



Innovation, Science and
Economic Development Canada
Office of the Superintendent
of Bankruptcy Canada

Innovation, Sciences et
Développement économique Canada
Bureau du surintendant
des faillites Canada



Office of the Superintendent of Bankruptcy

BUSINESS

PLAN 2019–20



Canada

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Message from the Superintendent



I am pleased to share the 2019–20 Office of the Superintendent of Bankruptcy (OSB) Business Plan which strives to align priorities to achieve significant and meaningful results for Canadians.

I believe that a strong focus on the following new strategic objectives will help support the OSB's business activities while fostering a positive and respectful workplace:

ENGAGEMENT

So much more can be achieved when you engage with partners and work toward a common goal. This is why increasing engagement with stakeholders, including meaningful consultations, is an absolute priority. Aiming for more engagement will help the OSB pull the right players together in order to achieve significant results for the benefit of Canadians.

COMPLIANCE

The OSB has an important compliance mandate that it must fulfil effectively. To ensure compliance from all those it regulates, the OSB will ensure it uses its full range of compliance and enforcement tools in a meaningful and effective manner.

ORGANIZATIONAL EXCELLENCE

Organizational excellence involves recruiting, training and retaining a qualified workforce that is healthy, respectful and high-performing.

As a best practice and to support the government of Canada's performance measurement initiatives, the OSB will apply an evidence-based approach to identifying challenges and opportunities. A focus on principle-based regulation and directives will also be prioritized, with a move away from prescriptive, onerous and unnecessarily detailed requirements wherever appropriate.

Insolvency is a foundational part of a well-functioning economy. I would like to thank every member of the OSB team for their dedication and hard work which helps to contribute to a solid foundation. I look forward to working together to achieve meaningful results for Canadians.

Elisabeth Lang
Superintendent of Bankruptcy

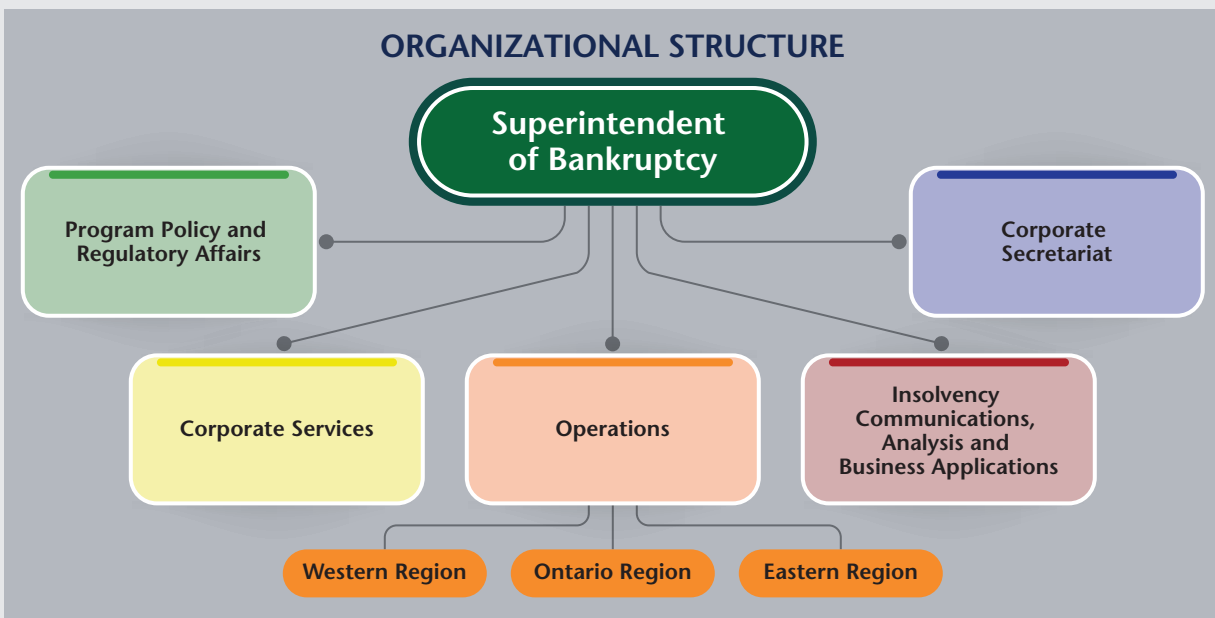
The Office of the Superintendent of Bankruptcy

Who we are

The OSB contributes to an efficient marketplace by maintaining the integrity of the Canadian insolvency system thereby strengthening confidence in the Canadian economy.

Operating within Innovation, Science and Economic Development Canada (ISED), the OSB, as a vote net revenue organization, recovers its costs from the insolvency system and carries out its regulatory, administrative and supervisory duties at arm's length from the Government of Canada.

To deliver its mandate, the OSB's operations are carried out in 13 offices located in 3 regions (West, Ontario, and East) and in the OSB headquarters located in the National Capital Region.



370
Planned FTEs¹ for 2019-20



Budget Authority:
\$44 million

¹ Full-time equivalent employees

What we do

The OSB is responsible for the administration of the *Bankruptcy and Insolvency Act* (BIA), as well as certain aspects of the *Companies' Creditors Arrangement Act* (CCAA). It licenses and regulates the insolvency profession, ensures an efficient and effective regulatory framework, supervises stakeholder compliance with the insolvency process, and maintains public records and statistics.

The OSB values and recognizes the contributions of its employees across the organization who work together to help maintain the integrity of Canada's insolvency system and deliver results for Canadians. This includes employees in the regions carrying out regulatory duties, compliance monitoring and enforcement as well as those responding to public enquiries and statutory complaints. Employees at National Headquarters advance the mandate by developing policy, guidance and training for program operations, carrying out research and analysis, providing support for business applications and delivering trustee licensing services. Employees who deliver internal services across the organization are key to enabling program delivery. The following provides an overview of how the OSB delivers its mandate.

PROGRAM POLICY AND REGULATORY AFFAIRS

Canada's insolvency system is defined by a regulatory framework that includes the BIA and the CCAA, regulations, directives and policies, as well as related provincial legislation. The OSB reviews, analyzes and proposes amendments to regulatory instruments to ensure they remain relevant and effective, and balance the interests of stakeholders in a way that helps to protect the integrity of the insolvency system. The regulatory framework provides the foundation on which professional standards for the administration of estates are built, it guides the collection of information to support insolvency registration and administration, and it establishes a basis for compliance-monitoring activities.

LICENSING

Qualified private-sector practitioners are licensed by the Superintendent of Bankruptcy to manage the administration of insolvent estates pursuant to the BIA and the CCAA, and are required to use the professional designation of Licensed Insolvency Trustee (LIT). Before granting a licence, the Superintendent requires that LIT candidates successfully complete a curriculum designed to ensure they have the necessary qualifications, including knowledge, skills and experience, as set out in Directive No. 13R6, *Trustee Licensing*. The OSB also provides ongoing support to LITs in ensuring that they continue to meet the requirements of the regulatory framework.

LICENSED INSOLVENCY TRUSTEE COMPLIANCE

The OSB administers and enforces the laws and requirements governing insolvencies in Canada. In its oversight capacity, the OSB seeks to determine whether LITs are fulfilling their obligations, as set out in the legislative and regulatory framework, which include effectively managing estates and estate trust funds. To identify, assess and investigate LIT non-compliance, the OSB conducts ongoing monitoring activities, reviews stakeholders' complaints against LITs and reviews insolvency estate banking and management practices. It regulates LITs with potential professional conduct, civil and criminal sanctions for non-compliance.

DEBTOR COMPLIANCE

In its oversight capacity regarding debtors, the OSB seeks to determine whether they are fulfilling their obligations, as set out in the legislative and regulatory framework, which include the complete disclosure of financial information, co-operation in the insolvency process and an active participation in their financial rehabilitation or restructuring. To identify, assess and investigate debtor non-compliance, the OSB conducts ongoing monitoring, reviews complaints against debtors, receives information through the OSB's Debtor Compliance Referral Program (DCRP) and conducts debtor examinations. The OSB oversees debtor compliance with potential civil and criminal sanctions for non-compliance.

CREDITOR COMPLIANCE

The OSB seeks to determine whether creditors are fulfilling their obligations, as set out in the legislative and regulatory framework, which include respecting the stay of proceedings and the discharge of debts in the insolvency process. To identify, assess and investigate creditor non-compliance, the OSB reviews complaints and intervenes in legal proceedings, as appropriate. The OSB oversees creditor compliance with potential civil and criminal sanctions for non-compliance.

INSOLVENCY INFORMATION

The OSB receives and registers all insolvency filings in Canada. The OSB maintains and provides access to a public record of BIA and CCAA filings, and it publishes insolvency data and statistics. It disseminates information on insolvency so that debtors, creditors and LITs clearly understand their rights and responsibilities and are therefore better able to voluntarily comply with their statutory obligations.

STATUTORY COMPLAINTS

The OSB receives and provides a response to complaints from stakeholders on matters relating to the BIA and CCAA. Where warranted, complaints may be further investigated by the OSB to determine if there has been non-compliance with the regulatory framework.

INTERNAL SERVICES

The OSB's internal services provide support to the management and the delivery of sound and effective corporate planning, performance measurement, human resources, professional development, internal communications as well as financial and administrative services.

Ongoing activities

In 2019–20, the OSB will continue to advance the following multi-phased projects that support the organization’s strategic objectives.

PROVIDING INSOLVENCY INFORMATION TO CANADIANS

The OSB is committed to providing Canadians with relevant, accurate and timely insolvency information across a variety of channels including its website, via social media platforms and through its National Service Centre (NSC). The OSB is implementing a comprehensive approach to the delivery of insolvency information to maximize consistency and to optimize the client experience. A number of initiatives commenced in 2018–19 including the renewal of website content and the modernization of the OSB’s NSC by providing improved digital interactions. In 2019–20, the OSB will:

- Ensure that insolvency information delivered to Canadians is consistent across its channels;
- Identify quality assurance metrics and look to measure client satisfaction regarding dealings with the NSC; and
- Monitor and analyze client uptake of digital interaction methods and identify trends to inform ongoing improvements.

INSOLVENCY COUNSELLING

The OSB will provide consumer debtors with online access to financial counselling information to enable LITs and BIA Insolvency Counsellors to customize the mandatory in-person counselling sessions to better meet the individual needs of the debtor. The OSB will also collect information related to Insolvency Counselling activities to better assess program effectiveness.

ENHANCEMENTS TO THE OSB LICENSING ADMINISTRATION APPLICATION

The OSB will continue to develop and implement functionality to improve the LIT’s user experience with the OSB Licence Administration Application (OLAA).

INTERNAL SERVICES ENHANCEMENTS

In addition to providing ongoing support to program operations, resources from the OSB’s Internal Services will explore ways to enhance the use of its operational data to support compliance activities, prioritize forward thinking in IT development and enable organizational excellence including the recruitment of an agile workforce and the promotion of workplace well being.

Our Priorities for 2019–20



Engagement



Compliance



Organizational Excellence

1. Strengthening the OSB's Compliance Framework		
2. Exploring Compliance Modernization		
3. Operational Training		
4. Assessment and Recommendations Regarding Low- or No-Asset/Income Estates		
5. Exploring the Debt Advisory Marketplace		
6. Operations and Policy Advisory Panel		
7. Representativeness in the Licensed Insolvency Trustee Profession		
8. Reducing Administrative Burden		
9. Proactive Communication Strategy – Canadians at Serious Financial Risk		 
10. Enhanced Complaints and Enquiries Intake on the OSB's Website		 

1. Strengthening the OSB's Compliance Framework



To effectively fulfill its core mandate of protecting the integrity of the insolvency system, the OSB will finalize the implementation of its Compliance Framework (CF) starting with the deployment of a nationally consistent Debtor Compliance Program. It will also undertake an assessment of its LIT Compliance Program to ensure that it effectively detects, assesses and addresses risks of non compliance in the insolvency system.

WHY IT MATTERS

National consistency in the approach and execution of program delivery is key to the success of the OSB's CF. The implementation of a revised Debtor Compliance Program will help the OSB operate within national standards, generate data to support meaningful decision-making and inform the organization on the effectiveness and efficiency of its program delivery.

The OSB's LIT Compliance Program is a core element of the OSB's Compliance Framework. As such, it is important to assess its effectiveness in achieving its intended goals and to consider areas for potential improvement.

OUR PLAN FOR 2019–20

The OSB will deploy a revised Debtor Compliance Program by:

- Identifying regional program efficiencies and best practices suitable for national implementation;
- Assessing information systems to support program delivery, in particular their capacity to identify issues and trends within the insolvency system;
- Exploring a predictive analytics model; and
- Identifying measurable program outcomes to gauge effectiveness and efficiency, as well as establishing performance targets.

The OSB will assess the effectiveness of its LIT Compliance Program by:

- Reviewing whether its LIT Compliance activities, if undertaken as designed, are effectively allowing the OSB to detect, assess and address risks to the insolvency system by LIT non-compliance; and
- Considering and implementing potential improvements to the program.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Make significant progress in the implementation of a revised Debtor Compliance Program, including the development of national policies and processes, commencing the development of a supporting information technology system and establishing program performance targets; and
- Complete an assessment of the effectiveness of the OSB's LIT Compliance Program, implement improvements in some program areas within the fiscal year and develop an implementation plan for more complex improvements that require additional time.

2. Exploring Compliance Modernization



The OSB will explore compliance modernization options in support of appropriate innovation considering the current and future environment of the insolvency industry.

WHY IT MATTERS

Exploring compliance modernization options will allow the OSB to enhance its effectiveness in monitoring LIT compliance while supporting appropriate innovation and efficiency in the insolvency system for the benefit of Canadians. This priority seeks to inform the OSB's compliance activities by:

- Identifying opportunities to more efficiently monitor compliance based on changing business structures of LIT firms;
- Tailoring its compliance-monitoring activities to the identified risk level of LIT firms; and
- Ascertaining and making changes to support future trends in the insolvency system that will benefit Canadians.

OUR PLAN FOR 2019–20

The OSB will:

- Analyze the current and potential future state of the insolvency system by consulting with stakeholders and benchmarking against comparable domestic and international comparators;
- Explore options to modernize the OSB's LIT compliance approach, where appropriate, based on the current and potential future state of the insolvency industry;
- Develop recommendations for a modernized LIT compliance program based on previous analysis;
- Consult on and issue guidance on appropriate models and innovation; and
- Implement changes as soon as practicable.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Produce a report with recommendations to modernize the OSB's LIT compliance approach and to explore other appropriate innovations in the insolvency system; and
- Implement improvements in some program areas within the fiscal year and develop an implementation plan for more complex improvements that require additional time.

3. Operational Training



The OSB will invest to revitalize its Operational Training Program, developing a multi-modal learning model, to ensure its employees have the necessary skills and information to effectively support the OSB's mandate.

WHY IT MATTERS

The revitalization of the OSB's operational training will help to ensure that OSB employees have the expertise needed to fulfill the OSB's mandate in a consistent and effective manner. The revitalized multi-modal training model will respond to the OSB's current and future operating environment. An assessment will be conducted post-implementation to measure the extent to which the intended goals of the training program are being met and to provide recommendations to address areas for continued improvement.

OUR PLAN FOR 2019–20

The OSB will develop and implement a renewed multi-modal learning and development model which will be carried out in phases over the coming years. In 2019–20, the OSB will:

- Conduct a review of best practices currently in use within the OSB;
- Conduct a training needs assessment which will become the basis of a training model;
- Initiate the design and development of the training program including materials, post-training evaluations, and testing (as required); and
- Seek to implement early improvements in training delivery.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Complete a training needs' assessment and develop a renewed OSB training model with implementation plan for OSB senior management approval; and
- Implement early improvements in training delivery.



4. Assessment and Recommendations Regarding Low- or No-Asset/Income Estates

The OSB will assess the current handling of low- or no-asset/income bankruptcy estates in Canada and, should issues be identified, will develop appropriate, evidence-based recommendations that better meet the objectives of the insolvency system.

WHY IT MATTERS

The intent of the insolvency system is to allow honest but unfortunate debtors to obtain a fresh start and return money to creditors on a fair basis. Debtors with low or no assets/income may be paying a disproportionate amount in LITs' fees such that alternative approaches may be warranted to ensure their fair access and treatment in the insolvency system and their efficient return to financial health. Low- or no-asset/income bankruptcy estates are often filed by vulnerable Canadians who are part of, or hoping to join, the middle class.

OUR PLAN FOR 2019–20

The OSB will:

- Conduct analysis of the current situation of low- or no-asset/income debtors who wish to access the Canadian insolvency system by consulting literature, analyzing insolvency data and benchmarking against comparable domestic and international comparators; and
- Develop an evidence-based report on findings, including recommendations and possible options in consultation with ISED's Strategy and Innovation Policy Sector (SIPS).

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Complete analysis of the current situation for low- or no-asset/income estates; and
- Develop evidence-based recommendations and possible options.

5. Exploring the Debt Advisory Marketplace



The OSB will assess the current state of the debt advisory marketplace and will seek to collaborate with partners to explore solutions to reduce potential harm to indebted Canadians and their creditors.

WHY IT MATTERS

The Canadian insolvency system seeks to offer honest but unfortunate consumer debtors a fresh start while maximizing returns to creditors. The debt advisory marketplace may be causing Canadian debtors to pay for services they do not need, which delays their opportunity to seek the right solution for their financial challenges while also reducing returns to creditors. The OSB will assess the state of the debt advisory marketplace and will seek to engage with partners to consider ways to better protect Canadians, and decrease the incidence of consumers paying for services they do not need.

OUR PLAN FOR 2019–20

The OSB will conduct a literature review and an assessment of the current state of the debt advisory marketplace and will seek to engage with external stakeholders, to explore options to reduce potential harm to indebted Canadians.

Following this assessment, the OSB will develop a report to the Superintendent on its findings, including options analysis and recommendations for future policy and communications activities.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Conclude research on the debt advisory marketplace and seek to engage with partners to consider options to protect indebted Canadians.

6. Operations and Policy Advisory Panel



The OSB will convene a meeting of external experts on insolvency-related subject matter to provide advice on significant operational and insolvency policy initiatives.

WHY IT MATTERS

This priority will help ensure that the OSB's significant insolvency operational and policy initiatives are informed by key subject matter experts drawn from diverse areas of expertise such as: academia, credit counselling, information technology including digital services and data analytics, lending institutions and regulatory/financial compliance, as well as the LIT community. The panel discussions may contribute to future OSB business plan priorities and/or considerations for future legislative review.

OUR PLAN FOR 2019–20

The OSB will hold a meeting of external experts to seek advice and guidance on its significant insolvency operational and policy initiatives.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Hold a panel meeting; and
- Complete a report of recommendations.

7. Representativeness in the Licensed Insolvency Trustee Profession



The OSB will collaborate with the Canadian Association of Insolvency and Restructuring Professionals (CAIRP) to review and analyze the representativeness among LITs and LIT feeder groups with a view to carrying out outreach and promotional activities aimed at increasing diversity and representativeness for the benefit of the insolvency profession and Canadians.

WHY IT MATTERS

Research has shown that fostering diversity and inclusion can result in innovation and enhanced organizational performance. Promoting diversity and inclusion in the LIT profession would help ensure that:

- All Canadians in serious financial difficulty are well-served by a population of LITs that reflects the Canadian population;
- LIT firms can leverage a wide range of perspectives needed to address today's complex challenges;
- LIT firms benefit from increased innovation and productivity;
- LIT firms create a healthy, respectful workplace; and
- Canadians have an equitable opportunity to be part of the LIT profession.

OUR PLAN FOR 2019–20

The OSB will collaborate with CAIRP to carry out a study on the representativeness of the LIT profession using the four recognized employment equity (EE) groups identified in Canada: Aboriginal peoples, persons with disabilities, visible minorities and women.

Key activities will include:

- A review of current data sources;
- A voluntary survey of LITs and Chartered Insolvency and Restructuring Professional Qualification Program (CQP) participants;
- An analysis of survey data;
- The identification of feeder groups including pathways to the LIT profession; and
- A comparison of results against relevant and available reference data.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Establish a baseline of EE representation in the LIT profession and in the CQP; and
- Develop a strategy in collaboration with CAIRP to increase representativeness in the CQP and in the LIT profession.
 - This strategy will identify a target and timeline for the increase once the baseline data is analyzed with future measurement and reporting to follow.

8. Reducing Administrative Burden



The OSB will consult with stakeholders to identify potential opportunities to reduce administrative burden through amendments to the *Companies' Creditors Arrangement Regulations*, *Bankruptcy and Insolvency General Rules*, the Superintendent's Directives and prescribed Forms. The outcome of this initiative will be the preparation of an amendments' package to be implemented by the OSB for Forms and Directives under the BIA, or considered via a submission to Treasury Board for regulatory changes.

WHY IT MATTERS

Reducing administrative burden is one of the Government of Canada's priorities as it supports innovation and growth in the Canadian economy and helps to encourage foreign direct investment. It is a recognized best practice for government bodies to periodically assess whether regulations continue to be appropriate and effective and achieve their intended policy objectives.

OUR PLAN FOR 2019–20

The OSB will:

- Consult select stakeholders and consider possible areas where administrative burden can be reduced; and
- Consolidate findings, make recommendations to OSB's Executive Committee and undertake the implementation of amendments.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Consult select stakeholders; and
- Make recommendations and commence implementation of amendments.

9. Proactive Communication Strategy – Canadians at Serious Financial Risk



The OSB will review and update its proactive communication activities aimed at Canadians who are at serious financial risk and will engage with partners to develop new messaging, tools and content to help Canadians find the right debt solution for their needs.

WHY IT MATTERS

A range of debt solutions exist to help Canadians deal with serious debt problems, but cohesive and helpful information is widely dispersed and not easy to find. Canadians would benefit from a collaborative approach amongst partners to provide them with clear and reliable information so that they can better identify the right debt solution for their needs.

OUR PLAN FOR 2019–20

The OSB will:

- Review and update its proactive communication activities;
- Develop new messaging and tools to help Canadians in serious financial distress find the right debt solution; and
- Engage with partners to identify new communications channels and opportunities to deliver new OSB messaging and content.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Develop new messaging and tools to help Canadians in serious financial distress find the right debt solution; and
- Increase traffic on its website and uptake of its content.



10. Enhanced Complaints and Enquiries Intake on the OSB's Website

In order to improve the user experience of Canadians submitting enquiries and complaints to the OSB, it will develop and enhance its online forms.

WHY IT MATTERS

It is important to make it as easy and efficient as possible for Canadians to submit their enquiries or complaints using clear and intuitive online forms to ensure they get the information they need in a way that supports the Government of Canada priority to provide client-centric and “digital first” services. Complete and comprehensive complaints also form an essential part of the OSB’s compliance framework.

OUR PLAN FOR 2019–20

The OSB will develop clear and intuitive online forms for both enquiries and complaints in order to facilitate the information intake process and to enhance the user experience for Canadians. To assess the impact of these efforts, the OSB will monitor and analyze the volume of enquiries and complaints as well as the traffic on related OSB web pages.

MEASURING SUCCESS

In 2019–20, the OSB expects to achieve the following results:

- Develop, test and implement new online forms to facilitate the submission of enquiries and complaints to the OSB;
- Seek user feedback on the ease of use of the new online forms; and
- Increase the volume of complaints and enquiries being submitted through the OSB’s website.

Appendix 1 — 2019–20 Summary of Key Priorities and Planned Results



Priorities and Sub-Priorities	Measuring Success
1. Strengthening the OSB's Compliance Framework	<ul style="list-style-type: none"> • Make significant progress in the implementation of a revised Debtor Compliance Program, including the development of national policies and processes, commencing the development of a supporting information technology system and establishing program performance targets; and • Complete an assessment of the effectiveness of the OSB's LIT Compliance Program, implement improvements in some program areas within the fiscal year and develop an implementation plan for more complex improvements that require additional time.
2. Exploring Compliance Modernization	<ul style="list-style-type: none"> • Produce a report with recommendations to modernize the OSB's LIT compliance approach and to explore other appropriate innovations in the insolvency system; and • Implement improvements in some program areas within the fiscal year and develop an implementation plan for more complex improvements that require additional time.
3. Operational Training	<ul style="list-style-type: none"> • Complete a training needs' assessment and develop a renewed OSB training model with implementation plan for OSB senior management approval; and • Implement early improvements in training delivery.
4. Assessment and Recommendations Regarding Low- or No-Asset/Income Estates	<ul style="list-style-type: none"> • Complete analysis of the current situation for low- or no asset/income estates; and • Develop evidence-based recommendations and possible options.
5. Exploring the Debt Advisory Marketplace	<ul style="list-style-type: none"> • Conclude research on the debt advisory marketplace and seek to engage with partners to increase awareness and consider options to protect indebted Canadians.
6. Operations and Policy Advisory Panel	<ul style="list-style-type: none"> • Hold a panel meeting; and • Complete a report of recommendations.



Priorities and Sub-Priorities	Measuring Success
7. Representativeness in the Licensed Insolvency Trustee Profession	<ul style="list-style-type: none"> Establish a baseline of EE representation in the LIT profession and in the CQP; and Develop a strategy in collaboration with CAIRP to increase representativeness in the CQP and in the LIT profession. <ul style="list-style-type: none"> This strategy will identify a target and timeline for the increase once the baseline data is analyzed with future measurement and reporting to follow.
8. Reducing Administrative Burden	<ul style="list-style-type: none"> Consult select stakeholders; and Make recommendations and commence implementation of amendments.
9. Proactive Communication Strategy — Canadians at Serious Financial Risk	<ul style="list-style-type: none"> Develop new messaging and tools to help Canadians in serious financial distress find the right debt solution; and Increase traffic on its website and uptake of its content.
10. Enhanced Complaints and Enquiries Intake on the OSB's Website	<ul style="list-style-type: none"> Develop, test and implement new online forms to facilitate the submission of enquiries and complaints to the OSB; Seek user feedback on the ease of use of the new online forms; and Increase the volume of complaints and enquiries being submitted through the OSB's website.