

INDIVIDUAL INVESTOR

July 15, 2020

The Secretary
Ontario Securities Commission
20 Queen Street West 22nd Floor
Toronto, Ontario M5H 3S8

Me Philippe Lebel
Autorite des marches financiers
Place de la Cite, tour Cominar
2640, boulevard Laurier, bureau 400
Quebec, Quebec G1V 5C1

RE: Request for comments-Nat. Instrument 31-103 to enhance protection of older and vulnerable investors

Dear Members of the Canadian Securities Administrators:

I provide these comments in response to your request , and out of deep concern that the views of individual investors, who are very much 'stakeholders' in this matter, have not in my view been seriously and actively sought.

While individual investors can undoubtedly appreciate that financial advisors and brokerage firms need to protect themselves from legal and financial liability while serving their clients of any age, we would like to be informed and consulted before any organization with a mandate to protect investors undertakes a project which could, if inappropriately handled, fail to respect the autonomy of investors of any age, and/or attempt to restrict the right of investors to invest as they so choose.

The stated purpose of your proposal is 'to enhance protection of older and vulnerable clients'. I have also seen the term 'seniors' used numerous times in your documents. It is, in my view, essential to state clearly and definitively from the outset your understanding of the terms "older", "vulnerable", and "senior". I applaud the response of Jakab and Armstrong dated April 15, 2020 which states:

"We encourage the Canadian Securities Administrators (CSA) to use only the term "vulnerable" when describing the class of investors that will get additional protections when the amendments are finalized and brought into force and effect. Using "age" and "vulnerability" together could lead to *ageism* instead of considered assessment of the facts in a particular client scenario." (italics mine)

Further, your "Request for Comments" notes that "The CSA recognizes that older clients are not a homogenous group and that not all older clients are vulnerable or unable to protect their own interests. The CSA also recognizes that not all vulnerable clients are older clients. Vulnerability can affect a client of any age, take many forms, and can be temporary, sporadic, or permanent in nature."

I would also encourage the CSA to consider the case of Warren Buffett! He is neither vulnerable nor subject to any 'aging process limitation', but he is undoubtedly older. Would you, in all seriousness, attempt to force him to give an adviser the name of a Trusted Contact Person? While not as famous perhaps, there are a large number of older investors who are perfectly capable of conducting their own affairs and do not deserve to be lumped into a catch-all category such as 'older and vulnerable clients'. Some are, some aren't! By the same token, there are large numbers of clients under the age of 50 who are not capable of competently managing their own financial affairs.

Again to second the response of Jakab and Armstrong:

"The 'trusted contact person' concept carries risks with it. ... To mitigate these risks, we recommend the CSA consider additional amendments to allow registrants to request information about a client's arrangements for incapacity. To ensure this information is well-founded and does not contravene privacy laws (i.e. ask only for that information required to carry out the service you provide), a registrant would have to disclose to a client that providing the information is to guard against an unanticipated mental incapacity and that if the client chooses not to provide the information, it will not prevent the registrant from serving the client (though it could put the client at risk should mental incapacity be an issue in future.)"

As an investor, and understanding your wish to protect truly cognitively compromised clients, I am prepared to accept a request from a brokerage firm or financial adviser to provide the name of a TCP if, and only if:

- it is not mandatory at any time, now or in the future, in order to continue to work with that advisor or brokerage AND
- it is to be requested from all investors of any age AND
- each investor is provided with written confirmation of their choice to provide the name or to decline to provide a TCP

In conclusion, please remember that most investors have many other personal and professional contacts to consult who are also concerned with the client's well-being: a lawyer, an accountant, a doctor, and close family and friends. While it is admirable for your organization to want to establish policy to protect individual investors, we all expect a policy which will continue to respect each individual's right to autonomy in their personal and financial life.

Thank you for the opportunity to comment on my reservations about this initiative along with my hope that you will make amendments that will serve your ultimate goal of protecting truly vulnerable investors. I am disappointed that more individual investors have not responded to your invitation. The label 'stakeholder' definitely needs to include the breadth of opinions of all investors when a consultation such as this is taking place. I am available should you wish to discuss my comments further.

Very truly yours,

A handwritten signature in blue ink that reads "Linda Clunie". The signature is written in a cursive, flowing style.

Linda Clunie