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Consumer
Warranties

PROTECTION
AGAINST DEFECTS


éducaloi
INFORMATION EMPOWERS

Setting
the
Scene

Warranties protect
consumers when what they
buy doesn't work or last as
long as it should. There are
three main types.

**This pamphlet is up to date
to February 14, 2019.**

It has general information only.
The information applies only in Quebec.
If you need legal advice on a specific
situation, consult a lawyer or notary.

Legal Warranty

A legal warranty applies automatically when you buy or rent a product or service from a merchant. A merchant is someone whose business is to sell or rent products or services. The legal warranty is free and offers four basic protections:

1. Quality and durability

The product must work and last for a reasonable time. What is reasonable depends on the price paid and any special instructions about using the product.

The legal warranty only applies if you use the product in the way it's meant to be used and are not careless with it.

2. Description

The product must be exactly as described by the seller, in advertising, and in a written pamphlet that may come with the product.

3. Safety

The product must be safe to use the way it's meant to be used. You must be told of any risks involved.

4. Hidden defects

The warranty covers defects you don't know about and can't see on ordinary examination.

The defect must be serious enough that the product doesn't work properly, it needs constant repair, or you wouldn't have bought it or paid as much had you known about the defect.

Also, the defect must exist when you buy the product.

You can't use the legal warranty against an individual who's not a merchant. The legal warranty follows the product. This means that if you buy from an individual (unless you buy it "as is"), you can go against the manufacturer or the seller.

Manufacturer's Warranty

A manufacturer might decide to give extra protection automatically when you buy a product. It's usually free.

What it covers and how long it lasts depends on the manufacturer. It may offer more protection than the legal warranty. It can't replace the legal warranty.

A manufacturer's warranty can be given orally, for example in advertising, or in writing. If written, it must mention specific things. Read the article Conventional ("Manufacturer's") Warranties on Éducaloi's website.

In some situations, the manufacturer's warranty can still apply even if you bought the product second-hand from an individual.

Extended Warranty

Many stores try to sell you an extended warranty when you buy a product. You must usually pay for it. The protection it gives depends on the merchant.

An extended warranty doesn't replace the legal warranty. The automatic, free legal warranty and the manufacturer's warranty, if there is one, still apply.

Before selling you an extended warranty, the store must tell you, orally and in writing, about the free legal warranty, any manufacturer's warranty and what these warranties cover.

Special warranties apply when you buy a used car or motorcycle from a merchant, and when buying a new house.

See the Warranties and Repairs section of Éducaloi's website.

If Something Goes Wrong

Warranties give you remedies. The remedy you can use depends on the situation. Here are examples of what the merchant or manufacturer might have to do:

- give a refund or reduce the purchase price
- replace the product
- repair the product
- replace defective parts

See the Complaints and Solutions section of Éducaloi's website.

The Office de la protection du consommateur (consumer protection bureau) explains what remedies you have and guides you with steps to take.

Visit www.opc.gouv.qc.ca.

