

Memorandum of Understanding
Between
Minister of Finance
and
Chair of the Financial Services Tribunal

April 2021

CONTENTS

1. Purpose	4
2. Definitions	4
3. Agency's Legal Authority and Mandate	6
4. Agency Type and Public Body Status.....	6
5. Corporate Status and Crown Agency Status	6
6. Guiding Principles	6
7. Accountability Relationships.....	7
7.1 Minister.....	7
7.2 Chair.....	7
7.3 Deputy Minister.....	8
7.4 Ministry Staff.....	8
8. Roles and Responsibilities	8
8.1 Minister.....	8
8.2 Chair.....	9
8.3 Deputy Minister.....	11
9. Ethical Framework	13
10. Reporting Requirements	13
10.1 Business Plan.....	13
10.2 Annual Reports.....	14
10.3 Other Reports.....	15
10.4 Other Reports.....	15
11. Public Posting Requirements	15
12. Communications and Issues Management.....	16
13. Administrative Arrangements	17
13.1 Applicable Government Directives	17
13.2 Administrative and Organizational Support Services.....	17
13.3 Agreements with Third-Parties.....	17
13.4 Legal Services	17
13.5 Creation, Collection, Maintenance and Disposition of Records	18
13.6 Intellectual Property	18
13.7 Freedom of Information and Protection of Privacy	18
13.8 Service Standards	19

14. Financial Arrangements	19
14.1 General.....	19
14.2 Funding	19
14.3 Financial Reports.....	20
14.4 Taxation Status: Harmonized Sales Tax (HST).....	20
15. Audit and Review Arrangements	21
15.1 Audits	21
15.2 Other Reviews	21
16. Staffing and Appointments	21
16.1 Delegation of Human Resources Management Authority.....	21
16.2 Staffing Requirements	22
16.3 Appointments.....	22
16.4 Remuneration	22
17. Risk Management, Liability Protection and Insurance	23
17.1 Risk Management.....	23
17.2 Liability Protection and Insurance	23
18. Effective Date, Duration and Periodic Review of the MOU	23
Signatures.....	24
Appendix 1: Summary of Agency Reporting Requirements	25
Appendix 2: Applicable Government of Ontario Directives	26
Appendix 3: Public Communications Protocol	27
Appendix 4: Administrative and Organizational Support Services (pulled from old MOU).....	30
Appendix 5: Related Statutes (pulled from old MOU)	32

1. Purpose

- a. The purpose of this memorandum of understanding (MOU) is to:
 - Establish the accountability relationships between the Minister of Finance and the Chair (the “Chair”) of the Financial Services Tribunal (the “Tribunal”) on behalf of the Tribunal;
 - Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister;
 - Clarify the operational, administrative, financial, staffing, auditing and reporting arrangements between the Financial Services Tribunal and the Ministry of Finance that support the accountability requirements within a framework which recognizes that the Tribunal makes independent adjudicative decisions with respect to proceedings commenced from decisions and proposed decisions of the financial services regulator.
- b. This MOU should be read together with the *Financial Services Tribunal Act, 2017* (the “Act”). This MOU does not affect, modify or limit the powers of the Tribunal as set out under the Act, or any other legislation assigning duties, powers or responsibilities to the Tribunal, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.
- c. This MOU replaces the Memorandum of Understanding dated December 15, 2019 between the Minister of Finance and the Chair of the Financial Services Tribunal.

2. Definitions

In this MOU:

- a. “AAD” means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive;
- b. “Act” means the *Financial Services Tribunal Act, 2017*, S.O. 2017, c. 34. Sched. 17, as amended, and the regulations thereunder, that governs the Tribunal;
- c. “Agency” or “Tribunal” means the Tribunal;
- d. “Annual Business Plan” means the annual business plan described under article 10.1 of this MOU;
- e. “Annual Report” means the annual report referred to in article 10.2 of this MOU;
- f. “Applicable Government Directives” means the government directives, policies, standards and guidelines that apply to the Tribunal, as may be amended or replaced from time to time, which are listed in Appendix 2 to this MOU;
- g. “Appointee” means a member appointed to the Tribunal by the Lieutenant Governor, but does not mean an individual employed or appointed by the Tribunal as staff;
- h. “ATAGAA” means the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, S.O. 2009, c. 33, Sched. 5.

- i. "Chair" means the Chair of the Tribunal;
- j. "CRF" means the Consolidated Revenue Fund;
- k. "Constituting instrument" means the *Financial Services Tribunal Act* that established the Tribunal;
- l. "Deputy Minister" means the Deputy Minister of the Ministry of Finance;
- m. "Executive Council Act" means the Executive Council Act, R.S.O. 1990, c. E. 25, as amended;
- n. "FIPPA" means the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.F.31, as amended.
- o. "Fiscal Year" means the 12 months' financial reporting period beginning April 1 and ending March 31 of the following year;
- p. "FSRA" means the Financial Services Regulatory Authority of Ontario continued under the *Financial Services Regulatory Authority of Ontario Act, 2016*, S.O. 2016, c. 37, Sched. 8;
- q. "Government" means the Government of Ontario;
- r. "MBC" means the Management Board of Cabinet;
- s. "Member" means a member appointed to the Tribunal by the Lieutenant Governor in Council;
- t. "Minister" means the Minister of Finance or such other person who may be designated from time to time as the responsible Minister in relation to this MOU in accordance with the Executive Council Act, R.S.O. 1990, c.E.25, as amended;
- u. "Minister of Finance" means the Minister of Finance or such other person who may be designated from time to time under the Executive Council Act;
- v. "Ministry" means the Ministry of Finance or any successor to the ministry;
- w. "MOU" means this memorandum of understanding signed by the Minister and the Chair;
- x. "MYP" means Multi-Year Planning, a government-wide exercise led by Treasury Board, which examines the interrelationship of government activities on a functional basis rather than by ministries;
- y. "Parties" means the parties to this MOU;
- z. "President of the Treasury Board" means the President of the Treasury Board or such person who may be designated from time to time under the Executive Council Act;
- aa. "PSC" means the Public Service Commission;
- bb. "PSOA" means the Public Service of Ontario Act, 2006, S.O. 2006, c. 35, Sched. A, as amended;
- cc. "Related Statutes" means the statutes, and the regulations thereunder, that confer powers and duties on the Tribunal, directly or indirectly, including those statutes listed in Appendix 5 to this MOU;

- dd. “SPPA” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended;
- ee. “TBS” means the Treasury Board Secretariat;
- ff. “TB/MBC” means the Treasury Board/Management Board of Cabinet;
- gg. “Tribunal” means the Financial Services Tribunal; and
- hh. “Vice-Chair” means a Vice-Chair of the Tribunal.

3. Agency’s Legal Authority and Mandate

- a. The legal authority of the Tribunal is set out in Act and the Related Statutes, and responsibility for the administration of the Act and the Related Statutes has been assigned to the Minister of Finance pursuant to Order in Council O.C. 1150/2018.
- b. The Tribunal also exercises powers and authority under the Act, the Related Statutes, the SPPA and any applicable regulations.
- c. The Tribunal’s mandate is set out in the Act and it states that the Tribunal’s objects are to hold the hearings and perform the other duties that are assigned to it by or under any act.
- d. The Tribunal is composed of individuals appointed by the Lieutenant Governor in Council who may also designate, from those appointees, the Chair and Vice-Chairs of the Tribunal.

4. Agency Type and Public Body Status

- a. The Tribunal is designated as a non-board governed Tribunal under the Agencies and Appointments Directive (AAD).
- b. The Tribunal is prescribed as a public body and a Commission public body in accordance with Ontario Regulation 146/10 under the *Public Service of Ontario Act, 2006*.

5. Corporate Status and Crown Agency Status

- a. The Tribunal is not a Crown agency within the meaning of the *Crown Agency Act*.
- b. The Tribunal does not have the capacity, rights, power and privileges of a natural person.

6. Guiding Principles

The parties agree to the following principles:

- a. The Minister recognizes that the Tribunal exercises powers and performs duties in accordance with its legal mandate under the Act and the Related Statutes.
- b. The Minister recognizes the independence of the Tribunal in making rules for the practice and procedure to be observed in connection with Tribunal operations and proceedings, including rendering its adjudicative decisions and orders, and further recognizes the need for the Tribunal’s adjudicative decisions and orders to be made, and be seen by the public to be made, independently and impartially.

- c. As an agency of the Government, the Tribunal conducts itself according to the management principles of the Government. These principles include ethical behaviour; prudent, effective and lawful use of public resources; fairness; high quality service to the public; and openness and transparency to the extent allowed under the law.
- d. The Minister and Chair are committed to a strong agency that is empowered to fulfill its statutory mandate efficiently and effectively. They share the goal of establishing and maintaining a co-operative relationship that facilitates the efficient administration of the Tribunal and fulfillment of its statutory responsibilities.
- e. The Tribunal and the Ministry will work together in a mutually respectful manner.
- f. The Tribunal shall conduct its affairs and operations with a focus on ensuring the best interest of Ontario taxpayers and citizens are considered.
- g. The Tribunal shall conduct its affairs with a focus on ensuring red tape burden reduction is a priority for all internal and external processes
- h. The Chair acknowledges that it is accountable, through the Minister, to the Legislative Assembly in exercising its mandate. Accountability is a fundamental principle to be observed in the management, administration and operations of the Tribunal.
- i. The Tribunal agrees to avoid duplication of services provided by the Ministry (Appendix 4), wherever possible.

7. Accountability Relationships

7.1 MINISTER

The Minister is accountable:

- a. To Cabinet and the Legislative Assembly for the Tribunal's fulfilment of its mandate and its compliance with government policies, and for reporting to the Legislative Assembly on the Tribunal's affairs.
- b. For reporting and responding to Treasury Board/Management Board of Cabinet (TB/MBC) on the Tribunal's performance and compliance with government's applicable directives and operational policies.
- c. To the Cabinet for the performance of the Tribunal and its compliance with the government's operational policies and broad policy directions.

7.2 CHAIR

The Chair is accountable:

- a. To the Minister for the Tribunal's performance in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Chair by the Act, this MOU, and applicable TB/MBC, The Public Service Commission (PSC) and government directives.

- b. For reporting to the Minister, as requested, on the Tribunal's activities.
- c. For ensuring timely communications with the Minister regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the Tribunal.

7.3 DEPUTY MINISTER

The Deputy Minister is accountable:

- a. To the Secretary of the Cabinet and the Minister for the performance of the ministry in providing administrative and organizational support to the Tribunal and for carrying out the roles and responsibilities assigned by the Minister, this MOU, and applicable TB/MBC, PSC and applicable government directives.
- b. For attesting to TB/MBC on the Tribunal's compliance with applicable TB/MBC directives.

7.4 MINISTRY STAFF

Ministry staff assigned to support the Tribunal report to, and are accountable to, a delegate of the Deputy Minister for their performance.

8. Roles and Responsibilities

8.1 MINISTER

The Minister is responsible for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the Tribunal.
- b. Reporting and responding to TB/MBC on the Tribunal's performance and compliance with applicable TB/MBC directives, the government's operational policies and policy directions.
- c. Recommending to TB/MBC, where required, the merger, any change to the mandate, or dissolution of the Tribunal.
- d. Recommending to TB/MBC the powers to be given to, or revoked from, the Tribunal when a change to the Tribunal's mandate is being proposed.
- e. Meeting with the Chair to discuss issues relating to the fulfilment of the Tribunal's mandate including proposed appointments and re-appointments to the Tribunal.
- f. Working with the Chair to develop appropriate measures and mechanisms related to the performance of the Tribunal.
- g. Reviewing the advice or recommendation of the Chair on candidates for appointment or re-appointment to the Tribunal.
- h. Determining at any time the need for a review or audit of the Tribunal, directing the Chair to undertake reviews of the Tribunal on a periodic basis, and recommending to TB/MBC any

change(s) to the governance or administration of the Tribunal resulting from any such review or audit.

- i. When appropriate or necessary, taking action or directing that the Tribunal take corrective action with respect to the Tribunal's administration or operations.
- j. For receiving the Tribunal's annual report and approving the report within 60 calendar days of receiving it.
- k. For tabling the annual report within 30 calendar days of approving it.
- l. For ensuring that the Tribunal's annual report is made available to the public after it is tabled and within 30 calendar days of approving it.
- m. Informing the Chair of the government's priorities and broad policy directions for the Tribunal.
- n. Consulting, as appropriate, with the Chair on significant new directions or when the government is considering regulatory or legislative changes for the Tribunal.
- o. Developing the Tribunal's MOU with the Chair, as well as any amendments to it, and signing the MOU into effect after it has been signed by the Chair.
- p. Recommending to TB/MBC any provincial funding to be allocated to the Tribunal.
- q. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the Tribunal, pursuant to the process for Tribunal appointments established by legislation and/or by MBC through the AAD.
- r. Reviewing and approving the Tribunal's annual business plan.

8.2 CHAIR

The Chair is responsible for:

- a. Providing leadership to the Tribunal by setting the goals, objectives, processes and strategic directions for the Tribunal within its mandate, in accordance with the Act.
- b. Directing the affairs of the Tribunal so as to fulfill its mandate in accordance with the Act.
- c. Reviewing and approving claims for per diems and travel expenses for Members.
- d. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the Tribunal, and otherwise directing the affairs of the Tribunal so as to fulfill its mandate.
- e. Seeking strategic policy direction for the Tribunal from the Minister.
- f. Ensuring timely communications with the Minister regarding any issues or events that may concern, or can reasonably be expected to concern, the Minister in the exercise of his responsibilities relating to the Tribunal.
- g. Developing a performance measurement system for the Tribunal, including targets, for assessing the Tribunal's performance.

- b. Monitoring and evaluating the performance of the Tribunal, including the performance of Members, as appropriate.
- h. Consulting with the Minister in advance regarding any activity which may have an impact on the government and ministry's policies, directives or procedures, or on the Tribunal's mandate, powers or responsibilities as set out in the Tribunal's constituting instrument.
- i. Identifying the required skills, experience and capacity required for the Tribunal to meet its mandate.
- j. Working with the Ministry to oversee the recruitment of Members and providing recommendations to the Minister on appointments and reappointments, as applicable, that respect and promote the principles of equity, diversity, inclusion, quality, and merit.
- k. Providing direction to Ministry staff assigned to the Tribunal as necessary in carrying out their administrative duties to support the Tribunal.
- l. Reporting to the Minister as requested on the Tribunal's activities within agreed upon timelines.
- m. Preparing the Tribunal's Annual Report for submission to the Minister in accordance with the timelines specified in the Act or in Applicable Directives.
- n. Making decisions consistent with the Annual Business Plan approved for the Tribunal.
- o. Ensuring that the Tribunal operates within its approved budget allocation in fulfilling its mandate, and that public funds are used for the purpose intended with integrity and honesty.
- p. Developing the Tribunal's MOU with the Minister and signing it on behalf of the Tribunal.
- q. Reviewing and approving the Tribunal's business plan, budget, annual report and financial reports, and submitting them to the Minister in accordance with the timelines specified in the applicable TB/MBC and government directives, and Appendix 1 of this MOU.
- r. Providing both the Minister and the Minister of Finance and the President of the Treasury Board with a copy of every audit report, a copy of the Tribunal's response to each report, and any recommendation in the report.
- s. Advising the Minister annually on any outstanding audit recommendations.
- t. Ensuring that members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.
- u. Making sure that appropriate management systems are in place (financial, information technology, human resources) for the effective administration of the Tribunal.
- v. Ensuring that there is a timely, effective and efficient caseload management system to resolve disputes.
- w. Directing that corrective action be taken relating to the Tribunal's operations, if needed.
- x. Making sure that an appropriate framework is in place for Members and Ministry staff assigned to support the Tribunal to receive adequate orientation and training with respect to the business and operations of the Tribunal and their particular responsibilities.

- y. Making sure that Members and Ministry staff assigned to support the Tribunal are aware of and comply with Applicable Directives and all applicable legislation.
- z. Making sure a process for responding to and resolving complaints from the public and the Tribunal's clients is in place.
- aa. Carrying out effective public communications and relations for the Tribunal as its chief spokesperson.
- bb. Cooperating with any review or audit of the Tribunal directed by the Minister, Auditor General or TB/MBC.
- cc. Fulfilling the role of ethics executive for Members, promoting ethical conduct and ensuring that all Members are familiar with the ethical requirements of the PSOA, and the regulations and the directives made under the PSOA, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.
- dd. Providing advice to the Minister and/or Deputy Minister, as appropriate, on issues of general application with respect to the Tribunal's mandate and operations.
- ee. Developing and maintaining the Tribunal's rules of practice and procedure in accordance with the Act, the *Statutory Powers Procedures Act* and other applicable law.

8.3 DEPUTY MINISTER

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's responsibilities for the Tribunal, including informing the Minister of policy direction, policies and priorities of relevance to the Tribunal's mandate.
- b. Advising the Minister on the requirements of the AAD, and other directives that apply to the Tribunal.
- c. Recommending to the Minister, as may be necessary, the evaluation or review, including a risk-based review, of the Tribunal or any of its programs, or changes to the management framework or operations of the Tribunal.
- d. Facilitating regular briefings and consultations between the Chair and the Minister, and between the Chair and the Ministry staff, as needed.
- e. Attesting to TB/MBC on the Tribunal's compliance with the mandatory accountability requirements set out in the AAD and other applicable TB/MBC directives, the government's operational policies and policy directions based on the annual letter of compliance from the Tribunal Chair to the Minister.
- f. Ensuring that the ministry and the Tribunal have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the Tribunal.
- g. Ensuring that the Tribunal has an appropriate risk management framework and a risk management plan in place for managing risks that the Tribunal may encounter in meeting its program or service delivery objectives.

- h. Undertaking timely risk-based reviews of the Agency, its management or operations, as may be directed by the Minister or TB/MBC.
- i. Establishing a framework for reviewing and assessing the Tribunal's business plans and other reports.
- j. Supporting the Minister in reviewing the performance targets, measures and results of the Tribunal.
- k. Advising the Minister on documents submitted by the Tribunal to the Minister for review or approval, or both.
- l. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category.
- m. Undertaking reviews of the Tribunal as may be directed by the Minister.
- n. Cooperating with any review of the Tribunal as directed by the Minister or TB/MBC.
- o. Monitoring the Tribunal on behalf of the Minister while respecting the Tribunal's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time.
- p. Negotiating a draft MOU with the Chair of the Tribunal, as well as any amendments to the MOU, as directed by the Minister.
- q. Consulting with the Chair, as needed, on matters of mutual importance including services provided by the ministry and compliance with TB/MBC directives and ministry policies.
- r. Meeting with the Chair as needed or as directed by the Minister, or on the request of the Chair.
- s. Ensuring that the Ministry is providing the Tribunal with the administrative, organizational, financial and other support services set out in this MOU and Appendices to this MOU.
- t. Informing the Chair, in writing, of new government directives and any exceptions to, or exemptions in whole or in part from TB/MBC directives, government policies, or ministry administrative policies.
- u. When required, submitting a report to the Secretary of TB/MB on the wind-up of the Tribunal, following the disposition of any assets, completion of any outstanding responsibilities by the Tribunal, and the termination of any appointments.
- v. Fulfilling the role of ethics executive for Ministry staff assigned to support the Tribunal; promoting ethical conduct and ensuring that all Ministry staff assigned to support the Tribunal are familiar with the ethical requirements of the PSOA and the regulations and the directives made under the PSOA, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.

9. Ethical Framework

- a. Members are subject to the conflict of interest provisions of the AAD and the conflict of interest provisions of the PSOA and its regulations.
- b. Members shall not use any information gained as a result of their appointment to or membership on the Tribunal for personal gain or benefit. A Member who has reasonable grounds to believe that he or she has a conflict of interest in a matter before the Tribunal shall disclose the nature of the conflict to the Chair at the first opportunity and shall refrain from further participation in the consideration of the matter. The Chair shall cause to be recorded in the minutes of the meeting of the Tribunal any declared conflicts of interest.
- c. The Chair, as the Ethics Executive for Members of the Tribunal, is responsible for ensuring that Members are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the Tribunal.
- d. The Deputy Minister, as the Ethics Executive for Ministry staff assigned to support the Tribunal, is responsible for ensuring that staff are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the Tribunal.
- e. The Chair will ensure that an ethics plan is developed for the Tribunal, and that the ethics plan is approved by the Conflict of Interest Commissioner.

10. Reporting Requirements

10.1 BUSINESS PLAN

- a. The Chair will ensure that the Minister is provided annually with the Tribunal's Annual Business Plan covering a minimum of three years from the current fiscal year that includes a financial budget and a risk assessment and management plan, for approval by the Minister. The Annual Business Plan shall be in accordance with the requirements set out in the AAD.
- b. The Annual Business Plan is to be submitted to the Ministry's Chief Administrative Officer or designated equivalent within three (3) months prior to the Tribunal's fiscal year-end.
- c. The Chair is responsible for ensuring that the Annual Business Plan includes a system of performance measures and reporting on the achievement of the objectives set out in the Annual Business Plan. The system must include performance goals, how they will be achieved, and targeted results and timeframes.
- d. The Chair will ensure that the Annual Business Plan includes a risk assessment and risk management plan to assist the Ministry in developing its risk assessment and risk management plan information in accordance with the requirements of the AAD to assess risks, develop and maintain necessary records, and report to TB/MBC.
- e. The Minister will review the Annual Business Plan and will promptly advise the Chair whether or not the Chair concurs with the directions proposed by the Tribunal. The Minister

may advise the Chair where and in what manner the Tribunal's plan varies from Government or Ministry policy or priorities as may be required, and the Chair will revise the Tribunal's plan accordingly.

- f. In addition, TB/MBC may require the Minister to submit the Tribunal's Annual Business Plan to TB/MBC for review at any time.
- g. The Chair will ensure that its business plan is made available to the public in an accessible format, in both official languages, on the Tribunal's website within 30 calendar days of Minister's approval of the plan.

10.2 ANNUAL REPORTS

- a. The Chair is responsible for ensuring that the Tribunal's Annual Report is prepared and submitted to the Minister for approval, and following approval is publicly posted within 90 calendar days after the agency's fiscal year end. The annual report shall be in accordance with the requirements set out in the AAD.
- b. The Chair, with the support of Ministry staff, will ensure that the annual report is prepared in the format specified in the AAD
- c. Ministry staff shall exercise due diligence in their review of the Annual Report prior to making any recommendation for approval by the Minister. Ministry staff may request reasonable additional information and analysis from the Tribunal, as necessary, for the purpose of this review.
- d. The Chair, with the support of Ministry staff, will ensure that any annual report to be publicly posted does not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the Tribunal.
- e. The Minister will receive and review the provincial agency's annual report to confirm compliance with AAD requirements and will approve the report within 60 calendar days after the day of receipt.
- f. The Minister will, within 30 calendar days of approval, table the report in the Legislative Assembly.
- g. The Chair, with the support of Ministry staff, will ensure that its annual report is publicly posted in an accessible format, in both official languages, on the Financial Services Tribunal website after the report has been tabled in the Legislature and within 30 calendar days of Minister approval.
- h. When distributing annual reports, digital formats and channels for distribution must be used unless otherwise required (e.g. by directive, legislation).

10.3 OTHER REPORTS

The Chair, with the support of the executive director, is responsible for:

- a. Ensuring that the reports and documents set out in Appendix 1 to this MOU are submitted for review and approval by the Minister in accordance with the prescribed timelines.
- b. Supplying specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time for the purpose of the ministry's administration.

10.4 OTHER REPORTS

The Chair is responsible for:

- a. Ensuring that the reports and documents set out in Appendix 1 to this MOU are submitted for review and approval by the Minister in accordance with the prescribed timelines.
- b. Supplying specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time for the purpose of the Ministry's administration, subject to any restrictions which may interfere or conflict with the integrity of adjudicative, assessment, decision-making or investigative process, or natural justice rights of the parties.

11. Public Posting Requirements

- a. The Tribunal, through the Chair, will ensure that the following approved governance documents are posted in an accessible format, in both official languages, on the Tribunal's website within the specified timelines:
 - Memorandum of Understanding and any Letter of Affirmation – 30 days of signing by both parties
 - Annual Business Plan – 30 days of Minister's approval
 - Annual Report – 30 days of tabling in the Legislature.
- b. Posted governance documents should not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the Tribunal in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the Tribunal.
- c. The Tribunal, through the Chair, and with the support of the Ministry, will ensure that the expense information for Members are posted on the Tribunal's website, in accordance with the requirements of the MBC Travel, Meal and Hospitality Expenses Directive.
- d. The Tribunal, through the Chair, and with the support of the Ministry, shall ensure that its decisions are posted on the Tribunal's website or on another publicly-accessible website.

- e. The Tribunal, through the Chair, will ensure that any other applicable public posting requirements are met.

12. Communications and Issues Management

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the Tribunal is essential for the Minister to meet the Minister's responsibilities for reporting and responding to the Legislative Assembly on the affairs of the Tribunal. The parties also recognize that it is essential for the Chair to be kept informed of the government initiatives and policy directions that may affect the Tribunal's mandate and functions.

The Minister and the Chair, therefore, agree that:

- a. "Communications" shall not include discussion or exchanging of information between the Tribunal and the Minister, Deputy Minister or Ministry staff about specific cases that have been, are or will be the subject of adjudicative or regulatory decision-making by the Tribunal.
- b. Inquiries received by the Ministry or the Minister's office regarding a case in progress at the Tribunal will be re-directed to the Tribunal without comment. Any response made by the Ministry or the Minister's office to the inquiring party will indicate that the inquiry has been forwarded to the Tribunal and that the Minister cannot comment on an adjudicative proceeding, assessment, decision, investigation or resolution.
- c. The Chair will keep the Minister advised, in a timely manner, of all planned events or issues, including contentious matters that concern or can be reasonably expected to concern the Minister in the exercise of the Minister's responsibilities.
- d. The Minister will consult with the Chair in a timely manner, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the Tribunal's mandate or functions, or which otherwise will have a significant impact on the Tribunal.
- e. The Minister and the Chair will consult with each other on public communication strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions.
- f. The Minister and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the fulfillment of the Tribunal's mandate, management and operations, and to review matters provided for in this MOU.
- g. The Deputy Minister and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the delivery of the Tribunal's mandate, the efficient operation of the Tribunal and the provision of services by the Ministry to the Tribunal, and to review matters provided for in this MOU. The Deputy Minister and the Chair shall provide timely information and advice to each other concerning significant matters affecting the Tribunal's management or operations.

- h. The Tribunal and the Ministry will adhere to the Public Communications Protocol set out in Appendix 3 to this MOU for ongoing issues management.

13. Administrative Arrangements

13.1 APPLICABLE GOVERNMENT DIRECTIVES

- a. The Chair is responsible for ensuring that the Tribunal operates in accordance with all Applicable Government Directives, whether or not a directive is specifically listed in Appendix 2, as well as applicable Ministry financial and administrative policies and procedures.
- b. The Ministry will inform the Tribunal of amendments or additions to directives, policies and guidelines that apply to the Tribunal; however, the Tribunal is responsible for complying with all directives, policies and guidelines to which it is subject.
- c. In addition to complying with the Realty Directive, the Tribunal shall comply with the Ministry of Infrastructure Realty Policy and Accommodation Space Policy, including any appendices to this policy, when acquiring space for accommodation and program purposes. The Ministry will ensure that the Tribunal is provided with any updates to this policy.

13.2 ADMINISTRATIVE AND ORGANIZATIONAL SUPPORT SERVICES

- a. The Deputy Minister is responsible for providing the Tribunal with the administrative and organizational support services listed in Appendix 4 to this MOU, and for negotiating with Ontario Shared Services concerning these services, as appropriate.
- b. Appendix 4 may be reviewed at any time at the request of either party.
- c. The Deputy Minister will ensure that the support or services provided to the Tribunal are of the same quality as those provided to the Ministry's own divisions and branches.

13.3 AGREEMENTS WITH THIRD-PARTIES

- a. Procurement required to support the programs and services of the Tribunal will be done by the Ministry consistent with applicable policies and directives, including, but not limited to, the OPS Procurement Directive.

13.4 LEGAL SERVICES

- a. Legal services to the Tribunal may be provided by the Ministry of the Attorney General ("MAG"), in accordance with an MOU between the Tribunal and MAG, if established.
- b. The Tribunal may request outside legal services when it requires expertise which is unavailable within MAG or when the use of a law office of the Crown would result in any conflict of interest. Outside legal services will be acquired in accordance with MAG's Operating Policy on Acquiring and Using Legal Services.

13.5 CREATION, COLLECTION, MAINTENANCE AND DISPOSITION OF RECORDS

- a. The Chair is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The Chair is responsible for ensuring that the Tribunal complies with all government legislation, directives and policies related to information and records management.
- c. The Chair shall protect the legal, fiscal and other interests of the Tribunal by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the Tribunal. This includes, but is not limited to, all electronic records, such as emails, information posted on the Tribunal's website, database data sets, and all records stored on personal computers and shared drives.
- d. The Chair is responsible for ensuring measures are implemented requiring the Tribunal's employees to create full, accurate and reliable records that document and support all aspects of Tribunal proceedings, significant business transactions, decisions, events, policies and programs.
- e. The Chair is responsible for ensuring that the Tribunal complies with the TB/MBC Management and Use of Information and Information Technology (I&IT) Directive, in conjunction with the Corporate Policy on Recordkeeping, as applicable.
- f. The Chair is responsible for ensuring that the Tribunal complies with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, Chapter 34, Schedule A.

13.6 INTELLECTUAL PROPERTY

- a. The Chair is responsible for ensuring that the Tribunal complies with MBC's Managing, Distributing and Pricing Government Information (Intellectual Property) Directive.

13.7 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

- a. The Chair and the Minister acknowledge that the Tribunal is bound to follow the requirements set out in the FIPPA in relation to the collection, retention, security, use, distribution and disposal of records.
- b. The Minister is designated as the institution head in Ontario Regulation 460 under the FIPPA for the purposes of the FIPPA for records.
- c. The Chair and the Minister acknowledge that FIPPA no longer applies to Tribunal "adjudicative records" as defined in the *Tribunal Adjudicative Records Act, 2019*, S.O. 2019, c. 7, Sched. 60 ("TARA") which came into force July 1, 2019. TARA applies to the public disclosure of such adjudicative records.
- d. FIPPA may still apply to other Tribunal records that are not "adjudicative records" and to Tribunal "adjudicative records" relating to proceedings commenced prior to July 1, 2019.

- e. The Chair and the Minister acknowledge that the Tribunal and the Information and Privacy Office of the Ministry will work together and coordinate responses to access requests.
- f. The Chair is responsible for ensuring that the Ministry is notified of any significant or contentious information requests under the FIPPA.

13.8 SERVICE STANDARDS

- a. The Tribunal shall establish service and quality standards that are consistent with the appropriate standards of the government, the Ministry and the Ontario Public Service.
- b. The Chair will ensure that the Tribunal delivers its services at a quality standard that reflects the principles and requirements of the OPS Service Directive.
- c. The Tribunal shall establish a formal process for responding to complaints about the Tribunal consistent with the Government's service quality standards. The Tribunal's process for responding to complaints about the quality of services is separate from any statutory provisions about re-consideration, appeals, etc. of the Tribunal's adjudicative decisions.
- d. The Tribunal's Annual Business Plan will include performance measures and targets for service and the Tribunal's response to complaints.
- e. The Tribunal shall comply with the *French Language Services Act* and the *Accessibility for Ontarians with Disabilities Act, 2005*.

14. Financial Arrangements

14.1 GENERAL

- a. All financial procedures for the Tribunal shall be in accordance with applicable TB/MBC and Ministry of Finance directives and guidelines, Ministry corporate financial and administrative policies and procedures, and other Government guidelines, directives and policies, as set out in Appendix 2 of this MOU.
- b. The Tribunal's approved operating and capital allocations may be adjusted in a given year if in-year fiscal constraints are ordered by Cabinet or the Minister. The Tribunal will be provided with notice of changes to its allocation as soon as is reasonably possible. Where the Tribunal must reallocate resources as a result of its operating and/or capital allocations being adjusted, the Tribunal shall inform and discuss with the Ministry before making such changes.
- c. The Chair, in coordination with a delegate of the Deputy Minister, shall be responsible for providing the Ministry with the necessary documentation to support the Tribunal's expenditures.

14.2 FUNDING

- a. The Tribunal's costs are recovered from the regulated sectors by FSRA. The Tribunal is funded out of the CRF pursuant to an appropriation authorized by the Legislature. The

Tribunal's expenditures are funded by way of interim payments made under section 15 of the *Financial Administration Act*.

- b. The costs of the Tribunal are recovered through annual assessments of FSRA made by the Lieutenant Governor in Council with respect to expenses and expenditures that the Tribunal has incurred, in accordance with sections 15 and 15.1 of the Act, and through any fees that may be established by the Minister under section 16 of the Act.
- c. The amount of an annual assessment is determined in the manner prescribed under the Act and is required to take into account any fees received by the Crown in respect of the Tribunal. Pursuant to the Act, FSRA is required to pay the annual assessment into the CRF.
- d. The Tribunal and the Ministry shall, as appropriate, exchange information in a timely manner to facilitate matters pertaining to the assessment.

14.3 FINANCIAL REPORTS

- a. The Chair will provide to the Minister annual financial statements and will include them as part of the Tribunal's annual report. The statements will be provided in a format that is in accordance with the province's stated accounting policies issued by the Office of the Provincial Controller Division.
- b. The Tribunal will submit its salary information to the Minister of Finance and/or the President of the Treasury Board, through the ministry, in accordance with the *Public Sector Salary Disclosure Act, 1996*.

14.4 TAXATION STATUS: HARMONIZED SALES TAX (HST)

Collection/Remittance of HST

- a. The Tribunal is responsible for complying with its obligations as a supplier under the federal *Excise Tax Act* to collect and remit HST in respect of any taxable supplies made by it.

Payment/Recovery of HST

- b. The Tribunal is responsible for paying HST where applicable, in accordance with the *Excise Tax Act* (Canada).
- c. Under the Canada-Ontario Reciprocal Taxation Agreement, the agency is entitled to claim HST government rebates in respect of any HST paid by the agency to suppliers, subject to any restrictions specified by Finance Canada.
- d. The Tribunal will not claim an HST government rebate in respect of tax for which it has claimed a refund, input tax credit or other rebate under the *Excise Tax Act* (Canada).
- e. The Tribunal is responsible for providing the Ministry of Finance or the Canada Revenue Agency, upon request, with any information necessary to determine the amount of an HST government rebate.

15. Audit and Review Arrangements

15.1 AUDITS

- a. The Tribunal is subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act* or by the Ontario Internal Audit Division of Treasury Board Secretariat.
- b. The Ontario Internal Audit Division may also carry out an internal audit, if approved to do so by the Ministry's Audit Committee or by the Corporate Audit Committee.
- c. Regardless of any previous or annual external audit, the Minister may direct that the Tribunal be audited at any time.
- d. The Tribunal will promptly provide a copy of every report from an audit to the Minister of Finance and the President of Treasury Board. The Tribunal will also provide a copy of its response to the audit report and any recommendations therein. The Tribunal will advise the Minister annually on any outstanding audit recommendations.
- e. The Chair may request an external audit of the financial transactions or management controls of the Tribunal, at the Tribunal's expense.

15.2 OTHER REVIEWS

- a. The Tribunal is subject to periodic review initiated at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the Tribunal that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the Tribunal.
- b. In requiring a periodic review, the Minister or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the Chair and the Minister, and how any other parties are involved.
- c. A mandate review of the Tribunal will be conducted at least once every 7 years.
- d. The Minister will consult the Chair as appropriate during any such review.
- e. The Chair will cooperate in any review.
- f. In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations for change that are developed from the results of the review regarding the Tribunal to TB/MBC for consideration.

16. Staffing and Appointments

16.1 DELEGATION OF HUMAN RESOURCES MANAGEMENT AUTHORITY

- a. Where the PSC has delegated its powers, duties and functions in relation to human resources management to the Deputy Minister or Chair, that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in

accordance with the mandate of the Tribunal, and within the parameters of the delegated authority.

16.2 STAFFING REQUIREMENTS

Where staffing is provided by the ministry, some suggested wording:

- a. The Tribunal is supported by Ministry staff employed under Part III of the *Public Service of Ontario Act, 2006*. Such persons are eligible for all the rights and benefits accorded under the PSOA and relevant collective agreements.
- b. Ministry staff assigned to support the Tribunal report to, and are accountable to, a delegate of the Deputy Minister for their performance.
- c. The Tribunal, in its dealings with Ministry staff assigned to support the Tribunal, is subject to MBC human resource directives and PSC directives under the PSOA.
- d. The Capital Markets and Agency Transformation Branch will develop job descriptions for the staff providing administrative services to the Tribunal, in consultation with the Chair.
- e. The Ministry is responsible for providing administrative/operational support to the Tribunal as per Appendix 4 of this MOU.

16.3 APPOINTMENTS

- a. The Lieutenant Governor in Council appoints the Members of the Tribunal and designates the term of their appointment pursuant to subsection 2(3) of the Act.
- b. The Chair and Vice-Chairs of the Tribunal are designated by the Lieutenant Governor in Council from among the Members, pursuant to subsection 2(5) of the Act.
- c. The selection process for the appointment of members to the Tribunal shall be competitive and merit based in accordance with the criteria described in the ATAGAA.
- d. In appointing Members to the Tribunal, the Lieutenant Governor in Council shall, to the extent practicable, appoint Members with experience and expertise in the applicable regulated sectors in accordance with the Act and recommendation of the Chair.

16.4 REMUNERATION

- a. Remuneration is set by the Lieutenant Governor in Council.
- b. Members will be remunerated pursuant to rates identified in Schedule B of the AAD.
- c. The Chair and Vice-Chairs will be remunerated in accordance with the rates established Order in Council 470/2018.
- d. Travel expenses of Members, including the Chair and Vice-Chairs, must comply with the MBC Travel, Meal and Hospitality Expenses Directive. Reasonable expenses shall be reimbursed.

17. Risk Management, Liability Protection and Insurance

17.1 RISK MANAGEMENT

- a. The Chair is responsible for ensuring that a risk management strategy is developed for the Tribunal, in accordance with the OPS Risk Management process.
- b. The Tribunal shall ensure that the risks it faces are dealt with in an appropriate manner.

17.2 LIABILITY PROTECTION AND INSURANCE

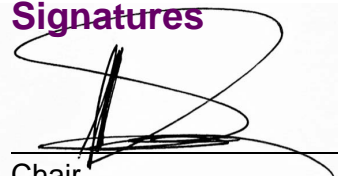
- a. Pursuant to section 14 of the Act, no action or other proceeding for damages shall be instituted against any Member, any employee appointed to the service of the Tribunal or any person engaged by the Tribunal for any act done in good faith in the execution or intended execution of the person's powers or duties or for any neglect or default in the execution, in good faith, of the person's powers or duties.
- b. The Tribunal is included in the Government of Ontario General & Road Liability Protection Program.

18. Effective Date, Duration and Periodic Review of the MOU

- a. This MOU becomes effective on the date it is signed by the Minister as the last party to execute it ("Original Effective Date") and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.
- b. This MOU expires five years after the effective date and may be renewed before that date for another five years. This MOU continues in force after its expiry until it is replaced or renewed.
- c. The Minister and the Chair will review the MOU within six months after there is a change in the responsible Minister or the Chair of the Tribunal and, in any event, at least once before it expires.
- d. Without affecting the effective date of this MOU, either the Minister or the Chair may initiate a review of this MOU by written request to the other.
- e. After any review of this MOU, the Minister and Chair may affirm by letter that the MOU will continue in force without amendments or alternatively, they may agree to revise it.
- f. If either of the parties deems it expedient to amend this MOU, they may do so only in writing. Any amendment shall only be effective after approval by the parties.
- g. A full review and replacement of this MOU will be conducted immediately in the event of a significant change to the Tribunal's mandate, powers or governance structure as a result of an amendment to the act or any other legislation, e.g., ATAGAA
- h. Upon a change in the Minister or Chair, both parties must affirm by letter that this MOU will continue in force without a review (and attach the signed letter to the MOU); or alternatively, they may agree to revise it and sign a new MOU within six (6) months of the change.

- i. Either the Minister or the Chair may initiate a review of this MOU by written request to the other.

Signatures

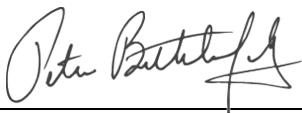


Chair

Financial Services Tribunal

June 14, 2021

Date



Minister of Finance and

President of the Treasury Board

June 11, 2021

Date

Appendix 1: Summary of Agency Reporting Requirements

DUE DATE	REPORT / DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS
Four months prior to the Tribunal's fiscal year end	Estimates of the Tribunal's expenditures.	Chair
Submitted annually within three (3) months prior to the Tribunal's fiscal year end	Agency Business Plan	Chair
Submitted annually within 90 calendar days after the Tribunal's fiscal year end	Annual Report	Chair
Quarterly	Expense Information for Appointees	Chair
Within 7 days of the release of the report	Audit Reports	Chair
Reviewed at least once every 5 years, or upon change in Chair or Minister	Memorandum of Understanding	Chair

Appendix 2: Applicable Government of Ontario Directives

1. The following TB/MBC and government directives, guidelines and policies apply to the Tribunal:
 - *Accounting Advice Directive*
 - *Accountability Directive*
 - *Advertising Content Directive*
 - *Agencies & Appointments Directive*
 - *Business Planning and Allocations Directive*
 - *Capital Expenditure Evaluation Directive*
 - *Cash Management Directive*
 - *Communications in French Directive*
 - *Corporate Policy on Protection of Personal Information*
 - *Disclosure of Wrongdoing Directive (Employees/Appointees of Public Bodies)*
 - *Data Integrity Policy*
 - *Digital and Data Directive*
 - *Governance and Management of Information and Data Assets Directive*
 - *Employee Benefits Directive*
 - *Enterprise Risk Management Directive*
 - *Expenditure Management Directive*
 - *Financial Record Retention Policy*
 - *HR Directives and Policies, as they apply in whole or in part*
 - *Indemnification Directive*
 - *Internal Audit Directive*
 - *Governance and Management of Information and Data Assets Directive*
 - *Corporate Policy on Recordkeeping; Managing, Distributing and Pricing Government Information (Intellectual Property); etc.*
 - *Perquisites Directive*
 - *Procurement Directive*
 - *Procurement Directive on Advertising, Public and Media Relations and Creative Communications Services*
 - *Realty Directive*
 - *Relocation Expenses Directive*
 - *Travel, Meal and Hospitality Expenses Directive*
 - *Visual Identity Directive*
2. The Tribunal is responsible for complying with all directives, policies and guidelines to which it is subject, irrespective of whether it is included on the list above.
3. The Ministry will inform the Tribunal of amendments or additions to directives, policies and guidelines that apply to the Tribunal.

Appendix 3: Public Communications Protocol

1. Purpose

The purpose of this communications protocol is to set out a framework for the Ministry and the Tribunal to collaborate on public communications opportunities, and to set out a process for handling specific case/hearing related inquiries received by the Minister's Office and the Ministry. Clear and direct lines of communication between the Ministry and the Tribunal are essential.

This communications protocol will support both the Tribunal's implementation of its legislated mandate and the promotion of the work it does. It will also support the Minister's accountability to the Legislative Assembly and to Cabinet for the same.

Matters related to Government priorities or policy or where a Ministerial approval is required (e.g., fees) require that the Government has the lead on the communications. This excludes day-to-day FST adjudicative communications.

2. Definitions

- a. "Public communications" means any material that is communicated to the public, either directly or through the media in:
 - Oral form, such as a speech or public presentation
 - Printed form, such as a hard copy report
 - Electronic form, such as a posting to a website.
- b. A "contentious issue" is a matter that is, or may reasonably be expected to be, of concern to the Legislative Assembly or the public, or is likely to result in inquiries being directed to the Minister or Government. Contentious issues may be raised by:
 - Members of the Legislative Assembly
 - The public
 - Media
 - Stakeholders
 - Service delivery partners

3. The Tribunal will comply with the TB/MBC Visual Identity Directive and identify itself in all media responses and news releases and on its website as an agency of the Government of Ontario.
4. The Ministry and the Tribunal will appoint persons to serve as public communications "leads".

- The Ministry lead is the Director of the Ministry's Communications Services Branch.
 - The Agency lead is the Chair.
5. For the purpose of this protocol, public communications are divided into five categories:
- a. Media responses or news releases related to the day-to-day business of the Tribunal that do not have direct implications for either the Ministry or the Government.
 - The Tribunal should communicate its media responses or news releases to the Ministry lead who will circulate as appropriate to other individuals within the Ministry.
 - b. Media responses, news releases or communications plans where provincial or Ministerial messaging on government priorities would enhance the Tribunal's or the Government's profile.
 - The Tribunal lead will notify the Ministry lead of upcoming media responses, news releases, and communications plans fifteen (15) days in advance for all non-contentious items that might generate media interest.
 - Final approval is required from the Minister's office and will be sought via the Ministry lead. If the Tribunal were not to receive comments or approval from the Minister's office or Ministry lead within forty-eight (48) hours of the date on which the item is to be issued, the Tribunal can proceed accordingly.
 - c. Contentious issues, media responses, and news releases that may have direct implications for either the Ministry or the Government or are likely to result in inquiries being directed to the Minister or Government.
 - For all contentious issues, the Tribunal lead will notify the Ministry lead immediately upon becoming aware of the issue and will notify the Minister's office simultaneously. The Ministry lead may also advise the Tribunal of contentious issues that require attention. The Tribunal will provide all required background information on the issue to the Ministry lead, who will arrange to have a contentious issues note prepared.
 - The Tribunal must obtain Ministry approval prior to issuing media responses or news releases in this category. The Tribunal lead will provide the media response or news releases to the Ministry lead who will initiate the approval process within the Ministry.
 - Final approval on media responses and news releases in this category is required from the Minister's office.
 - d. Public or media inquiries received by the Minister's Office or the Ministry regarding a specific case or hearing before the Tribunal will be re-directed to the Tribunal without comment. Any response made by the Ministry or the Minister's office to the inquiring party will indicate that the inquiry has been forwarded to the Tribunal and that the Minister cannot interfere with an adjudicative proceeding, decision or matter.

- Any party with a matter previously referred to the Tribunal requesting to discuss a specific case/hearing with the Minister's Office or with Ministry staff shall be referred to the Tribunal. The Chair will ensure that an appropriate response is communicated to the party. The response will advise the party of the independent nature of the Tribunal's relationship with the Ministry and the Minister.
- e. Requests for information pursuant to the FIPPA received by the Minister's Office or the Ministry will be referred to the Registrar Office of the Tribunal, which will determine an appropriate response to each request in consultation with the Chair.
- The Ministry will ensure that all inquiries referred by the Minister's Office are addressed in a manner that is consistent with the FIPPA.
 - The Tribunal will ensure that all inquiries referred by the Minister's Office via the Ministry are addressed in a manner which is consistent with the FIPPA.

Appendix 4: Administrative and Organizational Support Services

The following list includes support services provided by the Ministry to the Tribunal, either directly or through other Ontario Public Service providers:

- a. Financial administration: pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services, and records and form advisory services;
- b. Human resource services: classification, advice and consultation regarding recruitment procedures and staff relations, job description writing, career counselling and staff development, and advice and consultation regarding corporate initiatives such as occupational health and safety;
- c. Corporate educational opportunities and career planning services are available and open to Ministry staff assigned to support the Tribunal;
- d. Information technology and telecommunications services: advice, consultation, and support;
- e. Internal audit: financial compliance, management, human resource and information systems audits, operational reviews, and special investigations as required;
- f. Accommodation: planning, including lease renewals;
- g. Freedom of information program services;
- h. French language translation services;
- i. Business planning;
- j. Performance measurement and program evaluation; and
- k. Communications and marketing.

Program Administration

The Deputy Minister is responsible for ensuring that the Ministry provides the following administrative staff resources to the Registrar Office of the Tribunal:

- Registrar
- Assistant Registrar

Delegates of the Deputy Minister shall have responsibility for:

- a. Managing the day-to-day delivery of administrative, financial and support services to the Tribunal in accordance with Applicable Government Directives, accepted business and financial practices, and this MOU.

- b. Ensuring that the Chair and Ministry staff assigned to support the Tribunal are advised on the requirements of, and compliance with, the AAD, other Applicable Government Directives and Tribunal rules.
- c. Providing leadership and management to the Ministry staff assigned to support the Tribunal, including human and financial resources management.
- d. Keeping the Chair informed of operational matters.
- e. Supporting the Chair when requested in meeting the Chair's responsibilities.
- f. Arranging for the preparation of financial reports as required.
- g. Developing a performance measurement system for Ministry staff assigned to support the Tribunal and implementing the system.
- h. Establishing systems to ensure that the Tribunal operates within its approved Annual Business Plan.
- i. Establishing and applying a financial management framework for the Tribunal in accordance with applicable Minister of Finance/Treasury Board controllership directives, policies and guidelines.
- j. Ensuring that the Tribunal has an appropriate risk management framework and risk management plan in place.
- k. Ensuring that a system is in place for the retention of Tribunal documents and for making such documents publicly available when appropriate, for complying with FIPPA and the *Archives and Recordkeeping Act* where applicable.

Legal Services

Legal services to the Tribunal may be provided by the Ministry of the Attorney General ("MAG"), in accordance with an MOU between the Tribunal and MAG, if established.

Appendix 5: Related Statutes

The following statutes confer powers and duties on the FST, directly or indirectly:

- *Automobile Insurance Rates Stabilization Act*, 2003, S.O. 2003, c.9
- *Credit Unions and Caisses Populaires Act*, 1994, S.O. 1994, c. 11
- *Financial Professionals Title Protection Act*, 2019
- *Insurance Act*, R.S.O. 1990, c. I.8
- *Loan and Trust Corporations Act*, R.S.O. 1990, c. L.25
- *Mortgage Brokerages, Lenders and Administrators Act*, 2006, S.O., 2006, c.29
- *Pension Benefits Act*, R.S.O. 1990, c. P.8
- *Pooled Registered Pension Plans Act*, 2015, S.O. 2015, c.9
- *Prepaid Hospital and Medical Services Act*, R.S.O. 1990, c. P.21