

An order that is made regarding a licence holder reflects a situation at a particular point in time. The status of a licence holder can change. Readers should check the current status of a person's or entity's licence on the [Licensing Link](#) section of FSCO's website. Readers may also wish to contact the person or entity directly to get additional information or clarification about the events that resulted in the order.



REGARDING the *Mortgage Brokerages, Lenders and Administrators Act, 2006*, S.O. 2006, c.29 (“Act”), in particular sections 29(1), 38 and 40

AND REGARDING SMKB Financial Corp.

ADMINISTRATIVE MONETARY PENALTY ORDER
PURSUANT TO S. 40 OF THE ACT

Background

SMKB Financial Corp. holds a mortgage Brokerage licence under the Act.

Section 40 of the Act provides that if the Superintendent of Financial Services (“Superintendent”) is satisfied that a person or entity is contravening or not complying with or has contravened or failed to comply with section 29(1) or such other provision of this Act or the regulations as may be prescribed, the Superintendent may, by order, impose an administrative penalty on the person or entity in accordance with this section and the regulations.

The Superintendent is satisfied that SMKB Financial Corp. is contravening or not complying with or has contravened or failed to comply with section 29(1) of the Act and Regulation 193/08, namely:

SMKB Financial Corp. failed to file an Annual Information Return
as required by section 2 of Regulation 193/08 on or before March 31, 2009.

By email dated August 28, 2009, the Superintendent notified SMKB Financial Corp. that an administrative penalty may be issued in respect of SMKB Financial Corp.’s contravention or failure to comply with section 29(1). The Superintendent asked for written submissions in accordance with section 40(2) of the Act.

No submissions were received.

Order

An administrative penalty in the amount of \$1000.00 is imposed on SMKB Financial Corp. pursuant to section 40 of the Act and section 15(1) of Regulation 193/08.

TAKE NOTICE THAT SMKB Financial Corp. will be receiving shortly an invoice from Ontario Shared Services, a part of the Ministry of Government Services, with information as to where and how to make the payment. SMKB Financial Corp. must pay the administrative penalty no later than 30 days after being given notice of this Order.

If SMKB Financial Corp. fails to pay the administrative penalty in accordance with the terms of this Order, the Superintendent may file the Order with the Superior Court of Justice and the Order may be enforced as if it were an order of the court. An administrative penalty that is not paid in

accordance with the terms of an order imposing the penalty is a debt due to the Crown and is enforceable as such.

AND TAKE NOTICE THAT section 40(4) of the Act provides that this Order can be appealed to the Financial Services Tribunal (“Tribunal”) in writing **within 15 days** after receipt of the Order. For information and forms in connection with an appeal, contact the Tribunal at:

Registrar
Financial Services Tribunal
5160 Yonge Street, Box 85
Toronto, ON M2N 6L9

Phone: 416.590.7294
Toll free: 1.800.668.0128 ext. 7294
Fax: 416.226.7750
<http://www.fstontario.ca>

SMKB Financial Corp. continues to be under an obligation to comply with annual filing requirements as required by the Act. SMKB Financial Corp. must file the outstanding annual information return immediately.

DATED at Toronto, Ontario, November 18, 2009.



Grant Swanson
Executive Director
Licensing and Market Conduct Division
Financial Services Commission of Ontario
By Delegated Authority from the
Superintendent of Financial Services