

Consumer Provisions Under FCAC Supervision

Trust and Loan Companies

June 2002

Disponible en français

Consumer Provisions Under FCAC Supervision and Other Relevant Provisions

Consumer Provisions Under FCAC Supervision

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CLAUSE DESCRIPTION	TRUST AND LOAN COMPANIES
<p>DUTY TO MANAGE</p> <p>ESTABLISH PROCEDURES FOR DISCLOSURE AND DEALING WITH COMPLAINTS</p> <p>DESIGNATE COMMITTEE TO MONITOR PROCEDURES</p>	<p>Duty to manage</p> <p>161. (1) Subject to this Act, the directors of a company shall manage or supervise the management of the business and affairs of the company.</p> <p>Specific duties</p> <p>(2) Without limiting the generality of subsection (1), the directors of a company shall</p> <p>e) establish procedures to provide disclosure of information to customers of the company that is required to be disclosed by this Act and for dealing with complaints as required by subsection 441(1)</p> <p>f) designate a committee of the board of directors to monitor the procedures referred to in paragraph (e) and satisfy itself that they are being adhered to by the company; and</p>
<p>DEFINITIONS</p>	<p>Definitions</p> <p>425.1 The definitions in this section apply in this section, sections 431 to 434, 444.1 and 444.3.</p> <p>“member company” means a company that is a member institution as defined in section 2 of the <i>Canada Deposit Insurance Corporation Act</i>.</p> <p>“personal deposit account” means a deposit account in the name of one or more natural persons that is kept by that person or those persons for a purpose other than that of carrying on business.</p> <p>“retail deposit account” means a personal deposit account that is opened with a deposit of less than \$150,000 or any greater amount that may be prescribed.</p>
<p>EXPRESS AGREEMENT FOR CHARGING FEES ON ACCOUNTS</p>	<p>Account charges</p> <p>426. A company shall not, directly or indirectly, charge or receive any sum for the keeping of an account unless the charge is made by express agreement between the company and a customer or by order of a court.</p>
<p>DISCLOSURE ON OPENING ACCOUNT OF INTEREST TO BE PAID</p> <p>EXCEPTION FOR DEPOSIT ACCOUNTS OVER \$150,000</p>	<p>Disclosure on opening account</p> <p>427. (1) A company shall not, after the day that is six months after the coming into force of this Part, open or maintain an interest-bearing deposit account in Canada in the name of any natural person unless the company discloses, in accordance with the regulations, to the person who requests the company to open the account, the rate of interest applicable to the account and how the amount of interest to be paid is to be calculated.</p> <p>Exception</p> <p>(2) Subsection (1) does not apply in respect of an interest-bearing deposit account that is opened with a deposit in excess of \$150,000 or any greater amount that may be prescribed</p>
<p>DISCLOSURE IN ADVERTISING OF HOW INTEREST WILL BE CALCULATED ON DEPOSIT ACCOUNT</p>	<p>Disclosure in advertisements</p> <p>428. No person shall authorize the publication, issue or appearance of any advertisement in Canada that indicates the rate of interest offered by a company on an interest-bearing deposit or a debt obligation unless the advertisement discloses, in accordance with the regulations, how the amount of interest is to be calculated.</p>
<p>REGULATION MAKING AUTHORITY RESPECTING DISCLOSURE OF INTEREST PAID ON DEPOSIT ACCOUNTS</p>	<p>Disclosure regulations</p> <p>429. The Governor in Council may make regulations respecting</p> <p>a) the manner in which and the time at which disclosure is to be made by a company of</p> <p>(i) interest rates applicable to debts of the company and deposits with the company, and</p> <p>(ii) the manner in which the amount of interest paid is to be calculated; and</p> <p>b) the manner in which any charges for the keeping of an account are to be disclosed by a company to its customers and when the disclosure is to be made; and</p> <p>c) such other matters or things as may be necessary to carry out the requirements of sections 426 to 428.</p>
	<p>Disclosure required on opening a deposit account</p>

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<p>DISCLOSURE REQUIREMENTS WHEN OPENING ACCOUNTS</p> <p>EXCEPTION: NOTICE FOR NON-PERSONAL DEPOSIT ACCOUNTS</p> <p>EXCEPTIONS – OPENING ACCOUNTS BY TELEPHONE FOR EXISTING ACCOUNT CUSTOMER (<i>includes changes from C-08</i>)</p> <p>DISCLOSURE IN WRITING WITHIN 7 BUSINESS DAYS OF OPENING ACCOUNT FOR A NON-PERSONAL DEPOSIT ACCOUNT</p> <p>RIGHT TO CLOSE A DEPOSIT ACCOUNT WITHIN 14 DAYS OF OPENING IT WITHOUT CHARGES</p> <p>REGULATION MAKING AUTHORITY CONCERNING THE PROVISION OF THE ACCOUNT AGREEMENT AND INFORMATION TO THE CUSTOMER</p>	<p>431. (1) Subject to subsections (2) to (4), a company shall not open a deposit account in the name of a customer unless, at or before the time the account is opened, the company provides in writing to the individual who requests the opening of the account</p> <p>a) a copy of the account agreement with the company;</p> <p>b) information about all charges applicable to the account;</p> <p>c) information about how the customer will be notified of any increase in those charges and of any new charges applicable to the account;</p> <p>d) information about the company's procedures relating to complaints about the application of any charge applicable to the account; and</p> <p>e) such other information as may be prescribed.</p> <p>Exception</p> <p>(2) If a deposit account is not a personal deposit account and the amount of a charge applicable to the account cannot be established at or before the time the account is opened, the company shall, as soon as is practicable after the amount is established, provide the customer in whose name the account is kept with notice in writing of the amount of the charge.</p> <p>Exception</p> <p>(3) If a company has a deposit account in the name of a customer and the customer by telephone requests the opening of another deposit account in the name of the customer and the company has not complied with subsection (1) in respect of the opening of that other account, the company shall not open the account unless it provides the customer orally with any information prescribed at or before the time the account is opened.</p> <p>Disclosure in writing</p> <p>(4) If a company opens an account under subsection (3), it shall, not later than seven business days after the account is opened, provide to the customer in writing the agreement and information referred to in subsection (1).</p> <p>Right to close account</p> <p>(5) A customer may, within 14 business days after a deposit account is opened under subsection (3), close the account without charge and in such case is entitled to a refund of any charges related to the operation of the account, other than interest charges, incurred while the account was open.</p> <p>Regulations</p> <p>(6) For the purposes of subsection (4), the Governor in Council may make regulations prescribing circumstances in which, and the time when, the agreement and information will be deemed to have been provided to the customer.</p>
<p>DUTY TO DISCLOSE INFORMATION ON CHARGES FOR AN ACCOUNT AND FOR SERVICES PROVIDED TO CUSTOMERS / PUBLIC</p>	<p>Disclosure of charges</p> <p>432. A company shall disclose, in the prescribed manner and at the prescribed time, to its customers and to the public, the charges applicable to deposit accounts with the company and the usual amount, if any, charged by the company or services normally provided by the company to its customers and to the public.</p>
<p>DUTY TO PROVIDE NOTICE FOR INCREASES IN CHARGES OR NEW CHARGES APPLICABLE TO A DEPOSIT ACCOUNT</p> <p>DUTY TO DISCLOSE INCREASES IN ANY CHARGES FOR SERVICES RELATED TO A DEPOSIT ACCOUNT</p>	<p>No increase or new charges without disclosure</p> <p>433. (1) A company shall not increase any charge applicable to a personal deposit account with the company or introduce any new charge applicable to a personal deposit account with the company unless the company discloses the charge in the prescribed manner and at the prescribed time to the customer in whose name the account is kept.</p> <p>(2) With respect to such services in relation to deposit accounts, other than personal deposit accounts, as are prescribed, a company shall not increase any charge for any such service in relation to a deposit account with the company or introduce any new charge for any such service in relation to a deposit account with the company unless the company discloses the charge in the prescribed manner and at the prescribed time to the customer in whose name the account is kept.</p>
	<p>Application</p>

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SECTIONS CONCERNING DISCLOSURE APPLICABLE ONLY TO ACCOUNTS PROVIDED IN CANADA	434. Sections 431 to 433 apply only in respect of charges applicable to deposit accounts with the company in Canada and services provided by the company in Canada
DEFINITION OF “COST OF BORROWING”	<p>Definition of “cost of borrowing”</p> <p>435. For the purposes of this section and sections 435.1 to 442, “cost of borrowing” means, in respect of a loan made by a company,</p> <ul style="list-style-type: none"> a) the interest or discount applicable to the loan; b) any amount charged in connection with the loan that is payable by the borrower to the company; and c) any charge prescribed to be included in the cost of borrowing. <p>For those purposes, however, “cost of borrowing” does not include any charge prescribed to be excluded from the cost of borrowing.</p>
REBATE OF BORROWING COSTS EXCEPTION REGULATION	<p>435.1 (1) Where a company makes a loan in respect of which the disclosure requirements of section 436 apply and the loan is not secured by a mortgage on real property and is required to be repaid either on a fixed future date or by installments, the company shall, if there is a prepayment of the loan, rebate to the borrower a portion of the charges included in the cost of borrowing in respect of the loan.</p> <p>(2) The charges to be rebated do not include the interest or discount applicable to the loan.</p> <p>(3) The Governor in Council may make regulations governing the rebate of charges under subsection (1). The rebate shall be made in accordance with those regulations.</p>
DISCLOSING BORROWING COSTS NON-APPLICATION	<p>436. (1) A company shall not make a loan to a natural person that is repayable in Canada unless the cost of borrowing, as calculated and expressed in accordance with section 437, and other prescribed information have in the prescribed manner and at the prescribed time been disclosed by the company to the borrower.</p> <p>(2) Subsection (1) does not apply in respect of a loan that is of a prescribed class of loans.</p>
REGULATION MAKING AUTHORITY FOR PRESCRIBING THE CALCULATION OF BORROWING COSTS	<p>Calculating borrowing costs</p> <p>437. The cost of borrowing shall be calculated, in the prescribed manner, on the basis that all obligations of the borrower are duly fulfilled and shall be expressed as a rate per annum and, in prescribed circumstances, as:</p>
ADDITIONAL DISCLOSURE REQUIREMENTS FOR LOANS WHETHER THERE IS A RIGHT TO REPAY LOAN BEFORE MATURITY CIRCUMSTANCES FOR REPAYMENT WHETHER THERE WILL BE REBATES, CHARGES OR PENALTIES FOR PREPAYMENTS AND WHAT THEY MAY BE CHARGES OR PENALTIES FOR LATE PAYMENTS OR FAILURE TO PAY AT LOAN MATURITY CHANGES TO COST OF BORROWING OR TO AGREEMENT ANY OTHER RIGHTS OR OBLIGATIONS ANY OTHER INFORMATION AS PRESCRIBED DISCLOSURE IN CREDIT CARD APPLICATION APPLICATIONS	<p>Additional disclosure</p> <p>438. (1) Where a company makes a loan in respect of which the disclosure requirements of section 436 are applicable and the loan is required to be repaid either on a fixed future date or by installments, the company shall disclose to the borrower, in accordance with the regulations,</p> <ul style="list-style-type: none"> a) whether the borrower has the right to repay the amount borrowed before the maturity of the loan and, if applicable, <ul style="list-style-type: none"> (i) any terms and conditions relating to that right, including the particulars of the circumstances in which the borrower may exercise that right, and (ii) whether, in the event that the borrower exercises the right, any portion of the cost of borrowing is to be rebated, the manner in which any such rebate is to be calculated or, if a charge or penalty will be imposed on the borrower, the manner in which the charge or penalty is to be calculated; b) in the event that an amount borrowed is not repaid at maturity or, if applicable, an installment is not paid on the day the installment is due to be paid, particulars of the charges or penalties to be paid by the borrower because of the failure to repay or pay in accordance with the contract governing the loan; c) at such time and in such manner as may be prescribed, any changes respecting the cost of borrowing or the loan agreement as may be prescribed; d) particulars of any other rights and obligations of the borrower; and e) any other prescribed information, at such time and in such form and manner as be prescribed. <p>(1.1) A company shall, in accordance with the regulations, at such time and in such manner as may be prescribed, provide prescribed information in any application forms or related documents that it prepares for the issuance of credit, payment or charge cards and provide prescribed information to any person applying to it for a credit, payment or charge card.</p>

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<p>DISCLOSURE RE CREDIT CARDS</p> <p>ADDITIONAL DISCLOSURE RE OTHER LOANS</p>	<p>(2) Where a company issues or has issued a credit, payment or charge card to a natural person, the company shall, in addition to disclosing the costs of borrowing in respect of any loan obtained through the use of the card, disclose to the person, in accordance with the regulations,</p> <p>a) the charges or penalties described in paragraph (1)(b);</p> <p>b) particulars of the person's rights and obligations;</p> <p>c) any charges for which the person becomes responsible by accepting or using the card;</p> <p>d) at such time and in such manner as may be prescribed, any changes respecting the cost of borrowing or the loan agreement as may be prescribed; and</p> <p>e) any other prescribed information, at such time and in such form and manner as may be prescribed.</p> <p>(3) Where a company enters into or has entered into an arrangement, including a line of credit, for the making of a loan in respect of which the disclosure requirements of section 436 apply and the loan is not a loan in respect of which subsection (1) or (2) applies, the company shall, in addition to disclosing the costs of borrowing, disclose to the person to whom the loan is made, in accordance with the regulations,</p> <p>a) any charges or penalties described in paragraph (1)(b);</p> <p>b) particulars of the person's rights and obligations;</p> <p>c) any charges for which the person is responsible under the arrangement;</p> <p>d) at such time and in such manner as may be prescribed, any changes respecting the cost of borrowing under the arrangement that may be prescribed; and</p> <p>e) any other prescribed information, at the time and in the form and manner that may be prescribed.</p>
RENEWAL STATEMENT	<p>438.1 If a company makes a loan in respect of which the disclosure requirements of section 436 apply and the loan is secured by a mortgage on real property, the company shall disclose to the borrower, at such time and in such manner as may be prescribed, such information as may be prescribed respecting the renewal of the loan.</p>
DISCLOSURE IN ADVERTISING	<p>Disclosure in advertising</p> <p>439. No person shall authorize the publication, issue or appearance of any advertisement in Canada relating to arrangements referred to in subsection 438(3), loans, credit cards, payment cards or charge cards, offered to natural persons by a company, and purporting to disclose prescribed information about the cost of borrowing or about any other matter unless the advertisement contains such information as may be required by the regulations, in such form and manner as may be prescribed</p>
<p>REGULATION RE BORROWING COSTS</p> <p>RESPECTING THE MANNER AND TIMING OF DISCLOSURE</p> <p>RESPECTING THE CONTENT OF STATEMENTS DISCLOSING THE COST OF BORROWING</p> <p>RESPECTING CALCULATION OF COST OF BORROWING</p> <p>RESPECTING THE EXPRESSION OF BORROWING COSTS IN DOLLARS AND CENTS</p> <p>SPECIFYING EXCEPTIONS FOR CERTAIN TYPES OF LOANS</p> <p>RESPECTING THE RIGHTS, OBLIGATIONS, CHARGES, & PENALTIES</p>	<p>Regulations re borrowing costs</p> <p>440. The Governor in Council may make regulations</p> <p>a) respecting the manner in which, and the time at which, a company is to disclose to a borrower</p> <p>(i) the cost of borrowing,</p> <p>(ii) any rebate of the cost of borrowing, and</p> <p>(iii) any other information relating to a loan, arrangement, credit card, payment card or charge card referred to in section 438;</p> <p>b) respecting the contents of any statement disclosing the cost of borrowing and other information required to be disclosed by a company to a borrower;</p> <p>c) respecting the manner of calculating the cost of borrowing;</p> <p>d) respecting the circumstances under which the cost of borrowing is to be expressed as an amount in dollars and cents;</p> <p>e) specifying any class of loans that are not to be subject to section 435.1, subsection 436(1) or 438(1) or (3) or section 438.1 or 439 or the regulations or any specified provisions of the regulations;</p> <p>f) respecting the manner in which and the time at which any rights, obligations, charges or penalties referred to in sections 435.1 to 439 are to be disclosed;</p>

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<p>PROHIBITION OF CHARGES & PENALTIES</p> <p>RESPECTING THE NATURE OR AMOUNT OF CHARGES OR PENALTIES</p> <p>METHOD OF CALCULATION OF REBATE OF THE COST OF BORROWING</p> <p>RESPECTING ADVERTISEMENTS</p> <p>RESPECTING THE RENEWAL</p> <p>OTHER MATTERS</p>	<p>g) prohibiting the imposition of any charge or penalty referred to in section 438 or providing that the charge or penalty, if imposed, will not exceed a prescribed amount;</p> <p>h) respecting the nature or amount of any charge or penalty referred to in paragraph 438(1)(b), (2)(a) or (3)(a) and the costs of the company that may be included or excluded in the determination of the charge or penalty;</p> <p>i) respecting the method of calculating the amount of rebate of the cost of borrowing, or the portion of the cost of borrowing referred to in subparagraph 438(1)(a)(ii);</p> <p>j) respecting advertisements made by a company regarding arrangements referred to in subsection 438(3), loans, credit cards, payment cards or charge cards;</p> <p>k) respecting the renewal of loans; and</p> <p>l) respecting such other matters or things that are necessary to carry out the purposes of sections 567.1 to 571.</p>
<p>PROCEDURES FOR DEALING WITH COMPLAINTS</p> <p>ESTABLISHING PROCEDURES</p> <p>DESIGNATING OFFICER OR EMPLOYEE RESPONSIBLE FOR IMPLEMENTING PROCEDURES</p> <p>DESIGNATING OFFICER OR EMPLOYEE RESPONSIBLE FOR RECEIVING COMPLAINTS</p> <p>FILING COPY OF COMPLAINT PROCEDURES WITH FCAC</p>	<p>Procedures for dealing with complaints</p> <p>441.(1) A company shall</p> <p>a) establish procedures for dealing with complaints made by persons having requested or received products or services in Canada from the company;</p> <p>b) designate an officer or employee of the company to be responsible for implementing those procedures;</p> <p>c) designate one or more officers or employees of the company to receive and deal with those complaints.</p> <p>Procedures to be filed with Commissioner</p> <p>(2) A company shall file with the Commissioner a copy of its procedures established under paragraph (1)(a).</p>
<p>JOINING THIRD PARTY DISPUTE RESOLUTION</p>	<p>Obligation to be member</p> <p>441.1 In any province, if there is no law of the province that makes a company subject to the jurisdiction of an organization that deals with complaints made by persons having requested or received products or services in the province from a company, the company shall be a member of an organization that is not controlled by it and that deals with those complaints that have not been resolved to the satisfaction of the persons under procedures established by companies under paragraph 441(1)(a).</p>
<p>INFORMATION ON CONTACTING AGENCY</p> <p>REPORT BY COMMISSIONER CONCERNING</p> <p>RESPECTING COMPLAINT PROCEDURES</p> <p>RESPECTING NUMBER AND NATURE OF COMPLAINTS</p>	<p>Information on contacting Agency</p> <p>442. (1) A company shall, in the prescribed manner, provide a person requesting or receiving a product or service from it with prescribed information on how to contact the Agency if the person has a complaint about a deposit account, an arrangement referred to in subsection 438(3), a payment, credit or charge card, the disclosure of or manner of calculating the cost of borrowing in respect of a loan or about any other obligation of the company under a consumer provision.</p> <p>Report</p> <p>(2) The Commissioner shall prepare a report, to be included in the report referred to in section 34 of the <i>Financial Consumer Agency of Canada Act</i>, respecting</p> <p>a) procedures for dealing with complaints established by companies pursuant to paragraph 441(1)(a); and</p> <p>b) the number and nature of complaints that have been brought to the attention of the Agency by persons who have requested or received a product or service from a company .</p>
<p>RIGHT TO PREPAY LOAN</p>	<p>Miscellaneous Prepayment Protected</p> <p>443. (1) A company shall not make a loan to a natural person that is repayable in Canada, the terms of which prohibit prepayment of the money advanced or any installment thereon before its due date.</p> <p>Minimum balance</p>

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<p>CONDITION OF LOAN OF MAINTAINING MINIMUM CREDIT BALANCE</p> <p>EXCEPTION TO RIGHT OF REPAYMENT OF LOAN</p> <p>NO CHARGE FOR CASHING GOVERNMENT CHEQUES</p> <p>ARRANGEMENTS CONCERNING GOVERNMENT DEPOSITS</p>	<p>(2) Except by express agreement between the company and the borrower, the making in Canada of a loan or advance by a company to a borrower shall not be subject to a condition that the borrower maintain a minimum credit balance with the company.</p> <p>Non-application of subsection (1)</p> <p>(3) Subsection (1) does not apply in respect of a loan</p> <p>a) that is secured by a mortgage on real property; or</p> <p>b) that is made for business purposes and the principal amount of which is more than \$100,000 or such other amount as may be prescribed.</p> <p>Government cheques</p> <p>(4) A company shall not make a charge</p> <p>a) for cashing a cheque or other instrument drawn on the Receiver General or on the Receiver General's account in the Bank of Canada, in a company or in any other deposit-taking Canadian financial institution incorporated by or under an Act of Parliament;</p> <p>b) for cashing any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund; or</p> <p>c) in respect of any cheque or other instrument that is</p> <p>(i) drawn in favour of the Receiver General, the Government of Canada or any department thereof or any public officer acting in the capacity of a public officer, and</p> <p>(ii) tendered for deposit to the credit of the Receiver General.</p> <p>Deposits of Government of Canada</p> <p>(5) Nothing in subsection (4) precludes any arrangement between the Government of Canada and a company concerning</p> <p>a) compensation for services performed by the company for the Government of Canada; or</p> <p>b) interest to be paid on any or all deposits of the Government of Canada with the company.</p>
<p>REGULATIONS REGARDING CUSTOMER INFORMATION</p> <p>PROCEDURES FOR COLLECTION, RETENTION USE AND DISCLOSURE</p> <p>PROCEDURES FOR COMPLAINTS</p> <p>DISCLOSURE OF COMPLAINTS</p> <p>DESIGNATION OF PERSON RESPONSIBLE FOR PROCEDURES & COMPLAINTS</p> <p>REPORTING ON COMPLAINTS & AND ACTIONS TAKEN</p>	<p>Regulations re customer information</p> <p>444. The Governor in Council may make regulations</p> <p>a) requiring a company to establish procedures regarding the collection, retention, use and disclosure of any information about its customers or any class of customers;</p> <p>b) requiring a company to establish procedures for dealing with complaints made by a customer about the collection, retention, use or disclosure of information about the customer;</p> <p>c) respecting the disclosure by a company of information relating to the procedures referred to in paragraphs (a) and (b);</p> <p>d) requiring a company to designate the officers and employees of the company who are responsible for</p> <p>(i) implementing the procedures referred to in paragraph (b), and</p> <p>(ii) receiving and dealing with complaints made by a customer of the company about the collection, retention, use or disclosure of information about the customer;</p> <p>e) requiring a company to report information relating to</p> <p>(i) complaints made by customers of the company about the collection, retention, use or disclosure of information, and</p> <p>(ii) the actions taken by the company to deal with the complaints; and</p>

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DEFINITIONS	f) defining "information", "collection" and "retention" for the purposes of paragraphs (a) to (e) and the regulations made under those paragraphs.
NOTICE OF BRANCH CLOSURE	<p>Notice of branch closure</p> <p>444.1 (1) Subject to regulations made under subsection (5), a member company with a branch in Canada at which it, through a natural person, opens retail deposit accounts and disburses cash to customers, shall give notice in accordance with those regulations before closing that branch or having it cease to carry on either of those activities.</p>
PRECLOSURE MEETING	<p>Pre-closure meeting</p> <p>(2) After notice is given but before the branch is closed or ceases to carry on the activities, the Commissioner may, in prescribed situations, require the company to convene and hold a meeting between representatives of the company, representatives of the Agency and interested parties in the vicinity of the branch in order to exchange views about the closing or cessation of activities.</p>
PUBLIC MEETING DETAILS	<p>Meeting details</p> <p>(3) The Commissioner may establish rules for convening a meeting referred to in subsection (2) and for its conduct.</p>
NON-APPLICABILITY OF THE STATUTORY INSTRUMENTS ACT	<p>Not statutory instruments</p> <p>(4) The <i>Statutory Instruments Act</i> does not apply in respect of rules established under subsection (3).</p>
REGULATION MAKING AUTHORITY	<p>Regulations</p> <p>(5) The Governor in Council may make regulations prescribing</p> <p>a) the manner and time, which may vary according to circumstances specified in the regulation, in which notice shall be given under subsection (1), to whom it shall be given and the information to be included;</p> <p>b) circumstances in which a member company is not required to give notice under subsection (1), circumstances in which the Commissioner may exempt a member company from the requirement to give notice under that subsection, and circumstances in which the Commissioner may vary the manner and time in which notice is required to be given under any regulation made under paragraph (a); and</p> <p>c) circumstances in which a meeting may be convened under subsection (2).</p>
FILING OF A PUBLIC ACCOUNTABILITY STATEMENTS	<p>Public accountability statements</p> <p>444.2 (1) A company with equity of \$1 billion or more shall, in accordance with regulations made under subsection (4), annually publish a statement describing the contribution of the company and its prescribed affiliates to the Canadian economy and society.</p>
FILING OF STATEMENT	<p>Filing</p> <p>(2) A company shall, in the manner and at the time prescribed, file a copy of the statement with the Commissioner.</p>
DISCLOSURE TO THE PUBLIC	<p>Provision of statement to public</p> <p>(3) A company shall, in the manner and at the time prescribed, disclose the statement to its customers and to the public.</p>
REGULATION MAKING AUTHORITY	<p>Regulation</p> <p>(4) The Governor in Council may make regulations prescribing</p> <p>a) the name, contents and form of a statement referred to in subsection (1) and the time in which it must be prepared;</p> <p>b) affiliates of a company referred to in subsection (1);</p> <p>c) the manner and time in which a statement must be filed under subsection (2); and</p> <p>d) the manner and time in which a statement mentioned in subsection (3) is to be disclosed, respectively, to a company's customers and to the public.</p>

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REGULATION MAKING AUTHORITY FOR DISCLOSURE	<p>Regulations re disclosure</p> <p>444.3 The Governor in Council may, subject to any other provisions of this Act relating to the disclosure of information, make regulations respecting the disclosure of information by companies or any prescribed class of companies, including regulations respecting</p> <ul style="list-style-type: none">a) the information that must be disclosed, including information relating to<ul style="list-style-type: none">(i) any product or service or prescribed class of products or services offered by them,(ii) any of their policies, procedures or practices relating to the offer by them of any product or service or prescribed class of products or services,(iii) anything they are required to do or to refrain from doing under a consumer provision, and(iv) any other matter that may affect their dealings with customers or the public;b) the manner, place and time in which, and the persons to whom information is to be disclosed; andc) The content and form of any advertisement by companies or any prescribed class of companies relating to any matter referred to in paragraph (a).

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Trust and Loan Companies

June 2002

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Consumer Provisions Under FCAC Supervision and Other Relevant Provisions

Other Relevant Provisions

Note: Always check against actual legislation for certainty

CLAUSE DESCRIPTION	TRUST AND LOAN COMPANIES
PROVIDING INFORMATION TO COMMISSIONER	<p>REGULATION OF COMPANIES – COMMISSIONER</p> <p>Required information</p> <p>520.1 A company shall provide the Commissioner with the information at the times and in the form that the Commissioner may require for the purposes of the administration of the consumer provisions.</p>
<p>CONFIDENTIAL TREATMENT OF INFORMATION</p> <p>DISCLOSURE OF CONFIDENTIAL INFORMATION</p>	<p>Confidential information</p> <p>520.2 (1) Subject to subsection (2), information regarding the business or affairs of a company or regarding persons dealing with one that is obtained by the Commissioner or by any person acting under the direction of the Commissioner, in the course of the exercise or performance of powers, duties and functions referred to in subsection 5(1) of the <i>Financial Consumer Agency of Canada Act</i>, and any information prepared from that information, is confidential and shall be treated accordingly.</p> <p>Disclosure permitted</p> <p>(2) If the Commissioner is satisfied that the information will be treated as confidential by the agency, body or person to whom it is disclosed, subsection (1) does not prevent the Commissioner from disclosing it</p> <p>a) to any government agency or body that regulates or supervises financial institutions, for purposes related to that regulation or supervision;</p> <p>b) to any other agency or body that regulates or supervises financial institutions, for purposes related to that regulation or supervision;</p> <p>c) to the Canada Deposit Insurance Corporation for purposes related to its operation; and</p> <p>d) to the Deputy Minister of Finance or any officer of the Department of Finance authorized in writing by the Deputy Minister of Finance or to the Governor of the Bank of Canada or any officer of the Bank of Canada authorized in writing by the Governor of the Bank of Canada, for the purposes of policy analysis related to the regulation of financial institutions.</p>
<p>YEARLY EXAMINATIONS</p> <p>ACCESS TO RECORDS BY FCAC</p>	<p>Examination of banks</p> <p>520.3 (1) The Commissioner, from time to time, but at least once in each calendar year, shall make or cause to be made any examination and inquiry that the Commissioner considers necessary for the purposes of satisfying the Commissioner that the applicable consumer provisions are being complied with and, after the conclusion of each examination and inquiry, shall report on it to the Minister.</p> <p>Access to records of bank</p> <p>(2) The Commissioner or a person acting under the Commissioner's direction in carrying out his or her duties under subsection (1)</p> <p>(a) has a right of access to any records, including electronic records, of a company; and</p> <p>(b) may require the directors or officers of a company to provide information and explanations, to the extent that they are reasonably able to do so, in respect of any matter subject to examination or inquiry under subsection (1).</p>
POWER OF THE COMMISSIONER UNDER PART II OF THE INQUIRIES ACT	<p>Power of Commissioner on inquiry</p> <p>520.4 The Commissioner, in carrying out his or her duties in relation to consumer provisions, has all the powers of a person appointed as a commissioner under Part II of the <i>Inquiries Act</i> for the purpose of obtaining evidence under oath, and may delegate those powers to any person acting under the Commissioner's direction.</p>
RIGHT TO ENTER INTO COMPLIANCE AGREEMENTS	<p>Compliance agreement</p> <p>520.5 The Commissioner may enter into an agreement, called a "compliance agreement", with a company for the purposes of implementing any measure designed to further compliance by it with the consumer provisions.</p>

(1) Authorized Foreign Bank Branches are *wholesale banks* that cannot accept retail deposit accounts, i.e. personal deposit accounts under \$150,000.