20 July 2020

Sent via email on 20 July, 2020 to comments@osc.gov.on.ca, Consultation-en-cours@lautorite.qc.ca

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

Me Philippe Lebel
Autorité des marchés financiers
Place de la Cité, tour Cominar
2640, boulevard Laurier, bureau 400
Québec (Québec) G1V 5C1


**Re: Proposed amendments to CSA National Instrument 31-103 to enhance protection of older and vulnerable clients**

CARP is Canada's largest advocacy association for older Canadians, with 320,000 members, and 26 member chapters across Canada.  We are committed to working with all levels of government to advocate for older Canadians.  Our mission is to advocate for better health care, enhanced financial security, and freedom from ageism and abuse for older adults.

Thank you for your kind consideration.

Sincerely,


Marissa Lennox                          Bill VanGorder
Chief Policy Officer                    Vice Chair, National Board of Directors

**Summary**

CARP is pleased to have the opportunity to provide input on the proposed amendments to National Instrument 31-103 – to Enhance Protection of Older and Vulnerable Clients.

CARP supports the initiative by the CSA to enhance investor protection by promoting the use of trusted contact persons (TCP) and enabling temporary holds on potentially exploitative transactions.

**Trusted Contact Person**

CARP supports the need for firms to make reasonable efforts to obtain the name and contact information of a trusted contact person (TCP) from their clients. A TCP will help to safeguard older adults from financial abuse and harm by giving the firm consent to contact the trusted person to address possible financial exploitation, or to discuss concerns regarding diminished capacity as it relates to the client's financial decision making ability.

We agree with the provision that requires a firm to provide a description of the circumstances under which the firm may disclose information about the client or the client's account to the TCP.

Should the client wish to be referred to resources such as a brochure for more information, firms should have the appropriate resources and materials in large print and plain language available.
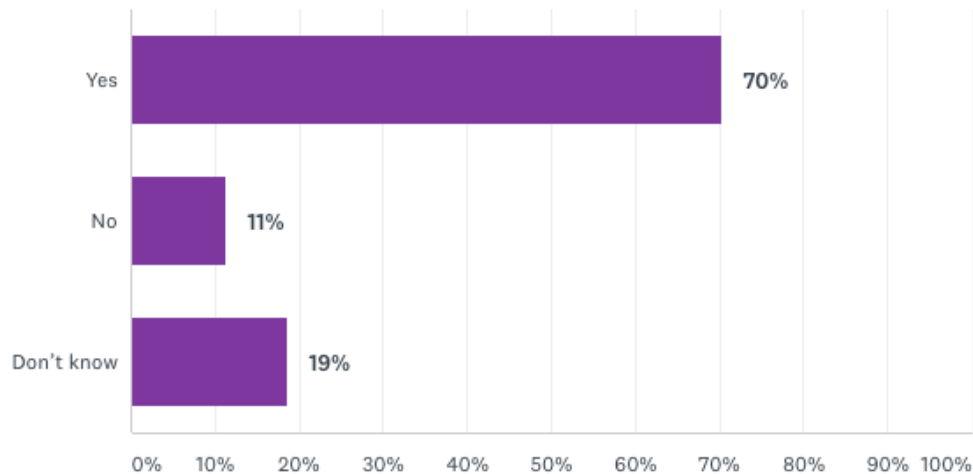
A TCP should not be cited as the power of attorney, but rather a separate individual that the advisor can call upon if they suspect wrongdoing.

Financial fraud against older adults is most often perpetrated by those closest to the victims: family members, friends, or caregivers. This underscores the importance of ensuring a trusted contact is established before any issues arise.

In a survey conducted between May 29 and June 4, 2020, 70% of CARP members said they support the need for a trusted contact. Of those who had an opinion, 86% supported.

**CARP Members' View**

Q. Would you like your investment firm or bank to ask you for the name of a trusted person to contact in the event that they suspect fraud or other harm to you?



* This survey, conducted between May 29 and June 4, 2020, received over 3,500 responses.

**Temporary Holds**

CARP supports the proposed rule to allow a firm to a place a temporary hold on certain transactions where there is a reasonable belief of financial exploitation or undue influence of the client.  In addition, CARP supports the proposed conditions for a temporary hold, including where the firm reasonably believes the client is a vulnerable client, and financial exploitation of the client has occurred, is occurring, has been attempted or will be attempted.

CARP supports a legal safe harbour provision that shields advisors and firms from liability if they act in accordance with regulatory requirements, in good faith and exercise reasonable care in making a disclosure about a client to the designed TCP or in placing a temporary hold on transactions.

**Conclusion**

Thank you for the opportunity to provide input on the proposed amendments. Please feel free to contact Marissa Lennox, marissa@carp.ca, or Bill VanGorder, vangorder@carp.ca if you require additional information or would like to engage further on this.