



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

P.O. Box 55, 19th Floor
20 Queen Street West
Toronto ON M5H 3S8

CP 55, 19^e étage
20, rue queen ouest
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 was available on this matter, and Staff undertook to notify Da Silva that disclosure is 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, 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 June 4th and September 10th, 2009, January 12th, April 12th, and June 30th, 2010, Da Silva did not attend before the Commission despite being made aware of the hearing dates;

AND WHEREAS on June 4th and September 10th, 2009, January 12th, April 12th, June 30th, 2010 and September 2nd, 2010, 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 is 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, 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 27th, 2010 at 2:30 p.m. for the purpose of having a pre-hearing conference;

AND WHEREAS on October 26th, 2010, a pre-hearing conference was held, 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 on October 26th, 2010, 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 November 29th, 2010 at 10 a.m.;

AND WHEREAS on October 26th, 2010, the panel of the Commission 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 the hearing date, Staff will bring a motion on November 29th, 2010 to have the hearing on the merits proceed in writing;

AND WHEREAS on November 29th, 2010, Staff attended before a panel of the Commission and Da Silva did not attend despite being made aware of the hearing date as evidenced by the Affidavit of Charlene Rochman, sworn on November 24th, 2010 (the "November 24th Rochman Affidavit");

AND WHEREAS on November 29th, 2010, Staff brought a motion, pursuant to Rules 5 and 6 of the Commission's *Rules of Practice*, for an order that the hearing on the merits in this matter be converted from an oral hearing to a written hearing;

AND WHEREAS on November 29th, 2010, Staff satisfied a panel of the Commission, relying on the November 24th Rochman Affidavit, that Da Silva had been served with Staff's Notice of Motion and with the Affidavit of Wayne Vanderlaan, sworn November 10th, 2010 and Staff's Written Submissions for a written hearing on the merits in this matter ("Staff's Written Materials");

AND WHEREAS on November 29th, 2010, Staff filed Staff's Written Materials with the Commission for use on a written hearing on the merits in this matter;

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 in this matter be converted from an oral hearing to a written hearing; and

IT IS FURTHER ORDERED that Da Silva has until December 8th, 2010 to file any written materials for use on the written hearing on the merits in this matter.

DATED at Toronto this 29th day of November, 2010.

“James D. Carnwath”

James D. Carnwath, Q.C.