

Practice Guideline – December 4, 2012

Commission's Book of Authorities

(Cross-reference: *Ontario Securities Commission Rules of Procedure* (2012), 35 O.S.C.B. 10071)

Preamble

The Ontario Securities Commission (the “Commission” or the “OSC”) is issuing the following practice guideline in respect of the use of a Commission’s Book of Authorities in adjudicative proceedings before the Commission (the “Practice Guideline”).

The Practice Guideline varies the requirement established in Rule 10.9(4) of the *Ontario Securities Commission Rules of Procedure* (2012), 35 O.S.C.B. 10071) (the “OSC Rules”) that parties must provide the Commission with copies of all legal authorities referred to in their submissions. Parties will not be required to provide the Commission copies of legal authorities contained in the Commission’s Book of Authorities.

The Practice Guideline applies to all proceedings before the Commission where the Commission is required under the *Securities Act*, R.S.O. 1990, c. S.5, as amended and the *Commodity Futures Act*, R.S.O. 1990, c. C.20, or otherwise by law, to hold a hearing or to afford to the parties to the proceeding an opportunity for a hearing before making a decision. The Practice Guideline is issued pursuant to Rule 1.3 of the *OSC Rules*.

The Commission therefore issues the following Practice Guideline which, effective January 1, 2013, will apply to all proceedings before the Commission, including proceedings commenced by a Notice of Hearing issued prior to the issuance of the Practice Guideline:

1. The Commission’s Book of Authorities

- 1.1. A Commission’s Book of Authorities containing cases frequently relied on by parties appearing before the Commission (the “Book of Authorities”), has been developed by the Office of the Secretary to the Commission and approved for use in proceedings before the Commission. A copy of the Book of Authorities has been provided to all Commissioners, and additional copies will be maintained in each hearing room used by the Commission.
- 1.2. An Index to the Book of Authorities, with links to copies of the authorities contained therein, is available on the Commission’s website (www.osc.gov.on.ca). An up-to-date copy of the Index is also available from the Office of the Secretary to the Commission. The authorities are listed in the Index under headings which are not in any way intended to provide legal advice.

- 1.3. There will be additions to, and deletions from, the Book of Authorities from time to time. Any questions or comments concerning the Book of Authorities, including any recommendations for additions to or deletions from the list of cases, should be directed to the [Office of the Secretary to the Commission](#).

2. Relief from the requirement to provide copies of legal authorities to the Panel

- 2.1. Rule 10.9(4) of the *OSC Rules* states that “A party referring to any court decision, legal article or authority shall provide a copy for each member of the Panel and each party.”
- 2.2. Notwithstanding Rule 10.9(4) or any other requirement in the *OSC Rules* to the contrary, a party relying on an authority that is contained in the Book of Authorities need not reproduce the authority as part of the materials filed for matters before the adjudicative panels of the Commission.
- 2.3. A party relying on an authority from the Book of Authorities in written submissions should identify the case by name and citation, with reference to the Tab Number of the authority as it appears in the Index to the Book of Authorities.

3. Relief from the requirement to provide copies of legal authorities to each party

- 3.1. Notwithstanding Rule 10.9(4) of the *OSC Rules* or any other requirement in the *OSC Rules* to the contrary, where a party is relying on an authority from the Book of Authorities, the party is not required to provide copies of the authority to each party to the proceeding if the authority has been identified in the party’s written submissions as an authority contained in the Book of Authorities and the written submissions have been served on each party to the proceeding not later than 10 days prior to the hearing.