



MEMO

To: All AGF Member Clubs Date: May 4, 2016

From: AGF Office

CC: AGF Board of Directors
AGF Staff

P (403) 259-5500

F (403) 259-5588

T 1-800-665-1010

Suite 207 - 5800 2nd
Street SW
Calgary, AB T2H 0H2

www.abgym.ab.ca
info@abgym.ab.ca

RE: **NEW "Notification and Assumption of Risk, Consent to First Aid Treatment, and Release of Liability and Waiver of Claims"**

Notes:

Please find attached AGF's **UPDATED** "Notification and Assumption of Risk, Consent to First Aid Treatment, and Release of Liability and Waiver of Claims". AGF is requesting that you implement this document as soon possible for all applicable programs (member registration, Drop-Ins', etc.

The AGF Board enlisted the legal firm of Norton Rose Fulbright Canada LLP / S.E.N.C.R.L., s.r.l. who conducted a thorough review of this document. They also provided the AGF Board additional information as it pertains directly to "Waiver Forms" and other related materials.

Some of the rationale for the update included:

- **Can someone other than a parent or legal guardian validly sign the DOCUMENT on behalf of a minor?**
NO, it is highly unlikely that a waiver signed by someone other than a parent or legal guardian on behalf of a minor would be enforceable.
- **Is clicking "I Agree" or "I Accept" on a registration site and/or website sufficient to bind a participant to AGF's Notification and Assumption of Risk of Risk?**
NO, the agreement's enforceability may be weakened if it was signed by clicking "I Agree" on the registration site and/or website since their identity cannot be verified by a witness. The case law referred to above deals only with contracts that related to the use of the websites or other software. More importantly, signing the Waiver remotely (i.e. over the internet at a participant's personal computer, prior to attending the gym), increases the likelihood that a participant may not fully understand the implications of the Waiver, leading to serious questions of enforceability if the Waiver is ever disputed

Should you require additional information or possess further questions please contact the AGF office.

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