

**IN THE MATTER OF
BDO CANADA LLP**

File No. 2018-59

**MOTION OF
STAFF OF THE ONTARIO SECURITIES COMMISSION**
(For further and better witness summaries Under Rule 27(3))

A. ORDER SOUGHT

The Moving Party, Staff (“**Staff**”) of the Enforcement Branch of the Ontario Securities Commission (the “**Commission**”), request with notice, that the Commission make the following orders:

1. An order requiring BDO Canada LLP (“**BDO**”) to delivery further and better summaries of the evidence that each of BDO’s witnesses is expected to give at the hearing of this matter, within one week of the Commission’s decision on this motion; and
2. Such further and other orders as counsel may advise and the Commission deems just.

B. GROUNDS

The grounds for the motion are:

3. Pursuant to an Order of the Commission dated June 13, 2019, BDO was required to file and serve a witness list, and serve a summary of each witness’s anticipated evidence on Staff by no later than July 25, 2019;
4. On July 25, 2019, BDO served a witness list and a summary of each witness’s anticipated evidence (the “**Initial Witness Summaries**”);

5. On July 29, 2019, Staff advised counsel to BDO that the Initial Witness Summaries did not provide meaningful disclosure as contemplated by the Ontario Securities Commission *Rules of Procedure and Forms* (the “**Rules**”);
6. On August 19, 2019, the third attendance took place before Vice Chair Moseley (the “**Third Attendance**”);
7. At the Third Attendance, Staff raised concerns about the deficiencies in the Initial Witness Summaries. BDO was ordered to provide further witness summaries by October 11, 2019;
8. On October 11, 2019, counsel for BDO served revised witness summaries (the “**Revised Witness Summaries**”);
9. Upon receipt and review of the Revised Witness Summaries, Staff remained of the view that the Revised Witness Summaries do not provide meaningful disclosure;
10. On October 18, 2019, Staff wrote to counsel for BDO advising that Staff remain of the view that the Revised Witness Summaries are insufficient as they do not provide meaningful disclosure of the anticipated evidence (the “**October 18 Letter**”);
11. The October 18 Letter outlined four deficiencies in the Revised Witness Summaries and invited counsel to BDO to provide further and better witness summaries by October 25, 2019;
12. No response to the October 18 Letter was received;
13. Rule 27(3); and
14. Such further and other grounds as counsel may advise and the Commission deems just.

C. EVIDENCE

Staff intend to rely on the following evidence for the motion:

15. The Affidavit of Marcel Tillie, sworn November 15, 2019; and
16. Such other evidence as counsel may advise and the Commission may permit.

DATED this 15th day of November, 2019.

ONTARIO SECURITIES COMMISSION
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Staff of the Enforcement Branch