



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

P.O. Box 55, 19<sup>th</sup> Floor  
20 Queen Street West  
Toronto ON M5H 3S8

CP 55, 19<sup>e</sup> étage  
20, rue queen ouest  
Toronto ON M5H 3S8

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**IN THE MATTER OF  
GOLDENWISE CAPITAL MANAGEMENT INC.**

**APPLICATION OF STAFF OF THE ONTARIO SECURITIES COMMISSION**

(For consent suspension of a registered commodity trading manager  
under *Commodity Futures Act*, R.S.O. 1990, c. C. 20, s. 60(1))

**A. ORDER SOUGHT**

The Applicant, Staff of the Ontario Securities Commission (“Staff”), requests with notice, that the Ontario Securities Commission make the following orders:

1. An order waiving the requirements of the *Ontario Securities Commission Rules of Procedure and Forms* (the “Rules”) and *Practice Guideline* in respect of this application;
2. An order directing that this application be heard in writing;
3. An order suspending the registration of Goldenwise Capital Management Inc. (“Goldenwise”) as a commodity trading manager under the *Commodity Futures Act*, R.S.O. 1990, c. C.20 (the “CFA”).

**B. GROUNDS FOR THE APPLICATION**

The grounds for the application are:

1. Goldenwise is registered as a commodity trading manager under the CFA, and as a portfolio manager under the *Securities Act*, R.S.O. 1990, c. S.5 (the “SA”), and the

firm has applied to surrender both categories of registration.

2. The Compliance and Registrant Regulation Branch's ("CRR's") normal procedure for handling a surrender application under the SA is for the Director to suspend the firm's registration, and then for Staff to process the application by ensuring that the surrender requirements in s. 30(1) of the SA have been satisfied. Goldenwise's registration under the SA has been suspended.
3. Because the authority to suspend registration under the CFA has not been delegated to the Director (as it has under the SA), the present application to the Commission is required to suspend Goldenwise's registration as a commodity trading manager while CRR processes that portion of the surrender application.
4. Goldenwise, through its CEO and ultimate designated person, Huakun Ding, has consented to the suspension of its registration under the CFA, and has waived its right to a hearing or to otherwise be heard in respect of the suspension of its registration.
5. Pursuant to s. 60(1)1 of the CFA, the Commission may suspend the registration of a person or company under Ontario commodity futures law if, in its opinion, it is in the public interest to do so.
6. Subsection 60(3) of the CFA states: "[n]o order shall be made under this section without a hearing, subject to section 4 of the *Statutory Powers Procedure Act*." Subsection 4(1) of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 provides that "[a]ny procedural requirement of this Act, or of another Act or a regulation that applies to a proceeding, may be waived with the consent of the parties and the tribunal."

7. Rule 1 of the Rules states: “The objective of these Rules is to ensure that Commission proceedings are conducted in a just, expeditious and cost-effective manner.”
8. Rule 3 of the Rules states: “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.”
9. Pursuant to Rule 23(3) of the *Ontario Securities Commission Rules of Procedure and Forms*, “the Panel may order that a hearing be conducted as a written hearing if ... the Panel is satisfied that there is good reason to conduct the hearing as a written hearing.”

### **C. EVIDENCE**

The Applicant, Staff, intends to rely on the following evidence for the application:

1. The written consent to suspension signed on behalf of Goldenwise and dated July 21, 2020.

**DATED** this 22<sup>nd</sup> day of July, 2020.

**STAFF OF THE ONTARIO  
SECURITIES COMMISSION**  
20 Queen Street West  
Toronto, Ontario  
M5H 3S8

Mark Skuce (LSO 49128E)  
Senior Legal Counsel  
Compliance and  
Registrant Regulation  
Tel.: 647-278-9305  
Email: mskuce@osc.gov.on.ca