

Time For Action

Peaceful, Step-By-Step
Anyone Can Do It, *Action*

Reclaiming your rights requires your understanding and your *action*. Are you ready?

Your rights have not gone anywhere. You can claim them anytime with consistent, persistent *action*.

Open a Private No ID Bank Account

Purpose, Intent, Process

- Why are you taking the action?
- What do you hope to achieve?
- Is the action lawful, peaceful and righteous?
- Will you do it in an honourable way?

Society's Rule of Law

- Everyone is equal before/under/at law.
- You have a duty to respect others' property
- You have a duty to keep the peace
- You have a duty to report and be witness against wrongdoers (against the peace)
- Your rights extend unlimited until you infringe on another person's rights

Society's Structure

- Public servants serve the public
- Corporations **MUST** obey the law
- Courts default to common law
- Private property is sacrosanct
- Government's job is to administer needed services and protect private property rights

Society's Structure

- Citizen's job to hold govern't agents to account
- Citizen's job to hold corporations to account
- Citizen's duty to know their rights
- Citizen's duty to claim their rights

Taking Action to Realign

- General Applicability Acts confirm the correct intent of law and Limited Applicability Acts defines what a subject can and cannot do and the proper processes “they” must follow
- Find the confirmation in law and point to it
- Persist, through the levels and complain
- Use the courts as they where designed to be used for lawful claims: for the protection of property and rights of people

Taking Action to Realign

1. Understand their guiding Acts and Regulations
2. You act to cause the subject to perform/provide according to their law of creation/operation
3. Make a record of their failure (evidence)
4. Use the private side administrative process
Notice with opportunity to cure
5. Use the public side court remedy common law claim

Private Bank Account

ACCOUNTS - Bank Act: Definitions

439.1 The following definitions apply in this section and in sections 445 to 448.2, 458.1, 459.2 and 459.4.

“low-fee retail deposit account” means a **retail deposit account** that has the prescribed characteristics.

“personal deposit account” means a **deposit account** in the name of one or more natural persons that is kept by that person or those persons for a purpose other than that of carrying on business.

“retail deposit account” means a **personal deposit account** that is opened with a deposit of less than \$150,000 or any greater amount that may be prescribed.

Private Bank Account

- General Applicability Acts confirm the correct intent of law
- Find the confirmation and point to it
- Persist, through the levels and complain
- Use the courts as they were designed to be used: for the protection of property and rights of people

Private Bank Account Charges

Account charges (Bank Act)

440. A bank shall not, directly or indirectly, charge or receive any sum for the keeping of **an account** unless the charge is made by **express agreement** between the bank and a **customer** or by order of a court.

Miscellaneous (Bank Act)

Charges for prescribed products or services

457. A bank shall **not**, directly or indirectly, charge or receive any sum for the provision of any prescribed products or services **unless the charge is made by express agreement between it and a customer** or by order of a court.

Private Bank Acct Disclosure

Disclosure on opening account (Bank Act)

441. (1) A bank **shall not open** or maintain an interest-bearing **deposit account** in Canada **in the name of any natural person** unless the bank discloses, in accordance with the regulations, to the person who requests the bank to open the account, the rate of interest applicable to the account and how the amount of interest to be paid is to be calculated.

Exception

(2) Subsection (1) does not apply in respect of an interest-bearing deposit account that is opened with a deposit in excess of \$150,000 or any greater amount that may be prescribed.

Different Bank Accounts

- There are different definitions of accounts (439.1)
- There are different disclosure rules (441.(1)+445.(1)(2)+ 447.(1) + 447.(2))
- There are regulations for RDA and not the PDA
- Loan prepayment protection for a natural person
- Compare multiple uses of “in the name of any natural person” with PDA vs “through a natural person” with RDA

The How-To Process

1. Request a “personal deposit account” that is NOT a “retail deposit account” [439.1]
2. A “natural person” is requesting NOT an “individual” [441. (1)].
3. No government ID required - signature card only.
4. Any application form? Put a notice stating “for the use and benefit of a private person” Or Words To That Effect
5. Cross out CAPS NAME and hand write style as Name.
6. Write or attach a declaration to the application form with your private intent “purpose other than that of carrying on business” is confirmed.
7. If they demand ID have all numbers info deleted from the computer and ONLY photocopy attached to the application paperwork with disclaimer notices on it.
8. If you don't provide ID and are refused, request a written refusal letter, NOT the form under s.5 and make administrative complaint NOT to Agency.

The How-To Process

1. Bring 1 witness
2. audio record and/or video the conversation
3. prepare a administrative complaint Notice with opportunity to cure
4. forward letter to ... list
5. if Bank fails to comply with law - prepare claim
6. file claim against Bank manager, and CEO for failing to provide prescribed services in the prescribed manner.
7. denial of access to basic right to access private account

The How-To Process

- Bank MUST act with permission
- deposit accounts defined section 439.1 - 3 types
- “personal deposit account” no permission for ID request
- “personal deposit account” no permission of refusal
- ID process via regulations related to “retail deposit acct.” ONLY
- complaint process via regulations related to “retail deposit acct.” s. 5(b)
- complaint process general under s. 455 (1)
- Regulations
- No fees without express consent s. 440

Documents

Time For Action

Peaceful, Step-By-Step
Anyone Can Do It,
Action to Access Your Lawful Rights

Opening a private bank account (Canada)

Retail Bank Acct Disclosure

Disclosure required on opening a **deposit account**

445. (1) Subject to subsections (2) to (4), a bank **shall not** open a **deposit account** in the name of a **customer** unless, at or before the time the account is opened, the bank provides in writing to the **individual** who requests the opening of the account

- (a) a copy of the account agreement with the bank;
- (b) information about all charges applicable to the account;
- (c) information about how the **customer** will be notified of any increase in those charges and of any new charges applicable to the account;
- (d) information about the bank's **procedures relating to complaints** about the application of any charge applicable to the account; and
- (e) such other information as may be prescribed.

Both Bank Acct Disclosure

No increase or new charges without disclosure

447. (1) A bank shall not increase any charge applicable to a **personal deposit account** with the bank or introduce any new charge applicable to a **personal deposit account** with the bank unless the bank discloses the charge at the prescribed time and place and in the prescribed form and manner to the **customer** in whose name the account is kept.

Mandatory disclosure

(2) With respect to prescribed services **in relation to deposit accounts, other than personal deposit accounts**, a bank shall not increase any charge for any such service in relation to a deposit account with the bank or introduce any new charge for any such service in relation to a deposit account with the bank unless the bank discloses the charge at the prescribed time and place and in the prescribed form and manner to the **customer** in whose name the account is kept.

Retail Bank Account Regs.

Retail deposit accounts

448.1 (1) **Subject to regulations** made under subsection (3), a member bank shall, at any prescribed point of service in Canada or any branch in Canada at which it **opens retail deposit accounts through a natural person**, open a **retail deposit account for an individual who meets the prescribed conditions at his or her request** made there in person.

2) No minimum deposit or balance requirements

Regulations

(3) The Governor in Council **may make regulations**

(a) for the purposes of subsection (1), defining “point of service” and prescribing points of service;


(b) respecting **circumstances in which subsection (1) does not apply**; and

(c) **prescribing conditions to be met by an individual for the purposes of subsection (1).**

Retail Bank Account Regs.

Access to Basic Banking Services Regulations (SOR/2003-184)

Full Document: [HTML](#) | [XML](#) [23 KB] | [PDF](#) [188 KB]

 Regulations are current to 2014-04-16 and last amended on 2012-12-19. [Previous Versions](#)

Enabling Act: [BANK ACT](#)

Notes :

- See coming into force provision and notes, where applicable.
- Shaded provisions are not in force. [Help](#)

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Retail Bank Acct Regulations

Access to Basic Banking Services Regulations

INTERPRETATION

Definition of “Act”

1. In these Regulations, “Act” means the Bank Act.

OPENING OF RETAIL DEPOSIT ACCOUNTS

Definition of “point of service”

2. (1) For the purpose of subsection 448.1(1) of the Act, “point of service” means a physical location to which the public has access and at which a member bank carries on business with the public and opens or initiates the opening of retail deposit accounts through natural persons in Canada.

Refusal of Retail Bank Acct

Refusal to open account (Access to Basic Banking Services Regulations)

3. (1) Subject to subsection (2), subsection 448.1(1) of the Act **does not apply** in the following circumstances:

(a) if the member bank has **reasonable grounds to believe** that the retail deposit account **will be used for illegal or fraudulent purposes**;

(b) if **Retail deposit accounts** (Access to Basic Banking Services Regulations)

448.1 (1) **Subject to regulations** made under

subsection (3), a member bank **shall**, at any

prescribed point of service in Canada or any

branch in Canada at which it **opens retail deposit**

accounts through a natural person, open a

retail deposit account for an individual who

meets the prescribed conditions at his or her

request made there in person.

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Refused A Retail Bank Acct

Access to Basic Banking Services Regulations

Written notice

5. If the member bank **refuses** to open a retail deposit account **owing to the existence of any of the circumstances set out in paragraphs 3(1)(a) to (e)** **OR** **owing to the individual's not meeting the conditions prescribed under these Regulations**, the member bank shall provide to the individual, in writing,

- (a) notice of its refusal to open the account; and
- (b) a statement indicating that the individual may contact the Agency if they have a **complaint** and how the individual can contact the Agency.

Refused Retail Bank Acct

Where bank suspects misrepresentation (Access to Basic Banking Services Regulations)

3 (2) If the member bank, based on its verification of the **circumstances set out in paragraphs 3(1)(a) to (d)** or the pieces of identification, or based on information, if any, provided by the **individual** that is related to the request, **has reasonable grounds to suspect** that the individual is **misrepresenting their identity**, the **individual** shall present to the member bank one piece of identification from among those set out in Part A of the schedule that bears the **individual's** photograph and signature.

Refusal of Retail Bank Acct

Conditions to be met (Access to Basic Banking Services Regulations)

4. (1) **Subject to subsection (2) and for the purpose of subsection 448.1(1) of the Act, the conditions to be met by an individual who is requesting that a member bank open a retail deposit account for the individual are as follows:**

(a) the individual shall present to the member bank

(i) two pieces of identification from among those set out in **Part A or B of the schedule** at least one of which is from among those set out in Part A of the schedule, or

(ii) one piece of identification from among those set out in **Part A** of the schedule, if the identity of the individual is also confirmed by a client in good standing with the member bank or by an individual of good standing in the community where the member bank is situated;

(b) **the individual shall disclose**, orally or in writing, the information listed in **Part C** of the schedule if the information is not available on the pieces of identification presented by the individual;

(c) **if the member bank requests, the individual shall consent** to the member bank's verifying whether any of the circumstances set out in paragraphs 3(1)(a) to (d) apply to the individual, and to the member bank's verifying the pieces of identification presented by the individual; and

ID For A Retail Bank Acct

SCHEDULE (Sections 4 and 8) IDENTIFICATION (Access to Basic Banking Services Regulations)

PART A

1. A drivers' licence issued in Canada, as permitted to be used for identification purposes under provincial law
2. A Canadian passport
3. A Certificate of Canadian Citizenship or a Certification of Naturalization, in the form of a paper document or card but not a commemorative issue
4. A permanent resident card or Citizenship and Immigration Canada Form IMM 1000, IMM 1442 or IMM 5292
5. A birth certificate issued in Canada
6. A Social Insurance Number card issued by the Government of Canada
7. An Old Age Security card issued by the Government of Canada bearing the Social Insurance Number of the person named on the card
8. A Certificate of Indian Status issued by the Government of Canada
9. A provincial or territorial health insurance card, as permitted to be used for identification purposes under provincial or territorial law
10. A document or card, bearing the individual's photograph and signature, issued by any of the following authorities or their successors:
 - (a) Insurance Corporation of British Columbia
 - (b) Alberta Registries
 - (c) Saskatchewan Government Insurance
 - (d) Department of Service Nova Scotia and Municipal Relations
 - (e) Department of Transportation and Public Works of the Province of Prince Edward Island
 - (f) Service New Brunswick
 - (g) Department of Government Services and Lands of the Province of Newfoundland and Labrador
 - (h) Department of Transportation of the Northwest Territories
 - (i) Department of Community Government and Transportation of the Territory of Nunavut

ID For A Retail Bank Acct

PART B (Access to Basic Banking Services Regulations)

1. An employee identity card, issued by an employer that is well known in the community, bearing the individual's photograph
2. A bank or automated banking machine or client card, issued by a member of the Canadian Payments Association in the name of, or bearing the name of, the individual and bearing the individual's signature
3. A credit card, issued by a member of the Canadian Payments Association in the name of, or bearing the name of, the individual and bearing the individual's signature
4. A Canadian National Institute for the Blind (CNIB) client card bearing the individual's photograph and signature
5. A foreign passport

PART C

1. The individual's name
2. The individual's date of birth
3. The individual's address, if any
4. The individual's occupation, if any

ID For WHICH Bank Acct?

There are no sections of the Bank Act giving permission for any ID requirements related to a “personal deposit account”.

“Access to Basic Banking Services Regulations” is related ONLY to opening “retail deposit accounts”.

There are no sections of the Bank Act giving permission to create regulations for opening a “personal deposit account” that is not a “retail deposit account”.

There are no regulations related to a “personal deposit account” that is not a “retail deposit account”.

Your Rights

Even if it wasn't over, there are minimum standards that must be met to refuse your request.

“Reasonable grounds” or proof of “illegal intent” or “previous illegal activity” before they can refuse to open a...

“retail deposit account”

Your Rights

The Bank Act gives permission to the Banks to act in certain, specific ways, in certain circumstances.

Act gives **NO permission to ask for ID when opening a “personal deposit account” which is not a “retail deposit account” the Act fails to give permission to banks to **ASK** for **ANY** identification.**

With a “retail deposit account” the Banks **ONLY have permission to ask for ID with “reasonable grounds to believe” fraudulent or illegal intent, or such past activity.**

The Bank's Need Permission

Access to Basic Banking Services Regulations

GENERAL

Pieces of Identification -Identification requirements

11. For greater certainty, the pieces of identification required to be presented by an **individual under these Regulations** shall be original, valid and not substantially defaced.

Bank Act-PART II STATUS AND POWERS

Powers restricted

15. (2) A bank **shall not** carry on any business **or exercise any power that it is restricted by this Act** from carrying on or exercising, **or exercise any of its powers in a manner contrary to this Act.**

Your Rights

**Your rights are superior to any legal entities’
“permissions”.**

**Not knowing your rights, assuming you have none
or waiving them... means YOU give any corporation
or government permission to do as they please even
if the law gives them no such permission.**

**Discover and use the power of your rights and the
limits of “their” permissions.**

Complaints

Procedures for dealing with **complaints** (Bank Act)

455. (1) **A bank shall**

- (a) establish procedures for dealing with **complaints** made by persons having requested or received products or services in Canada from a bank;
- (b) designate an officer or employee of the bank to be responsible for implementing those procedures; and
- (c) designate one or more officers or employees of the bank to receive and deal with those complaints.

Complaints

Procedures for dealing with **complaints**

573. (1) **An authorized foreign bank shall...**

Complaints About Disclosure

Disclosure required on opening a **deposit account**

445. (1) Subject to subsections (2) to (4), a bank shall not open a **deposit account** in the name of a **customer** unless, at or before the time the account is opened, the bank provides in writing to the **individual** who requests the opening of the account

- (a) a copy of the account agreement with the bank;
- (b) information about all charges applicable to the account;
- (c) information about how the **customer** will be notified of any increase in those charges and of any new charges applicable to the account;
- (d) information about the bank's **procedures relating to complaints** about the application of any charge applicable to the account; and
- (e) such other information as may be prescribed.

WHAT IS PD ACCOUNT?

Bank Act: Accounts - Definitions

439.1 The following definitions apply in this section and in sections 445 to 448.2, 458.1, 459.2 and 459.4.

“personal deposit account” means a deposit account in the name of one or more **natural persons** that is kept by that person or those persons **for a purpose other than that of carrying on business.**

Bank Act: Definition of “personal deposit account”

563. For the purposes of sections 564 to 566, “personal deposit account” means a deposit account in the name of one or more **natural persons** that is kept by that person or those persons for a **purpose other than that of carrying on business.**

A PRIVATE BANK ACCOUNT

How it's your right and how it is hidden from you.

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