



REGARDING the *Insurance Act*, R.S.O. 1990, c. I.8, as amended (the “Act”), in particular sections 441.1, 441.2 and 441.3

AND REGARDING the *Automobile Insurance Rate Stabilization Act, 2003*, S.O. 2003, c. 9, as amended (“AIRSA”), in particular section 11.3

AND REGARDING TD Home and Auto Insurance Company

ORDER TO IMPOSE AN ADMINISTRATIVE PENALTY

TD Home and Auto Insurance Company (“TD Home and Auto”) holds insurer licence 1063 issued by the Superintendent of Financial Services (“Superintendent”) under the Act.

On April 28, 2016, the Superintendent issued a Notice of Proposal to impose an administrative penalty of \$50,000 on TD Home and Auto. The Superintendent had determined that during the period including January 2013 through November 2014, TD Home and Auto charged rates for automobile insurance in the Personal Vehicles – Private Passenger Automobile category that were not approved by the Superintendent, in contravention of section 8 of the AIRSA. Specifically, TD Home and Auto’s contravention involved mid-term modifications to an insurance policy’s “principal group” and “rating group” properties.

The Notice of Proposal was given to TD Home and Auto on May 2, 2016, and TD Home and Auto had 15 days to request a hearing by the Financial Services Tribunal (“Tribunal”) in accordance with the Act.

The Registrar of the Tribunal has confirmed that, as of May 18, 2016, no request for hearing has been filed by TD Home and Auto or anyone on its behalf.

Subsection 441.3(7) of the Act provides that the Superintendent may carry out the proposal to impose the administrative penalty if no hearing has been requested.

ORDER

Pursuant to subsection 441.3(7) of the Act, an administrative penalty of \$50,000 is imposed on TD Home and Auto Insurance Company.

TAKE NOTICE THAT TD Home and Auto Insurance Company will receive an invoice from Ontario Shared Services, a part of the Ministry of Government and Consumer Services, with information as to where and how to make the payment.

FURTHER, TAKE NOTICE THAT TD Home and Auto Insurance Company must pay the administrative penalty no later than 30 days from the date of the invoice. If TD Home and Auto Insurance Company fails to pay the administrative penalty in accordance with the terms of this Order, the Superintendent may file the Order with the Superior Court of Justice and the Order may be enforced as if it were an order of the court. An administrative penalty that is not paid in accordance with the terms of an order imposing the penalty is a debt due to the Crown and is enforceable as such.

DATED at Toronto, Ontario, May 19, 2016

original signed by Brian Mills

Brian Mills
Superintendent of Financial Services