



BULLETIN NUMBER:	TR-2006-01 (REPLACES INFORMATION BULLETIN TR-2002-001)
TITLE:	OBTAINING A BUSINESS AUTHORIZATION TO OPERATE AN EXTRAPROVINCIAL TRUST CORPORATION IN BRITISH COLUMBIA
LEGISLATION:	<i>FINANCIAL INSTITUTIONS ACT</i>
DATE:	JUNE 2006
DISTRIBUTION:	All Interested Applicants

INTRODUCTION

An extraprovincial trust corporation is a corporation authorized to carry on trust business and/or deposit business by or under the laws of Canada or another jurisdiction. An extraprovincial trust corporation is not permitted to carry on trust and/or deposit business in British Columbia unless it has received a Business Authorization from the Financial Institutions Commission (the "Commission"). A new Business Authorization issued to an extraprovincial trust corporation is confined to trust business unless the corporation's primary jurisdiction is Canada, in which case both a trust and deposit business may be permitted.

OBTAINING A BUSINESS AUTHORIZATION

The procedure to be followed is:

Registration

The extraprovincial trust company must apply to the Registrar of Companies to register as an extraprovincial corporation.

Application

An **Application for Business Authorization for Extraprovincial Trust Corporations** form must be completed and filed with the Commission.

The following must be attached to the application:

1. Cheque for \$2,500 (made payable to the Minister of Finance). This fee is non-refundable.
2. Brief corporate profile and history of the corporation.
3. Names, addresses and occupations of the directors, senior officers and significant shareholders (those owning or controlling 10% or more of the voting shares of the company). Personal Information Returns may be required for these individuals.
4. Proof that the corporation has liquid assets and a capital base that is at least equal to the applicable minimum required by the regulations under section 67 of the *Financial Institutions Act*, and adequate to the business that the corporation proposes to carry on.
5. Most recent audited financial statements, signed by at least 2 directors, along with the report of the auditor and a copy of the resolution of the directors showing that the statements were approved by them. Interim financial statements for the most recent month end preceding the application should also be submitted with the application.
6. Proposed plan of operations that describes the manner in which the business will be carried on in B.C. and provides 3-year pro forma balance sheets and income statements, with detailed explanations about the assumptions used in the forecasts.
7. If the corporation is federally regulated, a notarized copy of the Order to Commence and Carry on Business and a notarized copy of the Letters Patent of Incorporation.
8. If the corporation is not federally regulated, a notarized copy of the Certificate of Registration from the corporation's primary jurisdiction.
9. If the corporation is deposit taking, proof of its membership with the Canada Deposit Insurance Corporation.
10. Permission from the corporation to contact its primary regulator.

The Commission may also request other information it considers necessary for evaluation of the application.

Evaluation

Once all the above-noted items have been received, Commission staff will review the documentation and make a recommendation to the Commission.

If the extraprovincial trust corporation's primary jurisdiction is Canada, the Commission must issue a Business Authorization if the information submitted in support of its application is satisfactory to the Commission.

If the extraprovincial trust corporation's primary jurisdiction is not Canada, the Commission will not issue a Business Authorization if the Commission believes on reasonable grounds that it is not in the public interest to issue the Business Authorization.

Approval

If the application is approved, the Commission will issue a Certificate of Business Authorization.

CONTACTS

An *Application for Business Authorization for Extraprovincial Trust Corporations* and a *Personal Information Return* are available on our website or can be obtained by calling or writing the Commission at:

Financial Institutions Commission

1200 – 13450 102nd Avenue
Surrey, British Columbia
V3T 5X3

Telephone: (604) 953-5300
Fax: (604) 953-5301
Web site: www.fic.gov.bc.ca
E-mail: ficom@ficombc.ca

Copies of the *Financial Institutions Act*, the *Company Act* and Regulations can be obtained from:

Crown Publications

521 Fort Street
Victoria, British Columbia
V8W 1E7

Telephone: (250) 386-4636
Fax: (250) 386-0221
Web site: <http://www.crownpub.bc.ca>
E-mail: crown@pinc.com

The Registrar of Companies can be contacted at:

The Registrar of Companies

Corporate Registry, Incorporations
2nd Floor
940 Blanshard Street
Victoria, British Columbia
V8W 3E6

Telephone: (250) 356-8626 or
(604) 775-1047
(toll free from
Greater Vancouver)
Fax: (250) 356-8923
Web site: www.fin.gov.bc.ca/registries

At the Financial Institutions Commission, we issue information bulletins to provide technical interpretations and positions regarding certain provisions contained in the *Financial Institutions Act* and Regulations. While the comments in a particular part of an information bulletin may relate to provisions of the law in force at the time they were made, these comments are not a substitute for the law. The reader should consider the comments in light of the relevant provisions of the law in force at the time, taking into account the effect of any relevant amendments to those provisions or relevant court decisions occurring after the date on which the comments were made. Subject to the above, an interpretation or position contained in an information bulletin generally applies as of the date on which it was published, unless otherwise specified.