

Mortgage Brokers Act – Advertising FAQ's

1. Where can I find the requirements for correspondence and advertising?

Sections 56 and 57 of [Rule MB-001](#) set out the requirements for correspondence and advertising.

2. What kinds of materials are considered "advertising materials?"

Advertising materials are any materials that a brokerage, administrator, broker or associate makes available to the public in connection with their business activities. Advertising materials may include public web pages, signage, business cards, and other materials that are published, printed, circulated or broadcast by any means.

3. What name can I use in my advertising?

Brokerages and administrators must conduct business including advertising and correspondence using only the name set out in their licence.

While dealing or trading in mortgages a broker or associate must use only the name set out in their licence. When advertising a product or service, brokers and associates must identify the brokerage they are licensed under and identify the company as a "Mortgage Brokerage".

4. I operate a franchise office. Can I advertise in the name of my franchise?

You may advertise in your franchise name if that name is set out in the brokerage's licence.

5. Can my advertising indicate a business name that is not on my licence?

No, advertising must be in the name set out in the licence of the brokerage or administrator unless the other business name is registered with the Director under the brokerage or administrator's licence.

6. Do I need to use my licence number in my advertising?

No, brokers and associates must include the name set out in their licence and the name of their brokerage. However, the requirements do not prevent you from using your licence number if you wish.

7. What is false, misleading or deceptive information?

False, misleading or deceptive information can be any information that misrepresents, or is so incomplete that it misrepresents, the product or service. Any statement representing your products or services must be true, accurate and able to be verified.

When deciding if information is misleading or deceptive, or likely to mislead or deceive, an important question to ask is whether the impression created by the information is false or inaccurate.

Distributing false, misleading or deceptive information is prohibited. Enforcement action may occur whether or not a false, misleading or deceptive statement was intentional.

8. Does FCNB need to review or approve proposed advertising and promotional materials to ensure their compliance with advertising requirements?

No, prior approvals from FCNB are not required. FCNB may review your advertising and promotional materials at any time, including during compliance reviews.

9. How can I ensure that my promotional materials and/or advertising program will not result in a consumer making a complaint to FCNB?

There is no guarantee that a consumer will not make a complaint. In order to reduce this risk, we recommend that you review the requirements of the Act and Rules, and review your material carefully to determine whether it could be considered false or misleading.

10. I have a large supply of advertising materials such as brochures and business cards that do not meet the advertising requirements. Can I continue to use these materials?

No, correspondence and advertising must comply with the requirements of the Act and Rules.

11. Can I use job titles like "mortgage consultant" or "specialist" in my advertising?

No. All correspondence and advertising must include the individual's approved licence category.

12. It is not always possible to obtain the domain name you want on the Internet. Does my website and email address have to be in the name in which I am licensed?

There is no requirement for the domain name and email address to be in the name under which you are licensed. However, an associate's or broker's website must clearly disclose the licensed name of their brokerage.

13. I operate as an administrator, what do I need to know about advertising?

You must include the name set out in your licence and your licence category in all advertising materials.

14. What information is required on a business card?

Business cards are considered correspondence and must include the names set out in the licences and the categories of licence of both the brokerage and the individual broker or associate.

15. What information is required on office signage?

Advertising must disclose the name set out in the licence of the brokerage or administrator and it must identify the licence category.