



BRITISH
COLUMBIA

Financial Institutions Act

TRUST AND DEPOSIT BUSINESS
EXEMPTION REGULATION

B.C. Reg. 173/2008

Deposited and effective June 27, 2008

Last amended June 1, 2022 by B.C. Reg. 32/2022

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 173/2008 (O.C. 494/2008), deposited and effective June 27, 2008, is made under the *Financial Institutions Act*, R.S.B.C. 1996, c. 141, s. 289.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

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Financial Institutions Act

**TRUST AND DEPOSIT BUSINESS
EXEMPTION REGULATION**

B.C. Reg. 173/2008

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FORM [Repealed]

Definitions

1 In this regulation:

“**Act**” means the *Financial Institutions Act*;

“**disability assistance**” has the same meaning as in the *Employment and Assistance for Persons with Disabilities Act*;

“**income assistance**” has the same meaning as in the *Employment and Assistance Act*;

“**recipient**” means an individual

- (a) to or for whom income assistance is provided under the *Employment and Assistance Act*, or
- (b) to or for whom disability assistance is provided under the *Employment and Assistance for Persons with Disabilities Act*.

[am. B.C. Reg. 184/2014, s. 1.]

Exempted societies

2 Subject to the conditions set out in section 3, the Coast Foundation Society (1974) and The Bloom Group Community Services Society are exempt from section 70 [*unauthorized trust business by corporation prohibited*] of the Act.

[am. B.C. Regs. 184/2014, s. 2; 124/2019, s. (a).]

Conditions on exemptions

3 In order to qualify for an exemption under section 2

- (a) the society must maintain the following insurance for its officers, directors and employees engaged in the society’s trust business:
 - (i) fidelity insurance, providing coverage in an amount not less than the amount determined by multiplying the total value of the assets held in trust by the society by 0.5%;
 - (ii) errors and omissions insurance, providing coverage in an amount not less than \$1 million for each error, with an annual limit of at least \$4 million for all errors reported during the year,

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- (b) the society may not hold, for any individual, a trust or estate that exceeds \$1 million in value, exclusive of the value of the individual's principal residence, and
 - (c) each director, officer and employee of the society engaged in the trust business of the society must
 - (i) submit a personal information return to the superintendent in the form established by the superintendent, and
 - (ii) notify the superintendent immediately in writing of any material change to the information provided under subparagraph (i).

[am. B.C. Regs. 184/2014, s. 3; 124/2019, ss. (b) and (c); 32/2022, App. 3, s. 1.]

Exemption – administration of income or disability assistance

- 4 (1) A corporation that contracts with
 - (a) the Province to receive and administer, on a recipient's behalf, income or disability assistance provided to or for the recipient, or
 - (b) the government of Canada to administer benefits payable under the Canada Pension Plan, the *Old Age Security Act* (Canada) or another federal Actis exempt from section 70 [*unauthorized trust business by corporation prohibited*] of the Act.
- (2) A person that contracts with
 - (a) the Province to receive and administer, on a recipient's behalf, income or disability assistance provided to or for the recipient, or
 - (b) the government of Canada to administer benefits payable under the Canada Pension Plan, the *Old Age Security Act* (Canada) or another federal Actis exempt from section 81 [*unauthorized deposit business prohibited*] of the Act.
- (3) An exemption under this section applies only for the purposes of the corporation or person, as the case may be, providing the services described in subsection (1) or (2).

Exemption – compliance with Provincial enactment

- 5 (1) If an enactment requires a corporation to carry on trust business, the corporation is exempt from section 70 [*unauthorized trust business by corporation prohibited*] of the Act if the corporation complies with the provisions of the enactment that relate to the trust business.
- (2) An exemption under this section applies only for the purposes of the corporation carrying on the trust business required under the enactment.

[en. B.C. Reg. 35/2017.]

FORM

Repealed. [B.C. Reg. 32/2022, App. 3, s. 2.]

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