

Saskatchewan Considers Adoption of New Franchise Legislation

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For the first time ever, the Government of Saskatchewan is in the process of considering the enactment of provincial franchise disclosure legislation. Saskatchewan's Ministry of Justice and Attorney General recently sought public consultation on the potential implementation of provincial franchise legislation, which closed on September 15, 2023.

As of the date of publication, six (6) out of the ten (10) Canadian provinces have already enacted their own provincial franchise legislation to regulate the offer and sale of franchises as well as the franchise relationship. While Alberta's franchise legislation has been in force since 1971 (as amended in 1995), the five other provinces enacted their respective franchise laws during the 2000s and 2010s:

- Ontario – 2001;
- Prince Edward Island – 2007;
- New Brunswick – 2011;
- Manitoba – 2012; and
- British Columbia – 2017.

The remaining four provinces (Newfoundland & Labrador, Nova Scotia, Quebec, and Saskatchewan) and three territories (Nunavut, The Northwest Territories and Yukon) have yet to enact similar legislation.

The Government of Saskatchewan's announcement noted that it was considering adopting its own provincial franchise legislation based on the Uniform Law Conference of Canada's (ULCC) *Uniform Franchise Act* (the UFA). The UFA creates a model regulatory regime for the operation of franchises in Canada. It was originally developed and adopted by the ULCC in 2005 after a working committee – comprised of franchise lawyers, industry members, and government representatives – examined Alberta and Ontario's franchise legislation while engaging in information-gathering and consultation across the legal community, the public sector, and the private sector.

While the UFA was originally modelled in part on Alberta and Ontario's franchise statutes, it has substantially influenced the development of franchise laws in the other four regulated provinces. The UFA has accordingly contributed to a more harmonized scheme for franchise legislation across the country.

Cassels will keep you apprised as we continue to monitor this key development in Saskatchewan (and

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Canadian) franchise law.

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