

Financial Services Tribunal
2023-24 Annual Report

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1.0 Message from the Chair

I am pleased to provide the 2023-24 Annual Report for the Financial Services Tribunal (FST or Tribunal). This report includes details relating to our key activities and achievements over the year.

In 2023-24, the FST adopted amendments to its Rules of Practice and Procedure to expressly address frivolous, vexatious or bad faith motions and also introduced a new Summary Administrative Penalty Appeals Practice Direction to provide direction on the FST's process for dealing with notices of appeals arising out of increased enforcement activity by the Financial Services Regulatory Authority of Ontario.

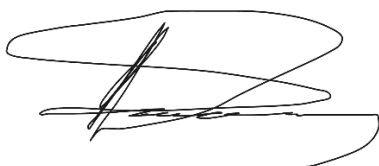
In 2023-24, the FST's new website launched, offering an improved and streamlined user experience.

FST members and staff worked steadily throughout the year with hearing and pre-hearing activities. In 2023-24, there was an increase in new cases received - 50 new cases, up from 25 received the previous year.

To meet caseload requirements and continue to provide effective and efficient adjudicative services, the FST welcomed one new member in 2023-24 and saw the reappointment of four existing members.

As I hope you will see from this report, we have accomplished a lot in the past year, and we remain committed to continued improvement. The results we have achieved would not have been possible without the commitment and dedication of our people. I would like to extend my sincere thanks to my colleagues on the Tribunal, in the Registrar's office and within the Ministry of Finance, who have worked tirelessly this year to support the success of our organization.

I look forward to continued success during the remainder of this year and to our ongoing progress in 2024-25.

A handwritten signature in black ink, appearing to read 'Ian McSweeney', with a large, stylized initial 'I'.

Ian McSweeney
Chair

2.0 Overview of the FST

Established by the *Financial Services Tribunal Act, 2017* (FST Act), the FST is an expert, independent adjudicative body. The FST conducts hearings and hears certain appeals on regulatory and disciplinary matters under statutes covering the sectors regulated by the Financial Services Regulatory Authority of Ontario (FSRA), including the:

- *Pension Benefits Act*;
- *Insurance Act*;
- *Mortgage Brokerages, Lenders and Administrators Act, 2006*;
- *Credit Unions and Caisses Populaires Act, 2020*;
- *Loan and Trust Corporations Act*;
- *Prepaid Hospital and Medical Services Act*; and
- *Financial Professionals Title Protection Act, 2019*

The FST has exclusive jurisdiction to exercise the powers conferred on it by legislation and to determine all questions of fact or law that arise in its hearings and the authority to make rules regarding the Tribunal's practices and procedures, including the awarding of costs.

As an administrative adjudicative body, with powers similar to those of a court, the FST provides a relatively fast and cost-effective way to request hearings and appeals of proposed regulatory orders and decisions.

2.1 Mandate

The FST is an expert independent adjudicative body established under the Act with a mandate to conduct hearings and appeals on licensing, market conduct and other matters arising under, and in accordance with, legislation governing the financial services industry sectors regulated by FSRA, the *Statutory Powers Procedure Act* (SPPA) and the FST's Rules of Practice and Procedure and Practice Directions.

2.2 Mission Statement

The FST delivers adjudicative services to the citizens of Ontario in a fair, independent, effective and efficient manner that promotes public confidence in the sectors regulated by FSRA and protects the public interest in accordance with its legislated authority. The FST promotes public confidence by exercising integrity, expertise and excellence, and by being accessible, accountable and responsive.

2.3 Vision

The FST aspires to encourage diversity, inclusion and belonging within our team and to provide our services with compassion and respect. We continuously seek opportunities to collaborate, innovate and improve.

3.0 Key Activities and Initiatives

In fiscal 2023-24 the FST continued to operate as an independent tribunal with respect to regulatory enforcement activities carried out by the Chief Executive Officer of FSRA under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

The Tribunal continues to offer in person and hybrid hearings (combination of electronic and in person) to parties as appropriate in the circumstances. In July 2023, in fulfilment of Strategic Direction #2 outlined in the 2023-25 Annual Business Plan, the FST adopted revisions to its Rules to expressly address frivolous, vexatious or bad faith motions and suspended its Discretionary In-Person Hearings During COVID-19 Practice Direction.

In support of our commitment to modernize the FST's operations, as articulated in Strategic Direction #3 in the 2023-25 Annual Business Plan, the FST launched a new and more modernized website that provides a more streamlined and user-friendly public interface. Work continues to make enhancements as necessary and ensure materials meet accessibility requirements in accordance with the *Accessibility for Ontarians with Disabilities Act*.

With respect to the FST's core activities, the Tribunal remained committed to providing an impartial hearing process and adjudicating cases in a transparent, fair and timely manner. Specifically, there were a total of 50 new cases received in 2023-24, in comparison to 25 new cases received in 2022-23. At the same time, the number of cases pending at the end of the year was 43 cases, compared to 28 at the end of 2022-23. The FST closed 34 cases across various sectors regulated by FSRA, up from 25 in 2022-23.

During 2023-24 there was a total of 115 days of pre-hearings, hearings and motions heard compared to the 105 days in 2022-23. Table 3.0 summarizes the FST's activities in 2023-24.

Table 3.0: FST Activities in 2023-24

Activity	Pension Matters	Mortgage Matters	Insurance Matters	Credit Union Matters	Service Provider Matters	Total 2023-24	Total 2022-23	Total 2021-22
Cases Pending at Beginning of Year	6	5	15	0	2	28	28	38
New Cases Received	2	28	20	0	0	50	25	15
Cases Closed	8	7	16	0	3	34	25	25
Cases Pending at End of Year	0	26	17	0	0	43	28	28
Oral Hearing Days	0	23	6	0	0	29	21	32
Written Hearings	0	0	0	0	0	0	1	18
Other Activity Days – Including: Pre-Hearing Conferences, Settlement Conferences and Motions	4	48	33	0	1	86	83	109
Total Hearing (Oral and Written) and Activity Days before FST	4	71	39	0	1	115	105	159

Notes:

1. Table does not include FST quarterly meetings, days for deliberation or decision writing.
2. Total number of days worked by all FST members combined for the period were approximately 445 days.
3. Numbers may reflect activity in respect of files opened prior to 2023-24 fiscal year.
4. Written hearings may relate to financial hardship matters, motions, requests for costs or requests for a review of a decision.

3.1 FST Appointments

In accordance with the FST Act, the Tribunal must have a minimum of nine members, including the Chair and two Vice-Chairs, all appointed by the Lieutenant Governor in Council. Appointments to the FST are made in accordance with the *Adjudicative*

Tribunals Accountability, Governance and Appointments Act, 2009 (ATAGAA) and guidelines established by Ontario's [Public Appointments Secretariat](#).

In pursuit of Strategic Direction # 1 in the FST 2023-25 Annual Business Plan, in 2023-24 there was one new member appointed to the FST, in conjunction with the re-appointment of some existing members to meet the Tribunal's caseload requirements. The FST continues to seek out qualified candidates for appointment to the Tribunal both to assist in the Tribunal's workload and to offset the impact of departing members in accordance with Section 2(4) of the FST Act. To the extent practicable, members are appointed based on experience and expertise in the regulated sectors. This ensures that the FST has adequate technical knowledge and resources to provide adjudicative services to the regulated sectors within FSRA's jurisdiction. In 2023-24, the total remuneration for the FST members (excluding staff) was \$278,787.25. Table 3.1 below provides details on FST memberships during the reporting period.

Table 3.1: FST Members in Fiscal 2023-24

Name	Position	Tenure (From-To)
Ian McSweeney	Chair	March 11, 2015 - September 12, 2025
Paul Farley	Vice-Chair	November 18, 2021 – November 17, 2025
Bethune Whiston	Vice-Chair	December 17, 2013 - September 23, 2024
Martin Guest	Member	December 2, 2021 – December 1, 2026
Ruth Wahl	Member	December 2, 2021 – December 1, 2026
Jill Wagman	Member	December 17, 2013 - December 16, 2023
Caroline Hunt	Member	February 8, 2018 - February 7, 2025
Allan Shapira	Member	March 2, 2023 – March 1, 2025
Nicholas Savona	Member	March 18, 2020 - March 17, 2025
Edward Skwarek	Member	March 18, 2020 - March 17, 2025
Jane Waechter	Member	March 23, 2023 – March 22, 2025
Anthony Fredericks	Member	April 11, 2018 - April 10, 2025
Christopher Portner	Member	August 17, 2017 - September 12, 2025
Mohammad Faisal Siddiqi	Member	March 1, 2017 - March 20, 2026
Garnet Fenn	Member	January 11, 2024 – January 10, 2026
Total fiscal 2023-24 remuneration	\$278,787.25	

3.2 Rules, Practices, Procedures and Guidelines

The FST has established its Rules, Practice Directions and Guidelines to govern the conduct of its hearings, subject, as well, to the SPPA and enabling legislation applicable to the financial services sectors regulated by FSRA. To further assist hearing participants and mitigate some of the barriers to understanding our legal process, the FST has also created and posted online a Guide to Regulatory Proceedings (Guide). The Guide provides detailed information regarding how the FST conducts its proceedings.

For hearing participants' convenience, the FST's hearing schedule, decisions and Rules are posted on the [FST website](#), along with the biographies of current FST members.

4.0 FST Public Service Standards

In accordance with the OPS Service Directive (Directive), the FST has developed service standards to meet the Directive's mandatory requirements to:

- Establish and communicate to customers, program-specific service standards for services offered;
- Monitor and measure the quality of service provided; and
- Communicate to customers, the actual quality of service provided.

The Directive articulates and reinforces the need for service standards, processes and practices, roles and responsibilities to ensure accessible and quality services to customers. In fiscal 2023-24, the FST continued to focus on meeting its commitments and delivering service to the members of the public. Table 4.0 summarizes how the FST performed against its standards in fiscal 2023-24.

Table 4.0: FST Service Standards in Fiscal 2023-24

Performance measures	# of cases / decisions	Target # of cases¹	# of cases that met standard	Service Standard Achieved
Acknowledgement letter sent within 5 calendar days Standard: 100% of cases	48	48	45	No
Pre-hearing date scheduled within 35 calendar days of filing completed Request for Hearing or Notice of Appeal, unless otherwise ordered by the hearing/appeal	48	43	44	Yes

panel chair. The Registrar may set the first pre-hearing date to comply with this standard if a party is non-responsive or unwilling to agree to a date. Standard: 90% of cases				
Decision issued within 90 calendar days from final day of hearing Standard: 90% of cases	8	7	8	Yes

Service excellence is a priority for the FST, and it highlights the FST's commitment to providing fair, effective and timely judgements. While the FST strives to meet all of its service standards, including to send an acknowledgement letter within 5 calendar days, the ability to meet this standard may sometimes be affected by missing information in the request for hearing and resource availability. Going forward, the FST will work to prioritize the acknowledgement letters, including to identify any missing information as quickly as possible upon receipt of a request for hearing.

5.0 Financial Summary

The FST's budget is funded through interim spending authority provided by the government, until its costs are fully recovered from the regulated sectors through an annual assessment facilitated by FSRA. The expenses and expenditures of the FST are charged to the Ministry of Finance's Financial Services Tribunal Program and are fully recovered from the regulated sectors through FSRA.

The FST's spending authority is funded through interim payments from the Consolidated Revenue Fund, authorized under Section 15.1 of the *Financial Administration Act*, which are to be fully recovered from FSRA in each fiscal year. Table 5.0 below provides an overview of FST revenues and expenditures.

Table 5.0: FST Revenues in Fiscal 2023-24

Item	2023-24	2022-23
Recovery from Sectors	\$690,677.38	\$481,100.11
Total Revenue	\$690,677.38	\$481,100.11

Table 5.1: FST Expenditures in Fiscal 2023-24

Item	2023-24	2022-23
Salaries and Wages	\$127,261.30	\$130,895.01
Employee Benefits	\$18,327.20	\$18,278.36
Transportation and Communications	\$3,562.60	\$2,301.31
Services	\$540,810.60	\$325,106.46
Supplies and Equipment	\$715.68	\$4,518.97
Total Expenditures	\$690,677.38	\$481,100.11

Notes:

- Under subsection 15(1) of the FST Act, 2017, the Lieutenant Governor in Council may assess FSRA with respect to all expenses and expenditures that the FST and the Ministry of Finance have incurred and made under the FST Act or any other Act that confers powers or assigns duties to the FST. This assessment is made in accordance with Order in Council 115/2020 and O. Reg. 144/19.*

In fiscal 2023-24, the FST reported \$690,677.38 in total revenues and expenditures compared to \$481,100.11 in the previous year. The expenditures are higher than fiscal 2022-23 primarily due to higher member training, development, and remuneration expenditures, as well as project expenditures related to the Tribunal's website modernization initiative, as there were no such expenditures in fiscal 2022-23.