

Regulations and other Acts

M.O., 2014-03

Order number V-1.1-2014-03 of the Minister of Finance and the Economy, 10 April 2014

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations

WHEREAS subparagraphs 1, 3, 4.1, 8, 11, 26 and 34 of section 331.1 of the Securities Act (chapter V-1.1) stipulate that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and the Economy and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations was made by ministerial order 2009-04 dated September 9, 2009 (2009, *G.O.* 2, 3309A);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations was published in the *Bulletin de l'Autorité des marchés financiers*, volume 9, no. 46 of November 15, 2012;

WHEREAS the Authority made, on February 5, 2014, by the decision no. 2014-PDG-0012, Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance and the Economy approves without amendment Regulation to amend Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations appended hereto.

April 10, 2014

NICOLAS MARCEAU,
Minister of Finance and the Economy

Regulation to amend Regulation 31-103 respecting registration requirements, exemptions and ongoing registrant obligations

Securities Act
(chapter V-1.1, s. 331.1, par. (1), (3), (4.1), (8), (11), (26) and (34))

1. Section 13.16 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10) is replaced with the following:

“13.16. Dispute resolution service

(1) In this section,

“complaint” means a complaint that

(a) relates to trading or advising activity of a registered firm or a representative of the firm; and

(b) is received by the firm within 6 years of the day when the client first knew or reasonably ought to have known of an act or omission that is a cause of or contributed to the complaint;

“OBSI” means the Ombudsman for Banking Services and Investments.

(2) If a registered firm receives a complaint from a client, the firm must, as soon as possible, provide the client with a written acknowledgement of the complaint that includes the following:

(a) a description of the firm's obligations under this section;

(b) the steps that the client must take in order for an independent dispute resolution or mediation service to be made available to the client under subsection (4);

(c) the name of the independent dispute resolution or mediation service that will be made available to the client under subsection (4) and contact information for the service.

(3) If a registered firm decides to reject a complaint or to make an offer to resolve a complaint, the firm must, as soon as possible, provide the client with written notice of the decision and include the information referred to in subsection (2).

(4) A registered firm must as soon as possible ensure that an independent dispute resolution or mediation service is made available to a client at the firm's expense with respect to a complaint if either of the following apply:

(a) after 90 days of the firm's receipt of the complaint, the firm has not given the client written notice of a decision under subsection (3), and the client has notified the independent dispute resolution or mediation service specified under paragraph (2)(c) that the client wishes to have the complaint considered by the service;

(b) within 180 days of the client's receipt of written notice of the firm's decision under subsection (3), the client has notified the independent dispute resolution or mediation service specified under paragraph (2)(c) that the client wishes to have the complaint considered by the service.

(5) Subsection (4) does not apply unless the client agrees that any amount the client will claim for the purpose of the independent dispute resolution or mediation service's consideration of the complaint will be no greater than \$350,000.

(6) For the purposes of the requirement to make available an independent dispute resolution or mediation service under subsection (4), a registered firm must take reasonable steps to ensure that OBSI will be the service that is made available to the client.

(7) Subsection (6) does not apply in Québec.

(8) This section does not apply in respect of a complaint made by a permitted client that is not an individual."

2. Subparagraph (j) of paragraph (2) of section 14.2 of the Regulation is replaced with the following:

"(j) disclosure of the firm's obligations if a client has a complaint contemplated under section 13.16 and the steps that the client must take in order for an independent dispute resolution or mediation service to be made available to the client at the firm's expense;"

3. Transition – firms that registered before September 29, 2009

Except in Québec, section 13.16 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations, as amended by this Regulation, does not apply to a registered dealer or registered adviser if

(a) the dealer or adviser first registered in a jurisdiction of Canada before September 29, 2009; and

(b) the complaint was received by the firm on or before August 1, 2014.

4. Transition – firms that registered between September 28, 2009 and April 30, 2014

Section 13.16 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations, as amended by this Regulation, does not apply to a registered dealer or registered adviser if

(a) the dealer or adviser first registered in a jurisdiction of Canada during the period commencing on September 28, 2009 and ending on April 30, 2014;

(b) the complaint was received by the firm on or before August 1, 2014; and

(c) the firm complies with section 13.16 of that regulation as that provision was in force on April 30, 2014.

5. Coming into force

This Regulation comes into force on May 1, 2014