

In the Matter of

The *FINANCIAL INSTITUTIONS ACT*
(RSBC 1996, c.141)
(the "Act")

and

The *INSURANCE COUNCIL OF BRITISH COLUMBIA*
("Council")

and

SAMIA NDAYISABA
(the "Licensee")

ORDER

As Council made an intended decision on February 17, 2015, pursuant to section 231 of the Act;
and

As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons
and notice of the intended decision dated March 5, 2015; and

As the Licensee has not requested a hearing of Council's intended decision within the time period
provided by the Act;

Under authority of section 231 of the Act, Council orders the Licensee's accident and sickness
insurance licence is suspended until such time as the Licensee provides an adequate reply to
Council's inquiries and Council has an opportunity to consider the Licensee's suitability to
continue to hold an insurance licence.

This order takes effect on the **24th day of March, 2015.**



Rita Ager, CFP, CLU, CHS, CPCA, FEA
Past Chairperson, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA

("Council")

respecting

SAMIA NDAYISABA

(the "Licensee")

INTRODUCTION

Pursuant to Council Rules, an applicant for an insurance licence who is a resident of a jurisdiction other than British Columbia must be licensed for the same class of insurance licence in the applicant's home jurisdiction, provide evidence that activities authorized under the same class of licence being applied for in British Columbia are exempt from licensing in the applicant's home jurisdiction, or be otherwise approved by Council.

At the time of the Licensee's application for an accident and sickness insurance ("A&S") licence in British Columbia in 2013, the Licensee was a resident of Ontario and was licensed as an A&S agent by the Financial Services Commission of Ontario.

Subsequent to obtaining an A&S licence in British Columbia, the Licensee's Ontario licence was suspended for not having a licence sponsor. Upon learning of this, Council conducted an investigation pursuant to section 232 of the *Financial Institutions Act* (the "Act") to determine whether this had a bearing on the Licensee's suitability to continue to hold an A&S licence in British Columbia.

Multiple attempts were made to contact the Licensee, but no response has been forthcoming. Consequently, the issue was considered by Council at its February 17, 2015 meeting, where it determined the matter should be disposed of in the manner set out below.

PROCESS

Pursuant to section 237 of the Act, Council must provide written notice to the Licensee of the action it intends to take under section 231 of the Act before taking any such action. The Licensee may then accept Council's decision or request a formal hearing. This intended decision operates as written notice of the action Council intends to take against the Licensee.

FACTS

The Licensee, who was a resident of Ontario at the time of her application for an insurance licence in British Columbia, has been licensed as an A&S agent in British Columbia since December 12, 2013.

On July 17, 2014, the Licensee's A&S agent licence in Ontario was suspended as the Licensee ceased to have a sponsor for her A&S licence.

Between August 26, 2014 and November 20, 2014, Council sent three letters to the Licensee requesting information about her licence status in Ontario. The Licensee did not respond to the letters, one of which was returned to Council marked unclaimed. All attempts to contact the Licensee have been unsuccessful.

ANALYSIS

While acknowledging that at least one of its letters was returned, it is the Licensee's responsibility to notify Council within 30 calendar days of any change to contact information. To date, Council has not received any updated contact information from the Licensee. As a result, Council determined that the Licensee was deemed to have received its letters and has elected to not reply to Council's inquiries.

Accordingly, Council found that the Licensee acted contrary to section 231 of the Act which requires her to provide a prompt reply to an inquiry from Council.

INTENDED DECISION

Pursuant to section 231 of the Act, Council intends to suspend the Licensee's A&S agent licence until such time as the Licensee provides an adequate reply to Council's inquiries and Council has an opportunity to consider the Licensee's suitability to continue to hold an insurance licence.

The intended decision will take effect on **March 24, 2015**, subject to the Licensee's right to request a hearing before Council pursuant to section 237 of the Act.

Intended Decision
Samia Ndayisaba
194147
March 5, 2015
Page 3 of 3

RIGHT TO A HEARING

If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case at a hearing before Council. Pursuant to section 237(3) of the Act, to require Council to hold a hearing, the Licensee must give notice to Council by delivering to its office written notice of this intention by **March 23, 2015**. A hearing will then be scheduled for a date within a reasonable period of time from receipt of the notice. Please direct written notice to the attention of the Executive Director.

If the Licensee does not request a hearing by **March 23, 2015**, the intended decision of Council will take effect.

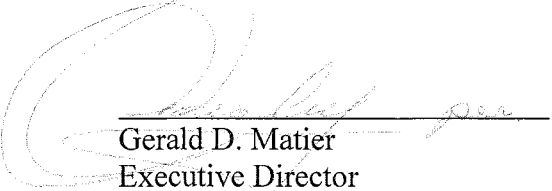
Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the Financial Institutions Commission still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The Financial Institutions Commission has 30 days to file a Notice of Appeal, once Council's decision takes effect. For more information respecting appeals to the FST, please visit their website at fst.gov.bc.ca or contact them directly at:

Financial Services Tribunal
PO Box 9425 Stn Prov Govt
Victoria, British Columbia
V8W 9V1

Reception: 250-387-3464
Fax: 250-356-9923
Email: FinancialServicesTribunal@gov.bc.ca

Dated in Vancouver, British Columbia, on the **5th day of March, 2015**.

For the Insurance Council of British Columbia



Gerald D. Matier
Executive Director
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GM/bk