

ONTARIO SECURITIES COMMISSION RULES OF PROCEDURE AND FORMS

([date effective], 2017)

Made under the *Statutory Powers Procedure Act*, RSO 1990, c S.22, s 25.1

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GENERAL RULES

1 **Objective**

The objective of these Rules is to ensure that Commission proceedings are conducted in a just, expeditious and cost-effective manner.

2 **Scope**

These Rules apply only to proceedings before a Panel.

3 **General Powers**

A Panel may waive any of these Rules at any time on such terms, if any, as it considers appropriate, to further the objective set out in Rule 1.

4 **Practice Guideline for Proceeding Management**

(1) Practice Guideline

The Commission may issue and amend a guideline to assist with the application of these Rules.

(2) Timelines

Timelines for procedural steps shall be as set out in the guideline issued by the Commission, unless a Panel orders otherwise.

5 **Definitions**

In these Rules:

- (a) “Act” means the *Securities Act*, RSO 1990, c S.5;
- (b) “Applicant” means a person (including Staff) or company who files an Application under these Rules;
- (c) “Commissioner” means a Commission member;
- (d) “holiday” means:
 - (i) every Saturday and Sunday;
 - (ii) New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day;
 - (iii) any special holiday proclaimed by the Governor General or the Lieutenant Governor; and
 - (iv) if:
 - 1. New Year’s Day or Canada Day falls on a Saturday or Sunday, the following Monday is a holiday;
 - 2. Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays; and
 - 3. Christmas Day falls on a Friday, the following Monday is a holiday;
- (e) “Panel” means one or more Commissioners who preside over a hearing or make an order or decision relating to a proceeding;
- (f) “Practice Guideline” means the guideline issued by the

Commission under these Rules;

- (g) “proceeding” means any matter commenced under these Rules by the issuance of a Notice of Hearing, and includes all hearings in the matter; and
- (h) “representative” means an individual authorized under the *Law Society Act*, RSO 1990, c L.8 to represent a person or company in a proceeding before a tribunal, and “represented” has the corresponding meaning.

6 Service

- (1) Service on representatives Anything required by these Rules to be served on a represented party shall be served on the representative.
- (2) Service on unrepresented persons or companies Anything required by these Rules to be served on an unrepresented person or company shall be served by one of the following methods:
 - (a) electronically to an individual or to an officer, director, agent or partner of a person or company;
 - (b) by personal delivery to an individual;
 - (c) by leaving a copy with an officer, director, agent or partner of a person or company or at a place of business of the person or company with an individual who appears to be in control of the place of business;
 - (d) by courier or mail to the person or company’s last known address; or
 - (e) by any other means authorized by a Panel.
- (3) Effective date of service Service is effective, when delivered:
 - (a) electronically, on the day of delivery;
 - (b) by personal delivery, on the day of delivery;
 - (c) by leaving a copy with an officer, director, agent or partner of a person or company or an individual in control of a place of business of the person or the company, on the day of delivery;
 - (d) by mail, on the fifth day after the day of mailing;
 - (e) by courier, on the earlier of the date on the delivery receipt or the fifth day after sending;
 - (f) after 4:30 p.m., one day later than the day specified in this Rule for the applicable method of service; or
 - (g) by any other means authorized by a Panel, on the date specified by the Panel.
- (4) Waiver of service A Panel may waive service.

7 Filing

- (1) How to file Anything required by these Rules to be filed shall be filed by sending it to the Registrar in accordance with the Practice Guideline.

- (2) Filing after 4:30 p.m. Documents filed after 4:30 p.m. shall be considered filed on the next day.
- (3) Filing is not service Filing a document with the Registrar does not constitute service on any party to a proceeding, including Staff.

8 *Communicating with a Panel*

All communications with a Panel member by a party, other than in a hearing, shall be sent to the Registrar with a copy to all other parties.

9 *Calculation of Time*

Time requirements in these Rules, the Practice Guideline or an order of a Panel shall be calculated as follows:

- (a) if the number of days between two events is stated:
 - (i) the date of the first event is not counted; and
 - (ii) the date of the second event is counted;
- (b) if the time is less than seven days, holidays are not counted; and
- (c) if the day by which an act shall be done falls on a holiday, the act shall instead be done by the next day that is not a holiday.

PROCEEDINGS

10 *Commencement of Proceeding*

A proceeding shall be commenced by the issuance of a Notice of Hearing by the Office of the Secretary after a Statement of Allegations or an Application is filed.

11 *Enforcement Proceeding*

- (1) Enforcement proceeding brought by Staff – s. 127(1) A request by Staff for an order under s. 127(1) of the Act shall be made by filing a Statement of Allegations using the form in Appendix A.
- (2) Service Staff shall serve the Notice of Hearing and Statement of Allegations on all parties without delay.

12 *Application for Authorization to Disclose*

- (1) Authorization to disclose information about an investigation or examination – s. 17 A request for an order under s. 17 of the Act authorizing disclosure of information about an investigation or examination under Part VI of the Act shall be made by filing an Application using the form in Appendix C.
- (2) Service The Applicant shall serve without delay the Application and the Notice of Hearing on Enforcement Staff and on any other person or company that a Panel directs.

13 *Application for Extension of Temporary Order*

- (1) Extension of a temporary order – ss. 127(7) or (8) An initial request under ss. 127(7) or (8) of the Act to extend a temporary order shall be made by filing:
 - (a) an Application using the form in Appendix D; and
 - (b) the temporary order.

(2) Service The Applicant shall serve without delay the Application, the temporary order and the Notice of Hearing on any person or company directly affected by the temporary order.

14 Application for Hearing and Review

(1) Hearing and review of a decision of the Director, an exchange, self-regulatory organization, quotation and trade reporting system, clearing agency or trade repository – ss. 8 and 21.7 A request for a review of a Director’s decision under s. 8 of the Act or for a review of a decision of a recognized exchange, self-regulatory organization, quotation and trade reporting system or clearing agency or a designated trade repository under s. 21.7 of the Act shall be made by filing an Application using the form in Appendix E.

(2) Service The Applicant shall serve without delay the Application and Notice of Hearing on every other party to the original proceeding and on Enforcement Staff.

(3) Stay of decision The Applicant may, under s. 8(4) of the Act, request a stay of the original decision until the hearing and review is concluded by filing and serving a Motion using the form in Appendix B.

15 Application for Further Decision or Revocation or Variation of a Decision

(1) Further decision or revocation or variation of a decision – ss. 9(6) or 144 A request for a further decision under s. 9(6) of the Act or a request for revocation or variation of a decision under s. 144 of the Act shall be made by filing an Application using the form in Appendix F.

(2) Service The Applicant shall serve without delay the Application and Notice of Hearing on every other party to the original proceeding.

16 Application for Transactional Proceeding

(1) Transactional proceeding – ss. 104 or 127(1) A request for an order under s. 104 or s. 127(1) of the Act relating to a matter regulated under paragraph 26, 27 or 28 of s. 143(1) of the Act, including a take-over bid, issuer bid, amalgamation, statutory arrangement, other form of merger or acquisition however structured, related party transaction or meeting of security holders, shall be made by filing an Application using the form in Appendix G.

(2) Service The Applicant shall serve without delay the Application and Notice of Hearing on every other party, including M&A Staff.

17 Other Applications

(1) Other applications A request for an order not specified in these Rules shall be made by filing an Application that states:

- (a) the order sought;
- (b) the grounds for the request; and
- (c) the evidence the Applicant intends to use.

(2) Service The Applicant shall serve without delay the Application and Notice of Hearing on every other party, including Enforcement Staff.

18 ***Amendment of Application or Allegations***

- (1) Amending a Statement of Allegations or Application before merits hearing A party may amend a Statement of Allegations or an Application no later than 10 days before a merits hearing in an enforcement proceeding or the hearing of an Application, without permission from a Panel, by filing and serving an amended version that clearly indicates the amendments.
- (2) Amending a Statement of Allegations or Application with consent or permission A party may amend a Statement of Allegations or an Application at any time with consent of the parties or with permission from a Panel on a Motion using the form in Appendix B. The motion record shall include an amended version that clearly indicates the amendments.

19 ***Withdrawal of Application or Allegations***

- (1) Notice of Withdrawal A party may withdraw a Statement of Allegations or an Application, against one or more parties at any time before a final determination by a Panel, by filing and serving every party with a Notice of Withdrawal using the form in Appendix H, and, in the case of withdrawal against some but not all parties, an amended Statement of Allegations or Application that clearly indicates the amendments resulting from the withdrawal.
- (2) Title of the proceeding If a Statement of Allegations or an Application is withdrawn against some but not all other parties, the title of the proceeding on all subsequent documents shall be as a Panel directs.

20 ***Confidential Conferences***

- (1) Confidential conferences At any stage of a proceeding, a party may request or a Panel may direct that the parties participate in a confidential conference to consider:
- (a) the settlement of any or all of the issues;
 - (b) the simplification of the issues;
 - (c) facts that may be agreed upon; and
 - (d) any other matter that may further a just, expeditious and cost-effective disposition of the proceeding.
- (2) Disqualification of confidential conference Commissioner A Commissioner who presides at a confidential conference at which the parties attempt to settle issues shall not preside at a merits hearing in the proceeding unless the parties consent.

21 ***Participation in Proceedings***

- (1) Change in representation A party who is represented may:
- (a) change the party's representative by serving every other party with, and filing, notice of the change, including the name, address, telephone number and e-mail address of the new representative; or
 - (b) elect to appear on the party's own behalf by serving every other party with, and filing, notice of the change, including the party's address, telephone number and e-mail address.
- (2) Removal of representative of record On a motion by a representative or party, a Panel may order the removal of a representative as the representative of record.

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| (3) Failure to participate | If a Notice of Hearing is served on a party and the party does not attend a hearing, the proceeding may continue in the party's absence and the party is not entitled to any further notice in the proceeding. |
| (4) Intervenor participation | On motion, a Panel may grant a person or company who is not a party to a proceeding intervenor status to participate in all or part of the proceeding on terms the Panel considers appropriate, and subject to such terms, the intervenor shall be treated as a party. |

CONDUCT OF HEARINGS

22 *Public Access*

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| (1) Open to the public | A hearing shall be open to the public, unless a Panel orders otherwise. |
| (2) Confidential hearings | A Panel may order that a hearing or part of a hearing be held without the public present if it appears that: <ul style="list-style-type: none"> (a) matters involving public security may be disclosed; (b) avoiding disclosure of intimate financial or personal matters or other matters during the hearing outweighs adherence to the principle that hearings should be open to the public; or (c) a confidential hearing is required by law. |
| (3) Confidential documents | A document or other thing filed in a hearing shall be available to the public upon request unless: <ul style="list-style-type: none"> (a) the document or other thing is filed during a confidential part of a hearing; or (b) a Panel finds that the circumstances described in subsection (2) of this Rule apply to the document or other thing. |
| (4) Recordings | Visual or audio recording of a hearing is prohibited unless a Panel grants permission. A request for permission to make a visual or audio recording shall be in writing and sent to the Registrar and all parties at least five days before the hearing. A person who obtains permission to make a visual or audio recording shall be subject to the directions of the Panel and shall not engage in any behaviour that disrupts or detracts from the hearing. |

23 *Types of Hearings*

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| (1) Oral hearings | Unless otherwise required by these Rules or ordered by a Panel, all hearings shall be oral hearings, which term includes hearings by telephone, videoconference and other electronic means. |
| (2) Written hearings | A Panel may order that a hearing be conducted as a written hearing if: <ul style="list-style-type: none"> (a) the only purpose of the hearing is to deal with procedural matters; or (b) the Panel is satisfied that there is good reason to conduct the hearing as a written hearing. |

24 *Language of Proceedings*

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| (1) French or English or both | A proceeding shall be conducted in English or in French or in both English and French, as requested by the parties. |
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(2) Effect of Practice Guideline	A hearing in French or in both French and English shall be conducted in accordance with the section of the Practice Guideline regarding language of proceedings.
(3) Interpreters for English and French	The Commission shall, upon request, provide an interpreter to translate to English from French, or to French from English, during a hearing.
(4) Request for interpreter	If a party or a party's witness requires an interpreter to translate to or from any language other than French or English, the party shall notify the Registrar and the other parties of its request at least 30 days before the hearing.
25	<i>Accessibility</i>
	If a party, representative or a witness has an accessibility need that will affect the individual's ability to participate in a hearing, the individual shall notify the Registrar at least 30 days before the hearing so that reasonable accommodation can be arranged.
26	<i>Summonses</i>
(1) Residents of Ontario	At the request of a party, a Panel may issue a Summons using the form in Appendix I to require a person resident in Ontario to: <ul style="list-style-type: none"> (a) give evidence under oath or affirmation at an oral hearing; and (b) to produce any document or thing specified in the summons at an oral hearing.
(2) Witnesses outside Ontario	A party who intends to call a witness who is not resident in Ontario shall inform a Panel as soon as possible before the hearing.
27	<i>Disclosure</i>
(1) Initial disclosure by Staff in an enforcement proceeding	In an enforcement proceeding under s. 127(1) of the Act, Staff shall: <ul style="list-style-type: none"> (a) provide to every other party copies of all documents in Staff's possession that are relevant to an allegation; (b) identify to every other party all other things in Staff's possession that are relevant to an allegation; and (c) where inspection of an original document or thing is requested by a party, make the document or thing available for inspection.
(2) Disclosure of documents to be relied on at the hearing	A party shall provide every other party to a proceeding with a copy of the documents or other things that the party intends to rely on or enter as evidence at a hearing.

- (3) Witness lists and summaries A party shall file and serve a list of the witnesses the party intends to call on every other party to a proceeding and shall serve on every such party a summary of the evidence that each witness is expected to give that includes, unless previously disclosed:
- (a) the witness's name and address or if the address is not provided, the name and address of a person through whom the witness can be contacted;
 - (b) the substance of the witness's evidence; and
 - (c) the identification of any document or thing to which the witness is expected to refer.
- (4) Expert witnesses A party who intends to call an expert to give evidence at a hearing shall provide every other party to the proceeding with notice of the party's intention to call an expert, including a summary of the issues on which the expert will be giving evidence.
- (5) Expert report A party who intends to introduce expert evidence shall serve the expert's report and qualifications on every other party.
- (6) Expert reports in response and reply A party who is served with an expert's report may serve an expert's report in response, and the party who served the initial expert's report may serve an expert's report in reply.
- (7) Timelines for disclosure A Panel shall set timelines for disclosure and expert reports in accordance with the Practice Guideline.
- (8) Failure to disclose A party who fails to comply with a disclosure obligation in these Rules, the Practice Guideline or an order of a Panel shall not, without a Panel's permission, be permitted to rely on material that was not properly disclosed.
- (9) Particulars At any stage in a proceeding, a Panel may order a party to provide another party with particulars necessary for a full and satisfactory understanding of the subject of the proceeding, including:
- (a) the grounds on which a remedy or order is being sought or opposed; and
 - (b) a general statement of the facts being relied on.

28 Motions

- (1) Motion A party who intends to make a motion shall file the Motion using the form in Appendix B, and shall serve the Motion on every other party.
- (2) Materials in support of the motion A party who makes a motion shall file and serve with the Motion a motion record that includes any affidavits setting out the facts relied on by the party.
- (3) Responding and reply materials A party who is served with a Motion may file materials in response to the Motion, and the party making the motion may file materials in reply.
- (4) Timing for delivery of motion materials Service and filing of a Motion, motion record and responding and reply materials shall comply with the time periods in the Practice Guideline.

- (5) Motion without notice A Panel may permit a party to make a motion without notice if:
- (a) the nature of the motion or the circumstances make service of the Motion impractical or unnecessary; or
 - (b) the delay necessary to effect service would be likely to have serious consequences.

29 *Adjournments*

- (1) Exceptional circumstances Every merits or sanctions hearing in an enforcement proceeding, and every hearing of a motion or application, shall proceed on the scheduled date unless a party satisfies the Panel that there are exceptional circumstances requiring an adjournment.
- (2) How to request an adjournment A party who requests that a hearing be adjourned shall file and serve a Motion using the form in Appendix B.
- (3) Terms A Panel may grant a request that a hearing be adjourned on terms the Panel considers appropriate.

30 *Joint hearings*

- (1) Joint hearings with other securities administrators A Panel may hold a hearing in or outside Ontario jointly with another body that is authorized by statute to regulate trading in securities, commodities or derivatives.
- (2) Request for a joint hearing A request for a joint hearing shall be made by motion using the form in Appendix B and shall state the reasons for the request.
- (3) Payment of expenses A Panel may require as a condition of approving a request from a party to hold a joint hearing outside Ontario that the party pay any additional costs incurred by the Commission.

31 *Notice of Constitutional Question*

A party who intends to question the constitutional validity or applicability of any legislation, regulation, bylaw, or common law rule shall serve notice of the constitutional question on the Attorneys General of Canada and Ontario and on the other parties and shall file the notice as soon as the circumstances requiring the notice are known and, in any event, at least 15 days before the day on which the question is to be argued.

SETTLEMENT

32 *Confidential Settlement Conference*

- (1) Settlement conference The parties to a proposed settlement shall attend at least one settlement conference.

(2) Request for a settlement conference	The parties to a proposed settlement shall file a joint request for the settlement conference no later than five days before the date of the settlement conference, which request shall include: <ul style="list-style-type: none"> (a) the written consent of the parties to participate in the settlement conference; (b) an agreement that the discussions and any document or thing presented at the settlement conference shall be confidential; and (c) a draft of the proposed settlement agreement or a joint memorandum setting out the terms of the proposed settlement.
(3) Notice	Notice of a settlement conference shall not be published.
(4) Confidentiality	A settlement conference shall be confidential and no transcript shall be made.
33 <i>Public Settlement Hearing</i>	
(1) Request for a settlement hearing	If the parties to a settlement request a hearing to approve the settlement, they shall file a joint request at least two days before the settlement hearing, which request shall include: <ul style="list-style-type: none"> (a) a Statement of Allegations, if one has not previously been filed; and (b) a signed settlement agreement that includes a draft order and each party's consent to the order.
(2) Notice	The Office of the Secretary shall issue a Notice of Hearing after a request that complies with subsection (1) has been filed.
(3) Settlement hearing Panel	A Panel that presides at a hearing to consider a settlement shall include at least one Commissioner from the Panel that presided at the settlement conference relating to the settlement.

DECISIONS

34 *Notice of Decision*

(1) Notice to parties	The Office of the Secretary shall send a copy of a Panel's written decision, reasons, and any order to each party's representative and to each unrepresented party.
(2) Publication	All written decisions, reasons, orders and approved settlement agreements shall be published on the Commission's website and in the Commission's Bulletin, unless a Panel orders that the document be kept confidential.

SANCTIONS AND COSTS

35 *Sanctions and Costs Hearing*

(1) Separate hearing for sanctions and costs	If a Panel makes a finding in an enforcement proceeding that provides a basis for sanctions and costs, a separate hearing shall be held to consider sanctions and costs, unless the parties agree that all issues may be decided in one hearing.
(2) Schedule	A Panel shall set a schedule for the sanctions and costs hearing.

(3) Materials in support of a request for costs

If Staff claims costs, it shall file materials in support of the claim for costs that include:

- (a) the amount of the costs claimed;
- (b) the basis of the claim for costs;
- (c) a summary statement of hours and fees, supported by time records setting out relevant hourly rates;
- (d) a summary statement of disbursements supported by invoices and receipts, or if they cannot be obtained, by a written record of disbursements and associated dates; and
- (e) an affidavit declaring that the information contained in the time records and the summary statement of disbursements are true and accurate, and that the disbursements were incurred directly and necessarily as a result of the investigation and/or hearing of the proceeding.

**APPENDIX A
STATEMENT OF ALLEGATIONS**

**IN THE MATTER OF
[Name(s) of Respondent(s)]**

STATEMENT OF ALLEGATIONS

(Subsection[s] 127(1)[and 127(10)] and Section 127.1 of the *Securities Act*, RSO 1990, c S.5)

A. ORDER SOUGHT:

Staff of the Enforcement Branch of the Ontario Securities Commission ("**Enforcement Staff**") requests that the Commission make the following order(s):

1. *[Set out in separate, consecutively numbered paragraphs the precise order(s) sought, including sanctions and costs]*

B. FACTS:

Enforcement Staff makes the following allegations of fact:

1. *[Set out in separate, consecutively numbered paragraphs each allegation of material fact relied on to substantiate the alleged breaches of Ontario securities law and/or conduct contrary to the public interest]*

C. [BREACHES AND]CONDUCT CONTRARY TO THE PUBLIC INTEREST:

Enforcement Staff alleges the following breach(es) of Ontario securities law and/or conduct contrary to the public interest:

1. *[Set out in separate, consecutively numbered paragraphs each provision of Ontario securities law alleged to have been breached and/or conduct alleged to be contrary to the public interest]*

DATED this [day] day of [month], [year].

[Name, address, email and telephone number of Enforcement Staff]

**APPENDIX B
MOTION**

**IN THE MATTER OF
[Name(s) of Respondent(s)]**

**MOTION
OF [Name(s) of Moving Party (Parties)]**

(For [specify relief sought]
Under [Section [#] of the *Securities Act*, RSO 1990, c S.5 and/or Rule [#]])

A. ORDER SOUGHT

The Moving Party(Parties), [name(s) of party(parties)], requests [with **or** without] notice, that the Ontario Securities Commission make the following order(s):

1. [Set out in separate, consecutively numbered paragraphs the precise order(s) sought]

B. GROUNDS

The grounds for the motion are:

1. [Set out in separate, consecutively numbered paragraphs each of the factual and legal grounds to be argued, including reference to any relevant statutory provision or rule]

C. EVIDENCE

The Moving Party (Parties) intends to rely on the following evidence for the motion:

1. [Set out in separate, consecutively numbered paragraphs the affidavits, other documentary evidence and oral testimony, if any, that the Moving Party intends to use]

DATED this [day] day of [month], [year].

[Name, address, email and telephone number of
Moving Party or Moving Party's representative]

APPENDIX C
APPLICATION FOR AUTHORIZATION TO DISCLOSE INFORMATION

IN THE MATTER OF
[Name(s) of Applicant(s) or, if a proceeding is pre-existing, Respondent(s)]

[CONFIDENTIAL] APPLICATION

OF [Name(s) of Applicant(s)]

(For Authorization to Disclose Information Under
Section 17 of the *Securities Act*, RSO 1990, c S.5)

A. ORDER SOUGHT

The Applicant(s), [Name(s) of Applicant(s)], request(s) that the Ontario Securities Commission make the following order(s):

1. [Set out in separate, consecutively numbered paragraphs the precise order(s) sought]

B. GROUNDS

The grounds for the request are:

1. [Set out in separate, consecutively numbered paragraphs each of the factual and legal grounds to be argued, including reference to any relevant statutory provision or rule]

C. EVIDENCE

The Applicant(s) intend(s) to rely on the following evidence at the hearing:

1. [Set out in separate, consecutively numbered paragraphs the affidavits, other documentary evidence and oral testimony, if any, that the Applicant(s) intend(s) to use]

DATED this [day] day of [month], [year].

[Name, address, email and telephone number of
Applicant(s) or representative of Applicant(s)]

APPENDIX D
APPLICATION FOR EXTENSION OF A TEMPORARY ORDER

IN THE MATTER OF
[Name(s) in title of the proceeding on the temporary order]

APPLICATION
OF [Name(s) of Applicant(s)]

(For Extension of a Temporary Order Under
Subsection 127[(7) **and/or** (8)] of the *Securities Act*, RSO 1990, c S.5)

A. ORDER SOUGHT

The Applicant(s), [Name(s) of Applicant(s)], request(s) that the Ontario Securities Commission make the following order(s):

1. [Set out in separate, consecutively numbered paragraphs the precise order(s) sought, identifying the temporary order in respect of which the order(s) is/are sought and the proposed duration of the extension]

B. GROUNDS

The grounds for the request are:

1. [Set out in separate, consecutively numbered paragraphs each of the factual and legal grounds to be argued, including reference to any relevant statutory provision or rule]

C. EVIDENCE

The Applicant(s) intend(s) to rely on the following evidence at the hearing:

1. [Set out in separate, consecutively numbered paragraphs the affidavits, other documentary evidence and oral testimony, if any, that the Applicant(s) intend(s) to use]

DATED this [day] day of [month], [year].

[Name, address, email and telephone number of
Applicant(s) or representative of Applicant(s)]

APPENDIX E
APPLICATION FOR HEARING AND REVIEW

IN THE MATTER OF
[Name(s) of Applicant(s)]

APPLICATION
OF [Name(s) of Applicant(s)]

(For Hearing and Review of a Decision Under
Section [8 or 21.7] of the *Securities Act*, RSO 1990, c S.5)

A. ORDER SOUGHT

The Applicant(s), [Name(s) of Applicant(s)], request(s) that the Ontario Securities Commission make the following order(s):

1. *[Set out in separate, consecutively numbered paragraphs the precise order(s) sought, identifying the specific decision in respect of which the order(s) is/are sought and stating the Applicant(s)' interest in that decision]*

B. GROUNDS

The grounds for the request and the reasons for seeking a hearing and review are:

1. *[Set out in separate, consecutively numbered paragraphs each of the factual and legal grounds to be argued, including reference to any relevant statutory provision or rule, and identifying any alleged errors in the decision in respect of which the order(s) is/are sought]*

C. DOCUMENTS AND EVIDENCE

The Applicant(s) intend(s) to rely on the following documents and evidence at the hearing:

1. *[Set out in separate, consecutively numbered paragraphs the affidavits, other documentary evidence and oral testimony, if any, that the Applicant(s) intend(s) to use, including, where applicable:*

- (a) the decision that is the subject of the request for a hearing and review and the related reasons, if reasons were given;*
- (b) the application or other document by which the original proceeding was commenced;*
- (c) any interim orders made in the original proceeding;*
- (d) any documentary evidence filed in the original proceeding, subject to any limitation expressly imposed by any statute, regulation or rules;*

- (e) any other relevant documents in the original proceeding; and*
- (f) any transcript of the oral evidence given at the original hearing.]*

DATED this [day] day of [month], [year].

*[Name, address, email and telephone number of
Applicant(s) or representative of Applicant(s)]*

APPENDIX F
APPLICATION FOR FURTHER DECISION OR
REVOCAION OR VARIATION OF A DECISION

IN THE MATTER OF
[Name(s) of Respondent(s)]

APPLICATION
OF [Name(s) of Applicant(s)]

(For *[Further Decision or Revocation of a Decision or Variation of a Decision]*
Under Section *[9(6) or 144]* of the *Securities Act*, RSO 1990, c S.5)

A. ORDER SOUGHT

The Applicant(s), *[Name(s) of Applicant(s)]*, request(s) that the Ontario Securities Commission make the following order(s):

1. *[Set out in separate, consecutively numbered paragraphs the precise order sought, identifying the specific decision in respect of which the order(s) is/are sought and stating the Applicant(s)' interest in that decision]*

B. GROUNDS

The grounds for the request are:

1. *[Set out in separate, consecutively numbered paragraphs each of the factual and legal grounds to be argued, including reference to any relevant statutory provision or rule, new material or significant change in circumstances]*

C. EVIDENCE

The Applicant(s) intend(s) to rely on the following evidence at the hearing:

1. *[Set out in separate, consecutively numbered paragraphs the affidavits, other documentary evidence and oral testimony, if any, that the Applicant(s) intend(s) to use, including any new evidence that the Applicant(s) propose(s) to introduce at the hearing]*

DATED this *[day]* day of *[month]*, *[year]*.

[Name, address, email and telephone number of
Applicant(s) or representative of Applicant(s)]

APPENDIX G
APPLICATION FOR TRANSACTIONAL PROCEEDING

IN THE MATTER OF
[Name(s) of Applicant(s)]

- and -

IN THE MATTER OF
[Name(s) of Respondent(s)]

APPLICATION
OF [Name(s) of Applicant(s)]

(In connection with a transactional proceeding under Rule 16 and
Under Section [104 *and/or* 127(1)] of the *Securities Act*, RSO 1990, c S.5)

A. ORDER SOUGHT

The Applicant(s), [Name(s) of Applicant(s)], request(s) that the Ontario Securities Commission make the following order(s):

1. [Set out in separate, consecutively numbered paragraphs the precise order(s) sought]

B. GROUNDS

The grounds for the request are:

1. [Set out in separate, consecutively numbered paragraphs each of the factual and legal grounds to be argued, including reference to any relevant statutory provision or rule]

C. EVIDENCE

The Applicant(s) intend(s) to rely on the following evidence at the hearing:

1. [Set out in separate, consecutively numbered paragraphs the affidavits, other documentary evidence and oral testimony, if any, that the Applicant(s) intend(s) to use]

DATED this [day] day of [month], [year].

[Name, address, email and telephone number of
Applicant(s) or representative of Applicant(s)]

**APPENDIX H
NOTICE OF WITHDRAWAL**

**IN THE MATTER OF
[Name(s) of Respondent(s) or Applicant(s)]**

NOTICE OF WITHDRAWAL

[Staff of the Ontario Securities Commission or name(s) of Applicant(s)] withdraw(s) the [Statement of Allegations or Application].

OR

[Staff of the Ontario Securities Commission or name(s) of Applicant(s)] withdraw(s) the [Statement of Allegations or Application] against [name(s) of party(parties)] as shown in the Amended [Statement of Allegations or Application] attached hereto.

DATED this *[day]* day of *[month]*, *[year]*.

*[Name, address, email and telephone number of Enforcement Staff,
Applicant(s) or representative of Applicant(s)]*

**APPENDIX I
SUMMONS**

THE SECURITIES ACT, RSO 1990, c S.5

**IN THE MATTER OF
[Name(s) of Respondent(s)]**

**SUMMONS TO A WITNESS BEFORE
THE ONTARIO SECURITIES COMMISSION**

TO: [FULL NAME AND ADDRESS OF WITNESS]

YOU ARE REQUIRED TO ATTEND TO GIVE EVIDENCE at the hearing of this proceeding on [DATE] at [TIME], at the offices of the Ontario Securities Commission, 20 Queen Street West, 17th Floor, Toronto, Ontario, and to remain until your attendance is no longer required.

YOU ARE REQUIRED TO BRING WITH YOU and produce at the hearing the following documents and things: [Set out the nature and date of each document and give sufficient particulars to identify each document and thing.]

IF YOU FAIL TO ATTEND OR TO REMAIN IN ATTENDANCE AS THIS SUMMONS REQUIRES, THE SUPERIOR COURT OF JUSTICE MAY ORDER THAT A WARRANT FOR YOUR ARREST BE ISSUED, OR THAT YOU BE PUNISHED IN THE SAME WAY AS FOR CONTEMPT OF THAT COURT.

Date: _____

ONTARIO SECURITIES COMMISSION

On behalf of the Ontario Securities Commission

NOTE: You are entitled to be paid the same fees or allowances for attending at or otherwise participating in the hearing as are paid to a person summoned to attend before the Superior Court of Justice. **If you have questions, you should contact the party that requested that the Commission issue this Summons [Name, address, email and telephone number of party requesting that the Commission issue the Summons].**