



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

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**IN THE MATTER OF THE *SECURITIES ACT*,  
R.S.O. 1990, c.S.5, as amended**

*- and -*

**IN THE MATTER OF BIOVAIL CORPORATION, EUGENE N. MELNYK,  
BRIAN H. CROMBIE, JOHN R. MISZUK and KENNETH G. HOWLING**

**ORDER  
(Sections 127 and 127.1)**

**WHEREAS** on March 24, 2008 the Ontario Securities Commission (the “Commission”) issued a Notice of Hearing and related Statement of Allegations (the “Notice of Hearing”) against Biovail Corporation, Eugene N. Melnyk , Brian H. Crombie, John R. Miszuk and Kenneth G. Howling (“Howling”);

**AND WHEREAS** Howling has entered into a settlement agreement with Staff of the Commission dated January 26, 2009 (the “Settlement Agreement”) in relation to the matters set out in the Notice of Hearing;

**UPON** reviewing the Notice of Hearing and Settlement Agreement, and upon hearing submissions from counsel for Howling and for Staff of the Commission;

**AND WHEREAS** the Commission is of the opinion that it is in the public interest to make this Order;

**IT IS HEREBY ORDERED** that:

1. The Settlement Agreement is approved.
2. Howling is reprimanded.

3. Howling is prohibited from becoming or acting as a director or officer of a reporting issuer for a period of two years from the date of this Order.
4. Howling shall cooperate with the Commission and Staff in this matter and shall appear and testify at the hearing in this matter if requested by Staff ; and
5. Howling shall pay \$20,000.00 in respect of a portion of the costs of the investigation and hearing in relation to this matter.

Dated at Toronto this 27th day of January, 2009.

*“Suresh Thakrar”*

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*“Margot C. Howard”*

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