

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 Genesis Mortgage Capital Inc. (Lic. 11450)

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

Background

Genesis Mortgage Capital Inc. holds a Mortgage Administrator license 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 Genesis Mortgage Capital Inc. (“Genesis”) 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:

Genesis Mortgage Capital Inc. failed to file an Annual Information Return as required by section 2 of Regulation 193/08 on or before March 31, 2009.

By letter dated March 31, 2010 the Superintendent notified Genesis that an administrative penalty may be issued in respect of Genesis’ contravention or failure to comply with section 29(1). The Superintendent asked for written submissions in accordance with section 40(2) of the Act, within 15 days.

A written submission dated May 28, 2010, was received from Genesis’ broker, Mr. Donald Howard Mintz, acknowledging receipt of FSCO’s letter of March 31, 2010, and stating that Genesis wanted to surrender its mortgage administrator license, and that Mr. Mintz had not received a response on a prior letter.

FSCO staff contacted Genesis through Mr. Mintz and left messages in the past but were not returned (Sept. 10, Aug. 14, and Jul. 28, 2009). Copies of the surrender document as attachments were sent both by email and by regular mail. The surrender forms were again sent June 1, 2010.

The 2008 and 2009 AIRs have not been received.

Genesis is licensed under the Act and was required to file an annual information return, on or before March 31, 2009 for the previous year, whether or not it actually carried on business. It failed to comply with that requirement and the penalty prescribed for that contravention is \$1,000. The Superintendent has no authority to vary that amount. I therefore make the following order.

Order

An administrative penalty in the amount of \$1,000 is imposed on Genesis Mortgage Capital Inc. pursuant to section 40 of the Act and section 15(1) of Regulation 193/08.

TAKE NOTICE THAT Genesis Mortgage Capital Inc. 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. Genesis must pay the administrative penalty no later than 30 days after being given notice of this Order.

If Genesis 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>

DATED at Toronto, Ontario, June 7 , 2010.



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

TO: Mr. Donald Howard Mintz
Genesis Mortgage Capital Inc.