

**IN THE MATTER OF**  
**The Ontario Securities Commission vs. Benjamin Ward**

File No. 2025-21

**MOTION**  
**OF BENJAMIN WARD**

Under Section 9 of the *Statutory Powers Procedure Act* (SPPA), Rules 8(2) and 8(4) of the *Capital Markets Tribunal Rules of Procedure* and Rule 22(2) and 22(4) of the *Ontario Securities Commission Rules of Procedure* that the upcoming hearing be held confidential and not available to the public and that all of the adjudicative record (including this motion material) be held confidential and not available to the public.

**A. ORDER SOUGHT**

The Moving Party, Benjamin Ward (“Ward”), requests with notice that the Ontario Securities Commission make the following orders:

1. That the hearing be held in confidence and not available to the public;
2. That the entire adjudicative record of these proceedings (including all record materials for this motion) be held in confidence and not available to the public; and
3. That if the confidentiality of the proceedings and record are not maintained, that a stay of proceedings is ordered.

**B. GROUNDS**

The grounds for the motion are:

4. Section 9 of the Statutory Power and Procedures Act;
5. Rules 8(2) and 8(4) of the *Capital Markets Tribunal Rules of Procedure*;
6. Rule 22(2) and 22(4) of the *Ontario Securities Commission Rules of Procedure*;

7. Issue estoppel;
8. Detrimental reliance/promissory estoppel; and
9. The principles of fundamental justice.
10. Without an order for confidentiality of this hearing and adjudicative record, Ward will be unable to make full answer and defence.

**C. EVIDENCE:** The Applicant intend(s) to rely on the following evidence for the motion:

11. In the "Confidential Order" of then Vice Chair Vingoe dated February 21, 2020 the Vice-Chair ordered that specific portions of Ward's compelled interview transcripts must be redacted and kept confidential. Crucially, he also ordered that the Order itself, the Reasons for the Order, and all materials filed in connection with it must remain confidential to protect the sensitive information contained therein. The Tribunal later summarized this order stating it "ordered that the Confidential Order, the Confidential Reasons, and all materials filed in connection with the Confidential Order be kept confidential."
12. Procedural Order for Confidential Phase – August 5, 2020  
Decision/Order: *Ontario Securities Commission v. Canada Cannabis Corporation et al.* (Procedural Order).  
Ruling: The Commission ordered that the motion brought by a co-respondent (Silvio Serrano) to access Ward's transcripts must be heard in separate phases, including a distinct "Confidential Phase".  
Key Language: The order mandated that this phase proceed ***in camera, in the absence of the public and even the other respondents***, to ensure the confidentiality requirements of the February 2020 order were maintained.
13. Order Confirming Confidential Procedure – January 27, 2023

Decision/Order: *Canada Cannabis Corporation (Re)*, 2023 ONCMT 9.

Ruling: The Tribunal re-affirmed the necessity of confidentiality regarding the "Confidential Materials" (the transcripts and prior orders).

Key Language: The Order explicitly stated:

"The Confidential Materials previously filed in this proceeding continue to be subject to the confidentiality provisions set out therein and shall not be available to the public..." It further ordered that the "Confidential Phase" of the upcoming motion would be kept confidential from both the public and the other respondents.

#### 14. Reasons for Decision on Disclosure – November 23, 2023

Decision/Order: *Canada Cannabis Corporation (Re)*, 2023 ONCMT 39.

Ruling: In its reasons for granting limited access to the transcripts, the Tribunal reviewed the history of the proceedings.

The Panel acknowledged the "manifest confidentiality issues involved" and confirmed that the "Confidential Order prevents Staff from making full disclosure." They upheld the principle that the prior confidentiality orders bound the process, noting they "declined to either vary the Confidential Order or issue a competing order".

**DATED** this 27th day of November, 2025.

Benjamin Ward

Of no fixed address