

Financial Services Tribunal

2025/26 – 2027/28

Annual Business Plan

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1.0 MESSAGE FROM THE CHAIR

It is my pleasure to present the 2025/26 – 2027/28 Annual Business Plan (Plan) for the Financial Services Tribunal (“FST” or “Tribunal”). The Plan provides an overview of the Tribunal’s activities and priorities for the coming years. It highlights the FST’s core functions, future commitments, ongoing challenges, strategic direction, and assesses the resources necessary to achieve our goals. Through this Plan, we continue to support the government’s priorities, including creating greater public confidence in financial services regulation and support for our independent adjudicative function.

The FST continues to prioritize accessibility and modernization in its operations. Through our hybrid hearing model, we offer parties the flexibility to participate in-person or electronically via Microsoft Teams, ensuring effective engagement and accommodating diverse needs. In the upcoming fiscal year, the FST will focus on completing work related to FST website modernization to enhance our digital service offerings, creating a streamlined and user-friendly interface that aligns with the government’s priorities for digital transformation and accessibility.

The FST is dedicated to meeting its legislated commitments, achieving excellence in conducting its proceedings, writing quality decisions, and maintaining high standards for delivering its services to the public. FST members and staff will continue to work together to achieve the strategic directions described in this Plan.

I would like to thank the hard-working and dedicated FST members and staff whose valuable contributions and professionalism make it possible for the FST to succeed in discharging its mandate in an efficient, fair and effective manner. I would also like to thank the Government of Ontario for supporting the FST as an independent adjudicative body.

Sincerely,



Ian McSweeney

Chair

2.0 OVERVIEW OF THE FST

The FST is an independent, expert decision-making body that, at the request of affected persons, hears appeals from decisions and holds hearings to review proposed decisions of the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (FSRA). Proceedings before the FST are conducted at the request of affected persons to whom the decisions or proposed decisions have been directed. These decisions relate to market conduct, licensing, or pension matters arising out of the sectors currently regulated by FSRA.

The FST is prescribed as an Adjudicative Tribunal in Schedule 1 of Ontario Regulation 126/10 under the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*. Although the FST is an administrative adjudicative body with powers similar to a court, it is not a court of law. Members of the FST are adjudicators (not judges) and form panels of one or three members (panel) concerning proceedings before them. A panel makes decisions based on the evidence and submissions presented by parties during the proceeding.

The FST has the authority to hold hearings and adjudicate appeals under the *Financial Services Tribunal Act, 2017* (FST Act) and Ontario statutes that govern the regulated sectors within FSRA's mandate, including the:

- *Pension Benefits Act*;
- *Insurance Act*;
- *Mortgage Brokerages, Lenders and Administrators Act, 2006*;
- *Loan and Trust Corporations Act*;
- *Credit Unions and Caisses Populaires Act, 2020*;
- *Prepaid Hospital and Medical Services Act*; and
- *Financial Professionals Title Protection Act, 2019*.

3.0 LEGISLATIVE MANDATE, VISION AND MISSION STATEMENT

Legislative Mandate

As summarized in the above overview, the FST is an independent, expert decision-making body established under the FST Act with a mandate to conduct hearings and appeals on licensing, market conduct, and other matters arising under and in accordance with legislation governing the financial services industry sectors regulated by FSRA, the *Statutory Powers Procedure Act* (SPPA) and the FST's Rules of Practice and Procedure for Proceedings before the FST and practice directions.

Vision Statement

The FST encourages and embraces diversity, inclusion, and belonging in the Tribunal. We provide our services with compassion and respect. We continuously seek opportunities to collaborate, innovate and improve.

Mission Statement

The FST delivers adjudicative services to the citizens of Ontario in a fair, independent, effective and efficient manner that promotes public confidence in the sectors regulated by FSRA and protects the public interest in accordance with its legislated authority. The FST promotes public confidence by exercising integrity, expertise, and excellence and being accessible, accountable, and responsive.

4.0 FST FUNCTIONS

The FST has the following three main functions:

- 1. Conducting pre-hearings, hearings and decision-making** – This function is performed by the FST’s members with administrative assistance from the FST Registrar, Assistant Registrar, and Financial and Administrative Coordinator. This function includes conducting hearings and pre-hearings, hearing motions, making decisions, and writing reasons for those decisions. Traditionally, the FST has held its hearings in person or in writing in accordance with its Rules and the SPPA. As part of our commitment to offering high-quality services, as is expected of a modern tribunal that meets the needs of the people of Ontario, the FST will continue to offer in-person, electronic, and hybrid hearings, in addition to written hearings as appropriate.

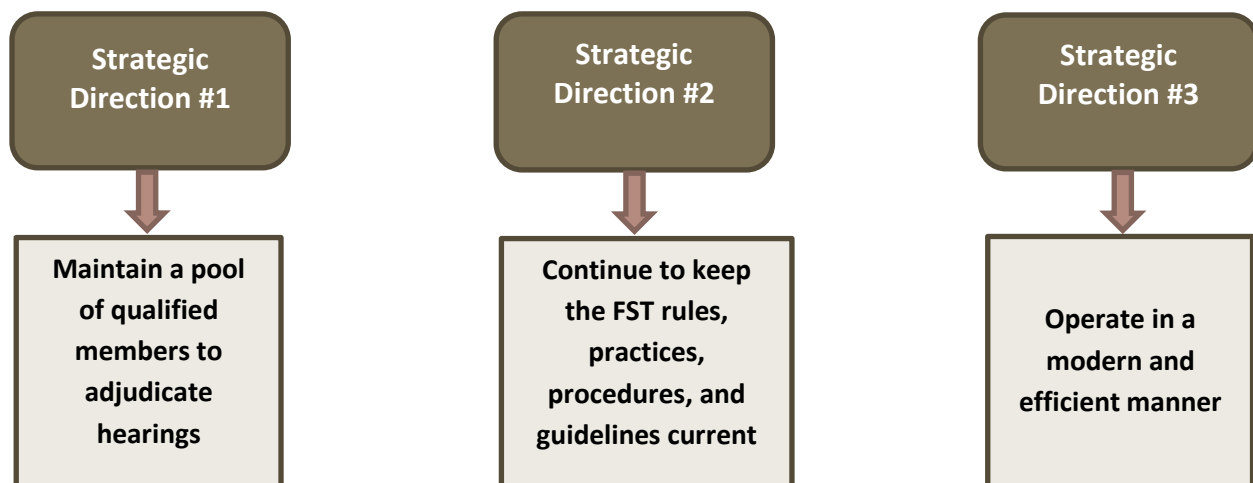
Under the FST’s published service standards, its members are typically required to render their decisions within 90 calendar days from the final day of the hearing. This 90-day window provides the hearing panel time to fully consider and discuss all evidence and submissions presented at the hearing and prepare written reasons. The FST has been able to exceed this standard in most proceedings.

- 2. Administration of Proceedings** – This function is primarily performed by FST staff with the assistance of the FST Chair/Panel Chair. It includes all administrative steps necessary to process a Request for Hearing or Notice of Appeal from the date of filing to the completion of the hearing. This may involve reviewing the filed application and assessing its compliance with the applicable legislation, requesting additional information from the parties as necessary, scheduling the pre-hearing(s), any motions and the hearing, monitoring and managing the case throughout the process, sending the final written decision to the parties and legal reporting websites such as CanLII, and monitoring any appeals or judicial reviews of the FST’s decisions.

- 3. Providing public access** – This function includes providing the public with access to hearings and information regarding the FST’s role, hearing procedures, the status of cases, hearing locations, and administrative processes under all relevant statutes through its website and public inquiries, as well as providing for any accessibility needs required by parties who appear before the FST. Any member of the public who wishes to participate in an electronic hearing can contact the FST Registrar’s office via the FST website for more information.

5.0 STRATEGIC DIRECTION AND INITIATIVES

The FST is committed to continuous improvement to meet the needs of its stakeholders. To achieve this goal, the FST has created a strategic framework to guide the development of this Plan and annual operations. The framework for the FST’s procedures and processes is properly aligned with government priorities. There are three key strategic directions that the FST will focus on over the coming three fiscal years.



1. Maintain a pool of qualified members to adjudicate hearings:

- The FST will continue to collaborate with the Ministry of Finance (MOF) and the Public Appointments Secretariat (PAS) to ensure the appointment of a sufficient number of qualified members to meet its expected caseload and expertise requirements.
- The FST will continue to work to secure adequate staff and technical resources to maintain efficient and effective adjudicative services for the regulated sectors within FSRA’s jurisdiction.
- The FST will continue to advertise positions on the PAS website to provide equal opportunities for all to apply and to attract and maintain a pool of qualified members.
- The FST will continue to provide adequate training (internal and external) so that members have the appropriate skills and expertise to hear the proceedings to which they are assigned. The FST is continuing its mentoring program for new appointees to assist with this.

2. Continue to keep the FST rules, practices, procedures, and guidelines current:

- The FST will continue to review its rules, practices, procedures, and guidelines as required to reflect legislative and other changes to its mandate and provide transparency to the public concerning the conduct of its proceedings.
- The FST will continue to review and revise performance standards as needed so that available resources continue to deliver effective adjudicative services.

3. Operate in a modern and efficient manner:

- The FST continues to modernize operations while maintaining quality service standards by ensuring that:
 1. It can conduct hearings in both a hybrid and electronic capacity.
 2. It continues to allow the electronic filing of applications and documents.
 3. The Case Management System supports the day-to-day operations of the Registrar's Office.
 4. The FST's website supports the Tribunal's capacity to deliver on its mandate.

The FST continues to hold hybrid hearings, which enables it to continue to deliver on its mandate and meet the needs of stakeholders.

The FST's long-term objective is that its decisions will form a body of precedents that will provide clarity to the application of financial services, pension plans, licensing and market conduct regulation requirements, resulting in greater confidence in the financial services sectors and the independent adjudicative process.

The FST has developed Rules of Practice and Procedure for Proceedings before the FST, a Guide to Regulatory Proceedings, practice directions, and conflict of interest guidelines, which are regularly reviewed and posted on the FST's website. In addition, the FST has several internal policies associated with governance best practices, public access to adjudicative records and its decision-making process.

6.0 HUMAN RESOURCES AND ADMINISTRATIVE SUPPORT

Effective human capital planning for the FST requires a clear understanding of strategic priorities and emerging workforce challenges. The FST's personnel practices align with the Government's overarching vision, mission and strategy. It engages in human resources planning exercises to hire, train and manage its workforce within the limits of its budget.

The FST Act requires that the FST have a minimum of nine members. If the FST's membership falls below nine, it becomes improperly constituted after 90 days. While improperly constituted, the FST may continue to accept new hearings, but should be actively working to restore its membership. The FST has 13 part-time members, including the Chair and two Vice-Chairs. All FST members are appointed by the Lieutenant Governor in Council through an Order-in-Council. The Chair and Vice-Chairs are responsible

for agency governance and relations with MOF. The following table details the current members of the FST and their respective tenures.

Table 6.1: Current Tribunal Members and their Tenures*

	Name	Title	Appointment Duration
1.	Ian McSweeney	Chair	September 12, 2023 – September 12, 2025
2.	Bethune Whiston	Vice-Chair	September 24, 2024 – September 23, 2026
3.	Paul Farley	Vice-Chair	November 18, 2023 – November 17, 2025
4.	Anthony Fredericks	Member	April 11, 2025 – April 11, 2027
5.	Martin Guest	Member	December 2, 2023 – December 1, 2026
6.	Caroline Hunt	Member	February 8, 2025 – February 7, 2026
7.	Christopher Portner	Member	September 13, 2022 – September 12, 2025
8.	Allan Shapira	Member	March 2, 2025 – March 1, 2027
9.	Ed Skwarek	Member	March 18, 2025 – March 17, 2027
10.	Ruth Wahl	Member	December 2, 2023 – December 1, 2026
11.	Jane Watchter	Member	March 23, 2025 – March 22, 2027
12.	Faisal Siddiqi	Member	March 21, 2023 – March 20, 2026
13.	Garnet Fenn	Member	January 11, 2024 – January 10, 2026

* Updated as of April 2025

The terms of three of the FST's members are set to expire in 2025. The Chair is working closely with the Minister's office to ensure timely reappointments as needed. The FST will also recruit additional members in 2025 to increase the FST's membership to 15. This will ensure the continuation of sufficient capacity and expertise. The recruitment process will comply with the requirements of the *Adjudicative Tribunals Accountability, Governance and Appointments Act 2009*.

MOF will continue to provide the FST with three full-time equivalents (FTEs) support staff, consisting of one Registrar, one Assistant Registrar, and one Financial and Administrative Coordinator for the FST Registrar's Office. The Registrar's Office plays a crucial role in managing the administrative aspects of the hearing process. It provides information about the FST's rules and procedures, assists with scheduling hearings, and ensures that all necessary documentation is filed correctly and maintained. However, it does not offer legal advice or refer individuals to lawyers. The office is essential for ensuring that the Tribunal's operations run smoothly and efficiently, supporting the fair and independent adjudication of cases.

The recently hired Financial and Administrative Coordinator supports daily administrative tasks, including intake of new Tribunal matters, managing case files, facilitating hearings, handling correspondence, and maintaining records. With this addition, the Registrar and Assistant Registrar can focus on their core responsibilities, contributing to streamlined operations and ensuring the Tribunal meets its service standards effectively.

Table 6.2: Estimated MOF FTEs Staff Provided to the Tribunal

	2025-26	2026-27	2027-28
FTEs staff	3	3	3

MOF will also continue to provide the FST with working space, information technology resources, and other administrative and organizational support.

7.0 FINANCIAL REPORTING

Revenues

The FST's spending authority is funded through interim payments from the Consolidated Revenue Fund, authorized under Section 15.1 of the *Financial Administration Act*, which are to be fully recovered in each fiscal year.

Expenses

The expenses and expenditures of the FST are charged to MOF's Financial Services Tribunal Program and are fully recovered from the regulated sectors through FSRA.

Table 7.1: Estimated Costs (in \$ thousands) Associated with Supporting the Tribunal

Expense Type	2025-26	2026-27	2027-28
Salaries and Wages	256.1	258.7	261.3
Employee Benefits	33.3	33.6	34.0
Services	572.7	574.3	535.9
Transportation and Communication	5.4	5.4	5.4
Supplies and Equipment	2.8	2.0	2.0
Total	869.4	873.0	837.5

Note: Numbers presented may not add up to the totals provided due to rounding

Budgeted costs in 2025-26 are expected to be higher than the previous fiscal year due to higher salaries and benefits as a result of Bill 124 remediation and the addition of a new Financial and Administrative Coordinator position in the FST office. Further increases to the budget can be attributed to the anticipated rise in the total number of case hearings stemming from the growing complexity and volume of regulatory issues within the financial services sector. To enable the FST to uphold its mandate of delivering independent and effective adjudicative services, the budget includes provisions for projected increases in the number of case hearing days and the number of members assigned per case - factors that contribute to higher per diem costs.

Some projected costs in 2026-27 are partly offset by lower consulting costs related to FST's website modernization. There is a low possibility of additional funds being required to further improve the website in 2027-28.

8.0 ARTIFICIAL INTELLIGENCE USE CASES

The FST does not currently use artificial intelligence (AI) in its operations, including developing or delivering policies, programs, or services. AI is also not utilized in decision-making processes that directly affect individuals, such as determining eligibility for services or benefits, or in public-facing capacities, such as chatbots. As a result, there are no AI risk management practices in place, no records of risk assessments or proportional controls to maintain, and no AI use cases or risks to report to the accountable ministry.

In considering any future adoption of AI by the FST, an AI governance framework, in alignment with the Responsible Use of Artificial Intelligence Directive, will be/would be developed to fully comply with the principles, requirements, and reporting standards outlined in the Directive.

9.0 RISK IDENTIFICATION, ASSESSMENT AND MITIGATION STRATEGIES

Effective risk management ensures that the Tribunal meets its mandate, maintains service standards, and supports government priorities. Below are the key risks faced by the FST, along with brief descriptions, existing mitigation strategies, and risk-level assessments. These efforts highlight FST's commitment to proactive risk identification and management.

#	Risk Title	Risk Description	Existing/Current Mitigation
1	Member Appointments and Registrar Operations	Insufficient members or disruptions in Registrar functions could impact the FST's ability to meet its mandate and service delivery standards.	FST Chair works with MOF to track appointments/reappointments and maintain a roster of candidates. Registrar, Assistant Registrar, and Financial and Administrative Coordinator collaborate to allocate duties and meet service standards.
2	Operational Resilience	Potential service disruptions due to events like pandemics, physical disasters, systemic risks, or IT outages impacting electronic hearings.	The FST has a Business Continuity Plan outlining actions for recovery, such as rescheduling hearings, alternative work and hearing arrangements, updating communications, and retaining vital records.
3	Stakeholder Expectations	FST may fail to meet stakeholder expectations due to inefficiencies, delays, inability to offer a cost-effective alternative to court, or failure to render timely decisions.	MOF reviews the FST's performance regularly, tracks service standards quarterly, and appoints members as needed. This ensures the FST can provide cost-effective and quality service to its stakeholders while rendering fair and timely decisions.

4	Agency Oversight	Risk that MOF may not effectively fulfill its oversight role or FST may fail to comply with legislation, policies, or government expectations.	MOF has assigned a dedicated policy advisor for oversight and compliance. Regular touchpoints ensure timely updates on policy changes, reporting, and compliance. The placement of the Registrar's Office within MOF also allows greater visibility into FST operations, further strengthening the agency's oversight.
5	Skill Gaps Among FST Members	FST members may lack the skills, experience, or French language ability to handle cases across regulated sectors effectively.	In addition to maintaining a roster of qualified candidates, the FST and MOF regularly track appointments, reappointments, and caseloads to determine whether additional members are required to meet service delivery standards. Members also receive regular legal and optional technology-focused training to address knowledge gaps.
6	Equitable Service Environment	FST may fail to meet equitable service standards, including accessibility and French language service requirements.	The FST adopted an Accessibility and Accommodation Policy, which ensures compliance with French language requirements in appointments, provides bilingual materials, and offers an accessible bilingual website. FST Rules, guides, and practice directions address barriers for self-represented participants and ensure fairness and equity.
7	Ineffective Policies and Systems	Failure to manage or review FST's policies, practices, and systems may deteriorate service quality or hinder oversight objectives.	FST has committed to conducting regular policy reviews as part of its strategic goals and objectives in the business plan. FST also has various touchpoints with MOF, including regular reporting processes and meetings with the Chair and the Registrar's Office to ensure FST's policies, practices, and systems remain up to date.

10.0 PERFORMANCE MEASURES AND TARGETS

In accordance with the OPS Service Directive, the FST has developed service standards to meet the Directive's requirements, as shown in the table below. Performance measures and targets are designed to ensure that the FST remains accountable and transparent in its activities, providing clear benchmarks for success. The FST aims to enhance its efficiency, effectiveness, and responsiveness to stakeholders by setting specific, measurable targets. These performance measures are aligned with the Tribunal's strategic goals and are essential for monitoring progress and driving continuous improvement.

For a full listing of FST service standard results, please visit the FST service standards webpage page.

Table 10.1: Performance Measures and Targets

Performance Measures		Target
1.	% of cases in which the Tribunal sends the letter of acknowledgement within five calendar days	100%
2.	% of cases in which the pre-hearing date is scheduled within 35 calendar days of filing a completed Request for Hearing or Notice of Appeal	90%
3.	% of cases in which the Tribunal has issued a decision within 90 calendar days from the final day of the hearing	90%

Note: Performance targets are the same for the next three years.