



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

P.O. Box 55, 19th Floor
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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
BIOVAIL CORPORATION, EUGENE N. MELNYK,
BRIAN H. CROMBIE, JOHN R. MISZUK and KENNETH G. HOWLING**

**ORDER
(Sections 127 and 127.1)**

WHEREAS on March 24, 2008 the Ontario Securities Commission (the "Commission") issued a Notice of Hearing and related Statement of Allegations (the "Notice of Hearing") against Biovail Corporation, Eugene N. Melnyk, Brian H. Crombie ("Crombie"), John R. Miszuk and Kenneth G. Howling;

AND WHEREAS Crombie has entered a settlement agreement with Staff of the Commission dated February 10, 2009 (the "Settlement Agreement") in relation to the matters set out in the Notice of Hearing;

UPON reviewing the Notice of Hearing and Settlement Agreement, and upon hearing submissions from counsel for Crombie and for Staff of the Commission;

AND WHEREAS the Commission is of the opinion that it is in the public interest to make this Order;

IT IS HEREBY ORDERED that:

1. The Settlement Agreement is approved.
2. Crombie is reprimanded.
3. Crombie is prohibited from becoming or acting as a director or officer of a reporting issuer for a period of eight (8) years from the date of this Order.
4. Crombie shall cooperate with the Commission and Staff in this matter and shall appear and testify at the hearing in this matter if requested by Staff;
5. Crombie shall pay an administrative penalty of CAN \$250,000, to be paid to or for the benefit of third parties designated by the Commission, pursuant to section 3.4(2) of the Act.
6. Crombie shall pay CAN\$50,000 in respect of a portion of the costs of the investigation and hearing in relation to this matter.

Dated at Toronto this 12th day of February, 2009

“Wendell S. Wigle”
Wendell S. Wigle

“Suresh Thakrar”
Suresh Thakrar

“Carol S. Perry”
Carol S. Perry