

# Consumer Credit Division

## Mortgage Administrator Licence Kit



## Mortgage Administrator Licence Kit

This licensing kit includes the mortgage administrator licence application, instructions, and sets out the supporting information to be provided by an applicant applying for a mortgage administrator licence under *The Mortgage Brokerages and Mortgage Administrators Act* (the "Act").

Please note that as part of the licence review process, the Superintendent of Financial Institutions (the "Superintendent") may require the applicant to provide additional information.

Applications for licenses will not be processed unless all information and documentation is provided. All applicants are required to complete the application in its entirety.

**A completed application will include ALL of the following items:**

- Application form completed and signed
- Application fee
- Annual fee – initial licence year
- Criminal record check(s)
- Business plan
- Examples of all disclosure documents
- Example of the written agreement used when administering a mortgage on behalf of a private investor
- Detailed description of the mortgage administrator's training and experience related to record keeping
- Opening balance sheet
- Evidence of any required additional financial security
- Any supporting information regarding this application

After reviewing the instructions and filling out the application in its entirety, please submit all of the items noted above. If you have any questions in regards to the application forms or the supporting information, please contact the Financial and Consumer Affairs Authority - Consumer Credit Division at (306) 787-6700 or by email at [fid@gov.sk.ca](mailto:fid@gov.sk.ca)



## Mortgage Administrator Licence Instructions

These instructions form an integral part of the mortgage administrator licence kit, please read the instructions in their entirety before completing and submitting the application and supporting materials.

### Application Form

The items correspond to the fields of the application form:

1. Name of Applicant: please provide the complete legal name of the mortgage administrator as evidenced in the articles of incorporation. Under Section 6 of the Act, only a corporation is eligible to apply for a mortgage administrator licence. Indicate the fiscal year end of the applicant (we remind you that some of the annual filing requirements outlined in Part VII of the Act are tied to this date) and provide the following information along with the application:
  - Evidence that the corporation is registered with the Corporate Registry of Information Services Corporation;
  - An organizational chart showing the structure of the corporation, including any parent, subsidiary or associated company relationships;
  - A brief history of the corporation;
  - The full legal names and addresses of shareholders holding 10% or more of the voting stock of the corporation (“significant shareholders”);
  - A complete listing of all directors and officers of the corporation, including: full legal name, working title (if any) and any previous legal name(s) (e.g. married or maiden names);
  - The complete employment history for the previous 10 years for each officer and director of the applicant;
  - A completed Criminal Record Check dated within 3 months of the date of application for each officer, director and significant shareholder of the applicant; and
  - The articles of incorporation and bylaws of the corporation.
2. Business Name: if the mortgage administrator will be operating using a business / trade / DBA (doing business as) name other than its legal name please include that name as you would like it to appear on your licence and include evidence that the name has been registered with the Corporate Registry of Information Services Corporation. Section 53 of the Act prohibits licensees from advertising or otherwise indicating that the licensee is a mortgage administrator using a name other than as set out on the licensee’s licence.
3. Principal Business Office: please provide the address for the principal business office of the applicant, as well as the other indicated information. It cannot be a PO Box Number. This address is the main location from which you will conduct your mortgage administration activities. All general correspondence will be sent to this address.
4. Address for Service: the address for service must be a location in Saskatchewan that maintains regular business hours and has staff available to receive documents at all times. Typically this address would be a law firm or your principal business office. This address cannot be a PO Box number.

Section 8 of the Act requires every applicant to provide an address for service in Saskatchewan, and section 19 of the Act requires every licensee to immediately notify the Superintendent in writing of a change to an address for service.
5. Additional Business Office(s): indicate the address for any additional business office(s) from which you will conduct mortgage administration activities, along with the other supporting information set out for the principal business office.

6. Errors and Omissions Insurance: the applicant must have errors and omissions insurance that meets the criteria of Section 6 of the Regulations. Please provide the name of the insurer, the policy number and the expiry date for the insurance you have obtained. A listing of insurers who offer the required errors and omissions insurance can be found on the FCAA website.
7. Location of Trust Account(s): section 45 of the Act requires that trust money be held in the name of the licensee shown on the licence and designated as a trust account at one of the following financial institutions:
  - a) a bank authorized to accept deposits pursuant to the *Bank Act* (Canada);
  - b) a credit union incorporated, continued or registered pursuant to *The Credit Union Act, 1998*;
  - c) a corporation authorized to accept deposits pursuant to *The Trust and Loan Corporations Act, 1997*.

Provide the required information, as requested on the application, for the financial institution(s) where you will hold funds in trust. If you have more than one trust account, please provide the required information on a separate sheet of paper and include it along with the application.

Please remember that the opening, moving or closing of a trust account requires prior approval of the Superintendent. Additionally, unless specifically approved by the Superintendent, only one trust account may be opened or maintained for trust money held on behalf of Saskatchewan residents.

8. Signatories: please provide the names of all individuals (attach a separate sheet if required), along with their relation to the mortgage administrator (e.g. officer, director, controller, etc.), who have signing authority with the financial institution(s) where trust funds will be held.

## Supporting Material

To meet the requirements of the legislation and to assist the Superintendent's review and assessment of the mortgage administrator's suitability for licensing the following additional information must be included along with this application:

1. a business plan, including:
  - a) a detailed description of the proposed business activities to be conducted in Saskatchewan;
  - b) a summary of all activities that will result in property being held in trust for Saskatchewan residents; and
  - c) the expected amount of trust property that will be held, both in total and on behalf of Saskatchewan residents;
2. a description of the anticipated methods of advertising and how the applicant will ensure compliance with Part VIII of the Act;
3. a description of the process used for resolving complaints from the public with respect to the administration of mortgages by the applicant, along with the name of the person(s) designated to receive and attempt to resolve the complaints;
4. copies of all forms, contracts, disclosure documents and written agreements to be used by the applicant in conducting business, including:
  - d) the written agreement that will be provided under section 27 of the Regulations;
  - e) the disclosure statement that will be provided under section 28 of the Regulations; and
  - f) a copy of the privacy policy required by the *Personal Information Protection and Electronic Documents Act (Canada)*;
5. a description of the training and experience of staff of the applicant relating to the record keeping requirements of trust property as prescribed in the Act;
6. a recent balance sheet for the applicant showing that it has at least \$100,000 in regulatory capital, and other information needed to demonstrate it has sufficient financial security to meet the Superintendent's requirements for financial security as set out on the FCAA website; and
7. any other information that the applicant believes would be useful to the Superintendent in assessing their suitability as a mortgage administrator.

We remind you that there are specific annual filing requirements and ongoing compliance activities outlined in the Act that relate specifically to mortgage administrators and their handling of trust property. Ensure you read and fully understand the Act, paying special attention to your responsibilities under the following:

- a) Part VI, Trust Property: detailed and thorough records must be kept of all trust transactions. These records must distinguish trust property from money and assets relating to the operations of the mortgage administrator. You must also keep records of all transactions involving trust property received or held on behalf of Saskatchewan residents separate and apart from records of those transactions involving residents of other jurisdictions. On a monthly basis the records need to be reviewed, reconciled and certified as accurate by an officer of the mortgage administrator.
- b) Part VII, Annual Filing Requirements: in addition to the annual return that every mortgage administrator needs to provide on or before June 30 of each year, they also need to provide within 90 days of their fiscal year-end:
  - I. audited financial statements;
  - II. a written certification of the accuracy of the financial statements made by two directors of the mortgage administrator; and
  - III. an accountants report in the form outlined on the FCAA website.

These annual reporting requirements will require you to arrange for these services to be provided well in advance of your fiscal year-end. More information on these annual reporting requirements is available on the FCAA website.

## Fees

Pursuant to section 5 of the Regulations the following fees must be submitted along with your application:

- 1. an application fee of \$750; and
- 2. a licence fee of \$1,000. The licence fee will be refunded if a licence is not issued.

The Regulations establish that the "licence year" is July 1 to June 30. The licence fee is not pro-rated. Except as described below for certain applicants licensed under *The Mortgage Brokers Act* (the "Former Act"), you will need to pay the \$1,000 licence fee no matter when in the licence year the licence is issued (e.g. a licence issued June 20 will have a \$1,000 licence fee). Refunds are not issued for any licenses cancelled or surrendered. While the mortgage administrator licence is continuous, the licence fee needs to be paid for each licence year in advance (i.e. for each subsequent licence year, you will be required to pay the \$1,000 licence fee no later than June 30 of each year).

As outlined in section 50 of the Regulations, applicants that held a mortgage broker licence pursuant to the Former Act prior to October 1, 2010, and apply for a licence as a mortgage administrator under the Act prior to October 1, 2010, will only be required to pay \$850 for the initial licence year.

Make all cheques payable to the Minister of Finance. A \$10 service charge will be applied for any cheque returned from your financial institution.

**Please note that failure to provide any of the information requested  
will result in delays in processing the application**

### General Remarks

Every applicant for a licence should become familiar with the Act and the Regulations. Also every applicant should exercise care in completing the application form. Extra care will avoid delays which occur when applications must be returned because of incomplete answers or incorrect fees.

Should you require a copy of the Act and the Regulations, please contact **Queen's Printer** at:

**Telephone:** 1-800-226-7302 (Sask. residents only) (306) 787-6894 **Fax:** (306) 798-0835

**E-mail:** [qprinter@justice.gov.sk.ca](mailto:qprinter@justice.gov.sk.ca) **Internet:** <http://www.qp.gov.sk.ca>

**Financial and Consumer Affairs Authority – Consumer Credit Division  
Suite 601, 1919 Saskatchewan Drive, Regina, Saskatchewan S4P 4H2**

Phone: (306) 787-6700 \_ Fax: (306) 787-9006 \_ E-mail: [fid@gov.sk.ca](mailto:fid@gov.sk.ca)



Government of  
Saskatchewan



Financial and  
Consumer  
Affairs Authority

**Consumer Credit Division**  
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Regina SK Canada S4P 4H2  
Phone (306) 787-6700 Fax (306) 787-9006  
Website: [www.fcaa.gov.sk.ca](http://www.fcaa.gov.sk.ca)  
Email: [fid@gov.sk.ca](mailto:fid@gov.sk.ca)

## Mortgage Administrator Licence Application

THE MORTGAGE BROKERAGES AND MORTGAGE ADMINISTRATORS ACT

### For Office Use Only

Licence Approval Date: \_\_\_\_\_ Licence No. \_\_\_\_\_  
Reviewed by: \_\_\_\_\_

If the application is not completed properly, or if any of the information requested is not included, processing delays may result. Furthermore, any false or material misstatements made in this application or in any of the accompanying material submitted may result in a refusal, suspension or cancellation of the licence applied for and prosecution as an offence.

1. Name of Applicant:

\_\_\_\_\_

The fiscal year end of the applicant is: \_\_\_\_\_ / \_\_\_\_\_  
day month

2. Business Name:

\_\_\_\_\_

3. Principal Business Office:

\_\_\_\_\_  
Number Street City, Province Postal Code  
( ) ( )  
Telephone # Fax # Email Address  
http://www. \_\_\_\_\_  
Website Address (if applicable)

4. Address for Service:  Same as Business Address (#3) above, or:

\_\_\_\_\_  
Number Street City, Province Postal Code  
( ) ( )  
Telephone # Fax # Email Address

5. Additional Business Office(s):

Street	City, Province	Postal Code	Number
( )	( )		
Telephone #	Fax #	Email Address	

6. Errors and Omissions Insurance:

Insurer Name	Policy #	Expiry Date (dd/mm/yyyy)
		/ /

7. Location of Trust Account(s):

Name	Number, Street		
City	Province	Postal Code	
Transit #	Institution #	Account #	

8. Signatories:

Individual 1	Relation to mortgage administrator
Individual 2	Relation to mortgage administrator
Individual 3	Relation to mortgage administrator
Individual 4	Relation to mortgage administrator

9. Does the applicant carry on business in any other jurisdiction?

No  Yes

If "yes" name the jurisdiction(s): \_\_\_\_\_

10. During the past ten years, has the applicant, or any director, officer or employee of the applicant:

- had a civil action or administrative proceeding brought against you alleging fraud, breach of trust, deceit or misrepresentation?  No  Yes
- been charged with an offense pursuant to any law of any jurisdiction, excluding traffic offenses?  No  Yes
- been convicted of a criminal offence?  No  Yes
- been convicted of violating any securities, insurance, trust and loan, mortgage brokers, loan brokers, real estate or consumer protection legislation?  No  Yes
- made an assignment for the benefit of creditors, or become legally insolvent, or been adjudged a bankrupt or filed a petition in bankruptcy?  No  Yes
- had a licence or registration refused, suspended, conditioned, or cancelled under the laws of any province, territory, state or country?  No  Yes
- been the subject of disciplinary action by any licensing regulatory authority under the

laws of any province, territory, state or country?

No  Yes

If "yes", please provide details and specifics including dates, fines imposed, and actions taken (use separate sheet).

11. During the past ten years, has the applicant, or any director, officer or substantial shareholder (10% or more) of the applicant been a partner, director, officer or substantial shareholder (10% or more) of a firm or corporation that has:

- had a civil action or administrative proceeding brought against it alleging fraud, breach of trust, deceit or misrepresentation?  No  Yes
- been charged with an offense against pursuant to any law of any jurisdiction, excluding traffic offenses?  No  Yes
- been convicted of a criminal offence?  No  Yes
- been convicted of violating any securities, insurance, trust and loan, mortgage brokers, loan brokers, real estate or consumer protection legislation?  No  Yes
- made an assignment for the benefit of creditors, or become legally insolvent, or been adjudged a bankrupt or filed a petition in bankruptcy?  No  Yes
- had a licence or registration refused, suspended, conditioned, or cancelled under the laws of any province, territory, state or country?  No  Yes
- been the subject of disciplinary action by any licensing regulatory authority under the laws of any province, territory, state or country?  No  Yes

If "yes", please provide details and specifics including dates, fines imposed, and actions taken (use separate sheet).

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I, the undersigned, as representative of the corporation, authorize the Superintendent of Financial Institutions (the "Superintendent") to verify any information pursuant to this application from any source. I understand that the Superintendent may require further information in order to evaluate this application, and I consent to the Superintendent collecting any additional information as required.

I acknowledge and agree that all information provided to or received by the Superintendent as part of the application process may be used or disclosed to any person by the Superintendent or the Financial and Consumer Affairs authority where the use or disclosure is required for the performance of the responsibilities and exercises of the powers given to the Superintendent or the Financial and Consumer Affairs Authority by the Act, the regulations thereunder or by any other financial services legislation as that term is defined in *The Financial and Consumer Affairs Authority of Saskatchewan Act* (Saskatchewan).

I, on behalf of the applicant, irrevocably and unconditionally submit to the non-exclusive jurisdiction of the judicial, quasi-judicial and administrative tribunals of Saskatchewan and any administrative proceeding in Saskatchewan, in any action or proceeding arising out of or related to or concerning my licensing pursuant to the Act or my business activities in Saskatchewan.

Further on behalf of the applicant, and without limiting my obligations under the Act, I agree to comply with any demand for the production of any books, papers, documents, correspondence, and communications or records of my business (the "records") by the Superintendent pursuant to the Act by delivering the records to the office of the Superintendent located in Saskatchewan upon demand.



## STATUTORY DECLARATION

I, the undersigned, an authorized representative of the applicant, do solemnly declare as follows:

1. That the information and documents provided in support of this application are complete and truthful in all respects.
2. That the applicant has complied with the requirement of the laws of Saskatchewan to which it has applied for a licence and hereby undertake to notify the Superintendent immediately of any material change that might affect this application.
3. That the applicant agrees to be bound to the forgoing promises throughout the term of any licence granted by virtue of this Application.
4. I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me at the _____ of _____ in the Province of _____,  this _____ day of _____, _____  _____	}	_____ Signature of Applicant
	}	_____ Print Name and Position and Title

A Commissioner for Oaths in and for the Province of \_\_\_\_\_  
My commission expires \_\_\_\_\_  
A Notary Public in and for the Province of \_\_\_\_\_  
My appointment expires \_\_\_\_\_