

**IN THE MATTER OF**  
**TROY RICHARD JAMES HOGG, ARBITRADE EXCHANGE INC., ARBITRADE LTD., T.J.L. PROPERTY**  
**MANAGEMENT INC. and GABLES HOLDINGS INC.**

File No. 2022-20

and

**IN THE MATTER OF**  
**THE ONTARIO SECURITIES COMMISSION**  
**MOTION FOR ADJOURNMENT**

(For adjournment Under [Section 29 of the Securities Act, RSO 1990, c S.5 [and/or Rule 29(1)])

**A. ORDER SOUGHT**

The Moving Parties, TROY RICHARD JAMES HOGG, ARBITRADE EXCHANGE INC., ARBITRADE LTD., T.J.L. PROPERTY MANAGEMENT INC. and GABLES HOLDINGS INC., requests without notice, that the Tribunal make the following order:

1. To adjourn the merits hearing until May 2024.

**B. GROUNDS**

The grounds for the motion are:

2. My previous attorney resigned from the case in the most recent hearing on October 20<sup>th</sup>, 2023. My family is seeking mortgages and funds through credit to assist me in paying for an attorney. They said that they needed some time to organize funds and will be able to get it matter of a few weeks as they didn't realize the severity of the case until Mr. O'Toole notified us of his resignation. Mr. O'Toole told me that he must be paid this week or he was going to take on new cases. For this reason I have been speaking with new potential attorneys in regards to the case if I can't retain Mr. O'Toole and they said that if they took the case that it would take them 6 months to understand this complicated story and to build a defense. Currently the two attorneys I have spoken with are currently reviewing the materials and said that they will get back to me by Monday, October 30th. The one attorney said that their first request would be to seek an adjournment. Even if I cannot find an attorney, I would have to prepare my own defense from the available evidence and educate myself on the proper protocols of this system in order for me to have a fair trial which will take time.
3. There are thousands of evidence files that I cannot open which I will submit a list to Mr. Qian about. It has taken me almost two months of sitting in front of my computer looking at the evidence to find all the broken link files and once received I'm sure it will take me more extended time to search through for all my defense evidence as I cross reference each piece

with my own notes and emails. Additionally, if I retain a new attorney, it will take them an equal amount of time to search through all the evidence to build their defense. I was presented with 72,905 potential pieces of evidence in my case. Of those, I have to closely read what each one is in reference to and find if I have any related materials that may have been overlooked. I have included attached email screenshots that I have referenced these broken links since November 7<sup>th</sup>, 2022. As you can see Mr. O'Toole responds with a response from Mr. Qian that all the links have been fixed or replaced in the files and this is simply not the case.

4. We have been in the process of retaining attorneys in each state and country to serve subpoenas for all our witnesses. My New York attorney said that this process could take several months if the witnesses try to fight the subpoenas. Additionally, we just found out that we need to retain a King's consulate attorney from the U.K. in order to subpoena Jane Walker from Bermuda. These witnesses are critically important to my case and without them I feel that I would not be getting a fair defense. Additionally, Mr. O'Toole said that the change in how the OSC use to operate and the switch to this new tribunal method along with the summer's usual delays had absorbed the usual time given to be able to subpoena international witnesses. I have attached a screen shot of the email from my New York attorney regarding the timing of these subpoenas.
5. I believe that some evidence is missing. New evidence that I have found but also evidence from my last deposition that had the U.S. prosecutors in attendance seems to not exist in my files. Before I make any claims, I am going to wait to review the files I cannot open and double check all of the entire file again. I will send in all the missing files I believe both I and the prosecutors deserve to have at our disposal. This will take some considerable time again.
6. I would request that the merits hearing and trials be held until after the SEC's proceedings against me as they have more evidence and proceedings that can ultimately affect me receiving a fair and honest hearing. The American proceedings are to held between February and April 2024.

### **C. EVIDENCE**

7. Rule 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.
8. Rule 27. Disclosure (1) Initial disclosure by Staff in an enforcement proceeding In an enforcement proceeding under s.127(1) of the Act, Staff shall: (a) provide to every other Party copies of all non-privileged 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.

9. Rule 27. (2) Disclosure of Hearing Briefs, A Party shall provide every other Party to a proceeding with a copy of the documents, and shall identify the other things, that the Party intends to rely on or enter as evidence at a hearing.
10. Rule 28 (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;
11. Section 11 of the Canadian Charter of Rights and Freedoms, Section 11(d) provides that:
  12. (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
13. *Money Gate Mortgage Investment Corp (Re)*, [2019 ONSEC 40](#) (**Money Gate**) at para [54](#), Mr. Hogg has cooperated within a timely, pleasant manner and with the utmost respect throughout the past 5 years and 8 months of the OSC's investigation. I'm just trying for a fair and honest hearing. In reflection of the Capital Markets Tribunal's own verdicts, As the Commission has previously held, the new standard is a "high bar" that reflects the important objective set out in current Rule 1, that Commission proceedings be "conducted in a just, expeditious and cost-effective manner." ***This objective must be balanced against parties' ability to participate meaningfully in the hearing and to present their case.***
14. *Davis*, [2017 ONSEC 16](#) , (*Re Davis*, [2016 BCSECCOM 214](#) (Findings); [2016 BCSECCOM 375](#) (Decision))

**DATED** this 27<sup>th</sup> day of October, 2023.

Troy Richard James Hogg

71859 Sunridge Cres.,

Dashwood, ON.

[troyhogg2020@protonmail.com](mailto:troyhogg2020@protonmail.com)

(519) 330-6570