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**REGARDING** the *Mortgage Brokerages, Lenders and Administrators Act, 2006*, S.O. 2006, c.29 (the “Act”), in particular sections 9, 14 and 21

**AND REGARDING** James Nicholas Sears

### **ORDER**

#### **Background**

On July 17, 2008, James Nicholas Sears (“Sears”) applied to be licensed under the Act as a mortgage agent working for Trillium Mortgage Services Inc.

The Act provides that the Superintendent of Financial Services (the “Superintendent”) may, in appropriate circumstances, refuse to issue a mortgage agent’s licence.

Sections 14(2) and 21 of the Act provide that where the Superintendent proposes to refuse to issue a licence, the Superintendent shall give written notice of the proposal to the applicant, including reasons for the proposal.

On October 7, 2008, the Superintendent issued a Notice of Proposal to Refuse Application and the Notice, along with reasons, was served by registered and regular mail on October 7, 2008, and is deemed to have been received by Sears five days later.

Sears had 15 days after service of the Notice to request a hearing before the Financial Services Tribunal (“Tribunal”) in accordance with section 21(2) of the Act.


The Registrar of the Tribunal has confirmed that no request for a hearing has been received from Sears or anyone on his behalf.

Section 21(7) of the Act provides that the Superintendent may carry out the proposal to refuse to issue a licence when no hearing has been requested.

**Order**

The application for a mortgage agent's licence submitted by James Nicholas Sears dated July 17, 2008, is refused.

**DATED** at Toronto, Ontario, November 7, 2008.



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Robert Christie  
Superintendent of Financial Services