), 13 (Regulation of Business Practices), 14 (Leading Franchise Decisions), 16 (Franchise Relationships with Landlords), 17 (Legal Analysis of Typical Lease Documents in Franchise Relationships), and 29 (Insurance Considerations in Franchising).

### Highlights

**Regulation of Business Practices — Canadian Rewards Points Legislation (new heading)** — This brand-new heading discusses the rewards points legislation that has been enacted in Ontario and Quebec. The main function of rewards points legislation is to prohibit the expiry of

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“rewards points” (or “exchange units”, as they are called in Quebec). Specifically, both provinces prohibit the expiry of rewards points “due to the passage of time alone”.

**Regulation of Business Practices — Canadian Private Sector Privacy Legislation (new heading)** — This newly-added heading provides an overview of the private sector privacy statutes that govern the collection, use, disclosure and management of personal information in Canada.

**Insurance Considerations in Franchising — Cyber Liability and Data Breaches** — This new section outlines cyber considerations such as reputational risk and business interruption coverage and highlights differences between standalone cyber policies and traditional insurance policies.

**Leading Franchise Decisions** — The index and summary of leading franchise decisions has been updated with analysis of recent caselaw developments including: *2212886 Ontario Inc. v. Obsidian Group Inc.*, 2017 ONSC 1643 (Ont. S.C.J.) reversed 2018 ONCA 670 (Ont. C.A.); and *Graves v. Correactology Health Care Group Inc.*, 2018 ONSC 4263 (Ont. S.C.).