

The Ontario Auctioneer

Official Newsletter
of the
Auctioneers Association
of Ontario

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**Be sure to attend the
AAO Summer Potluck BBQ
on August 13.
More information on
page 4 and on the
AAO Facebook page.**



Auctioneers Association of Ontario

S U M M E R 2 0 1 6

President's Message

Hello Fellow Auctioneers!

I hope everyone is having a wonderful start to what looks to be a beautiful Ontario Summer. We have some exciting announcements for our members including a Summer BBQ as well as our convention and competition location. We have our Communications team working our Social media pages, so you can stay posted with all AAO news!

I'm thrilled to announce we will be having a Summer BBQ August 13th at my family farm in Caledon, Ontario. It will be a great way to connect with our members and catch up in between our annual Conventions. The Board will be meeting that day as well to discuss ideas on benefits for our members so bring your industry ideas and your appetite!

Our upcoming Annual Convention will be at The Best Western in Cobourg, ON February 16th – 19th, 2017. We are currently creating an excellent speaker line-up for our members, it will be an event you do not want to miss! We also welcome our members to join us for the Ontario Auctioneer's Competition at

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AAO Summer Potluck BBQ



AAO will be hosting a
Summer Potluck BBQ
August 13th

12:00pm – 4:30pm
Caledon, Ontario
13441 Airport Road
Caledon, ON, L7C 2X5

*To Bring: It is a Pot-luck but we will
have lots of food and snacks on hand.
We welcome everyone and their families
to come and share in the festivities!*

Check out our Facebook page for
more details! [www.facebook.com/
AuctioneersAssociationOntario/](http://www.facebook.com/AuctioneersAssociationOntario/)

Stapleton's Auctions in Newtonville, Ontario, hosted by one of our founding fathers, Frank Stapleton.

The foundation of the AAO is to further education for auctioneers, we strive to bring our members opportunities to learn from not only seminars at our Conventions but from each other. We have a very special industry and it is wonderful to speak to other auctioneers who live it. I truly believe the networking available to our members is one of our greatest advantages.

I'm am looking forward to all who can attend our Summer Event and the Convention!

- Frances Fripp
AAO President

Be sure to see page 6 of this issue for an article about Canada's Anti Spam Laws. This law has strict requirements around sending ANY electronic message that involves some form of commercial content (email, text, social media). Upcoming changes will impact you and your business. On July 1, 2017 there is a new Privacy Right of Action coming related to CASL which will allow individuals to seek actual and statutory damages. Fines for contravening CASL can be up to \$10 million per violation and can include other costs such as legal fees.

Conflict of Laws

The conflict of laws is never simple and never boring.

Norm Bowley, from Low Murchinson Radnoff LLP, Ottawa legal services, has been practicing law for over 30 years. This article is reprinted from his May 2012 newsletter.

Conflict of laws – The old joke went something like this: “If an Italian airplane full of Germans, piloted by a Spaniard, crashed in France, where would the survivors be buried?” If you were paying attention you would answer that they don’t bury the survivors.

Joking aside, the question is reminiscent of the kind of problems we lump together as “conflict of laws”. In today’s world, it’s impossible to go a day without having legal dealings with other jurisdictions – ever think about the legal implications of clicking on “I Agree”? We buy on eBay, blog all over the world, vacation in Singapore and buy condos in Florida. Arbitrage and “jurisdiction shopping” have become part of the decision-making process of international business.

Not me, you say? Say you’re driving through Manitoba and you have a catastrophic collision with someone from Minnesota. Or the vintage car you ordered from California is damaged on the wharf in Vancouver. Who pays what to

whom, and why, and whose insurance will respond? And who will make them?

While a few courts do favor their own “good ol’ boys” and some laws are blatantly tilted toward locals, most courts and legal systems in democracies work hard at trying to find a balanced and principled approach to complex inter-jurisdictional conundrums.

Usually, the first question the court asks is, “Are we the proper court to hear this matter, or should we refuse?” Then, even if the local court agrees to hear the case, it still has to wrestle with the question of which law to apply– its own, that of one or more foreign jurisdictions, or perhaps some mix.



Canada's Anti-Spam Law - the Basics

What is CASL?

CASL is Canada's Anti-Spam Law. It is considered the toughest anti-spam law in the world. This law has strict requirements around sending ANY electronic message that involves some form of commercial content (email, text,

social media). An electronic message is "commercial" if one of its purposes is selling, promoting, or advertising a product or service.

There are basically 3 rules to follow:

- 1) Consent – you must have consent to send a commercial message. The type, express or implied, and the method of obtaining depends on the situation.
- 2) Content – you must clearly identify yourself or whomever the message is sent on behalf of, and include very specific contact information.
- 3) Unsubscribe – every message must provide a way to unsubscribe from receiving further messages in future. There are very detailed specifications on how the unsubscribe must work (such as, it must be a clear and transparent method, AND it must take effect within 10 business days.)

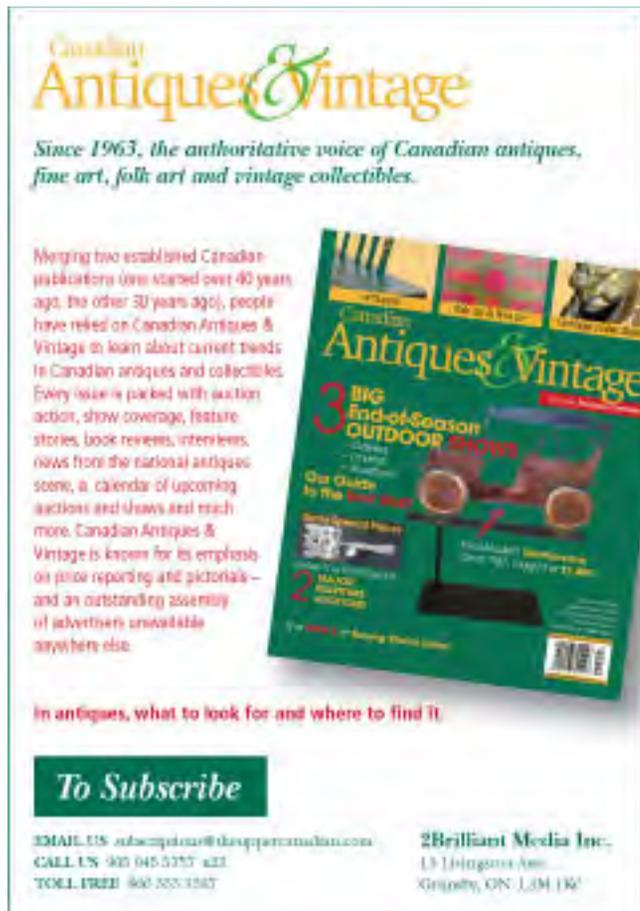
There is an onus on the company to maintain all records to prove compliance. For example, you must keep proof of consent to send a message.

Why is CASL so important?

Fines for contravening CASL can be up to \$10 million per violation and can include other costs such as legal fees. Directors, officers, and agents can be held personally liable in a case of violation. A number of companies have received huge penalties.

On July 1, 2017 there is a new Privacy Right of Action coming related to CASL. This allows individuals to seek actual and statutory damages

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NAA Conference & Show
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GRAND RAPIDS

NAA Auctioneer

in court for a violation of CASL. Over the next year further information and developments are expected to come.

Who does this apply to?
YOU and Your Auction business!

Companies across all sectors – some examples include: financial institutions, retailers, email providers, not for profits and more. Basically any company remotely involved in promoting its products or services or installing computer programs.

Specifically, any individual or company that sends or causes to send electronic commercial messages to a Canadian electronic address (email address OR phone number).

Next update we will provide some key implementation challenges that companies struggle with related to CASL.

Additional resources can be found from the Office of the Privacy Commissioner of Canada at: www.priv.gc.ca/

“It’s a sure sign of summer if the chair gets up when you do.”
- Walter Winchell



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Those Sentimental Auction Sales

For many of us in the auction industry, we have had people who have brought us into the business, either by bringing us to sales as spectators, as a clerk, ring man or a handler, or because our grandfathers, fathers, mothers or spouses were auctioneers.

In my case it was a family friend who took me to auction sales as a kid. He saw that I had an interest in becoming an auctioneer, and he encouraged me to go to auction school. We spent many hours traveling across the region to attend hundreds of auctions of the course of more than 2 decades.

In 2015 I lost that friend and mentor - Ed Hewitt. He was so dedicated to

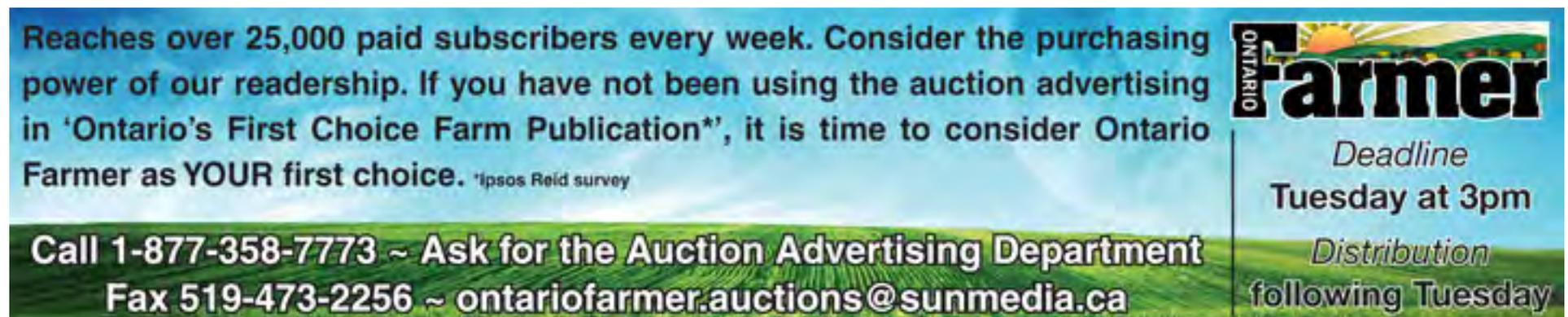
attending these sales that he was at a sale when he passed away. When his family was settling his estate, they made it very clear that Ed's wishes were that Jason McIntosh would be the one to sell off his estate (farm machinery, tools etc).

The estate sale was booked for June 4, 2016 and in the months leading up to it, as we were sorting through what was to go into the sale and what was scrap, I started remembering the items that he had purchased when we were at sales together. He could always find that great deal, and he would be happy to know that the gates that we bought for \$30 a piece were sold for \$75 at his sale. Or the bale feeder that he bought for \$150

and was sold for \$250. He was a great buyer at auction sales, but he also knew how to heckle the auctioneer. He provided lots entertainment for his fellow auction spectators.

It was a bittersweet day because I know that I will never be able to attend another auction sale with him, but I will always remember the support and encouragement that I received from him. And he would be happy to know that the treasures that he had collected over the years had sold really well.

- Contributed by Jason McIntosh



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