



Capital
Markets
Tribunal

Tribunal des
marchés
financiers

22nd Floor
20 Queen Street West
Toronto ON M5H 3S8

22e étage
20, rue Queen ouest
Toronto ON M5H 3S8

BETWEEN:

JACK MARKS
(Applicant)

- and -

CNSX MARKETS INC. and ONTARIO SECURITIES COMMISSION
(Respondents)

File No. 2025-11

Adjudicators: Andrea Burke (chair of the panel)
Jane Waechter
Dale Ponder

May 4, 2026

ORDER

(Rule 34 of the *Capital Markets Tribunal Rules of Procedure*)

WHEREAS the Capital Markets Tribunal held a hearing in writing to consider an adjournment motion brought by Jack Marks;

ON READING the materials filed by Jack Marks and upon being advised that CNSX Markets Inc. does not oppose the adjournment motion and the Ontario Securities Commission does not take a position on the adjournment motion, and all parties consent to the adjournment motion being heard in writing;

IT IS ORDERED, for reasons to follow, that:

1. Jack Marks' adjournment motion is dismissed;
2. the hearing shall proceed on the previously scheduled dates of May 8 and 13, 2026, at the Capital Markets Tribunal, located at 20 Queen Street West, 17th Floor, Toronto, Ontario, commencing at 11:00 a.m. EDT on each day, or as may be agreed to by the parties and set by the Registrar;
3. at the hearing on May 8, 2026, the panel will hear:

- a. any motion by Jack Marks for permission (the **Leave Motion**) to bring:
 - i. a motion to introduce the new evidence referred to in his adjournment motion (the **Marks New Evidence Motion**); and
 - ii. a motion for relief to obtain the unspecified further relevant documentary and testimonial evidence referred to in his adjournment motion (the **Marks Discovery Motion**), if any;
 - b. if the Leave Motion or any part of it is granted, the Marks New Evidence Motion and the Marks Discovery Motion shall be heard, as applicable; and
 - c. CNSX Markets Inc.'s New Evidence Motion, dated September 26, 2025;
4. at the hearing on May 13, 2026, the panel will hear:
- a. the merits of the application; and
5. materials with respect to the Leave Motion, Marks New Evidence Motion and Marks Discovery Motion shall be served and filed as follows:
- a. by 12:00 p.m. EDT on May 6, 2026, Jack Marks shall serve and file the Leave Motion, Marks New Evidence Motion and Marks Discovery Motion and related motion record(s) and written submissions; and
 - b. by 12:00 p.m. EDT on May 7, 2026, CNSX Markets Inc. and the Ontario Securities Commission shall each serve and file any materials (including motion record(s) and written submissions) relating to the Leave Motion, Marks New Evidence Motion and Marks Discovery Motion;
 - c. the panel will entertain reply submissions, if any, from Marks orally at the hearing on May 8, 2026.

"Andrea Burke"

Andrea Burke

"Jane Waechter"

Jane Waechter

"Dale Ponder"

Dale Ponder