

Private Bank Account Opening Event Checklist and Process

A. Initial Specific Request

I wish to open a "personal deposit account" as defined in the Bank Act (Canada) s. 441.(1) and 439.1 and 563 in my name as a natural person kept for the purposes other than that of carrying on business

I do NOT wish to open a "retail deposit account"

I do NOT wish to open a "low fee retail deposit account"

Either begin there or begin less specific:

"I wish to open a "personal deposit account" begin the process on the computer and then clarify with the above statement (A)

***This account is probably bank book only, signature card only, interest bearing or not - electronic access card should be OK but no credit requested.*

B. After beginning process inform them they have no permission nor requirement from or under the Bank Act to require ID for the account type you wish. They will argue the point, call legal for advice, give you the *Basic Banking Services Regulations* and/or a refusal form letter (ATBBSR s.5a+5b).

If you have begun to do application on computer...with basic info filled out on computer include notation in notes area on computer:

"this account requested is a personal deposit account that is not a retail deposit account nor a low fee deposit account and is in the name of a natural person for purposes other than that of carrying on a business"

C. Print the application out and hand write/modify:

- a. cross out and change NAME to Name style;
- b. hand write the notation above on the application again;
- c. autograph the application followed by a comma and natural person
 - a. ie *Fred Smith*, natural person
- d. If using an address use c/o in front of it
- e. If you REALLY need account now and they want ID - allow a photocopy to be made and attached to the application and hand write on the photocopy "for visual confirmation only not for identification purposes - private" or words to that effect.

If you are refused an account allegedly due to the *Basic Banking Services Regulations* they should provide you a copy of the *ID Regulations*, a refusal form letter and a information on a way to complain.

Questions to Bank Employee

1. **Yes / No** - Do you confirm I have informed you my wish for you to open a “personal deposit account” and not a “retail deposit account” NOR a “low fee retail deposit account”
2. **Yes / No** - Do you confirm I have informed you I am here wishing to open an account in the name of a natural person?
3. **Yes / No** - Do you claim to have reasonable grounds to believe that:
 - 3.1. **Yes / No - this deposit account will be used for illegal or fraudulent purposes;**
 - 3.2. **Yes / No - I have a history of illegal or fraudulent activity** in relation to providers of financial services and if the most recent instance of such activity occurred less than seven years before today;
 - 3.3. **Yes / No - I knowingly made a material misrepresentation in the information** provided to the member bank;
 - 3.4. **Yes / No** - Do you claim that you have no know knowledge of a “personal deposit account” which is not a “retail deposit account”
 - 3.5. **Yes / No** - Do you claim that you have no know knowledge of a “personal deposit account” which is not a “low fee retail deposit account”?
 - 3.6. **Yes / No** - Do you acknowledge that you have received instructions from your superiors not to open a “personal deposit account” which is not a “retail deposit account” ?
 - 3.7. **Yes / No** - Will you provide the name of the person you consulted with in legal?

Bank employee name: _____ date _____ 2014 A.D.

Bank employee name: _____ date _____ 2014 A.D.

Bank employee name: _____ date _____ 2014 A.D.

Name of natural person refused account _____

Witness _____ Date _____

ACT AND REGULATIONS HI-LIGHTED SECTIONS

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.

To Open a PDA the Bank is required to:

440. ... 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

441.(1) ...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.

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

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.

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.

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.

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.

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.

HOW TO

Request a “personal deposit account” that is NOT a “retail deposit account” [439.1]

A “natural person” is requesting NOT an “individual” [441. (1)].

No government ID required - signature card only.

Any application form? Put a notice stating “for the use and benefit of a private person” Or Words To That Effect

Cross out CAPS NAME and hand write style as Name.

Write or attach a declaration to the application form with your private intent “purpose other than that of carrying on business” is confirmed.

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.

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.

Bring 1 witness

audio record and/or video the conversation

prepare a administrative complaint letter

forward letter to ... list

if Bank fails to comply with law - prepare claim

file claim against Bank manager, and CEO for failing to provide prescribed services in the prescribed manner.

denial of access to basic right to access private account