



About Us

Devry Smith Frank LLP has advised and advocated for corporations, individuals and small businesses since 1964. We are a mid-market alternative with a reputation for being approachable, professional and practical. Our rapid growth reflects client confidence — confidence we have built one client at a time.

We advise publicly traded financial institutions, emerging private companies, and the nimblest of start-ups. We act as personal counsel to individuals and families on a wide variety of legal needs. Our expertise spans industries as diverse as financial services, insurance, real estate and land development, service companies, professional services, technology, mining, and not for profits.

Devry Smith Frank LLP is honoured to be recognized by the *Globe and Mail* as a leading law firm to the mid-market and entrepreneurial sector.



05/01/2017



FRANCHISE

WHAT WE DO

- Establishing franchise systems
- Partnership arrangements with co-franchisees
- Review, negotiation and drafting of franchise agreements
- Purchase and sale of existing franchises
- Intellectual property protection
- Franchisor/franchisee dispute resolution
- Financing strategies
- Cross border franchising

WHY DEVRY SMITH FRANK LLP?

We are experienced

The firm has significant legal experience dealing with a variety of complicated franchise transactions. This allows us to deliver to our clients a professional and practical experience on even the most intricate transactions.

We are your human resources legal resource

Franchising Law has corporate, tax, intellectual property and financing issues that need to be addressed. As a full-service law firm, we can provide expert advice to help guide our clients through various legal issues.

We know both sides

As a mid-sized law firm, Devry Smith Frank LLP balances professional knowledgeable and customized legal solutions with a focus on delivering value. We are large enough to handle the most complex business deals, but have an overhead structure and the flexibility to be cost-effective. We are driven by delivering value to our clients in all that we do.

To learn more about our Franchise Law Group, please visit www.devrylaw.ca/franchise-law

The content on this brochure is provided for general information purposes only and does not constitute legal or other professional advice or an opinion of any kind. The information published is current as of their original date of publication, but should not be relied upon as accurate, timely or fit for any particular purpose.

DEVRY SMITH FRANK LLP

LAWYERS & MEDIATORS

Toronto | Whitby | Barrie | info@devrylaw.ca

Devry Smith Frank *LLP* Franchise Law Group

Three questions every Franchisee should ask.

1. What are some factors I need to consider before buying a franchise?

Purchasing a franchise can be one of the largest investments in your life. Not all franchises are built the same. What are some typical factors to consider before buying a franchise?

- **Size of investment.** Can you afford the franchise fee and set-up costs? Many franchises fail because there is simply not enough money to operate the franchise during the early stages, as the initial investment was too great.
- **Industry.** Is the industry a growth industry or are there too many competitors and franchisees? A potential franchisee should give careful consideration to the growth potential of the franchise industries they are exploring.
- **Reputation of the franchise.** A reputable franchisor can provide training, support, and guidance. A poor franchisor can cause headache, frustration and stress.

Legal counsel can advise franchisees on the factors to consider when buying a franchise, the right questions to ask and the legal agreements which need to be in place.

2. What is the process of purchasing a franchise in Ontario?

A fully informed franchisee usually follows the following process in purchasing a franchise:

- Research franchise opportunities
- Receive and review an information package known as a “Franchise Disclosure Document” with legal counsel
- Submit a Franchise Application Form
- If accepted, enter into a Franchise Agreement
- Build out franchise

3. What duties do a franchisor have to franchisees?

In Ontario, *The Arthur Wishart Act (Franchise Disclosure) 2000* (the “Act”) governs how the relationship between franchisors and franchisees. The Act requires the franchisors to:

- Provide accurate, clear and concise disclosure documents
- Treat franchisee with a duty of good faith and in accordance with reasonable commercial standards
- Ensure franchisees are not misrepresented

Questions?

Devry Smith Frank *LLP* can assist. We have advised franchisees on the purchase and sale of franchises of all industries and sizes. Please call us today at 416-449-1400 to arrange a consultation.

The content on this brochure is provided for general information purposes only and does not constitute legal or other professional advice or an opinion of any kind. The information published is current as of their original date of publication, but should not be relied upon as accurate, timely or fit for any particular purpose.

DEVRY SMITH FRANK *LLP*
LAWYERS & MEDIATORS



95 Barber Greene Road, Suite 100, Toronto, ON M3C 3E9 Tel. 416.449.1400 | Fax. 416.449.7071 | www.devrylaw.ca
209 Dundas Street East, Suite 401 | Whitby, ON L1N 7H8 Tel: 289-638-3170 | Fax: 416-449-7071
85 Bayfield Street, Suite 300 | Barrie, ON L4M 3A7 Tel: 705-812-2100 | Fax: 705-730-6871