

Consumer Credit Division

Payday Lender Licence Toolkit

fcaa.gov.sk.ca | fid@gov.sk.ca

October 2019

Payday Lender Licence Toolkit

This licensing toolkit has information relating to the payday lender licence legal entity application, physical location licence application, and the supporting information to be provided by an applicant applying for a payday lender licence under *The Payday Loans Act* (the “Act”).

Please note that as part of the licence review process, the Director, Consumer Credit Division, (the “Director”) 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 for the legal entity in RLS. Applicants who do not select this field will 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 for the legal entity.

An applicant who does not already have one or more payday licences will not be able to view the “physical location” requirements in RLS. In order for new applicants to understand the information required in that stage, please see the attachment showing the information being requested.

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.

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.

Legal Entity Licence Application Form

The Act requires that each location from which a person carries on business as a payday lender be licensed. Recognizing that some persons operate multiple locations, RLS is separated into “legal entity” and “physical location” aspects. Accordingly, for persons operating multiple locations, the “legal entity” information does not need to be resubmitted for every physical location. The legal entity information does need to be updated annually in the renewal process. Please note that this renewal does not replace the requirement for a payday lender or applicant to provide certain updates within 7 days (section 16 of the Act).

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.

Section 16 of the Act requires every payday lender to notify the Director in writing of any material change in the information provided to the Director in the licence application.

2. **Business Name:** When determining whether to use a business name, please note that section 34 of the Act prohibits licensees from carrying on business under a name other than as set out on their licence.
3. **Head Office:** please provide the address for the head office of the applicant and associated contact information. Typically, all mailed 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 one of the applicant’s licensed business locations or a law firm in Saskatchewan. This address cannot be a PO Box number.

Section 6 of the Act requires every applicant to provide an address for service in Saskatchewan, and section 16 of the Act requires every licensee to immediately notify the Director in writing of a change to an address for service.

5. **Jurisdiction of incorporation, formation, or residency:** If the applicant is a corporation, the jurisdiction is the jurisdiction of incorporation. If the applicant is a partnership, the jurisdiction is the jurisdiction of the laws under which the partnership was formed. If the applicant is a sole proprietor, the jurisdiction is the jurisdiction in which the applicant normally resides.
6. **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.
7. **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.
8. **Criminal Record Checks.** The legislation requires that criminal record checks 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 Director's review and assessment of the payday lender's suitability for licensing, RLS sets out the supporting information and/or documents to accompany the licence application.

Note: If any item of supporting material or any information contained in an item of supporting material is not applicable to all locations for which a licence is sought, this must be clearly identified in the item of supporting material itself or in correspondence accompanying the application.

It is important that every item of supporting material be an accurate reflection of the activities at each location to which it applies. 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. Description of other products or services offered: submit a description of all other products or services that will be offered by the applicant, on behalf of another person or for its own account, at the location(s). For each product or service described, indicate whether it is offered on different terms to payday loan borrowers than to non-borrowers;
2. Copy or mark-up of section 21 sign, webpage or call script: If the applicant will offer more than one type of payday loan, submit a copy or mark-up of the signs the applicant will post with respect to each type of payday loan offered;
3. All other documentation the applicant intends to provide to borrowers: provide a copy of all other documentation the applicant intends to provide to payday loan borrowers, if any.
4. Any other supporting information regarding this application: submit any other information the applicant believes would be useful to the Director in assessing their suitability to be licensed as a payday lender.

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 two-page declaration can be accessed from RLS, and is attached to this licence toolkit.

Physical Location Licence Application Form

Section 5 of the Act requires a payday lender to obtain a separate licence for each location from which the payday lender will carry on business in Saskatchewan.

As a new applicant cannot access the application form until a legal entity application is completed, please see the attachment showing the information being requested.

The physical location licence application also requires a statutory declaration, in the same form as that for the legal entity (copy attached).

Fees

Pursuant to section 4 of the Regulations, an annual licence fee of \$3,000 must be submitted for each physical location licence.

This fee must be paid by cheque, and sent to our office at:

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

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

Section 14 of the Act establishes that a licence is valid for one year from the date of issuance. Refunds are not issued for any licenses cancelled or surrendered. The licence fee will be refunded if a licence is not issued.

Make all cheques payable to the Minister of Finance. 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

Attachment A – Statutory Declaration

Declaration

Where the applicant is an Individual:

I, the undersigned, consent to the Director, Consumer Credit Division, (the Director) requesting any criminal record searches and also authorize and request any and all former employers and any other person requested to furnish to the Director, or any agent acting on the Director'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 Director or any agent acting on the Director's behalf.

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

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

Where the applicant is a Partnership or Corporation:

I, the undersigned as representative of the applicant, authorize the Director to verify any information pursuant to this application from any source. I understand that the Director may require further information in order to evaluate this application, and I consent to the Director collecting any additional information as required.

All Applicants

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

- acknowledge and agree that all information provided to or received by the Director as part of the application process may be used or disclosed to any person by the Director or the Financial and Consumer Affairs Authority of Saskatchewan where the use or disclosure is related to the performance of the responsibilities and exercise of the powers given to the Director or the Financial and Consumer Affairs Authority of Saskatchewan 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) or where the use or disclosure is for the purposes of the administration or enforcement of any other legislation of Canada or any province or territory of Canada;
- 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, communications or records of my business (the "records") by the Director pursuant to the Act by delivering the records to the office of the Director 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, R.M. 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 _____.

Attachment B– Outline of RLS requirements for a payday lender physical location licence

000000-00 - PAY_LCTN - NEW	Value
Submission Information	
Submission Number	000000-00
Licence Event Type	New Application
Primary Contact Information	
Locations	Value
Payday Lender - Physical Location	
Street	
City	
Postal Code	
Province/State	
Telephone	
Fax	
Is the location of records the same as the physical address listed above?	
Street	
City	
Postal Code	
Province	
Telephone	
Fax	
Email	
Street	
City	
Postal Code/Zip Code	
Province/State	
Telephone	
Fax	
Location Contact Information	
Name	
Position	

Alternate contact(s)
Contact Phone Number
Contact Email Address
Lending Activities
Can a borrower obtain a loan from this location by attending in person?
Can a borrower obtain a loan from this location <u>without</u> attending in person?
A) Internet (website address)
Web address
Please upload website screenshots of the complete process a borrower goes through to apply for and receive a payday loan.
B) Fax (fax number)
Fax number
C) Email (email address)
Email address
D) Phone (phone number)
Phone number
Store or branch location reference (if applicable; example: Branch #5)
Declaration
Submission Instructions
I Agree
Applicant Name
Date