

CONFIDENTIAL &
WITHOUT PREJUDICE

[date]

Client Name(s)

Address

Address

Dear (Client Name(s)):

Thank you for your letter dated (date) about your complaint against [firm name]. Further to our conversation on (date), this letter explains the role of the Ombudsman for Banking Services and Investments (OBSI) and the terms of our review of your file. We also need to obtain your consent for the release of your personal information from [firm name] by having you sign and return this letter. Our review cannot start until we receive your signed consent.

OBSI is an independent dispute resolution service. As an alternative to the court system, we provide impartial and prompt resolution of complaints. We work informally and confidentially. Our service is free to consumers. Enclosed please find a brochure on our service.

We will review your complaint in accordance with our Terms of Reference. More information about us, including our Terms of Reference and Privacy Policy, is available on our website at www.obsi.ca.

To review your complaint, OBSI needs access to your files at [firm name] and to employees or agents who were involved in providing the advice, product(s) or service(s) related to your complaint. These files may contain personal and financial information about you and others such as your spouse or a guarantor. [firm name] must respect the privacy rights of anyone whose personal information appears in your files. By signing this letter below, you and any others listed give your consent to [firm name] to provide us with information to review your file.

We may discuss your complaint with [firm name] and we may exchange information and documents between you and [firm name]. We also may need to provide information or documents to advisors outside of OBSI who we consult about your complaint.

Once our review is complete, we will share our conclusions with both you and [firm name]. If we conclude that you have suffered a loss because of a mistake, inappropriate advice or other maladministration by [firm name], we will recommend a resolution of the complaint that we believe is fair in the circumstances. Both you and [firm name] may accept or reject our recommendation.

By participating in our process, you are not giving up your right to take legal action against [firm name]. If you have already initiated legal action, you must agree not to proceed with the action until after we have completed our review of your complaint. If you are considering legal action, you should be aware that there is a time limit for you to start your lawsuit. This time limit is known as a limitation period and varies among the provinces and territories.

One way to suspend the limitation period (in other words, to stop the limitation clock) is to have the parties to a dispute, where permitted by law, enter into what's known as a "tolling agreement". By signing this letter, you and [firm name] agree that this letter acts as a tolling agreement that suspends any applicable limitation period, if the limitation period has not already expired.

For greater certainty, the limitation period will be suspended beginning on the date [firm name] signs a copy of this letter and will end thirty [30] days after OBSI mails our final findings letter to you.

OBSI's rules require all firms that participate in our service to enter into a tolling agreement when requested, so if you sign this letter [firm name] must agree to sign as well.

Once you and [firm name] have signed this letter, we will provide each of you with a copy for your records.

OBSI cannot provide you with specific information or advice about when your limitation period may expire or whether it has already expired. If you think you might want to initiate legal action against [firm name] if we complete our investigation and you are not satisfied with the results, and you have concerns about limitation periods, we strongly recommend that you speak with a lawyer.

If you start legal action while OBSI is investigating your complaint, OBSI may still continue to investigate your complaint but only under certain conditions. If you are thinking about starting legal action while OBSI is investigating, please contact us before you do so.

The success of our process depends on both you and [firm name] dealing with OBSI in a frank and open manner. By signing this letter, you and [firm name] agree that OBSI's correspondence, files and any discussions we have during our review are confidential. You and [firm name] agree that if there are subsequent legal or other proceedings you will not use any correspondence or information from our process. Neither you nor [firm name] will try to compel OBSI to produce its files or records. Nor will you try to have the Ombudsman, any OBSI staff member or advisor give evidence or testify.

We are not able to give you any professional advice, legal or otherwise. If you require legal, financial or other advice, you will need to obtain it on your own.

For educational purposes, we may publish all or part of your case in our Annual Review, website and communications materials. To ensure confidentiality, we will remove or change information that could identify you and the firm.

The length of our investigations depends on many factors, including our caseload. We have a target of completing 80 percent of our files within 180 days. Some files take longer.

As mentioned above, we need your signed consent before we can begin to review your complaint. Once you receive this letter, please call me. I will review this letter with you and explain our process. I will then ask you to sign the Consent section below and return all three pages to our office within 14 days. If you have any questions, please do not hesitate to call me.

Yours truly,

Consumer Assistance Officer
Toll-free Phone: 1.888.451.4519 ext.

Consent:

The parties below agree to the terms set out above.

Signed: _____ Telephone: _____

Name: _____ Fax: _____

Date: _____ E-mail: _____

[Guarantor/spouse/others: - delete section if not required:]

Signed: _____ Telephone: _____

Name: _____ Fax: _____

Date: _____ E-mail: _____

If you are appointing someone to represent you, please complete the section below.

*I have appointed the person named below to represent me in all respects in connection with this complaint. I authorize OBSI to communicate fully and directly with **him/her** regarding my complaint. By signing the section below, the authorized representative also agrees to the terms and conditions set out in this letter.*

Signature: _____ Date: _____

Complainant signature

Signed: _____ Telephone: _____

Authorized representative
signature

Name: _____ Fax: _____

Date: _____ E-mail: _____

[Name of PF] **FOR OFFICE USE ONLY******

Signed: _____ Date: _____

Name:

Title:

PLEASE RETURN ALL 6 PAGES OF THIS LETTER TO OBSI AT:

Fax toll-free to: 1-888-422-2865

Or Scan and email to: ombudsman@obsi.ca

Or Mail to: OBSI

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