



ALBERTA MOTOR VEHICLE
INDUSTRY COUNCIL

Consumer Services Policy

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Investigations

Consumer Services Policy

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2. Introduction

2.1 Policy statement

AMVIC will maintain a fair and consistent process for addressing concerns and complaints in a timely fashion, which meet the requirements of the *Consumer Protection Act* (CPA) and regulations, designated sections of the *Traffic Safety Act* (TSA) and the *Criminal Code* (CC), administrative fairness and natural justice.

2.2 Purpose

The purpose of the Consumer Services Policy is to document the policy and procedures that support receiving and responding to public concerns and consumer complaints regarding the automotive industry (licensees and registrants) in Alberta.

2.3 Definitions

- i. “complainant” refers to the person who has submitted a complaint to AMVIC regarding their transaction with a designated automotive business or licensee;
- ii. “concern record” is the initial complaint submitted by the complainant;
- iii. “consumer complaint” refers to the written submission of a consumer issue, including supporting or related documentation, with a designated automotive business or licensee;
- iv. “enquiry” is the status of a concern record once it has been reviewed by the consumer services supervisor;
- v. “Director” means the Director of Fair Trading (as delegated); and
- vi. “respondent” means the business or individual who is the subject of a complaint.

3. Policy

3.1 Duties and responsibilities

3.1.1 Director of Fair Trading (as delegated)

The Director of Fair Trading (as delegated) may lawfully delegate any of their powers to an industry standards officer, licensing advisor, consumer services officer, investigator or any other person the Director deems appropriate to exercise those powers. (CPA Section 173.2 – Delegation)

3.1.2 Senior manager of investigations

The senior manager of investigations has overall responsibility for the process of receiving and responding to public concerns and consumer complaints.

The role of the senior manager of investigations is to provide leadership and advice to consumer service officers (CSOs) regarding potentially high risk concerns or consumer complaints.

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The senior manager of investigations is responsible for advising the CSOs as to whether a consumer complaint or a potentially high-risk concern should be referred immediately to investigations.

3.1.3 Manager of decision appeals

The manager of decision appeals has responsibility for overseeing appeals of contested decisions to close a file.

The role of the manager of decision appeals is to:

- a. operate separately and independently from all investigations and enquiry files;
- b. provide no advice and have no involvement in any investigation or enquiry files;
- c. ensure appeals are handled in compliance with the guidelines of Administrative Fairness and internal policies;
- d. develop policies and procedures to oversee the process of reviewing and responding to appeals;
- e. develop timeframes for completion of the appeal review process;
- f. oversee research, analysis and decision-making for appeals and conducting thorough reviews of appealed files and documents to make a final decision; and
- g. forward appealed files to the senior manager of investigations for further investigation if required.

3.1.4 Manager of investigations (north or south)

The role of the manager of investigations is to assign consumer complaints to an investigator for a formal investigation. The manager of investigations also provides advice to the supervisor of consumer services regarding potentially high risk concerns or consumer complaints, and is responsible for ensuring the senior manager of investigations is informed of these issues and that they work together as a team.

3.1.5 Supervisor of consumer services

The supervisor of consumer services is responsible for the process of receiving and responding to public concerns and consumer complaints.

The role of the supervisor of consumer services is to:

- a. inform the senior manager of investigations of key events or files;
- b. oversee the processing of concerns and consumer complaints by CSOs and to assist them where required;
- c. consult with the investigation department, industry standards department and the licensing department where required to obtain input on a concern or consumer complaint; and
- d. review decisions by CSOs and provide additional followup when requested by a complainant.

The supervisor of consumer services is responsible for:

- a. reviewing initial concern record and changing status from concern record to enquiry;
- b. overseeing the day-to-day operation of the consumer services department and addressing issues as required;
- c. reviewing a CSO's decision to close an enquiry when a review is requested by a consumer; and

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- d. at the request of a CSO, advising the CSO as to whether a potentially high-risk concern or consumer complaint should be referred to an investigator for immediate investigation or to an inspector (industry standards officer) for compliance.

3.1.6 Consumer services officer

The role of the consumer services officer is to:

- a. ensure all complaint statuses have been changed from concern record to enquiry by the consumer services supervisor;
- b. receive, respond to and process all public concerns and consumer complaints;
- c. encourage dispute resolution between consumers and suppliers through alternate dispute resolution;
- d. refer potential compliance issues to the industry standards department for review; and
- e. refer potential CPA violations to the investigations department for investigation.

The consumer services officer is responsible for:

- a. providing information about AMVIC and the automotive industry to the public;
- b. impartially gathering and documenting information about a concern or consumer complaint;
- c. determining whether AMVIC has jurisdiction and/or grounds to investigate a consumer complaint;
- d. recording information, documentation and telephone calls regarding consumer complaints into Open Regulate accurately and timely;
- e. referring a consumer complaint to the manager of investigations where required (north or south);
- f. preparing an inspection file and forwarding the consumer complaint to an ISO for inspection where required; and
- g. forwarding a closing letter to both the consumer (complainant) and respondent (business) when a consumer complaint is closed or concluded.

3.2 Application of the policy

3.2.1 Public concerns

A public concern is any direct contact with a member of the public or industry that involves a question or concern regarding a supplier, salesperson or the automotive business industry.

After receiving a public concern, a CSO may:

- a. provide information or a referral to other sources of assistance with regards to the enquiry;
- b. determine that the concern is outside the jurisdiction of AMVIC and provide an explanation and suggestions for other options where appropriate; and
- c. request that a concern record be filed.

3.2.2 Licensing information

Where consumer services receives a question or concern from a licensee regarding a licensing issue the CSO will refer the concern to the licensing department.

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3.2.3 Consumer complaints

A complaint form is solicited by consumer services staff when processing a public concern. Alternatively, the submission of a complaint form may be the first contact that consumer services has with a member of the public. Where a public concern is made in person at the AMVIC office and the complainant decides to complete a complaint form, the CSO will assist the person with completing the AMVIC Online complaint form. CSOs will be available to assist any consumers who have issues completing the AMVIC Online complaint form.

A consumer must file a concern record either online or in person before AMVIC will look into a consumer complaint.

A complaint form must:

- a. be completed in English and signed by the complainant or the complainant's legal representative; or
- b. have a unique "sign on" to the AMVIC Online system which acts as a proxy for a signature for online complaints.

After receiving a complaint form, a CSO will:

- a. review the complaint form for completeness and followup with the complainant where there is missing information or documentation;
- b. review the consumer complaint to identify whether a CPA violation has occurred and if there are any jurisdictional issues;
- c. when required, notify the supplier of the consumer complaint and request a supplier response;
- d. forward a closing letter to both the consumer (complainant) and respondent (business) when a consumer complaint is closed or concluded;
- e. encourage alternate dispute resolution (ADR) between the consumer and the respondent if it meets the ADR criteria outlined in the consumer services standard operating procedure (SOP); and
- f. regardless of the outcome of the ADR if a violation of the CPA is identified, transfer the consumer complaint to investigations for followup.

3.2.4 Jurisdiction

Where there is a reasonable possibility that AMVIC has jurisdiction to look into a concern, a CSO will advise the consumer to submit a complaint form.

A CSO will only recommend the submission of a complaint form where the concern involves any of the following:

- a. a car, truck, recreation vehicle or other motor vehicle as defined in the Automotive Business Regulation;
- b. a licensee or salesperson; or
- c. a consumer transaction.

Where the concern is related to:

- a. an unlicensed individual acting as a supplier or salesperson, the CSO will forward the concern to the licensing department;

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- b. an unlicensed business acting as a supplier, the CSO will forward the concern to the licensing department.

3.2.5 Referral to investigations

Where critical information is received that indicates a supplier or salesperson may:

- a. present a risk to a person's physical safety; or
- b. be engaging in criminal activity such as fraud or odometer rollbacks; or
- c. have sold a vehicle that does not meet the requirements of the TSA and is unsafe to drive,
- d. where four or more consumer complaints are reported against one supplier within 12 months or an unusually condensed timeframe, the consumer complaints will be referred to the investigation department for a full investigation,

the CSO will clearly document those concerns and consult with the supervisor of consumer services or the senior manager of investigations for further instructions.

Where the supervisor of consumer services believes that there may be an immediate risk to a person's safety or ongoing criminal activity, the CSO will immediately refer the consumer complaint for investigation and identify those risks to the senior manager of investigations.

3.2.6 Grounds for closing an enquiry

A CSO may close an enquiry without an investigation by the investigations department where the CSO determines that the enquiry does not involve a possible contravention of:

- a. the *Consumer Protection Act* and regulations:
 - Automotive Business Regulation
 - Internet Sales Contract Regulation
 - Cost of Credit Disclosure Regulation
 - Designation of Trades and Businesses Regulation
- b. the *Traffic Safety Act* and regulations:
 - Vehicle Equipment Regulation
 - Vehicle Inspection Regulation
- c. the Code of Conduct under Section 11 and 12 of the Automotive Business Regulation including advertising,
- d. the *Criminal Code*:
 - Section 129 - Offences relating to public or peace officer
 - Section 140(1) - Public Mischief
 - Section 330 - Theft by person required to account
 - Section 334 (a) and (b) - Punishment for theft
 - Section 362(2)(a)(b) - False pretense or false statement
 - Section 366 - Forgery
 - Section 367 - Punishment for forgery
 - Section 368 - Use, trafficking or possession of forged document
 - Section 380 – Fraud; or
- e. a condition on a business licence or salesperson registration.

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3.2.7 Encouraging dispute resolution

Where the complainant has not attempted to resolve the dispute directly with the supplier, or their attempts were unsuccessful, the CSO will encourage the complainant to contact the supplier and attempt to resolve the dispute with an authorized supplier representative such as a senior staff member (i.e. service manager, general manager or dealer principal) if it meets the ADR criteria outlined in the SOP.

When required, a CSO will send a notice to the supplier, who is the subject of the consumer complaint, including:

- a. a summary of the consumer complaint;
- b. a supplier response form; and
- c. a request that the supplier return the completed response form and provide all the supplier records pertinent to the consumer complaint within seven business days of the notice.

A CSO will notify the complainant that the consumer complaint has been disclosed to the supplier.

3.2.8 Where a consumer complaint may not be disclosed

Where a CSO has reason to believe that the supplier may alter or destroy evidence if the consumer complaint is disclosed, (i.e. where the consumer complaint concerns supplier fraud), the CSO will consult with the supervisor of consumer services to determine whether:

- a. the consumer complaint should be disclosed as usual; or
- b. the consumer complaint should be referred to the investigations department for immediate investigation.

3.2.9 Transferring a consumer complaint

If required, a CSO will transfer a consumer complaint to the investigations department for investigation or to the industry standards department for inspection.

3.2.10 Closing an enquiry

Where a CSO has advised a complainant that further documentation or information is required to process their enquiry, the officer will close the enquiry after five calendar days if no response is received from the complainant. Should further relevant information be received after the file is closed, the file will be re-opened.

A CSO may close an enquiry without an investigation by the investigations department where the enquiry does not involve any of the following:

- a. a car, truck, recreation vehicle or other motor vehicle as defined in the Automotive Business Regulation and *Traffic Safety Act*;
- b. a licensed supplier or registered salesperson; or
- c. a consumer transaction.

Prior to closing an enquiry a CSO Level 1 will consult with a CSO Level 2 to confirm the decision to close the enquiry.

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A CSO will send a closing letter to the complainant and if necessary, to the respondent. All closing letters will:

- a. be completed on AMVIC letterhead;
- b. be sent by mail or email;
- c. include reasons for the closure of the enquiry. Refer to “Decisions and reasons” for more information; and
- d. include information to contact the supervisor of consumer services if the complainant has questions, requires additional information or disagrees with the decision and reasons for closing the enquiry.

3.2.11 Decisions and reasons

Decisions and reasons will be communicated clearly to the complainant and will include the following:

- a. The issue to be decided;
- b. The facts and evidence considered;
- c. The applicable law or policy;
- d. An explanation of how the law or policy was applied to the facts and rationale for the decision;
- e. The conclusion or decision reached; and
- f. Information to contact a supervisor or manager with any questions or additional information about the decision and reasons for concluding the enquiry.

3.2.12 Appealing a closed enquiry

Levels of appeal

Once the enquiry is concluded by the CSO, the complainant has the opportunity to appeal the decision to the supervisor of consumer services. The supervisor of consumer services will review all of the evidence available and provide the complainant with a closing letter explaining the reason(s) for the conclusion of the enquiry.

If the complainant’s concerns cannot be resolved with the supervisor of consumer services, then the complainant has the opportunity to appeal the decision to the manager of decision appeals. The manager of decision appeals will review all of the evidence available and provide the complainant with a closing letter explaining the reason(s) for the conclusion of the enquiry, or refer the file to investigations.

If the complainant’s concerns cannot be resolved with the manager of decision appeals, then the complainant has the opportunity to appeal the decision to the Alberta Ombudsman.

Appeal process

The complainant cannot appeal simply because they disagree with the decision. Their appeal must include relevant facts and reasons for their disagreement.

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To request a review of a closed enquiry the complainant must take the following steps:

- a. email or send a written, signed and dated request to the supervisor of consumer services or to the manager of decision appeals. Refer to the section above on “Levels of appeal” to determine which level to appeal to;
- b. include an email address and phone number where they can be contacted;
- c. include the relevant facts and reasons for requesting a review, any new evidence and supporting documents.
- d. simply restating the initial complaint will not be considered a reason for a review;
- e. send the request within 30 days of receiving the closing letter.

3.2.13 Record keeping

All email correspondence regarding general enquiries or public concerns will be electronically saved in the appropriate Outlook folder, including the email header information.

All email correspondence relating to a specific consumer complaint will be electronically saved in the appropriate Open Regulate file. All hard-copy correspondence received from a complainant in relation to an enquiry will be scanned and uploaded to the consumer complaint record in Open Regulate.

4. Administration

4.1 Related documents and legislation

Criminal Code

Consumer Protection Act

Traffic Safety Act

Automotive Business Regulation

Cost of Credit Disclosure Regulation

Internet Sales Contract Regulation

Designation of Trades and Businesses Regulation

Vehicle Equipment Regulation

Vehicle Inspection Regulation

4.2 Procedures

Consumer services standard operating procedure (SOP)

4.3 Forms

AMVIC Online complaint form

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4.4 Amendment history

Version	Date	Summary of update
1.	March 12, 2014	Original approved
2.	Sept. 23, 2015	Reviewed and approved
3.	Nov. 22, 2016	Reviewed and approved Revisions by S. Page, Manager of Licensing and CSO Reviewed by J. Bachinski, Executive Director
	Feb. 8, 2018	Administrative updates: <i>Fair Trading Act</i> to <i>Consumer Protection Act</i> , Executive Director to Chief Executive Officer
4.	Sept. 26, 2018	Updates by senior manager of investigations, conversion to new template
5.	Oct. 2, 2019	Updates by senior manager of investigations. Reviewed and approved.
6.	June 22, 2021	Updates required to closing concerns and appeals in consultation with Ombudsman Office
7.	June 10, 2024	Updates to align with standard operating procedures. Approved by AMVIC CEO, Malcolm Knox.
8.	April 20, 2026	Updates to appeal process and responsibilities of manager of decision appeals and appeal process. Approved by AMVIC CEO, Malcolm Knox.

4.5 Scheduled review date

June 2027