



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

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20 Queen Street West  
Toronto ON M5H 3S8

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20, rue queen ouest  
Toronto ON M5H 3S8

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**IN THE MATTER OF  
GARTH H. DRABINSKY, MYRON I. GOTTLIEB  
and GORDON ECKSTEIN**

D. Grant Vingoe, Vice-Chair and Chair of the Panel  
Judith N. Robertson, Commissioner  
William J. Furlong, Commissioner

June 15, 2017

**ORDER**

Subsections 127(1) and 127(10) of the  
*Securities Act*, RSO 1990, c S.5

WHEREAS on February 22, 23, 24 and April 24, 2017, the Ontario Securities Commission held a hearing at the offices of the Commission, located at 20 Queen Street West, 17th Floor, Toronto, Ontario, to consider whether it is in the public interest to make an inter-jurisdictional enforcement order against the sole remaining respondent in this proceeding, Garth H. Drabinsky ("**Drabinsky**"), pursuant to subsection 127(1) and paragraph 1 of subsection 127(10) of the *Securities Act*, RSO 1990, c S.5 (the "**Act**");

ON READING the Amended Statement of Allegations dated February 20, 2013, the Agreed Statement of Facts dated February 10, 2017, the written closing submissions of the parties, including the accompanying books of authorities, and on hearing the submissions of representatives for the parties, and considering the documents and witness testimony admitted as evidence at the hearing;

IT IS ORDERED THAT:

1. pursuant to clauses 2 and 2.1 of subsection 127(1) of the Act, trading in any securities by Drabinsky cease permanently and the acquisition of any securities by Drabinsky is prohibited permanently, except that he may trade or acquire securities or derivatives:
  - a. in any account at a registered dealer in his own name of which he has the sole beneficial interest; or
  - b. in a registered retirement savings plan, registered education savings plan, any registered retirement income funds, and/or tax-free savings account (as defined in the *Income Tax Act (Canada)*) in which only he has a beneficial ownership; and
  - c. he does not own legally or beneficially more than five percent of outstanding securities of the class or series of the class in question; and

- d. he carries out any permitted trading through a registered dealer (which dealer must be given a copy of this Order) and through accounts opened in his name only;
- 2. pursuant to clause 3 of subsection 127(1) of the Act, any exemptions contained in Ontario securities law do not apply to Drabinsky permanently;
- 3. pursuant to clause 8 of subsection 127(1) of the Act, Drabinsky is prohibited from becoming or acting as a director or officer of any issuer permanently;
- 4. pursuant to clause 8.2 of subsection 127(1) of the Act, Drabinsky is prohibited from becoming or acting as a director or officer of a registrant permanently;
- 5. pursuant to clause 8.4 of subsection 127(1) of the Act, Drabinsky is prohibited from becoming or acting as a director or officer of an investment fund manager permanently; and
- 6. pursuant to clause 8.5 of subsection 127(1) of the Act, Drabinsky is prohibited from becoming or acting as a registrant, as an investment fund manager or as a promoter permanently.

<i>"Judith N. Robertson"</i>	<i>"D. Grant Vingoe"</i>	<i>"William J. Furlong"</i>
_____	_____	_____
Judith N. Robertson	D. Grant Vingoe	William J. Furlong