

# Consumer Credit Division

## Mortgage Brokerage Licence Toolkit

[fcaa.gov.sk.ca](http://fcaa.gov.sk.ca) | [fid@gov.sk.ca](mailto:fid@gov.sk.ca)

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# Mortgage Brokerage Licence Toolkit

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This licensing toolkit has information relating to applying for a licence as a mortgage brokerage, and the supporting information to be provided by an applicant applying for a 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.

Effective November 1, 2019 all applications need to be completed using the Registration and Licensing System (RLS). RLS is accessed at <https://fcaa.saskatchewan.ca/>

Applicants are encouraged to go through each of the applicable licence application screens in order to identify the information that will be required. While an applicant will not be able to submit an incomplete application, once they select the legal form of the applicant (i.e. corporation, partnership or sole proprietor) they will be able to review the remainder of the licence pages in RLS. Applicants who do not select this field may get a warning message that a mandatory field is incomplete; selecting one of these three options will allow the applicant to continue browsing the requirements.

Once the mortgage brokerage application is completed in RLS, the brokerage applicant will then be able to invite an individual to apply for licensing as a mortgage broker. This invitation will occur prior to the brokerage becoming licensed. The Act prohibits a brokerage from being licensed without at least one licensed broker, accordingly both applications need to be received prior to either application being approved.

Once invited by the brokerage, the mortgage broker applicant will then complete their licence application and submit it through RLS to the brokerage for its review and the brokerage’s confirmation that the brokerage is authorizing that individual to broker mortgages on its behalf, should licensing be approved. The individual will then complete the application in RLS and provide their application and fees to the Superintendent for review. Brokerages are required to carry out a diligent process to ensure they are comfortable with all aspects of the application from the mortgage broker, and subsequently any other mortgage brokers and mortgage associates.

If the brokerage becomes licensed, this invitation process will be used in the licensing process of all subsequent mortgage brokers and mortgage associates.

For information on the RLS system, such as how to navigate the system and how to set up one or more delegates, please also see the RLS guides on the FCAA website at <https://fcaa.gov.sk.ca/>.

If you have any questions in regards to the application forms or the supporting information, please contact the Financial and Consumer Affairs Authority of Saskatchewan – Consumer Credit Division, by telephone at (306) 787-6700 or by email to [fid@gov.sk.ca](mailto:fid@gov.sk.ca).

## Filing Instructions

As the RLS licence application pages are self-explaining, the following filing instructions provide clarity on certain areas where questions have arisen or deficiencies have been noted.

## Application Form

The following items provide additional information regarding the fields of the online application form:

1. **Primary Contact:** the individual listed as the primary contact for the application will receive emails and may be contacted by our office regarding the application and/or licence.

The primary contact can be thought of as the “submission contact”. If an application is approved, the user that was logged in to make the application will then become the “primary owner” of the licence. While the primary owner can create delegates who can make future filings on behalf of the licensee, it is important that the primary owner be properly established in RLS. FCAA Staff will confirm the primary owner during the application review process. Should the primary owner need to be changed in RLS, please contact us at (306) 787-6700 or by email to [fid@gov.sk.ca](mailto:fid@gov.sk.ca).

Section 14 of *The Mortgage Brokerages and Mortgage Administrators Regulations* (the “Regulations”) requires applicant or licensee to notify the Superintendent in writing of any change in circumstance provided to the Superintendent in the licence application.

2. **Business Name:** if the mortgage brokerage 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 brokerage using a name other than as set out on the licensee’s licence.
3. **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.

4. **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.
5. **Proposed Principal Broker:** section 22 of the Act requires every mortgage brokerage to designate one individual as its principal broker. The principal broker will serve as the main contact for the mortgage brokerage and will have sole authority for granting a broker or associate the ability to act on the mortgage brokerage’s behalf.

In RLS, when designating a principal broker, the brokerage will have to invite the broker to join the brokerage. The broker will have to complete an application in RLS.

In addition to the requirement to become licensed as a broker, the principal broker has numerous duties and responsibilities that are outlined in the Act and the Regulations. To gain a thorough

understanding of the duties and responsibilities of a principal broker please refer to the additional information available on the FCAA website.

6. **Money Handling:** indicate whether the mortgage brokerage will be receiving money from Saskatchewan consumers, whether the money received relates to fees, trust money associated with syndicated mortgages, trust money associated with non-syndicated mortgages, or from other sources. Please provide full details for each “Yes” item, including the nature of the activities that will result in the receipt of money and/or a listing of all fees, charges including the amounts and methods of calculating such fees. This information can be uploaded in RLS in the “supporting documents” screen where there is an opportunity to “add an additional form”.

Section 5 of the Act requires any mortgage brokerage that will receive or hold trust money relating to non-syndicated mortgages to have an endorsement granted by the Superintendent prior to receiving or holding any money. You need to apply for a trust endorsement separately, and if granted, it will be clearly identified on the licence.

7. **Activities:** please indicate whether the activities of the mortgage brokerage will entail dealing with private investors, reverse mortgage loans, syndicated mortgages or the collection of advance fees. As part of your business plan ensure you provide a detailed explanation of how you intend to meet the requirements of the legislation that are applicable to the activities you will undertake.
8. **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 brokering activities. Typically, all mailed correspondence will be sent to this address.
9. **Additional Business Office(s):** indicate the address for any additional business office(s) from which you will conduct mortgage brokering activities, along with the other supporting information.
10. **Disclosures – Personal:** Check the appropriate boxes. If you are unsure about the nature or result of any judicial, regulatory or administrative proceeding that impacts on the answer to a question, consult legal counsel.
11. **Disclosures – Business:** Check the appropriate boxes. If you are unsure about the nature or result of any judicial, regulatory or administrative proceeding that impacts on the answer to a question, consult legal counsel.
12. **Criminal Record Checks.** Criminal record checks need to be dated no more than three months prior to the date of application.

## Supporting Documents

To meet the requirements of the legislation and to assist the Superintendent’s review and assessment of the applicant’s suitability for licensing, RLS sets out the supporting information and/or documents to accompany the licence application.

**It is important that the supporting material be an accurate reflection of the activities of the applicant.** The use of vague or overly general descriptions may result in processing delays. Providing incorrect information may result in a refusal, suspension or cancellation of the licence applied for and prosecution as an offence.

1. **Supporting documents – upload another form:** submit any other information the applicant believes would be useful to the Superintendent in assessing their suitability to be licensed.

## Statutory Declaration

RLS requires that the statutory declaration form be downloaded and signed. The statutory declaration needs to be signed by both the Applicant, as well as by a Commissioner for Oaths or a Notary Public. Once signed, the completed statutory declaration needs to be uploaded into RLS.

The declaration can be accessed from RLS, and is attached to this licence toolkit.

## Fees

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

1. an application fee of \$250; and
2. a licence fee of \$400. 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, and you will need to pay the \$400 licence fee no matter when in the licence year the licence is issued (e.g. a licence issued June 20 will have a \$400 licence fee). Refunds are not issued for any licenses cancelled or surrendered.

While the mortgage brokerage 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 \$400 licence fee no later than June 30 of each year).

Payments can be made in RLS through the Moneris system. Alternatively, Applicants may pay by cheque made payable to the Minister of Finance, and sent to us along with a copy of the RLS invoice to:

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

Please ensure that the RLS invoice is submitted along with the cheque.

The licence fee will be refunded if a licence is not issued. A \$25 service charge will be applied for any cheque returned from your financial institution.

The Act and the Regulations can be accessed at <http://publications.saskatchewan.ca/#/freelaw>

If you have any questions, please contact us at the above address, or by phone at (306) 787-6700 or email at [fid@gov.sk.ca](mailto:fid@gov.sk.ca)

## Attachment A – Statutory Declaration

### Declaration

#### Where the Applicant is an Individual:

I, the undersigned, consent to the Superintendent of Financial Institutions (the “Superintendent”) requesting any criminal record searches and also authorize and request any and all former employers and any other person requested to furnish to the Superintendent, or any agent acting on the Superintendent’s behalf, any information they may have concerning my creditworthiness, character, ability, business activities, educational background, general reputation, and, in the case of former employers, my employment history with them and the reason for my leaving them. I hereby release each such employer and each such other person from any and all liability of whatever nature by reason of furnishing such information to the Superintendent or any agent acting on the Superintendent’s behalf.

I understand that the Superintendent may also request additional information from the applicant to enable the Superintendent to evaluate this application.

I understand that I have certain duties and obligations imposed on me by *The Mortgage Brokerages and Mortgage Administrators Act* (the Act) and it is my responsibility to fully comply with these duties and obligations.

#### Where the Applicant is a Corporation:

I, the undersigned as representative of the corporation, authorize 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.

In addition to the foregoing, I the undersigned (individual or representative of the corporation, as the case may be):

- 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 exercise 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).
- 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, 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  
(City, Town, Village, RM, etc)

\_\_\_\_\_ in the Province of \_\_\_\_\_,

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_



\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name and Position and Title

A Commissioner for Oaths in and for the Province of \_\_\_\_\_  
My commission expires \_\_\_\_\_.

Or:

A Notary Public in and for the Province of \_\_\_\_\_  
My appointment expires \_\_\_\_\_.