

- (e) conduct of the representative
- (f) tied sales
- (g) privacy and confidentiality
- (h) all other types of complaint relating to representation or sales

CLASS 2: Settlements

Sub-classes

- (a) delays
- (b) unsatisfactory settlements
- (c) refusal of an application for settlement
- (d) suspension in benefit payments
- (e) all other types of complaint relating to settlement

CLASS 3: Client Services

Sub-classes

- (a) invoicing
- (b) delays
- (c) administrative problems
- (d) all other types of complaint relating to customer services
- (e) execution of the mandate

CLASS 4: Products

Sub-classes

- (a) low initial surrender values
- (b) rate of return
- (c) pre-existing conditions, exclusions
- (d) all other types of complaint relating to products

Gouvernement du Québec

O.C. 833-99, 7 July 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Special brokerage in damage insurance

Regulation respecting special brokerage in damage insurance

WHEREAS under paragraphs 1 and 2 of section 212 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers may make regulations respecting the matters mentioned therein;

WHEREAS under that section, the Bureau made the Regulation respecting special brokerage in damage insurance;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Regulation respecting special brokerage in damage insurance, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting special brokerage in damage insurance

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 212, subparagraphs (1) and (2))

1. A damage insurance broker is authorized to act as a special broker provided that the firm in which he is employed or on whose behalf he acts applies in writing

to the Bureau des services financiers and provides, with the application, the following documents and information:

(1) the name, residential address and certificate number of the damage insurance broker who intends to act as a special broker;

(2) the names and addresses of at least three damage insurers holding insurance licences in Québec and whose services the firm is authorized to offer and whose products the firm is authorized to sell;

(3) a copy of the firm's financial statements for its most recent fiscal year, signed by two of the firm's directors;

(4) a copy of the security prescribed in section 2.

2. The firm on whose behalf the special broker acts must provide the Bureau with a security guaranteeing the obligation of the outside insurers whose products the special broker sells for a blanket amount of \$100,000, regardless of the number of insurance contracts placed through a special broker.

3. Each month, the damage insurance broker authorized by the Bureau to act as a special broker, must forward to the Bureau the following documents and reports:

(1) a copy of all statements signed by clients in accordance with Schedule 1 to this Regulation;

(2) a list indicating the names of the insurers that refused to grant insurance for a given risk and a description of the contemplated risk and the name of the person who requested such insurance;

(3) the name and principal establishment of all outside insurers, as that term is defined in section 41 of the Act respecting the distribution of financial products and services (1998, c. 37), who agreed to insure the contemplated risk.

4. Every six months, a broker in damage insurance authorized by the Bureau to act as a special broker shall forward a report to the Bureau containing the following information:

(1) for each risk placed with an outside insurer, the number of insurers holding a licence issued under the Act respecting insurance (R.S.Q., c. A-32) who were offered the coverage of the risk, the name of the outside insurers with whom the risk was placed by the special broker, and a brief description of the risk placed;

(2) the percentage and number of risks entrusted to him by natural persons, partnerships or legal persons having their domiciles, principal establishments or head offices in Québec, both in terms of the number of risks and the value of the premiums placed with an outside insurer.

5. This Regulation shall come into force on the fifteenth day following publication thereof in the *Gazette officielle du Québec*.

SCHEDULE 1

(section 3, subparagraph 1)

STATEMENT BY THE CLIENT TO A SPECIAL BROKER ACTING FOR AN INSURER NOT HOLDING A LICENCE IN QUÉBEC

I, the undersigned _____

Identification of the client

Name: _____

Address: _____

Telephone no.: _____

hereby declare that, in respect of the following property or other interests to be insured:

Designation and location of risks to be insured

(a) Description of the risk: _____

(b) Exact address of the risk: _____

the following insurers, holding licences in Québec

Identity of insurers that refused to grant the insurance coverage requested

(a) _____

(b) _____

(c) _____

have refused to grant me damage insurance applied for in the amount of

Amount of insurance applied for \$

IMPORTANT

Furthermore, I hereby state that I was notified by the broker that:

(a) the insurer with which the risk is to be placed does not hold a licence in Québec;

(b) said insurer does not have an establishment in Québec;

(c) said insurer is not subject to supervision by the Inspector General of Financial Institutions and does not file the statements and reports prescribed under the Act respecting insurance (R.S.Q., c. A-32);

(d) said insurer is not required to maintain sufficient reserves to guarantee its obligations toward its insurers in Québec.

IN WITNESS WHEREOF, I have signed this statement,

in: _____ on:

(Client's signature)

(In the case of a corporation,
the signature of its duly authorized representative)

(Witness)

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Gouvernement du Québec

O.C. 834-99, 7 July 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Brokerage activities in connection with loans secured by immoveable hypothec

Regulation respecting brokerage activities in connection with loans secured by immoveable hypothec

WHEREAS under section 206 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers may, by regulation, determine the conditions to be met by an insurance representative or securities representative before engaging in brokerage operations in connection with loans secured by immoveable hypothec;

WHEREAS under that section, the Bureau made the Regulation respecting brokerage activities in connection with loans secured by immoveable hypothec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Regulation respecting brokerage activities in connection with loans secured by immoveable hypothec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting brokerage activities in connection with loans secured by immoveable hypothec

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 206)

1. In order to pursue with loans secured by immoveable hypothec, an insurance representative or securities representative must be the holder of a certificate confirming that he is authorized to pursue such activities.

2. Said confirmation is added to the representative's certificate provided that he has satisfied the following conditions:

(1) his application therefor must be made in writing to the Bureau des services financiers and must be accompanied with a document certifying that he took and passed, in a college-level educational institution referred to in the agreement entered in to for that purpose by the Bureau and the particular institution, courses pertaining to the following subjects and for the minimum duration indicated below:

- | | |
|---|-----------|
| a) Hypothecary credit: | 45 hours; |
| b) Hypothecary brokerage and the Real Estate Brokerage Act (R.S.Q., c. C-73.1), and the regulations enacted thereunder: | 45 hours; |

(2) his application must be accompanied with the fees prescribed in sections 6 and 8 of the Regulation respecting annual fees and certain other fees payable, enacted by Order-in-Council No. 836-99 of July 7, 1999.