

Request for Proposals

Experienced Reviewer to Conduct an Independent Evaluation of the Ombudsman for Banking Services and Investments

Release Date: November 10, 2025

Background

Canada's Ombudsman for Banking Services and Investments (OBSI) is a national, independent and not-for-profit organization that helps resolve and reduce disputes between consumers and financial services firms in both official languages. OBSI responds to consumer inquiries, conducts fair and accessible investigations of unresolved disputes, and shares its knowledge and expertise with stakeholders and the public. OBSI's services are free to consumers.

OBSI's Terms of Reference and regulatory frameworks require OBSI to submit to knowledgeable, independent third-party evaluations of its operations conducted according to timelines set out by its regulators. Since 2014, the banking and investment mandates of OBSI have been overseen by separate regulators with distinct independent review requirements.

The evaluation that is the subject of this Request for Proposals will concern both OBSI's banking and investment mandates. Previous independent reviews of OBSI were conducted in 2007 and 2011 in relation to both banking and investments mandates, in 2016 in relation to OBSI's securities mandate only, and in 2021 in relation to OBSI's securities and banking mandates separately.

Banking Mandate

In Canada, financial institutions including domestic banks, foreign banks and foreign branches, as well as federal credit unions, are required by the Bank Act to be members of the designated external complaints body (ECB) to deal with consumer complaints that have not been resolved by the institution to the satisfaction of the persons who made the complaints or that have not been dealt with within the prescribed period.

OBSI was designated as the sole ECB in Canada effective November 1, 2024. Previously, there were two approved ECBs in Canada and OBSI membership included most but not all Canadian banks.

As the designated ECB, OBSI is regulated under the Bank Act. Supervision of both financial institutions and OBSI is carried out by the Financial Consumer Agency of Canada (FCAC).

The principal requirements of the Bank Act applicable to OBSI's operations are found in section 627.49, which provides, in part, that OBSI submit, every five years, to an evaluation of the performance of its functions and activities that is conducted, at the discretion of the FCAC Commissioner, by the Commissioner or a third party in accordance with terms of reference that are established by the ECB in consultation with the Commissioner.

Investment Mandate

Pursuant to National Instrument 31-103 *Registration Requirements, Exemptions and Ongoing Registrant Obligations* (“NI 31-103”), all registered investment dealers and advisers in Canada outside of Québec whose clients include individuals are required to make available OBSI as their provider of dispute-resolution services. This includes all members of the Canadian Investment Regulatory Organization of Canada (“CIRO”), portfolio managers, exempt market dealers, scholarship plan dealers and crypto trading platforms.

In 2014, OBSI signed a Memorandum of Understanding (“MOU”) with certain CSA members (the “Participating CSA Members”) entitled *Memorandum of Understanding concerning oversight of the Ombudsman for Banking Services and Investments*. The MOU provides for securities regulatory oversight of OBSI to ensure OBSI continues to meet standards set by the CSA as well as a framework for cooperation and communication via the OBSI Joint Regulators Committee (“JRC”) which includes representatives of the Participating CSA Members.

The MOU provides that OBSI will commence an independent evaluation of its operations within two years of its signing, and every five years thereafter.

Scope of Review

The independent evaluation that is the subject of this request for proposals will be conducted in accordance with the terms of reference appended below. These terms of reference, as well as the scope and details of the independent review described below have been developed by OBSI’s Board of Directors in consultation with the FCAC Commissioner and the Participating CSA Members.

OBSI will cooperate with the evaluator to facilitate the completion of the evaluator’s report within a reasonable time from the commencement of the evaluation.

Purpose

OBSI is requesting proposals from qualified candidates to provide an independent third-party evaluation (Evaluation), to be selected through an open and competitive process. The successful candidate will be designated the independent evaluator (Evaluator) for the purposes of the Evaluation. The Evaluator’s responsibilities will include information collection, analysis and reporting. OBSI Staff will assist the Evaluator in identifying and accessing information.

The Board of Directors of OBSI is the primary stakeholder of this project and the FCAC and the JRC are the responsible regulators. The purpose of the Evaluation is to ensure that OBSI continues to meet the standards and expectations set out in the Bank Act and the MOU and that it operates in a manner that is reflective of recognized best practices for financial services ombudsmen.

The Evaluator will submit a report to OBSI as outlined in the attached Independent Evaluation Terms of Reference, and the report will be provided simultaneously to the FCAC and the JRC. The final report will include the Evaluator’s findings, review methodology, and recommendations for improvement, if any.

OBSI will make the final report available to the public on its website. OBSI will provide the FCAC Commissioner and the JRC with an action plan respecting the proposed implementation of any recommendations made in the independent evaluator's report.

Proposal Elements

All submitted proposals must contain, at a minimum, the following components:

A. Suitability and Technical Skills

The candidate must demonstrate that he, she or they possess the necessary skills, expertise, and experience to perform the work described herein and must demonstrate that he, she or they have sufficient resources and staff to complete the project in the timeframe set out in the Terms of Reference. The candidate, as part of the project, is expected to analyze complex information and arrive at valid, concise conclusions. Candidates should describe in some detail their past projects, consultancies, publications, reports, or other relevant information to demonstrate their suitability for this project.

The candidate should outline the extent of his, her or their knowledge with respect to dispute resolution in the context of an "Ombudsman scheme" or equivalent with a fairness mandate, comparable financial ombudsman schemes in other international jurisdictions, the Canadian banking and securities regulatory landscape, and the Canadian financial sector.

B. Declarations of Conflicts

Any conflicts of interest, whether real or that have the potential to be perceived as such, must be declared in the proposal. This includes potential conflicts such as where a firm has other individuals working on other banking or investment sector work, even if the respondent to this RFP is not involved.

C. Work Approach and Professionalism

The candidate must, in general terms, describe how he, she or they intend to conduct the Evaluation including identifying key milestone dates, resources, meetings, and deliverables. Additionally, the candidate must describe how he, she or they propose to measure and evaluate each of the standards set out in section 627.49 of the Bank Act and Article 2 of the MOU as required by the Terms of Reference below.

The candidate must express a commitment to being unbiased and neutral throughout the Evaluation process and undertake not to express any opinion or take any action (or inaction) that would cause any reasonable stakeholder to question the candidate's fairness or independence. In addition, the Evaluator must undertake to maintain the utmost professionalism in all situations.

D. Curriculum Vitae

The candidate must include curriculum vitae for each member of the team that will work on the Evaluation and demonstrate that the team, as a whole, has the necessary skills, expertise, and experience to complete the Evaluation.

E. Confidentiality

The candidate must provide a statement agreeing to operate under a non-disclosure agreement. The non-disclosure agreement will not preclude the Evaluator from communicating freely with the FCAC and the JRC during and after the Evaluation about the subject matter of the Evaluation.

F. References

The candidate must provide at least three (3) references. One or more references may be contacted.

G. Interview Availability

The candidate must provide at least three (3) 2-hour time periods when they will make themselves available for a videoconference interview on weekdays between December 8 and December 17, 2025, between the hours of 9:00am and 5:00pm Eastern Standard Time.

H. Costs

The proposal must contain an estimate of costs. The budget for this project will be less than \$140,000 CAD, exclusive of travel costs, if any. A separate estimate of travel-related costs must be included with the proposal, if applicable.

The candidate should provide as much costing information as possible in the proposal. If possible, costs should be itemized with an appropriate description or explanation, as necessary. Assumptions may be included if appropriate. A fixed-cost quotation is strongly preferred.

Selection Process

A team consisting of OBSI Senior Management members will first review submitted proposals and may schedule interviews with candidates during one of the available times outlined in each proposal.

Candidates will be evaluated based on a number of criteria including, but not limited to:

- suitability
- technical expertise
- understanding of the applicable regulatory structures
- understanding of financial services ombudsman (or equivalent) schemes
- reputation
- proposal presentation
- the ability and capacity to publish a clear, independent, and public report on their findings
- value-for-money

Consultation with the FCAC and the JRC will also take place. All submissions along with the evaluations and recommendations of OBSI Senior Management will be provided to OBSI's Board of Directors for a final decision. In accordance with the Bank Act and the MOU, the Evaluator must be acceptable to the FCAC Commissioner and Participating CSA Members.

Submission Requirements and Deadlines

Interested candidates must direct any questions to Jeffrey Scanlon, Director, Legal & Compliance, by email to jscanlon@obsi.ca before November 24, 2025 at 5:00pm Eastern Standard Time. Answers will be provided to all candidates by November 28, 2025.

Interested candidates must submit proposals by email to jscanlon@obsi.ca. An email confirmation will be provided. Proposals will be accepted until December 5, 2025 at 5:00pm Eastern Standard Time. All proposals must be submitted as a single PDF file.

Candidates will be notified whether their proposal is selected by January 12, 2026.

Contract terms and conditions will be negotiated upon selection of the successful candidate. All contracts are subject to review by OBSI legal counsel.

OBSI reserves the right to amend this RFP and attached Terms of Reference at any time prior to November 28, 2025. OBSI reserves the right to reject any and all parts of the RFP at its discretion.

A summary of these timelines is provided in the chart below:

Item	Date
RFP Distributed	November 10, 2025
Questions submitted by	November 24, 2025
Responses to questions provided by	November 28, 2025
Changes to RFP possible until	November 28, 2025
Proposals received by	December 5, 2025
Interview period	December 8 – 17, 2025
Selection communicated to candidates by	January 12, 2026
Final presentation of finished report	May 2026

Attachments to this Document

- Independent Evaluation Terms of Reference established in consultation with the FCAC and the Participating CSA Members
- Bank Act section 627.49
- Memorandum of Understanding concerning oversight of the Ombudsman for Banking Services and Investments ("OBSI")
- OBSI Terms of Reference

Independent Evaluation Terms of Reference

The Evaluator will report on:

- A. Whether OBSI is fulfilling its obligations as outlined in section 627.49 of the Bank Act, as well as the [FCAC Mandatory Reporting Guide for External Complaints Body](#);
- B. Whether OBSI is fulfilling its obligations as outlined in the MOU between the Participating CSA Members and OBSI; and,
- C. Whether any operational, budget and/or procedural changes in OBSI would be desirable in order to improve OBSI's effectiveness in fulfilling the provisions of the Bank Act and/or the MOU and/or recognized best practices for financial services ombudsmen.

The Evaluator will evaluate OBSI's operations and procedures applicable to the handling of banking and investment complaints involving participating firms who are federally regulated financial institutions or whose relevant regulator is a Participating CSA Member and/or CIRO, including the effectiveness of complaint resolution.

The Evaluator will consider and evaluate:

- Banking and investment complaint case files completed between November 1, 2023 and October 31, 2025 (the "Review Period").
- Current operating policies and procedures, including any changes made between November 1, 2020 and October 31, 2025 (the "Five-Year Period")
- Third party evaluations, financial audits and internal self-assessments completed during the Five-Year Period.

The Evaluator will ensure that the complaint files included in their review sample are selected at random and include files with the following outcomes: out of mandate before investigation, out of mandate following investigation, compensation recommended, complaint denied (in mandate), low settlement amount, and refusal of recommendation resulting in publication.

In addition to examining case files, the Evaluator will undertake interviews with key stakeholders including participating firms, complainants, consumer/investor groups, FCAC, securities regulators and OBSI staff. Interviews may be conducted personally, in writing, by telephone, or by electronic means and may include the use of surveys.

The Evaluator will be given full access to information, meetings, communications, and OBSI staff for the purposes of the Evaluation. OBSI will use its best efforts to facilitate and coordinate access to former staff members and other stakeholders. Access to any materials or staff must pertain to the Five-Year Period.

A. Obligations under the Bank Act

With respect to requirement A set out above, the Evaluator's report must include analyses and conclusions on OBSI's performance with respect to the following standards set out in section 627.49 of the Bank Act:

627.49 The external complaints body shall

- a) maintain a reputation for being operated in a manner that is consistent with the standards of good character and integrity;
- b) make its services available across Canada in both official languages and offer those services free of charge to persons who make complaints to it;
- c) establish policies, procedures and terms of reference that are satisfactory to the Commissioner pertaining to, among other things, dealing with complaints and the consultation, at least once a year, of its member institutions and consumers for the purpose of raising concerns about the external complaints body;
- c.1) establish the manner of calculating, to the satisfaction of the Commissioner, the fees it charges to each of its member institutions for its services;
- c.2) make information available to consumers about their rights and responsibilities in relation to the external complaints handling regime, respond to their inquiries and requests for information and offer them assistance in making a complaint;
- d) inform the Commissioner in writing within 30 days after the day on which it determines that a complaint raises a potential systemic issue;
- e) if it determines that all or part of a complaint is not within its terms of reference, provide the person who made the complaint with written reasons for that determination, and the name of any entity to whom the person may make a complaint, within 30 days after the day on which it receives the complaint;
- f) obtain confirmation from a member institution to which a complaint relates regarding whether the period referred to in paragraph 627.43(1)(a) has ended, unless the person who made the complaint has provided it with the written acknowledgment referred to in paragraph 627.43(4)(a);
- g) impartially deal with complaints referred to in paragraph 627.43(1)(a) that have not been resolved by its member institutions to the satisfaction of the persons who made the complaints or that have not been dealt with within the prescribed period referred to in that paragraph;
- h) no later than 120 days after the day on which it has all of the information that it requires to deal with a complaint, make a final written recommendation to the parties;
 - (h.1) without delay, inform the Commissioner in writing of cases in which an institution does not comply with a final recommendation;
- i) within 90 days after making a final recommendation, make a summary of the final recommendation available on its website free of charge, which summary is to include
 - (i) a description of the nature of the complaint that is the subject of the final recommendation,

- (ii) the name of the institution that received the complaint,
- (iii) a description of any compensation provided to the persons referred to in paragraph 627.44(c) or (d),
- (iv) the reasons for the final recommendation, and
- (v) any prescribed information;
- i.1) within 60 days after the end of each quarter, submit to the Commissioner, in a form satisfactory to the Commissioner,
 - (i) in relation to all investigations completed during the quarter, a copy of the record of the complaint, and
 - (ii) any prescribed information;
- i.2) within 60 days after the end of each quarter, meet with the Commissioner to discuss, among other things, complaints, operations and market trends and issues with the potential to impact consumers;
- j) within 135 days after the end of each financial year, file a written report with the Commissioner on the performance of its functions and activities for that year, which report is to include
 - (i) information about
 - (A) its constitution, governance and terms of reference, and the identity of its member institutions,
 - (B) all sources of funding for its functions and activities, including the fees charged to each of its member institutions for its services and the manner in which those fees are calculated, and
 - (C) the results of the most recent evaluation referred to in paragraph (l),
 - (ii) a summary of the results of any consultation with its member institutions and with persons who made complaints to it,
 - (iii) in respect of each of its member institutions, the number and nature of complaints that it received, the number of complaints that it determined were within its terms of reference, the number of final recommendations that it made and the number of complaints that, in its opinion, were resolved to the satisfaction of the persons who made them,
 - (iv) the average length of time taken to deal with complaints,
 - (v) the number of complaints that it determined were not within its terms of reference and the reasons for that determination,
 - (v.1) the number of complaints for which an institution did not comply with a final recommendation,
 - (vi) the number of final recommendations that it made in which compensation was recommended, and
 - (vii) the average and total compensation provided with respect to complaints that it determined were within its terms of reference;
- j.1) meet with the Commissioner annually;

- k) without delay after it is filed with the Commissioner, make the report available on its website free of charge and provide it to any person who requests it;
- l) submit, every five years, to an evaluation of the performance of its functions and activities that is conducted, at the discretion of the Commissioner, by the Commissioner or a third party in accordance with terms of reference that are established by the external complaints body in consultation with the Commissioner; and
- m) meet any prescribed requirement.

B. Obligations under the MOU

With respect to requirement B set out above, the Evaluator's report must include analyses and conclusions on OBSI's performance with respect to the following standards set out in Article 2 of the MOU:

- a) Governance – OBSI's governance structure should provide for fair and meaningful representation on its Board of Directors and board committees of different stakeholders, promote accountability of the Ombudsman, and allow OBSI to manage conflicts of interest.
- b) Independence and Standard of Fairness – OBSI should provide impartial and objective dispute resolution services that are independent from the investment industry, and that are based on a standard that is fair to both Registered Firms and investors in the circumstances of each individual complaint. When determining what is fair, OBSI should take into account general principles of good financial services and business practice, and any relevant laws, regulatory policies, guidance, professional standards and codes of practice or conduct.
- c) Processes to perform functions on a timely and fair basis – OBSI should maintain its ability to perform its dispute resolution on a timely basis and deal with complaints without undue delay and should establish processes that are demonstrably fair to both parties.
- d) Fees and costs – OBSI should have a fair, transparent and appropriate process for setting fees and allocating costs across its membership.
- e) Resources – OBSI should have the appropriate resources to carry out its functions and to deal with each complaint thoroughly and competently.
- f) Accessibility – OBSI should promote knowledge of its services, ensure that investors have convenient, well-identified means of access to its services, and provide its services at no cost to investors who have complaints.
- g) Systems and controls – OBSI should have effective and adequate internal controls to ensure the confidentiality, integrity and competence of its investigative and dispute resolution processes.
- h) Core Methodologies – OBSI should have appropriate and transparent processes for developing its core methodologies for dispute resolution.
- i) Information sharing – OBSI should share information and cooperate with the Participating CSA Members through the CSA Designates in order to facilitate effective oversight under this MOU.
- j) Transparency – OBSI should undertake public consultations in respect of material changes to its operations or services, including material changes to its Terms of Reference or By-Laws.

C. Operational Effectiveness

With respect to requirement (C) set out above, the Evaluator's report must set out analyses and conclusions including:

- a) A report on progress towards the recommendations from the previous independent reviews.
- b) An evaluation of OBSI's operations with reference to its terms of reference, internal policies and procedures, fairness statement, and loss calculation methodologies. A detailed assessment of loss calculation methodologies employed by OBSI is not required.
- c) A high-level benchmarking exercise that compares OBSI to other financial services ombudsman schemes or equivalent in comparable international jurisdictions both operationally and with respect to OBSI's general organizational approaches to matters such as accessibility and transparency.
- d) An analysis of OBSI governance, including particular reference to stakeholder representation on OBSI's board of directors. A highly-detailed analysis of OBSI's governance is not required.
- e) An analysis of the reasons for settlements below amounts recommended by OBSI.

Deliverable(s)

The Evaluator will present a final report to OBSI and make separate presentations to:

- OBSI Senior Management
- OBSI's Board of Directors
- FCAC representatives, and
- JRC representatives

Timeline

The Evaluator will regularly update OBSI on his, her or their progress and immediately disclose any material issues that could hinder their ability to carry out an effective independent evaluation, and OBSI will advise the FCAC and the JRC of any such issues. A full project timeline will be presented by the Evaluator to OBSI for consideration and approval.

The final presentation to the OBSI Board of Directors, FCAC and JRC will take place in May 2026. Work on the review should begin in January 2026.
