



Index A No. 7.6

PART XII: ESTABLISHMENT, MAINTENANCE OR ACQUISITION FOR USE IN CANADA OF AUTOMATED BANKING MACHINES

Legislative Authorities

- Paragraph 522.22(1)(i) of the [Bank Act](#) (the “Act”).

Information Requirements

The applicant is generally expected to provide:

1. the name of the applicant, the address of its head office and its jurisdiction of incorporation;
2. an analysis in support of the applicant’s conclusion that it is required to seek this approval, including an analysis supporting applicant’s position that it is an entity to which Part XII applies¹ (a “Part XII Entity”); and
3. a confirmation that the applicant is:
 - (a) a Canadian entity, other than an entity referred to in any of paragraphs 468(1)(g) to (i) of the Act or a limited commercial entity², held by a foreign bank or entity associated with a foreign bank in accordance with Divisions 4 and 5 of Part XII of the Act (together with details in support of the confirmation)³; or
 - (b) a foreign securities dealer⁴ that has received (or has requested) the Minister’s approval⁵ to engage in or carry on the business in Canada of dealing in securities or providing investment counselling and portfolio management services (and where this is the case, a confirmation that the activities referred to in subsection 510(1)(c) of the Act relate to such business).⁶

¹ By virtue of section 508 of the Act.

² As defined in subsection 507(1) of the Act.

³ See paragraph 513(2)(c) of the Act.

⁴ As defined in subsection 507(1) of the Act.

⁵ Pursuant to paragraph 522.22(1)(f) of the Act.

⁶ See paragraph 513(1)(a) of the Act.



Administrative Guidance

1. No approval under this Legislative Authority is required for a Part XII Entity to:
 - (a) provide its customers who are natural persons not ordinarily resident in Canada with access in Canada to accounts located outside Canada through the use of automated banking machines located in Canada,⁷ or
 - (b) establish, maintain or use a private telephone service or similar facility for the purpose of quoting to customers in Canada, or entering with customers in Canada into verbal agreements relating to, foreign exchange, deposit or loan rates if there is no accounting or information processing involved in the private telephone service or similar facility.⁸
2. For further guidance on Part XII of the Act, refer to the [Advisory No. 2006-01-R1 – Legislative Framework for Foreign Banks](#).
3. This approval is subject to a service charge.⁹ A wire transfer, cheque or bank draft should be made payable to the Receiver General for Canada.
4. The following email address should be used for the initial submission of documents in support of requests for approval(s) that are addressed in this document: approvalsandprecedents@osfi-bsif.gc.ca. Once the initial submission has been received, a case officer will be assigned to the matter. Thereafter, all case-related documents and correspondence should be directed to the case officer.

The information requirements and administrative guidance are intended to satisfy typical applications. They have been derived from OSFI's experience in assessing applications. Applicants who provide all information and material requested can generally expect a more timely assessment of their applications. As appropriate to the circumstances, OSFI may request additional information, take into account other matters, impose terms and conditions, or require undertakings.

⁷ See section 511 of the Act.

⁸ See section 512 of the Act.

⁹ Please see [Charges for Services Provided by the Office of the Superintendent of Financial Institutions Regulations 2002](#).