

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

- and -

IN THE MATTER OF A REQUEST FOR A HEARING AND REVIEW OF THE DECISIONS OF A
HEARING PANEL OF THE INVESTMENT
INDUSTRY REGULATORY ORGANIZATION OF CANADA DATED JANUARY 28, 2020 and
OCTOBER 6, 2020

- and -

IN THE MATTER OF DOUGLAS JOHN ELEY

MOTION OF THE INVESTMENT INDUSTRY
REGULATORY ORGANIZATION OF CANADA

A. ORDER SOUGHT

The Investment Industry Regulatory Organization of Canada (IIROC) requests with notice, that the Ontario Securities Commission make the following order:

1. An Order declining to admit new evidence at the hearing and review by the Ontario Securities Commission of the Merits and Sanction Decisions of the IIROC Hearing Panel dated January 28, 2020 and October 6, 2020.

B. GROUNDS

The grounds for the motion are:

1. The Applicant proposes to introduce evidence that was not before the IIROC Hearing Panel at the Merits hearing held on September 9-19, 2019 and was specifically excluded by the IIROC Hearing Panel at the Sanction hearing held on September 14, 2020;
2. The proposed evidence is not “new” or “compelling” within the meaning of *Canada Malting* and should not be admitted;

3. Permitting the Applicant the opportunity to re-argue the IIROC proceeding with an augmented record of evidence that was available at the time of the initial hearing and is of questionable probative value would introduce an unacceptable degree of uncertainty into IIROC's regulatory regime.

December 16, 2020

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Staff of the Ontario Securities Commission