



**IN THE MATTER OF THE *SECURITIES ACT*,  
R.S.O. 1990, c. S.5, AS AMENDED**

**- AND -**

**IN THE MATTER OF ABEL DA SILVA**

**ORDER**

**WHEREAS** on October 21, 2008 the Ontario Securities Commission (the "Commission") issued a Notice of Hearing (the "Notice of Hearing") in this matter and scheduled a hearing to commence on November 27, 2008 at 3:00 p.m.;

**AND WHEREAS** Staff of the Ontario Securities Commission ("Staff") filed a Statement of Allegations dated October 20, 2008 with the Commission;

**AND WHEREAS** Staff served Abel Da Silva ("Da Silva") with a certified copy of the Notice of Hearing and Staff's Statement of Allegations as evidenced by the Affidavit of Service of Wayne Vanderlaan, sworn on November 10, 2008, filed with the Commission;

**AND WHEREAS** a panel of the Commission held a hearing on November 27, 2008 at 3:00 p.m. and Staff attended and made submissions, including advising the Panel that the disclosure by Staff was available in this matter, and Staff undertook to notify Da Silva that disclosure was available;

**AND WHEREAS** on November 27, 2008, Da Silva did not appear at the hearing;

**AND WHEREAS** on November 27, 2008, a panel of the Commission ordered that the hearing in this matter is adjourned to June 4, 2009 at 11:00 a.m.;

**AND WHEREAS** Staff served Da Silva with a certified copy of the Order of the Commission dated November 27, 2008 as evidenced by the Affidavit of Service of Kathleen McMillan sworn on June 3, 2009;

**AND WHEREAS** on June 4 and September 10, 2009, January 12, April 12, and June 30, 2010 (the “appearance dates”), status hearings were held and Staff appeared before a panel of the Commission and provided the panel of the Commission with a status update with respect to this matter;

**AND WHEREAS** Da Silva did not attend before the Commission on the appearance dates despite being made aware of those dates;

**AND WHEREAS** on each of the appearance dates, the Commission considered the submissions of Staff and was of the opinion that it was in the public interest to adjourn the hearing;

**AND WHEREAS** on September 2, 2010, a panel of the Commission ordered that the hearing with respect to the Notice of Hearing and Staff’s Statement of Allegations dated October 20, 2008 be adjourned to October 5, 2010 at 10:00 a.m.;

**AND WHEREAS** on September 20, 2010, Staff filed an Amended Statement of Allegations and Notice of Hearing in this matter;

**AND WHEREAS** on September 21, 2010, Staff served Da Silva with a certified copy of the Notice of Hearing and Staff’s Amended Statement of Allegations dated September 20, 2010 as evidenced by the Affidavit of Service of Charlene Rochman, sworn on October 1, 2010, filed with the Commission;

**AND WHEREAS** on October 5, 2010, a status hearing was held commencing at 10:00 a.m. and Staff appeared before the panel of the Commission and provided the panel of the Commission with a status update with respect to this matter;

**AND WHEREAS** on October 5, 2010, Da Silva did not attend at the status hearing;

**AND WHEREAS** on October 5, 2010, the panel of the Commission considered the submissions of Staff;

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

**IT IS ORDERED** that the hearing with respect to the Notice of Hearing and Staff's Amended Statement of Allegations dated September 20, 2010 be adjourned to October 26, 2010 at 2:30 p.m. for the purpose of having a confidential pre-hearing conference and that the hearing on the merits in this matter be set down for November 29, 2010 at 10:00 a.m.

**DATED** at Toronto this 5<sup>th</sup> day of October, 2010.

*"James E.A. Turner"*

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James E.A. Turner