

# **2003 BCSECCOM 695**

## **Headnote**

Mutual Reliance Review System for Exemptive Relief Applications – relief from requirement to file reports of certain trades of mutual fund units, provided that the prescribed reports are filed and fees paid within 30 days of the financial year of the funds

## **Applicable British Columbia Provisions**

*Securities Act*, R.S.B.C. 1996, c. 418, s. 76

*Securities Rules*, B.C. Reg. 194/97, s. 139

**IN THE MATTER OF THE SECURITIES LEGISLATION OF BRITISH  
COLUMBIA, ALBERTA, SASKATCHEWAN, QUEBEC, NOVA SCOTIA,  
NEWFOUNDLAND AND LABRADOR, NORTHWEST TERRITORIES  
AND NUNAVUT**

**AND**

**IN THE MATTER OF THE MUTUAL RELIANCE REVIEW SYSTEM  
FOR EXEMPTIVE RELIEF APPLICATIONS**

**AND**

**IN THE MATTER OF FRANKLIN TEMPLETON INVESTMENTS CORP.  
AND THE FRANKLIN TEMPLETON PORTFOLIOS**

## **MRRS DECISION DOCUMENT**

WHEREAS the local securities regulatory authority or regulator (the “Decision Maker”) in each of British Columbia, Alberta, Saskatchewan, Québec, Nova Scotia, Newfoundland and Labrador, Northwest Territories and Nunavut (the “Jurisdictions”) has received an application from Franklin Templeton Investments Corp. (the “Applicant”) for a decision pursuant to the securities legislation of the Jurisdictions (the “Legislation”) that trades in Units are not subject to the requirements of the Legislation of the Jurisdictions relating to the filing of forms and the payment of fees within 10 days of each trade (the “Reporting Requirement”);

AND WHEREAS, unless otherwise defined, the terms herein have the meaning set out in National Instrument 14-101 Definitions, or in Québec Commission Notice 14-101;

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AND WHEREAS pursuant to the Mutual Reliance Review System for Exemptive Relief Applications (the “System”), the Commission des valeurs mobilières du Québec is the principal regulator for this application;

AND WHEREAS the Applicant has represented to the Decision Maker that:

1. The Applicant will be the manager and promoter and the trustee of the Franklin Templeton Portfolios (the “Portfolios”), which will include the 11 Portfolios listed on Schedule “A” and any additional Portfolios established by the Applicant or an affiliate of the Applicant from time to time. The Portfolios will be open-end mutual fund trusts created under the laws of the Province of Ontario or the Province of Alberta.
2. Each Portfolio will seek to achieve its investment objectives by investing substantially all of its assets, either directly or indirectly through derivatives, in of one or more underlying funds, each of which is an investment fund managed by the Applicant, an affiliate of the Applicant or a third party investment manager (the “Underlying Funds”).
3. The office of the Portfolios will be at the same address as the Applicant.
4. Units of the Portfolios (a “Units” or “Units”) will be sold on a private placement basis to investors who are eligible to rely on exemptions from the prospectus requirements in their province or territory of residence. It is not currently contemplated that the Portfolios will become reporting issuers or listed on a stock exchange.
5. Units will be offered on a continuous basis to investors at a price per Unit equal to the net asset value per unit of the Portfolio calculated in accordance with the declaration of trust of the Portfolios.
6. Units of the Portfolios may also be distributed to existing unitholders upon the reinvestment of distributions made by the Portfolios.
7. The Legislation in each of the Jurisdictions contains Reporting Requirements in respect of the distribution of Units of the Portfolios.

AND WHEREAS under the System, this MRRS Decision Document evidences the decision of each Decision Maker (collectively, the “Decision”);

AND WHEREAS each of the Decision Makers is satisfied that the test contained in the Legislation that provides the Decision Maker with the jurisdiction to make the Decision has been met;

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THE DECISION of the Decision Makers under the Legislation is that the Reporting Requirements will not apply to a trade in Units, provided that within 30 days of the end of each financial year of each Fund, such Fund will:

- (i) file a) with the applicable Decision Maker a report in respect of all trades in Units during such financial year, in a form prescribed by the Legislation under the Reporting Requirements and b) with the Commission des valeurs mobilières du Québec its annual financial statements within 140 days of its year end.
- (ii) remit to the applicable Decision Maker the fee prescribed by the applicable Legislation for a filing under the Reporting Requirements;

Any future funds intending to rely on this decision in Quebec will first notify the Commission des valeurs mobilières du Québec of such an intention and shall first receive consent from the Commission des valeurs mobilières du Québec to so rely on this decision.

DATED at Montreal, Québec this 5<sup>th</sup> day of September 2003.

Jean-Marie Gagnon

Guy Lemoine

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## **SCHEDULE “A” FRANKLIN TEMPLETON PORTFOLIOS**

Franklin Templeton Capital Preservation Pooled Portfolio

Franklin Templeton Balanced Income Pooled Portfolio

Franklin Templeton Domestic Growth Pooled Portfolio

Franklin Templeton Global Growth Pooled Portfolio

Franklin Templeton International Growth Pooled Portfolio

Franklin Templeton Domestic Balanced Growth Pooled Portfolio

Franklin Templeton Global Balanced Growth Pooled Portfolio

Franklin Templeton International Balanced Growth Pooled Portfolio

Franklin Templeton Domestic Maximum Growth Pooled Portfolio

Franklin Templeton Global Maximum Growth Pooled Portfolio

Franklin Templeton International Maximum Growth Pooled Portfolio