

**Ministry of Government
and Consumer Services**

Inspections, Investigations and
Licensing Branch

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**Ministère des Services Gouvernementaux
et des Services aux consommateurs**

Direction des inspections, des
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September 24, 2021

To: All registrants under the Collection and Debt Settlement Services Act

Registrar's Bulletin – September 2021

National Day for Truth and Reconciliation

On June 3, 2021, the federal Bill C-5, *An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation)* received Royal Assent. The legislation establishes September 30 as the National Day for Truth and Reconciliation - a day to acknowledge the experiences of survivors of residential schools and their families and communities.

Subsection 22(6) of R.R.O. 1990, Reg. 74: General under the Collection and Debt Settlement Services Act prohibits collection agencies from making telephone calls or personal calls to the debtor, the debtor's spouse, a member of the debtor's family or household, a relative, neighbour, friend or acquaintance of the debtor, the debtor's employer, a person who guaranteed the debt or a person mistakenly believed to be the debtor at certain times of day and on specified holidays. Subsection 22(7) lists those holidays. The list does not include the National Day for Truth and Reconciliation.

Complaint Handling

When preparing and sending responses to a Ministry of Government and Consumer Services' request for information related to a complaint, please adopt the following practices if you have not done so already:

- (1) provide the part of your response that you intend to be shared with the complainant in a separate document and clearly identify and distinguish it from the confidential parts of your response; and
 - (2) if you are the recipient of concurrent requests for information related to multiple complaints, prepare and send responses for each complaint separately.
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Remote Work

Subsection 13(10) of R.R.O. 1990, Reg. 74: General under the Collection and Debt Settlement Services Act requires that collection agencies operate from a permanent place of business in Ontario that is not a dwelling. The Act and its regulations do not require all aspects of the operations to take place in that place of business.

Please keep in mind that subsection 13(12) of R.R.O. 1990, Reg. 74: General under the Collection and Debt Settlement Services Act requires that certain records are stored on the premises of the collection agency. All records created and used by a remote collector (e.g., call notes) must be stored at the agency's registered place of business. It is not acceptable for such records to exist only as local files in the possession of the collector.

It is expected that any collection agencies with remote collectors will take appropriate measures to comply with the legislation. You may wish to seek legal advice regarding compliance with the Act or any other applicable law when determining whether and how collectors are to work remotely.

Registration Renewal Requirements under the Collection and Debt Settlement Services Act

Section 13 of R.R.O. 1990, Reg. 74: General under the Collection and Debt Settlement Services Act requires collection agencies that are applying for renewal of their registration to submit a complete application along with the required application fee prior to the date the registration expires. A complete renewal application package includes the following:

- Completed application form
- Completed disclosures for the applicant entity – “the corporation”
- Completed disclosures for all key individuals – “directors” and “officers”
- Financial Statements certified by a licensed Public Accountant

The certification of the Financial Statements by a Public Accountant should state the following:

Pursuant to the provisions of Subsection 13(6) and Section 14 of Ontario Regulation 74 made under the Collection and Debt Settlement Services Act, I (name of accountant) certify:

1. That I am licensed under the Public Accountancy Act;
2. That I have prepared the Financial Statement of (registered name of collection agency), a collection agency registered under the Collection and Debt Settlement Services Act for the year ended _____ and:
3. That the registrant has complied with all the provisions of Ontario Regulation 74 respecting trust accounts as set out in Sections 17 and 18.

Dated at _____ this _____ day of _____ 20____.

Please submit the required renewal fee and completed application form at least two weeks prior to the expiry date.

Should there be a failure to submit some or all of the required materials by the registration expiry date this may result in the registration lapsing.

If your registration has lapsed and expired, you must:

- Cease carrying on the business as a collection agency in Ontario
- Cease holding yourself out as being able to carry out the business of a collection agency. This may include removing signage and taking down or modifying web pages.

Should your registration expire, you must apply for a new collection agency registration and have that application approved before you can provide collection and/or debt settlement services again in Ontario.

Questions respecting the completion of the application should be directed to the Licensing Unit at CPOLicensing@Ontario.ca.


Administrative Reminders

Section 16 of R.R.O. 1990, Reg. 74: General under the Collection and Debt Settlement Services Act requires collection agencies that are corporations to notify the registrar of a change in a director of the corporation or where there is a change in its controlling interest within five days after the change has taken place.

While not a requirement of the Act or regulations, it is recommended that all collection agencies promptly advise the Ministry of Government and Consumer Services of any changes to key contacts' contact information, such as email addresses. Where possible, provide notice of such changes in advance. Keeping an up to date key contact email address ensures that your agency will receive our communications, such as registration reminders, in a timely fashion.

For all registration-related inquiries and updates, please email CPOLicensing@Ontario.ca. This is the fastest way for the matter you are emailing about to be addressed.

Sincerely,



Shane Gallagher

Registrar of Collection Agencies