

OSC STAFF NOTICE 23-705

GUIDANCE ON SELF-HELP RELATED TO OMEGA SECURITIES INC.

In relation to the Order Protection Rule¹, this Staff notice serves as a reminder to marketplaces and marketplace participants that the Companion Policy (23-101CP) to National Instrument 23-101 *Trading Rules* (NI 23-101) provides guidance for marketplaces and marketplace participants to take a flexible approach when dealing with a marketplace that is experiencing a failure, malfunction or material delay of its systems, equipment or ability to disseminate marketplace data of a temporal or longer term nature. Specifically, paragraph 6.3(a) of 23-101CP states that where a marketplace or marketplace participant reasonably concluded that the marketplace is experiencing a failure, malfunction or material delay of its systems, equipment or ability to disseminate marketplace data, a marketplace or marketplace participant may rely on paragraphs 6.2 and 6.4, respectively, of NI 23-101 and trade through the marketplace displaying the protected order that is experiencing a failure, malfunction or material delay of its systems or equipment or ability to disseminate marketplace data (“self-help”).

Given the recent technical issues experienced by Omega Securities Inc. (Omega), participants should follow their policies and procedures that outline processes for dealing with potential delays and marketplace issues and document the basis of their decision regarding trading on Omega. Staff is of the view that it is reasonable in these particular circumstances for a marketplace or marketplace participant to:

- rely on “self-help” even if they are not directly impacted by technical issues experienced by Omega; and
- take up to two weeks, from the time Omega’s systems issues are resolved, to monitor Omega’s marketplace activity so as to satisfy themselves that all systems issues have been resolved prior to resuming full order routing to Omega.

Marketplaces and marketplace participants are required to notify IIROC of their intention to make use of the two week period.

Questions regarding this notice may be directed to:

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¹ National Instrument 23-101 *Trading Rules*, Part 6.