



Application For Registration As Mortgage Dealer

The Mortgage Dealers Act

(General instructions for preparing and filing this application are set out on page 4 of this form. Should any space be insufficient, a separate sheet should be attached, marked as an exhibit, and appropriately cross-referenced to the question to which each item refers. **All exhibits must be initialled by the applicant.**)

TO THE REGISTRAR *THE MORTGAGE DEALERS ACT*

Application is made for registration as a mortgage dealer under *The Mortgage Dealers Act*. This application is for the registration of:

- an individual (proprietorship)
- a partnership
- a limited partnership
- an incorporated company
- other (specify) _____

For the purpose of obtaining registration, the applicant makes the following statements of fact:

1. Name of Applicant _____
2. Business or Trade Name (see note 1) _____
3. Head Office Business Address _____

Postal Code _____ Telephone No. _____
4. Address for Service in Manitoba _____

Postal Code _____ Telephone No. _____
5. Business address(es) in Manitoba from which the applicant intends to carry on business as a mortgage dealer (see note 2) _____

6. The applicant maintains accounts, including a trust account, at the following financial institution (see note 3):
Name of financial institution _____
Address _____
Trust account designation _____
Trust account number _____
7. The applicant's financial year end is (see note 4): _____

8. Where the applicant is not an individual (proprietorship) state the following with respect to each member, partner, officer, or director of the applicant if that member, partner, officer, or director **will not** be name as an authorized official of the applicant (see notes 8 and 9).

FULL NAME	ADDRESS	INTEREST OR OFFICE HELD	OCCUPATION OR PRINCIPAL BUSINESS

9. Where the applicant is not an individual (proprietorship) state the following with respect to each official who **will** be named as an authorized official of the applicant. Each individual named as a proposed authorized official must file herewith a completed Form M.A.O./M.S.

FULL LEGAL NAME	RESIDENTIAL ADDRESS	OFFICIAL POSITION

10. If the applicant is a subsidiary of another corporation, give the full name and office address of the parent corporation in which the ultimate control of the applicant is vested.

11. Does the applicant or any partner of the applicant have or intend to have a financial interest in any other mortgage dealer or mortgage brokerage business carried on under any other name in any other province, state or country? (If "yes" give full particulars.) Yes _____ No _____

12. Is the applicant, or to the best of the applicant's information and belief, is any affiliate of the applicant, now, or has any such individual or company ever been: (If "Yes" give full particulars)

(a) registered or licensed in any capacity in any other province, state or country that requires registration to engage in mortgage transactions?

(b) registered or licensed in any capacity in Manitoba or any other province, state or country under any legislation that requires registration or licensing to deal with the public in any capacity? (e.g. as an insurance agent, real estate broker, securities dealer, etc.)

(c) refused registration or a license mentioned in 13(a) or (b) above or has any registration or license been suspended or cancelled?

13. **PLEASE NOTE:** The questions in this section refer to all laws, e.g. criminal, immigration, customs, income tax, or the corporation laws of any province, state or country in any part of the world. If the answers to any of these questions is "yes" give a full explanation on a separate sheet and attach hereto.

(a) ever been charged, indicted or convicted under the law of any province, state or country: Yes _____ No _____

(b) ever been the defendant or respondent in any civil court in any jurisdiction in any part of the world wherein fraud was alleged? Yes _____ No _____

(c) at any time declared bankruptcy or made a voluntary assignment in bankruptcy? (If "yes" and a discharge has been obtained with respect to the bankruptcy, attach a copy of the discharge documents.) Yes _____ No _____

(d) ever been refused a fidelity or surety bond? Yes _____ No _____

14. Has the applicant, or to the best of the applicant's information and belief, has any affiliate of the applicant ever been refused membership in The Mortgage Loans Association of Manitoba, or any similar association in any other province, The Canadian Real Estate Association or any of its affiliates or any local real estate boards in any province, or has such membership ever been suspended, or was the applicant or any affiliate of the applicant ever the subject of disciplinary action commenced by such an association. Yes _____ No _____

If "yes" give full particulars _____

I/We hereby certify that the foregoing statements are true and correct.

SIGNED at _____ this _____ day of _____ 20 _____.

(Name of Applicant)

(Witness or Company Seal)

(Authorized Signature)

(Official capacity – state whether proprietor, partner, authorized official or director)

WARNING

An application containing a false statement may result in the refusal, suspension or cancellation of any registration including a prosecution to Sections 42(1) and 44 of The *Mortgage Dealers Act*.

REGISTRAR'S CHECKLIST

Dealer's Application	
Authorized Official's Application	
Surety Bond	
Bank Letter	
Constating Documents	
Business Name Registration	
Fee	
Financial Statements	

Instructions to Persons Completing Form M.D. –
Application for Registration as Mortgage Dealer

1. If the applicant will be carrying on business under a trade name other than the name indicated in question 1, the applicant must attach proof of registration of such business or trade name under *The Business Names Registration Act of Manitoba*.
2. No mortgage dealer is permitted to operate out of the same office as another mortgage dealer, a real estate broker or a lawyer unless the prior approval of the Registrar has been obtained.
3. The applicant must attach a letter from the financial institution where a trust account is maintained, which letter must be addressed to the Registrar, *The Mortgage Dealers Act*, verifying the information in question 6 hereof, and also confirming that the trust account is a non-interest bearing chequing account, and that the financial institution has not been authorized to deduct service charges or other charges from the trust account of the applicant.
4. The applicant's financial year end should preferably fall on the last day of a calendar month. If at any time the applicant changes the date of the financial year-end, written notification of such change must be given to the Registrar pursuant to Section 15(1)(h) of *The Mortgage Dealers Act*.
5. The surety bond filed by the applicant with this application must be written in the full legal name (including the business or trade name) of the applicant as set out in question 1 and, if applicable, question 2, hereof.
6. (a) The applicant is required to file with this application its most recent audited financial statements and a letter addressed to the Registrar, *The Mortgage Dealers Act*, prepared and signed by an auditor satisfactory to The Manitoba Securities Commission for the purposes of Section 30(1) of the *Act*, stating the amount of capital (as defined in the Regulation under the *Act*) shown in the applicant's books of account as at the end of the month immediately preceding the date of this application.
(b) If the applicant is setting up a new business, or has not previously prepared audited financial statements, or the audited financial statements referred to in (a) cover a fiscal period which ended more than 120 days prior to the date of this application, the auditor's letter referred to in (a) shall be accompanied by an interim financial statement prepared as of the end of the month immediately preceding the date of this application.
7. Where the applicant is an individual (proprietorship) the individual must complete and file herewith Form M.A.O./M.S. supplied by the registrar.
8. For general partnerships, list all partners who will not be designated as authorized officials. For limited partnerships list and designate the general and limited partners and list directors and officers of the general partner who will not be appointed as authorized officials of the limited partnership. For corporations list all directors and senior officers. The address for corporations is the business address and for individuals, their residential address.
9. (a) Where the applicant is not an individual (proprietorship), each partner, officer or director who will not be registered as an authorized official or mortgage salesman on behalf of the applicant must provide herewith in writing to the Registrar the applicable information and particulars outlined in pages 1 and 2 of Form M.A.O./M.S.
(b) In the case of a limited partnership, the applicable information and particulars outlined in pages 1 and 2 of Form M.A.O./M.S. must be provided herewith in writing to the Registrar by the general partner where the general partner is an individual, or by each officer or director of the general partner where the general partner is a corporation.
10. **Authorized Official Defined**
"Authorized Official" means an official named in the certificate of a registered mortgage dealer.
 - (a) where the applicant is a partnership, includes any partner therein;
 - (b) where the applicant is a limited partnership, includes any officer of the general partner or any other individual whom the general partner appoints to be responsible, directly or indirectly, for mortgage transactions or trades in Manitoba;
 - (c) where the applicant is an incorporated company, includes
 - (i) the president, vice-president, secretary or treasurer,
 - (ii) any managing director, general partner or departmental manager who is responsible, directly or indirectly, for mortgage transactions in Manitoba.
 - (iii) the manager of any office or branch in Manitoba.
 - (iv) all other person acting in a capacity similar to any of the above, whether so designated or not.
11. All applicants other than individuals must attach hereto a copy of their constating documents (e.g. Articles of Incorporation, Partnership Agreement, and current certificates of registration indicating registration under *The Corporations Act* or *The Business Names Registration Act* in the Province of Manitoba).
12. The appropriate fee must accompany this application to the Registrar's office. If payment is being made by cheque, it must be made payable to the Minister of Finance.