

Notice of Failure to Perform

Farm Implement Act

Section 7

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| TO DEALER: _____ Address: _____ Phone: _____ Fax: _____ |
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| TO DISTRIBUTOR: _____ Address: _____ Phone: _____ Fax: _____ |
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Take notice that the following **new** farm implement _____
(make)
_____ (model) _____ (serial number)

purchased on _____ which has been properly maintained and used under reasonable operating conditions, fails to perform the work for which it is intended in a satisfactory manner and I, the purchaser, give notice of this failure.

| | |
|-----------------------------|-------|
| PURCHASER SIGNATURE: | |
| Name | _____ |
| Address | _____ |
| Phone | _____ |
| Fax | _____ |

Note: This Notice of Failure must be given to the Farm Implement Act Administration (FIAA), the dealer, and the distributor, without delay, after the failure of the farm implement occurs. The failure must occur during the first 10 days of actual use or the first 50 hours of actual use, whichever occurs first, from the time the implement is first used within the normal season of use, after it is delivered to the purchaser.

The information is being collected in compliance with section 33 (c) of the *Alberta Freedom of Information & Protection of Privacy Act* and section 7 (1) of the *Farm Implement Act*. The information is used only for the purpose it was selected or for a consistent purpose. This may include providing your personal information as collected on this form to the Farm Implement Board, Farm Implement Act Administration and to legal counsel of parties involved. If you have any questions, regarding the information collected here or its use, please contact the Farmers' Advocate Office at 310-3276 or 403-742-7901 outside Alberta.

Farm Implement Act Administration (FIAA)
305, 7000 113 Street, Edmonton AB T6H 5T6
Phone 310-FARM or (403) 742-7901 Fax: (780) 427-3913
Web: www.farmersadvocate.gov.ab.ca E-mail: farmers.advocate@gov.ab.ca

Farm Implement Act - excerpts

Notice of failure to perform

7(2) When a new farm implement that is properly used and maintained and used under reasonable operating conditions fails to perform the work for which it is intended in a satisfactory manner during

- (a) any of the first 10 days of actual use of the farm implement, whether or not those days are consecutive, or
- (b) the first 50 hours of actual use of the farm implement, whether or not that period is continuous,

whichever occurs first, from the time the farm implement is first used within the first normal season of use after it is delivered to the purchaser, the purchaser may, within that season, give notice under subsection (3) of the farm implement's failure to perform that work.

(3) A notice referred to in subsection (2) must be in writing and must be given to the Minister, the distributor and the dealer as soon as is reasonably possible after the failure occurs.

(4) On receiving notice under subsection (3), the dealer or distributor shall, not later than 7 working days during which reasonable operating conditions exist for that farm implement after the date on which the dealer or distributor received the notice, endeavour to make the farm implement perform in a satisfactory manner.

(5) If the dealer or distributor fails to make the farm implement perform in a satisfactory manner pursuant to subsection (4), the dealer or distributor shall, within 48 hours after the expiry of the period stated in subsection (4), provide the purchaser with a satisfactory substitute farm implement for the purchaser's use until the purchaser's farm implement is made to perform in a satisfactory manner.

(6) If the sale agreement does not contain an address for the distributor,

- (a) the purchaser is not required to give notice to the distributor under subsection (3), and
- (b) when the notice is given to the dealer, the dealer shall forthwith notify the distributor of that fact and of the contents of the notice.

(7) If, within a reasonable time after providing the substitute farm implement to the purchaser, the dealer or distributor fails to make the purchaser's farm implement perform in a satisfactory manner, the dealer or distributor shall either

- (a) replace the purchaser's farm implement with a farm implement that is acceptable to the purchaser, or
- (b) terminate the sale agreement or, if the sale agreement relates to the purchase of more than one farm implement, terminate the sale agreement only as to the farm implement in respect of which notice under subsection (3) was given.

RSA 2000 cF-7 s7;2001 c7 s5

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**Government
of Alberta** ■