

## REGISTRATION UNDER THE MORTGAGE BROKERS ACT

The Manitoba Securities Commission administers The Mortgage Brokers Act (the “Act”).

The Act seeks to protect mortgage investors and borrowers by regulating mortgage brokers and mortgage salespersons as defined in the Act. The Act sets out the information that must be provided to mortgage investors, lenders and borrowers by mortgage brokers.

### Who must be registered?

#### As a Mortgage Broker

A person who:

- Sells mortgages
- Buys or sells mortgages as a principal or acts as an agent in the purchase or sale of a mortgage
- Arranges or places mortgages for other persons (borrowers or lenders) and requests an advance fee from either party for doing so
- Registers a mortgage or mortgage of a mortgage in his/her name on behalf of mortgage investors
- Administers mortgages on behalf of investors for a reward or hope or promise thereof
- Holds himself/herself out as doing any of the above.

#### As a Restricted Mortgage Broker

A person who:

- Solicits another person to lend or borrow money on the security of a mortgage
- Provides information about a prospective borrower to a mortgage lender
- Assesses a prospective borrower on behalf of a mortgage lender
- Arranges or places a mortgage for another person
- Arranges or solicits the purchase or sale of a mortgage for another person

### Who does not have to be registered?

A person who:

- Buys or sells mortgages or invests in mortgages through a registered mortgage broker
- A person or company registered under The Securities Act
- A person who refers a prospective borrower to a prospective lender, or a prospective lender to a prospective borrower, if the person making the referral complies with the prescribed requirements respecting the referral

The following are exempt from registration:

- (i) an insurance company registered as an insurer under The Insurance Act
- (ii) banks
- (iii) trust or loan companies insured under a policy of deposit insurance issued by the Canada Deposit Insurance Corporation

- (iv) credit unions and caisses populaires
- (v) a Crown corporation or other agency of the Crown
- (vi) trade in a security under The Securities Act
- (vii) solicitors entitled to practice in Manitoba acting in their professional capacity on behalf of a client provided the solicitor does not hold himself/herself out as being engaged in the business of a mortgage broker
- (viii) any person, or class of persons, exempted under the Regulations.

The above information will be helpful in determine whether a contemplated mortgage activity will require registration under the Act.

Information regarding registration may be found on the real estate division section of the Commission's webpage under [Registration](#).