



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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Toronto ON M5H 3S8

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

AND WHEREAS Staff of the Ontario Securities Commission (“Staff”) filed a Statement of Allegations dated October 20th, 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 10th, 2008, filed with the Commission;

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

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

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

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

AND WHEREAS on June 4th and September 10th, 2009, January 12th, April 12th, and June 30th, 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 on the appearance dates, Da Silva did not attend before the Commission 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 2nd, 2010, a panel of the Commission ordered that the hearing with respect to the Notice of Hearing dated October 21st, 2008 and Staff’s Statement of Allegations dated October 20th, 2008 be adjourned to October 5th, 2010 at 10:00 a.m.;

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

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

AND WHEREAS on October 5th, 2010, a status hearing was held which Da Silva did not attend, and the panel of the Commission ordered that the hearing with respect to the Notice of Hearing dated September 20th, 2010 and Staff’s Amended Statement of Allegations dated September 20th, 2010 be adjourned to October 26th, 2010 at 9:30 a.m. for the purpose of having a pre-hearing conference;

AND WHEREAS on October 26th, 2010, a pre-hearing conference was held commencing at 9:30 a.m. which Da Silva did not attend despite being advised of the pre-hearing conference, and Staff made submissions to the panel of the Commission;

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 on the merits with respect to the Notice of Hearing dated September 20th, 2010 and Staff's Amended Statement of Allegations dated September 20th, 2010 shall take place on November 29th, 2010 at 10:00 a.m.;

IT IS FURTHER ORDERED that should Da Silva not appear at the hearing on the merits on November 29th, 2010 at 10:00 a.m. and an affidavit of service is provided to the Commission by Staff confirming that Da Silva was made aware of this hearing date, Staff will bring a motion on November 29th, 2010 to have the hearing on the merits proceed in writing.

DATED at Toronto this 26th day of October, 2010.

"James. D. Carnwath, Q.C."

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