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Borden Ladner Gervais LLP
Securities Law and Practice
Release No. 6, July 2024

Publisher's Special Release Note 2023

The pages in this work were reissued in October 2023 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the October 2023 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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Securities Law and Practice Third Edition provides the only textual treatment of securities law in Canada. Organized according to the *Ontario Securities Act*, the extensive commentary that follows each section interprets and explains the practical implications of the provision, in the light of rulings of the Ontario Securities Commission and court decisions from across Canada, as well as U.S. decisions. It also includes comparisons to the equivalent Acts of Alberta, British Columbia and Quebec. Comprehensive securities-related primary material from every province and territory, including legislation and securities commission regulatory and policy materials, makes this an essential work for practitioners and securities regulators in all provinces.

This release features updates to the commentary in Chapter 11 (Trading in Securities and Derivatives Generally) and Chapter 21 (Enforcement). This release also features the updates to Appendix A, Appendix B, and Appendix F.

HIGHLIGHTS

- **Capital Markets Tribunal Rules of Procedure — Rules Regarding Evidence** — The new Rules replace the former *Rules of Procedure and Forms and Practice Guideline* to provide guidance to improve the efficiency of Tribunal proceedings, and apply to all Tribunal proceedings, including those proceedings commenced prior to the implementation of the new Rules. The Rules are intended to clarify and streamline procedures for proceedings conducted before the Tribunal, and evidence an increased focus on practicality and efficiency. The new Rules 29-31 set out the requirements as to the form and content of written materials filed with the Tribunal, including affidavits, statements of agreed facts, joint books of documents, and documentary aids. In particular any witness who provides affidavit evidence must be available for cross-examination at the hearing in which it will be tendered; the Tribunal may order that all or part of a witness' evidence be provided by affidavit; documentary aids must be served no later than 10 days before the hearing, unless there is no dispute as to whether the chart or aid fairly distils or analyzes the underlying evidence, in which case, it may be filed at the hearing; any party seeking an order from the Tribunal is required to provide a draft of the terms of the order as a part of their closing submissions. The draft order must identify the statutory or other provision giving the Tribunal jurisdiction to make such order; and where a party objects to the admissibility of an expert's testimony, notice identifying the grounds for the objection must be served on every other party to the proceeding.

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