SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

Nº : 500-06-001199-229

DATE : May 14, 2025

BEFORE THE HONOURABLE SHAUN E. FINN, J.S.C.

SHAY ABICIDAN
Applicant
v.

SHAKEPAY INC.
-and-
SHAKE LABS INC.
-and-
WEALTHSIMPLE DIGITAL ASSETS INC.
-and-
WEALTHSIMPLE FINANCIAL CORP.
-and-
WEALTHSIMPLE INVESTMENTS INC.
Respondents

JUDGMENT

JF 1315

OVERVIEW

[1] Shay Abicidan has filed an application for authorization to institute a class action against four respondents. Two of these respondents are Shakepay Inc. and Shake Labs Inc. (**Shakepay**). Among other things, the Applicant alleges Shakepay includes hidden cryptocurrency transaction/exchange fees in its spreads and charges prices that are not, contrary to its representations, the best available on the market.

[2] Shakepay seeks leave to file into the court record a decision of the Autorité des marchés financiers (**AMF**). It alleges this decision is necessary because it will provide the Court with a complete factual picture and will enable it to determine whether the Applicant has demonstrated an arguable case.

[3] The Applicant objects to the proposed evidence. Such evidence would import contradictory facts into the record and, at best, be of only limited relevance to the authorization analysis. Moreover, Shakepay has failed to file an affidavit in support of its application to adduce evidence. This is contrary to the applicable procedural rules and prohibited by the case law.

ISSUES

[4] Shakepay's application for leave to adduce relevant evidence gives rise to two issues:

1. Is the proposed evidence "relevant" within the meaning of the third paragraph of article 574 of the *Code of Civil Procedure* (**C.C.P.**)?

2. Did Shakepay have to produce an affidavit in support of its application to adduce evidence?

[5] For the following reasons, the Court concludes that:

1. The proposed evidence is relevant within the meaning of the third paragraph of article 574 C.C.P. because it will assist the Court in determining whether the Applicant has demonstrated an arguable case with respect to its consumer protection claims; and

2. Shakepay did not have to produce an affidavit in support of its application because the AMF decision is a public document.

[6] Here is why.

ANALYSIS

1. THE AMF DECISION IS RELEVANT TO THE AUTHORIZATION ANALYSIS

1.1 Position of the Parties

[7] Shakepay submits the AMF decision "is essential for the Court's determination of whether the facts alleged by the Applicant justify the conclusions he seeks in the Authorization Application (575(2) CCP)."[1] This is because the AMF decision, among other things, "confirms that Shakepay Inc.'s crypto asset trading platform and all of the contracts or transactions involving crypto assets are subject to the QSA and other applicable securities legislation."[2] Shakepay submits the AMF Decision "is thus directly relevant to the Court's appreciation of the [*Consumer Protection Act* (**CPA**)][3] cause of action advanced on behalf of all Class Members who made a transaction using [its] platform, and specifically as to whether the exemptions under the CPA are applicable."[4]

[8] The AMF decision will also "provide an accurate and complete factual matrix regarding Shakepay, including its status with respect to securities regulators and the securities legislation applicable to the transactions made on its crypto asset trading platform."[5]

[9] The Applicant submits, on the contrary, that the AMF decision will "introduc[e] new, foreign and contradictory facts, thereby creating more questions than answers, and which falls outside the "narrow corridor" of permissible evidence at this stage."[6] According to the Applicant, "Shakepay's stated purpose for producing this exhibit is not to show that a public document exists somewhere on the internet (which the Court sometimes allows), [but] rather to make proof of the litigious facts at the heart of the dispute that they will try to extrapolate from the exhibit [...]."[7] The Applicant submits the AMF decision is at best "only relevant to the Court's appreciation of the CPA cause of action" for a portion of the class period and does not relate to the other causes of action asserted in the application for authorization.[8]

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[1] Plan of Argument of the Defendant Shakepay Inc. and Shake Labs Inc. in Support of the Application for Authorization to Adduce Relevant Evidence, para. 11.
[2] *Ibid.*, para. 16.
[3] CQLR c P-40.1.
[4] *Ibid.*
[5] *Ibid.*, para. 18.
[6] Applicant's Argument Plan Contesting Shakepay's Application to Adduce Evidence, para. 2.
[7] *Ibid.*, para. 4.
[8] *Ibid.*, para. 6.

1.2 Context

[10] On September 29, 2022, the Applicant filed an Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff, which was amended and re-amended (the **Application for Authorization**). In addition to Shakepay, the Application for Authorization also names Wealthsimple Digital Assets Inc., Wealthsimple Financial Corp. and Wealthsimple Investments Inc. as respondents (**Wealthsimple**).

[11] With respect to Shakepay, the Application for Authorization asks the Court to authorize the following class: "All consumers and businesses in Canada who made a transaction using Shakepay's mobile application or website for the purchase or sale of Bitcoin and/or Ethereum."[9] Bitcoin and Ethreum are allegedly cryptocurrencies, "also known as digital currencies, virtual currencies and *crypto*."[10]

[12] According to the Application for Authorization, the class action was commenced because the respondents allegedly:

1) "[…] bait customers in by telling them that they can buy and sell crypto on their platforms by using [false and misleading statements];"[11]

2) "[…] keep "the spreads between their "bid/sell" and "ask/buy" prices of the cryptocurrencies offered on their platforms intentionally large which enables them to collect a hidden commission/fee from the Class members;"[12] and

3) "[…] fail to disclose the precise cost of their services to their customers, contrary to s. 12 of Quebec's *Consumer Protection Act* […] and charge a higher price than that advertised at the first step contrary to s. 224c) CPA (they bait Class members by advertising a lower price at the first step – one which is closer to the real market price – and then charging a higher price which is set by the Defendants at their own discretion at the last step)."[13]

[13] The Application for Authorization asserts that "[t]he action the Applicant wishes to institute on behalf of the members of the Class is an action in restitution or reimbursement, with injunctive relief."[14] In other words, the Applicant seeks an order to stop Shakepay from engaging in its allegedly illegal marketing practices. It also claims restitution or compensatory damages from Shakepay and punitive damages of $10 million.[15]

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[9] Application for Authorization, para. 1.
[10] *Ibid.*, para. 2.
[11] *Ibid.*, para. 6.
[12] *Ibid.*, para. 8.
[13] *Ibid.*, para. 9.
[14] *Ibid.*, para. 133.
[15] *Ibid.*, para. 134.

[14] On November 22, 2024, Shakepay notified an Application for Authorization to Adduce Relevant Evidence (the **Application**). The Application "seeks the authorization to adduce as relevant evidence the [AMF's] Decision No. 2023-SACD-1031528, as last published in the AMF bulletin of June 22, 2023 (Vol. 20, n° 24), confirming Shakepay Inc.'s registration with the AMF as a restricted dealer under the Securities Act, CQLR c V-1.1 […]" (the **AMF Decision**).[16]

[15] On January 26, 2025, the Court allowed Wealthsimple to produce a sworn declaration, a client account agreement, and a fee disclosure schedule. The application for leave to do so was uncontested. The Court concluded this evidence was relevant to authorization criteria of article 575 C.C.P. and consistent with the principle of proportionality.

[16] A hearing has been set for the authorization of the proposed class action on June 19 and 20, 2025.

[17] More recently, class counsel and counsel for Wealthsimple have advised the Court that they have entered a settlement agreement. They have asked the Court to authorize the class action against Wealthsimple for settlement purposes only and to order the publication of pre-approval notices. If the settlement is approved, it would remove Weatlsimple from these proceedings.

[18] The present judgment only relates to the Application.

1.3 Legal Framework

[19] The third paragraph of article 574 C.C.P. states that "[a]n application for authorization may only be contested orally, and the court may allow relevant evidence to be submitted." As this provision indicates, to adduce evidence at the authorization stage of a class action, the respondent must seek leave to do so. Moreover, the Court has discretion in deciding whether to admit the proposed evidence.

[20] As noted by the Supreme Court of Canada, "[w]hen undertaking an analysis with respect to the authorization of a class action, it is essential not to conflate or confound the authorization process with the trial of an authorized action on its merits. Each of these stages serves a different purpose […]."[17] More specifically, "[a]t the authorization stage, the court plays the role of a filter. It need only satisfy itself that the applicant has succeeded in meeting the criteria set out in art. [575] of the C.C.P., bearing in mind that the threshold provided for in that article is a low one."[18] In this regard, the authorization decision is "procedural in nature."[19]

[16] Application to Adduce Evidence, para. 2; Exhibit S-1.

[17] *Infineon Technologies AG* v. *Option consommateurs*, 2013 SCC 59 (CanLII), [2013] 3 SCR 600, para. 59 [*Infineon*].

[18] *Ibid.*

[19] *Ibid.*

[21] This distinction between the authorization stage and the merits bears directly on the notion of relevant evidence. The proposed evidence must be relevant to one or more of the criteria contained in article 575 C.C.P.[20] Importantly, the proposed evidence cannot relate to the merits or transform authorization into a trial before the trial.[21] This would blur the clear procedural line drawn by the legislature.[22]

[22] The Supreme Court of Canada has nevertheless noted that "[a] court may of course decide a pure question of law at the authorization stage if the outcome of the proposed class action depends on doing so, and to some extent the court must also interpret the legislation to determine whether the proposed class action is "frivolous" or "clearly wrong" in law."[23] To act as a filter, the authorization judge must eliminate claims that are clearly without any legal possibility of success.

[23] Moreover, the proposed evidence cannot violate the principle of proportionality.[24] According to article 18 C.C.P., "[t]he parties to a proceeding must observe the principle of proportionality and ensure that [...] the means of proof they use are proportionate, in terms of the cost and time involved, to the nature and complexity of the matter and the purpose of the application." Article 18 C.C.P. adds that "[j]udges must likewise observe the principle of proportionality in managing the proceedings they are assigned, regardless of the stage at which they intervene." Judges "must ensure that the measures and acts they order or authorize are in keeping with the same principle, while having regard to the proper administration of justice."

[24] As noted by the Supreme Court of Canada, "the requirement of proportionality in the conduct of proceedings reflects the nature of the civil justice system, which, while frequently called on to settle private disputes, discharges state functions and constitutes a public service."[25] Proportionality "means that litigation must be consistent with the principles of good faith and of balance between litigants and must not result in an abuse of the public service provided by the institutions of the civil justice system."[26]

[25] Similarly, article 19 C.C.P. provides that parties "must be careful to confine the case to what is necessary to resolve the dispute, and must refrain from acting with the intent to cause prejudice to another person or behaving in an excessive or unreasonable manner, contrary to the requirements of good faith." The former Minister of Justice and Attorney General of Quebec noted that this provision "*ajoute à la règle du respect des exigences de la bonne foi un devoir pour les parties de coopérer pour limiter l'affaire à ce*

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[20] *Lambert (Gestion Peggy)* c. *Écolait ltée*, 2016 QCCA 659, para. 38.
[21] *Allstate du Canada, compagnie d'assurances* c. *Agostino*, 2012 QCCA 678, para. 34 [*Allstate*].
[22] *Pharmascience inc.* v. *Option Consommateurs*, 2005 QCCA 437, para. 25 to 30.
[23] *L'Oratoire Saint-Joseph du Mont-Royal* v. *J.J.*, 2019 SCC 35 (CanLII), [2019] 2 SCR 831, para. 55.
[24] *Vivendi Canada Inc.* v. *Dell'Aniello*, 2014 SCC 1 (CanLII), [2014] 1 SCR 3, para. 66.
[25] *Marcotte* v. *Longueuil (City)*, 2009 SCC 43 (CanLII), [2009] 3 SCR 65, para. 43.
[26] *Ibid.*

qui est nécessaire pour résoudre le litige de manière à appuyer les tribunaux dans leur mission de gestion et à éviter certaines dérives procédurales."[27]

[26] When assessing proposed evidence, the Court must therefore choose a middle path "*qui, entre la rigidité et la permissivité, est celle de la prudence, une prudence qui s'accorde avec le caractère sommaire de la procédure d'autorisation du recours collectif.*"[28] It follows that parties should approach proposed evidence in a spirit of moderation and only seek leave to file what is truly essential and indispensable to that stage of the proceedings.[29]

[27] In *Ward* c. *Procureur général du Canada*, the Superior Court comprehensively summarized the case law as it relates to the notion of relevant evidence.[30] This case law – and the principles it articulates – guide the analysis that follows.

1.4 Discussion

[28] The Court concludes that the AMF Decision is relevant evidence within the meaning of article 574 C.C.P. because it relates to the criteria for authorization. The decision will assist the Court in determining whether the CPA causes of action asserted against Shakepay are subject, in whole or in part, to the exemption provided for in section 6 CPA. This is a pure question of law that can be decided based on the allegations and the exhibits.

[29] According to section 6 CPA, "[b]usiness practices and contracts regarding (a) transactions governed by the *Derivatives Act* (chapter I-14.01) or the *Securities Act* (chapter V-1.1) [...] are exempt from the application of this Act." This constitutes a total legislative exemption.[31]

[30] Here, the Application for Authorization alleges that the proposed class action raises identical, similar or related questions of fact or law that relate to the CPA, *the Civil Code of Quebec* (**C.C.Q.**), and the *Competition Act*:[32]

> c) Does either the *Civil Code of Quebec* or the *Consumer Protection Act* impose an obligation on the Defendants to disclose the existence of these fees to Class members? [...]

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[27] *Commentaires de la ministre de la Justice : Code de procédure civile – Chapitre C-25.01* (Montreal, Société québécoise d'information juridique/Wilson & Lafleur Ltd., 2015), p. 37.

[28] *Allstate*, *supra*, note 21, para. 35.

[29] *Asselin* c. *Desjardins Cabinet de services financiers inc.*, 2017 QCCA 1673, para. 38., upheld by the Supreme Court of Canada, *Desjardins Cabinet de services financiers inc.* c. *Asselin*, 2020 CSC 30 (CanLII), [2020] 3 RCS 298 [*Asselin*].

[30] 2021 QCCS 109, para. 17-20 [*Ward*].

[31] Lafond, Pierre-Claude, *Droit de la protection du consommateur : théorie et pratique*, 2nd ed. (Montreal: Éditions Yvon Blais, 2021), para. 160, 161.

[32] Application for Authorization, para. 121.

> g) Are class members entitled to restitution or to a reimbursement of these fees under articles 1491 and 1554 C.C.Q.?
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> h) Did the Defendants violate sections 12, 219, 224c), 225c), 228 or 239a) CPA and, if so, are Class members entitled to a reimbursement and punitive damages pursuant to section 227 CPA?
>
> i) Did Defendants violate section 52 or 54 of the *Competition Act*? […]

[31] The allegations regarding damages also make clear that the Applicant's claims rest on these three statutes:

> 131. The Defendants must be held accountable for the breach of obligations imposed on it by the legislation in Quebec and Canada, including:
>
> > a) Quebec's *Consumer Protection Act*, notably sections 12, 219, 224c), 225c), 228 and 239a);
> >
> > b) The *Civil Code of Quebec*, arts 6, 7, 1375, 1401, 1499 and 1554; and
> >
> > c) The *Competition Act*, sections 52 and 54;
>
> 132. In light of the foregoing, the following may be claimed against the Defendants:
>
> > a) restitution or compensatory damages, in an amount to be determined; and
> >
> > b) punitive damages, in the aggregate amount of $10 million against Shakepay and $10 million against Wealthsimple, pursuant to section 272 CPA; […]

[32] While it is true the Application for Authorization is not limited to claims arising from the CPA, these claims form a substantial part of the pleading. For example, the punitive damages sought by the Applicant are entirely rooted in section 272 CPA. Consequently, it is important for the Court to know, at the authorization stage, whether the CPA-based claims can be brought against Shakepay – for some or all the class period – given the total exemption created by subsection 6(a). Because the AMF Decision will assist the Court in deciding if the Applicant has established an "arguable case"[33] with respect to a portion of the putative class action, it is indeed relevant evidence. To be relevant, evidence need not seal the fate of the entire proceeding.

[33] The Court is fortified in this conclusion since the Applicant has opted to file an AMF decision rendered with respect to Wealthsimple.[34] Although not determinative, this does

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[33] *Infineon*, *supra*, note 17, para. 65.
[34] Exhibit P-1.

indicate the Applicant considers the decision sufficiently relevant to buttress his allegations.

[34] While there are distinctions between Shakepay and Wealthsimple, notably insofar as the latter's alleged operation fees are concerned, the legal and factual basis of the claims asserted against them is largely the same. According to the Application for Authorization, "[t]he purpose of this class action is to force the Defendants to modify their business practices so that they are transparent about their fees and the reals costs to their customers for using their services [...]."[35] Moreover, the Application for Authorization identifies the same common issues for both respondents and seeks comparable damages from each.

[35] To the extent the AMF decision filed by the Applicant is relevant to deciding if Wealthsimple can claim an exemption under subsection 6(a) CPA, the AMF Decision proposed by Shakepay is likewise relevant to deciding if it can claim the same exemption.

[36] As for the Applicant's submission that Shakepay is attempting to import facts intended to complicate the file and contradict the Application for Authorization, the Court notes that Shakepay states otherwise. According to its outline of argument, the AMF Decision is intended to accomplish three objectives:[36]

- Confirm that Shakepay Inc. is registered "with the AMF as a restricted dealer under the *Securities Act* [...] and that all of its transactions involving crypto assets are subject to the QSA [...];"

- "[F]ill a factual void and complete and clarify the otherwise incomplete factual allegations and evidence advanced by the Applicant [...];" and

- Provide "this Court with the publicly available information regarding Shakepay and the regulations applicable to its crypto asset trading platform so that it has a complete and accurate factual matrix regarding Shakepay in its evaluation of the authorization criteria pursuant to article 575 of the CCP."

[37] This does not indicate Shakepay wishes to contradict the Applicant's allegations of fact, but rather to complete and clarify them. While contradicting evidence will not be admitted unless it is designed to correct an obvious implausibility or error,[37] particularizing and contextualizing evidence is treated differently. As observed in *Ward*, the Superior Court has allowed evidence that enables it to understand the respondent's operations, fill

[35] Application for Authorization, para. 21.

[36] Plan of Argument of the Defendant Shakepay Inc. and Shake Labs Inc. in Support of the Application for Authorization to Adduce Relevant Evidence, para. 2-4.

[37] *Asselin*, *supra*, note 29.

factual gaps, and complete the applicant's allegations.[38] In such instances, the Court determines the weight it should give to this evidence at the authorization hearing.[39]

[38] In this case, the Court is of the view that the AMF Decision is relevant because it will legally situate Shakepay. It will thus enable the Court to decide whether the Applicant can sue Shakepay pursuant to the CPA or whether subsection 6(a) prevents him from doing so, in whole or in part. Moreover, the Court does not conclude the AMF Decision will generate a contentious debate about the facts alleged by the Applicant or result in a trial before the trial. Nor will its filing violate the principle of proportionality or impede the proper administration of justice. In short, the AMF Decision is essential and indispensable to the authorization analysis.

2. THE APPLICATION DOES NOT REQUIRE AN AFFIDAVIT

2.1 Position of the Parties

[39] Shakepay submits it does not have to produce an affidavit because the AMF Decision is a public document.

[40] In response, the Applicant submits that "if Shakepay wishes to even try to adduce Exhibit S-1 into evidence […], it should have included l'*Avis 21-327* [to which the AMF decision refers] and its application should have been supported by an affidavit of a Shakepay representative with knowledge of the facts in Exhibit S-1 and l'*Avis 321-27*."[40] This would have given rise to "a strict right to cross-examine on the affidavit, because many facts are unknown to the Applicant […]."[41]

2.2 Discussion

[41] Article 101 C.C.P. states that an "[a]n application in the course of a proceeding that is grounded on facts not supported by evidence filed in the record must be supported by an affidavit of the person alleging the facts." According to article 105 C.C.P., "[t]he person who swore the oath may be examined on the facts whose truth the person attested to; similarly, the affiant may be examined on the facts mentioned in the affidavit if the pleading, attestation or affidavit is deemed by law to be sworn […]."

[42] Despite the wording of article 101 C.C.P., this Court has held that an affidavit is not necessary when the evidence the party wishes to adduce at the authorization stage consists of "public documents:"[42]

> [35] Paragraphs 9 to 13 relate to proceedings and judgments (NGP-3 to NGP-5) rendered in the context of the alleged bread cartel in Quebec and in Ontario. Mtre

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[38] *Ward*, *supra*, note 30, para. 20.
[39] *Ibid.*, para. 21.
[40] Applicant's Argument Plan Contesting Shakepay's Application to Adduce Evidence, para. 27.
[41] *Ibid.*
[42] *Karras* c. *Maple Leaf Foods Inc.*, 2024 QCCS 1664, para. 35.

> Grand'Pierre does not indicate that she has a personal knowledge of these proceedings. These documents are public and they can be filed without a sworn statement. Interpretation of these documents constitutes legal argument best left to counsel.

[43] While the Applicant submits this approach was rejected in an earlier decision, it does not appear the respondent in that case sought leave to adduce proceedings and judgments relating to another file.[43]

[44] The question here turns on the nature of the AMF Decision. Can it be characterized as public in the same way that that proceedings and judgments can?

[45] *Black's Law Dictionary* defines a public document as "[a] document of public interest issued or published by a political body or otherwise connected with public business." Documents available on a public register, for instance, are public documents.[44] So too are documents publicly issued by a financial institution.[45]

[46] A brief analysis of the AMF Decision reveals that:

- It is, unsurprisingly, issued by the AMF. According to section 1 of the *Act respecting the regulation of the financial sector* (**ARRFS**), the AMF "is a legal person and a mandatary of the State." Its mission includes supervising "the activities connected with the distribution of financial products and services, administe[ring] the rules governing eligibility for and the carrying on of those activities, and tak[ing] any measure provided by law for those purposes."[46] The AMF may notably, "on the conditions it determines, exempt a legal person, partnership, an entity or a recognized organization from all or part of the [statutory requirements] where it considers that the exemption does not adversely affect the protection of the public."[47]

- The style of cause of the AMF Decision indicates that it relates to a request by Shakepay to be exempted from certain statutory obligations imposed by the AMF and other provincial and territorial securities authorities.[48] In effect, the AMF Decision specifies that "*[l'] autorité en valeurs mobilières ou l'agent responsable du Québec et de l'Ontario […] ont reçu [de Shakepay] une demande […] en vue d'obtenir une décision en vertu de la législation en valeurs mobilières de ces territoires lui accordant [deux dispenses].*"[49]

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[43] *Hand* c. *Denso International America Inc.*, 2021 QCCS 1671.
[44] *Caisse Populaire Desjardins de St-Augustin-de-Desmaures* c. *9076-3335 Québec Inc (Syndic de)*, 2003 CanLII 8040 (QC CA), para. 28.
[45] *Mouvement d'éducation et de défense des actionnaires* c. *Banque Laurentienne du Canada*, 2022 QCCA 1426, para. 5.
[46] Subsection 4(3) ARRFS.
[47] Section 73 ARRFS.
[48] AMF Decision, p. 201 of the bulletin.
[49] *Ibid.*, p. 202 of the bulletin.

- The AMF Decision is published in the AMF bulletin dated June 22, 2023. This publication is specifically contemplated by section 34 ARRFS, which states that the AMF "shall publish a periodic bulletin to inform the financial institutions and the practitioners in the financial industry, as well as consumers and the public, on its activities. In particular, the Authority shall publish its draft regulations and regulations" (underlining added).

[47] The Court concludes that: the AMF is a public body; the AMF Decision involves statutory exemptions that are of interest to the public; and the AMF Decision is available to consumers and the public at large because of its publication in the AMF bulletin. For these reasons, the Court is of the view that the AMF Decision is a public document and that, as a result, the Application does not require an affidavit.

[48] As to Joint Notice 21-239 and Notice 21-327, to which the AMF Decision refers in its opening paragraph, the Court does not consider their absence to be a fatal deficiency. This is because the AMF Decision summarizes the purport of these notices: "*la législation en valeurs mobilières s'applique aux plateformes de négociation de cryptoactifs, car le droit contractuel de l'utilisateur au cryptoactif peut en soi constituer un titre et/ou un dérivé*."[50] Should the Applicant seek leave to adduce the notices into evidence, however, the Court would be inclined to grant the application as they would likely contextualize and complete the AMF Decision.

CONCLUSIONS

[49] **FOR THESE REASONS, THE COURT:**

[50] **GRANTS** the Application for Authorization to Adduce Relevant Evidence;

[51] **AUTHORIZES** the Respondents Shakepay Inc. and Shake Labs Inc. to file as relevant evidence the *Autorité des marchés financiers* Decision No. 2023-SACD-1031528, as last published in the AMF bulletin of June 22, 2023 (Vol. 20, n° 24), Exhibit S-1;

[52] **ALL OF WHICH**, with legal costs to follow.

SHAUN E. FINN, J.S.C.

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[50] *Ibid.*, p. 201 of the bulletin.

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Hearing date: Rendered on the face of the record and the written submissions of the parties