



Legal Brief*

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ELLIOT WANTS HIS RED BICYCLE

Last week, Elliot's dad went to a big box store and bought the red bike his son had been dreaming about.

The bike was discounted to \$100, instead of the regular price of \$240. What a bargain!

However, the store could not deliver the bicycle right away, because it had not yet been assembled. So Elliot's dad paid for this wonderful item and went back to the store to pick it up on the scheduled date.

When the family members showed up to pick up the bike, they learned that the store had sold it to someone else by mistake and Elliot no longer had a bike. Elliot started crying and his dad was very angry.

The merchant apologized and offered Elliot's father a refund of his \$100 or a green bike listed for \$180.

Elliot wanted his red bike and his father was firm about wanting a bike of the same value as the red one, namely \$240. The merchant replied that he had only paid \$100 and that the store was not obliged to give him one of the same value.

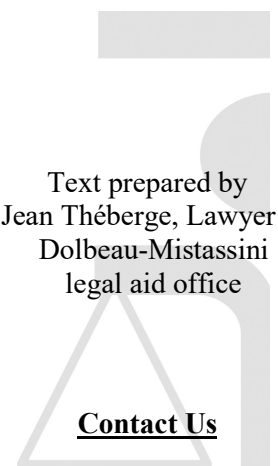
In such a situation, ss. 16 and 40 of the *Consumer Protection Act* protect the consumer. Indeed, a merchant has the obligation to deliver the goods as agreed. For example, in this case, Elliot's father had not purchased a \$100 bicycle, but a \$240 red bicycle with certain features. The merchant was therefore obliged to abide by the contract even though the bicycle was sold at a super discount.

In the end, Elliot left with a blue bike worth \$250 because the red one could not be delivered until the end of the summer, and one summer in the life of an 8-year-old is an eternity.

Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you. You can also check your eligibility online [here](#).

To find the contact information for your legal aid office, please click on the following link www.csj.qc.ca/.

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* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.