

1970

# c 113 Department of Financial and Commercial Affairs Act

Ontario

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## CHAPTER 113

## The Department of Financial and Commercial Affairs Act

**1.** In this Act,Interpre-  
tation

- (a) "Department" means the Department of Financial and Commercial Affairs;
- (b) "Deputy Minister" means the Deputy Minister of Financial and Commercial Affairs;
- (c) "Director" means the Director of the Consumer Protection Division of the Department;
- (d) "Minister" means the Minister of Financial and Commercial Affairs;
- (e) "Registrar" means the Registrar under an Act administered by the Minister, other than *The Loan and Trust Corporations Act*; R.S.O. 1970, c. 254
- (f) "Tribunal" means The Commercial Registration Appeal Tribunal established under section 7. 1968-69, c. 25, s. 1.

**2.** The department of the public service known as the Department of Financial and Commercial Affairs is continued. 1966, c. 41, s. 2, *amended*. Department continued

**3.** The Minister shall preside over and have charge of the Department. 1966, c. 41, s. 3. Minister to have charge

**4.** The Minister is responsible for the administration of this Act, any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council, and the following Acts: Minister's Acts

- 1. *The Bailiffs Act*. R.S.O. 1970, c. 38
- 2. *The Collection Agencies Act*. R.S.O. 1970, c. 71
- 3. *The Credit Unions Act*. R.S.O. 1970, c. 96
- 4. *The Deposits Regulation Act*. R.S.O. 1970, c. 127
- 5. *The Insurance Act*. R.S.O. 1970, c. 224
- 6. *The Investment Contracts Act*. R.S.O. 1970, c. 226
- 7. *The Loan and Trust Corporations Act*. R.S.O. 1970, c. 254
- 8. *The Marine Insurance Act*. R.S.O. 1970, c. 260

R.S.O. 1970,  
c. 278

9. *The Mortgage Brokers Act.*

R.S.O. 1970,  
c. 360

10. *The Prepaid Hospital and Medical Services Act.*

R.S.O. 1970,  
c. 401

11. *The Real Estate and Business Brokers Act.*

R.S.O. 1970,  
c. 426

12. *The Securities Act.*

R.S.O. 1970,  
c. 475

13. *The Used Car Dealers Act.* 1966, c. 41, s. 4.

Assignment  
of Acts to  
Minister

**5.** The Lieutenant Governor in Council may assign the administration of any Act to the Minister, in which case the Minister may exercise the powers and shall perform the duties of the minister named in the Act so assigned so long as he administers such Act. 1966, c. 41, s. 7.

Assignment  
of Minister's  
Acts to  
other  
ministers

**6.** The Lieutenant Governor in Council may assign the administration of any Act that is being administered by the Minister to any other minister, in which case such other minister may exercise the powers and shall perform the duties of the minister named in the Act so assigned. 1966, c. 41, s. 8.

Commercial  
Registration  
Appeal  
Tribunal

**7.—(1)** There shall be a tribunal to be known as The Commercial Registration Appeal Tribunal composed of such members as are appointed under subsections 3 and 4.

Duties

(2) The Tribunal shall,

(a) advise the Minister on consumer affairs; and

(b) hold such hearings and perform such other duties as are assigned to it by or under any Act or regulation.

Members

(3) The Lieutenant Governor in Council shall appoint six members of the Tribunal and shall appoint one of such members, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen.

Idem

(4) The Lieutenant Governor in Council may, after consultation with organizations or other bodies representative of the industries required to be registered under any Act administered by the Minister, appoint a panel composed of persons engaged in each of such industries, who shall be members of the Tribunal.

Remunera-  
tion and  
expenses

(5) Each member of the Tribunal, other than a full-time member, shall be paid his reasonable and necessary expenses incurred in attending meetings and in the transaction of the business of the Tribunal and such remuneration as is fixed by the Lieutenant Governor in Council.

Quorum

(6) Subject to subsection 7, three members of the Tribunal, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership.

(7) Where the Tribunal holds a hearing, at least one of the members shall be a person appointed under subsection 4 engaged in the industry governed by the Act under which the hearing is held. Representative of industry

(8) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require. Duties of chairman

(9) The chairman, with the approval of the Minister, may retain experts to advise the Tribunal in respect of any particular matter coming before it. Experts

(10) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor. 1968-69, c. 25, s. 2, *part*. Publishing reports

(11) The Lieutenant Governor in Council may appoint a Registrar for the Tribunal who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Tribunal. Registrar of the Tribunal

(12) The Registrar for the Tribunal and every member of the Tribunal have power to administer oaths and affirmations for the purpose of any of its proceedings. 1970, c. 118, s. 1. Administration of oaths

**8.** No action or other proceeding for damages shall be instituted against the Director, any member of the Tribunal or any Registrar, or anyone acting under the authority of such Director, member or Registrar, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. 1968-69, c. 25, s. 2, *part*. Protection from personal liability

**9.—(1)** Where a vacancy occurs in the office of Director or Registrar, or if the Director or a Registrar is unable to carry out his duties because of absence or illness, the Deputy Minister may appoint in writing an official of the Department to act as Director or Registrar until the Director or Registrar is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. Interim appointments

(2) Where a vacancy occurs in the office of chairman of the Tribunal or the chairman is unable to carry out his duties because of absence or illness, the Minister may appoint in writing a member of the Tribunal appointed under subsection 3 of section 7 to act as chairman until the chairman is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. 1968-69, c. 25, s. 2, *part*. Idem

Officers  
and staff  
R.S.O. 1970,  
c. 386

**10.** Such officers, clerks and servants may be appointed or transferred under *The Public Service Act* as are considered necessary from time to time for the proper conduct of the business of the Department. 1966, c. 41, s. 9.

Advisory  
Committee

**11.**—(1) There shall be a committee of not more than nine members to be known as the Financial and Commercial Affairs Advisory Committee, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.

Chairman

(2) The Lieutenant Governor in Council may designate one of the members to be chairman of the Advisory Committee.

Meetings

(3) The Advisory Committee shall meet at the call of the Minister.

Function

(4) The Advisory Committee shall, when requested by the Minister, consult with and advise the Minister on financial, commercial and related matters.

Remunera-  
tion

(5) The Lieutenant Governor in Council may provide remuneration to each member of the Advisory Committee.

Expenses

(6) Each member is entitled to his reasonable and necessary expenses for attending meetings and in the transaction of the business of the Advisory Committee. 1967, c. 21, s. 1.

Expenses  
of Department

**12.** The expenses of the Department shall be paid out of the moneys appropriated therefor by the Legislature. 1966, c. 41, s. 10 (1), *amended*.

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