



CANADIAN INSTITUTE OF MORTGAGE BROKERS AND LENDERS
INSTITUT CANADIEN DES COURTIERS ET DES PRÊTEURS HYPOTHÉCAIRES

January 19, 2006

Hon. Michael Bryant, MPP
Attorney General
Province of Ontario
720 Bay Street, 11th Floor
Toronto, Ontario M5G 2K1

Dear Minister:

Re: Proposed Amendments to the Law Society Act - Bill 14

The proposed *Access to Justice Act*, Bill 14, amends a number of different statutes. On behalf of the 4,600 members of the Canadian Mortgage Brokers and Lenders (CIMBL) in Ontario, representing \$300 billion in mortgage credit, we wish to raise a serious concern with legislative changes which will, if not amended, result in a duplicative regulatory regime for several professions, including mortgage professionals. Mortgage brokers and agents in Ontario are already regulated by the Financial Services Commission of Ontario (FSCO); indeed you will be aware that new mortgage brokerage and lenders legislation is expected to be introduced by the government shortly.

In its current wording, CIMBL believes that Bill 14 would allow the Law Society of Upper Canada to regulate the mortgage industry along with other professions. The provision of legal services is defined in the legislation under section 1(10) (5) and (6). Specifically subsection five and six read:

"(5) A person provides legal services in Ontario if the person engages in conduct that involves the application of legal principles and legal judgement with regard to the circumstances and objectives of the person.

(6) Without limiting the generality of subsection (5), a person provides legal services if the person does any of the following:

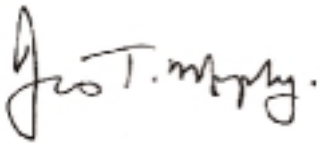
- 2. Selects, drafts, completes or revises,**
 - (i) a document that affects person's interests in or rights to or in real property, including family property...."**

CIMBL believes this to be very broad language and would capture mortgage services provided by our members. Lawyers or licensed paralegals would have to complete mortgage documents.

CIMBL would request that the legislation be amended to exempt mortgage brokers, agents and professionals who are already regulated in Ontario by FSCO. CIMBL would not support delegating this legislative change to the Law Society of Upper Canada.

CIMBL would be pleased to meet with you to discuss remedies which you feel would address our concern. Please contact myself at 416-385-2333 Ext. 31 or by e-mail jmurphy@cimbl.ca

Sincerely,

A handwritten signature in black ink that reads "Jim T. Murphy." The signature is written in a cursive, slightly slanted style.

Jim Murphy
Senior Director of Government Relations

Cc: Hon. Dalton McGuinty, MPP Premier
Hon. Dwight Duncan, MPP Minister of Finance
Mr. David Zimmer, MPP PA to the Attorney General
Mr. Wayne Arthurs, MPP PA to the Minister of Finance