

IN THE MATTER OF
THE CONSUMER PROTECTION AND BUSINESS PRACTICES ACT
S.S. 2013, c. C-30.2

AND
DAN LEONARD AUTO SALES LTD.

NOTICE OF IMMEDIATE ACTION

I. Introduction

1. On March 27, 2019, our office issued a Notice of Proposed Action (“NOPA”) regarding Dan Leonard Auto Sales Ltd (the “Licensee”) whose sole officer and director is Dan Leonard. The NOPA sets out preliminary findings and a proposed action regarding the Licensee, including the proposed action of canceling the Licensee’s licence.
2. As noted in the NOPA, the legislated procedure states that whenever the Director, which includes me in being the Deputy Director, decides to take action against a licensee (which includes cancelling a licence), the Director must provide written notice to the licensee that sets out the proposed action and the grounds that justify the action (*The Consumer Protection and Business Practices Act*, SS 2013, c C-30.2 [*Act*], s 71(2)(a)). In addition, the written notice must inform the licensee of its opportunity to be heard.
3. In respect to the Licensee and Mr. Leonard, their opportunity to be heard in respect to the NOPA was exercised by way of written representations and an oral hearing. Written representations were received by our office on June 7 and June 13, 2019, and the oral hearing was conducted on June 14, 2019. The June 13, 2019 written submissions disclosed, for the first time, that Mr. Leonard had been charged with criminal fraud contrary to section 310(1)(a) of the *Criminal Code of Canada*, RSC 1985, c C-46 [*Criminal Code*].
4. Notwithstanding the usual procedure for issuing and responding to NOPA’s as indicated above, subsection 71(9) provides the Director with the authority to take immediate action without providing the licensee with an opportunity to be heard if the Director considers immediate action to be necessary and in the public interest. However, the Director must give the licensee an

opportunity to file written submissions regarding the immediate action or attend an oral hearing within 10 business days after the date the immediate action is taken (*Act*, s 71(9)).

5. For the reasons in this notice, due to the fact that our office has learned that Mr. Leonard has once again been charged with a criminal offence that he failed to disclose to our office within the requisite timeframe, and in respect to what appears to be the sale of a motor vehicle, I am taking immediate action by **suspending** Mr. Leonard's licence. The suspension shall be effective today's date and will remain in place until such time as FCAA staff can complete its investigation into the matter and further or other action by this office, if deemed appropriate, is taken.

II. Background

6. The background information set out below is based on the information enclosed with this Notice of Immediate Action (the "NOIA"). In addition, attached as Appendix A are the various provisions of the *Act* that are applicable to the within NOIA.

a. The Fraud Charges

7. As noted above, and as a part of the NOPA proceedings, Mr. Leonard, through counsel, filed written submissions. An oral hearing was also held. Neither Mr. Leonard's written or oral submissions addressed the merits of the allegations made against him in the NOPA proceedings. Instead, Mr. Leonard opted to bring a constitutional challenge to the NOPA proceedings and submit that to be forced to address the merits would be both unjust and unfair.

8. In Mr. Leonard's June 13, 2019 submissions, Mr. Leonard disclosed for the first time, through his counsel, that he had been charged with fraud contrary to subsection 310(1)(a) of the *Criminal Code*. Mr. Leonard did not, however, disclose when he had been charged with fraud nor did he provide any information regarding the underlying fraud charge or what led to him being charged. Instead, Mr. Leonard attempted to rely on the fact that he was charged with fraud as a reason to delay the oral hearing, submitting that it would be unfair for the NOPA proceedings to proceed when he had not yet received disclosure from the Crown Prosecutor in the criminal proceedings regarding the fraud charges.

9. After our office learned of the charges, one of our investigators obtained the charging document that contains the fraud allegation. The charging document confirms that Mr. Leonard was charged with fraud contrary to subsection 310(1)(a) of the *Criminal Code*. The allegation states that Mr. Leonard:

...did by deceit, falsehood or other fraudulent means defraud [a Consumer] of a 1999 Ford F150 with Vehicle Identification number... exceeding five thousand dollars...

10. The charging document also indicates that it was sworn on April 1, 2019. This date marks approximately one and a half months before Mr. Leonard, through counsel, indicated for the first time to our office that he had been charged with criminal fraud. This date also shows that Mr. Leonard was charged shortly after the NOPA was issued.

11. For clarity, as of the date of this NOIA, Mr. Leonard has not contacted our office on his own volition to disclose the charge, nor has he indicated to our office when he received notice that he was charged. When our office learned of the potential existence of the charge, we immediately reminded Mr. Leonard and his counsel of the need for Mr. Leonard to properly disclose the charge to our office. The reminder and direction, to date, has not been heeded.

12. Further investigative work by FCAA staff into the fraud allegations shows that a consumer alleges that Mr. Leonard sold a 1999 Ford F150 to him under a fake name, being Ken Good. Mr. Leonard is alleged to have put the fake name on the bill of sale and to have signed a fake signature.

13. In addition, the Consumer alleges that Mr. Leonard put the wrong vehicle identification number or VIN on the bill of sale. The VIN on the bill of sale when searched indicated that there were no material issues with the vehicle. However, when the actual VIN number was discovered and searched, the consumer alleges the following material issues were discovered:

- i) The year of the vehicle was different;
- ii) The vehicle had been in 9 accidents; and
- iii) The vehicle was written off as a total loss in 2017.

14. FCAA staff obtained the Transfer of Ownership regarding the alleged incident. The Transfer of Ownership shows that a 1999 Ford F150 was sold by a Ken Good to the consumer in McLean on October 24, 2018. The Transfer of Ownership also shows a written signature over “seller” that reads Ken Good. Finally, the Transfer of Ownership does not have Mr. Leonard’s name anywhere on it, nor does it bear his signature.

15. FCAA Staff also spoke with the investigating RCMP officer that ended up laying the charge against Mr. Leonard. The officer advised that Mr. Leonard was made aware that he was charged on May 21, 2019.

16. The officer also advised that through his investigation, including through descriptions provided by the consumer of Mr. Leonard and by the consumer showing the officer the location of where the transaction occurred (being on Mr. Leonard’s farm property), he determined that Ken Good and Mr. Leonard were the same person.

III. Issues

17. The background facts give rise to the following two issues:
- i) Is it necessary and in the public interest to take immediate action?
 - ii) If so, what action in all the circumstances should be taken?

IV. Applicable Legislative Provisions

18. The purpose of the *Act* and the *Regulations* is to protect the public and is aimed at providing safeguards to consumers. In respect to vehicle dealers, the legislation sets out the expectations to be met with a view towards protecting consumers that purchase motor vehicles.
19. Section 70 of the *Act* requires an applicant or licensee to notify the director of a prescribed change in circumstances within five business days after it occurs.
20. Section 5-2 of the *Regulations* is a detailed list of prescribed situations that constitute a change in circumstances for the purposes of section 70 of the *Act*. Subsection 5-2(h) states that “the instituting of proceedings against, or conviction of, the applicant or licensee or any director, officer or partner of the applicant or licensee with respect to a criminal offence or any other offence under the laws of any other jurisdiction, excluding traffic offences” is a change in circumstances.
21. Subsection 65(1)(c) gives the director the authority to suspend or cancel a licence when there has been a prescribed change in circumstance.

V. Analysis

a. It is Necessary and in the Public Interest to Take Immediate Action

22. It is important to note at the outset that the present proceedings are for regulatory purposes pursuant to the *Act* and that they are separate and distinct from the criminal proceedings. Our office is not concerned with whether or not the evidence available in these proceedings would be sufficient to establish all the elements of the criminal offence of fraud. Instead, our office is concerned with whether, in light of the evidence underpinning the alleged conduct that has led to the fraud charge, it is necessary and in the public interest to take immediate action.
23. Having said that, and as a starting point to determining whether immediate action should be taken in the present case, the power to take immediate action should be used sparingly and only after a careful review of the evidence. Immediate action should not be taken based on speculation.

The power to take immediate action is an extraordinary one and its exercise should be approached with caution and restraint.

24. The law in this regard was recently summarized by our Court of Queen's Bench in *Abouhamra v Prairie North Regional Health Authority*, 2016 SKQB 293 at paras 131-32:

131 Saskatchewan decisions, as well as those from other jurisdictions, have been quite consistent in finding that the immediate suspension of a professional person (or even of other privileges) is a drastic step that should be taken only as a last resort and even then only after careful consideration of whether other measures might suffice. In this regard I have considered:

(a) *Fairbairn, Re* (1957), 11 D.L.R. (2d) 709 (Sask. Q.B.) (QL): This case involved the power that at that time the Highway Traffic Board had to suspend a person's operating license without hearing for a limited time. At paras. 31 and 32:

[31] Nevertheless, it is, I think, apparent that in the exercise of the power given to the Highway Traffic Board, which may in some cases seriously affect the individual whose licence is being dealt with, the board should recognize and apply the well-recognized and well-settled principles governing the exercise of such discretionary power. It is obvious that the apparent practice of the board of suspending or revoking the licence for a minimum period of two months without any hearing may, to some affected thereby, be but an inconvenience but to others may cause financial loss, and, in some cases, even the loss of employment. There are numerous vocations in which the use of a motor car is essential to the earning of a livelihood. Again, the seriousness and degree of blameworthiness connected with the commission of an offence under sec. 223 of the *Criminal Code* may differ in the cases that are being dealt with and the board should, in the exercise of its discretionary power, give consideration to these in determining the measure of penalty that should be imposed as a result.

[32] The power of the board is by no means limited to a suspension of a licence for two months. It is empowered to revoke a licence, to suspend one for any stated period and to refuse a new licence. These are wide powers and should be exercised with discretion and fairness.

[Emphasis added]

(b) *Park v. Institute of Chartered Accountants (Alberta)*, 2002 ABQB 880, 326 A.R. 342 (Alta. Q.B.): A chartered accountant received an interim suspension from his governing body, and successfully applied for an order staying same. The power of suspension pending a full inquiry into the member's conduct was described as a "draconian power" (para. 30). Also see *Gould v. Law Society (Alberta)* (1990), 206 A.R. 396 (Alta. C.A.), leave to appeal denied at (1991), [1990] S.C.C.A. No. 379 (Alta. C.A.) (QL).

(c) *Huerto v. Council of College Physicians & Surgeons (Saskatchewan)*, 2004 SKQB 423, 256 Sask. R. 293 (Sask. Q.B.). While that decision dealt with the College's proceedings, Justice Foley's commentary on the nature of suspensions applies here. See para. 22:

[22] Total suspension is a matter of last resort and prior to imposition warrants careful reasonable examination in the context of the harm said to have been caused, the nature of the impugned conduct and the circumstances in which and when it is said to have occurred. In short, what is it that mandates total suspension without investigation, sworn testimony and a finding of guilt? As matters currently stand, Dr. Huerto pays, on a daily basis, the same price of total suspension from practice that could arise if he were eventually found to be guilty. Guilt has in no way been established, no charges have been laid, nor is any investigation underway. The Committee had before it only unsworn allegations from sources the credibility of which remains to be tested.

(d) *Van der Merwe v Regina Qu'Appelle Regional Health Authority, Practitioner Staff Appeals Tribunal*, 2011: This case was cited to the court by the appellant. At para. 44 of the decision:

[44] The majority of this Tribunal believes that Section 86 of the Bylaws is a severe measure and should not be implemented without careful consideration of all steps which might be taken to avoid the use of this extreme power.

(e) Also cited by the appellant was *Patton v. College of Dental Surgeons (British Columbia)*, [1996] B.C.J. No. 2864 (B.C. S.C.) (QL), para. 30:

[30] I think it plain, considering the consequences attendant upon the summary suspension of a professional person, that extraordinary action to protect the public requires extraordinary circumstances to serve as a foundation for such a step.

(f) A case decided only this past April was *Scott v. College of Massage Therapists of British Columbia*, 2016 BCCA 180 (B.C. C.A.). There was a complaint of sexual impropriety during a therapeutic massage session leading to the imposition of interim measures against the therapist under s. 35 of applicable provincial legislation. At para. 41 the court noted:

[41] The cases suggest that it must always be remembered that an interim suspension of the right to practice one's profession is an extraordinary remedy that ought to be used sparingly.

And when considering the submissions supporting the interim action, the court further noted at para. 50:

[50] I do not agree completely with the thrust of this submission because it does not appear to properly acknowledge, as it should, that an interim suspension or the imposition of onerous conditions on continued practice are potentially devastating for the professional. Hence the admonition that the risk of harm must be real and the s. 35 remedy (at least at these extremes) is extraordinary and to be resorted to sparingly.

132 There is no gainsaying that the weight of judicial authority is that the harsh remedy of interim suspension is to be used sparingly and carefully, and must rest upon a proper factual foundation. ...

25. It is clear from this jurisprudence that the power to take immediate action in the form of an interim suspension is an extraordinary one. A decision to take immediate action must be exercised judicially with due regard to the potential for severe consequences that may fall upon the licensee. In this regard, I understand and appreciate that if I take immediate action in the present case, the Licensee and Mr. Leonard will likely suffer deep revenue losses which could in turn result in serious financial issues. I also understand that, while the purpose of this proceeding is not to determine whether Mr. Leonard has committed a criminal offence, Mr. Leonard has not yet been convicted of the fraud charge and that he is innocent until proven guilty beyond a reasonable doubt of that charge. As the jurisprudence holds, these considerations are important ones that weigh heavily against taking immediate action.

26. That said, in my respectful view, the factors on the other side of the ledger that weigh in favour of taking immediate action, demonstrate that this is one of those rare cases where I need to exercise my discretion and take immediate action. Indeed, on the evidence before me and for the following reasons, it would be inimical to my mandate and need to administer the *Act* and protect the public to not take immediate action.

27. First, as the NOPA indicates, Mr. Leonard had already intentionally refused to disclose that he was charged with criminal offences. The regulatory investigations and actions previously proposed to be taken by this office (and which remain extant) arose out of the very fact that Mr. Leonard failed to disclose to our office within 5 business days that he had been charged with numerous serious criminal offences. This non-disclosure was not a minor transgression; instead, it was a serious one as it undermined the legislated regulatory regime that governs Mr. Leonard and the Licensee.

28. After conducting an investigation, our office issued the NOPA which set out the grounds that in my view justified the Licensee's licence being canceled (subject, of course, to Mr. Leonard's submissions). Part of the grounds that justified the proposed action was a preliminary finding, based on an inference, that Mr. Leonard's failure to disclose the charges was *intentional* and not the product of mere inadvertence. When provided with the opportunity to do so, Mr. Leonard provided no evidence that would contradict this inference.

29. Proceeding to the present day, Mr. Leonard has now repeated the exact same transgression in respect to the fraud charge by failing to disclose the fraud charge to our office within 5 business days, demonstrating that he simply continues to refuse to comply with the regulatory laws that bind him. A finding that the non-disclosure of the fraud charge is intentional is even stronger than in the NOPA proceedings because it was made plain and obvious to Mr. Leonard through the NOPA proceedings the importance of disclosing a material change in circumstance within five business days, which includes being charged with a criminal offence. With great respect, on the evidence that exists before me, the only reasonable finding is that Mr. Leonard has once again failed to disclose to our office this new criminal charge, which was laid April 1, 2019, because he wanted to try to conceal it from our office.

30. Self-reporting material changes in circumstance is a *critical* component to effective regulation of motor vehicle dealers. Self-reporting is not some ad-hoc rule, but instead a direction of the Legislature driven by and grounded in public protection concerns. Failure to self-report can indicate honesty and integrity issues, the severity of which increases when there are repeat non-disclosures from the same person. In addition, the severity greatly increases when the repeat non-disclosures occur in the face of regulatory proceedings being brought in part based on the same type of non-disclosures. That is the situation here.

31. The non-disclosure in this case again has undermined this office's ability to properly regulate the Licensee and adequately protect the public. Plainly, Mr. Leonard knows he must self-report a criminal charge within 5 business days, but chose not to. At this point, based on the evidence before me and in my respectful view, Mr. Leonard cannot be trusted to comply with the laws governing motor vehicle dealers. The repeated and intentional non-disclosures weigh heavily in favour of taking immediate action.

32. As to the evidence that underlies the fraud charge, this evidence is especially concerning for our office in being the regulator of motor vehicle dealers because it shows the charge arose out of a motor vehicle transaction by the principal of the Licensee. The evidence to date suggests that Mr. Leonard failed to disclose that the vehicle purchased by a consumer was in 9 accidents and was written off as a total loss in 2017. This non-disclosure is also alleged to be intentional, which is supported by the evidence that Mr. Leonard wrote a different VIN number on the bill of sale than the one belonging to the vehicle that was sold. Moreover, Mr. Leonard appears to have used a fake name during the transaction, filling out the bill of sale with that fake name and signing a fake signature. All of this evidence supports the view that Mr. Leonard actively concealed and misrepresented the vehicle's true history to a consumer and engaged in subterfuge regarding a vehicle transaction.

33. Obviously, deceit or other types of fraudulent behaviours cannot occur between dealers and consumers. Criminal or not, this is the exact type of behaviour the motor vehicle dealer regulatory system is set up to address and redress. The public must be protected from such behaviour. The evidence available regarding the conduct of Mr. Leonard then strongly weighs in favour of taking immediate action.

34. I also pull context from the NOPA proceedings in deciding whether it is appropriate to take immediate action. The Licensee, due to actions taken by Mr. Leonard, is already facing serious regulatory action (i.e. a licence cancellation). Mr. Leonard and the Licensee are therefore already in an exposed state from a regulatory perspective. The conduct in issue in the NOPA proceedings, with the exception of the conduct that led to mischief charges, was (like the present fraud situation) directly linked to a motor vehicle transaction. A Consumer, supported by witnesses, alleged that Mr. Leonard on more than one occasion pointed a firearm at the Consumer and made other threats in order to try and enforce payment both before and after the transaction closed. When Mr. Leonard spoke to FCAA staff about the incident, he admitted to having the firearm and to using it in a confrontation with the Consumer and one of the witnesses. When given an opportunity to be heard in respect to the NOPA proceedings, Mr. Leonard provided no additional evidence, explanation, or case law to support his contention that his licence should not be cancelled. In addition, he chose not to provide any details regarding the fraud charge.

35. I find the case of *Chen v Law Society (Manitoba)*, 2000 MBCA 26, 145 Man R (2d) 281 [*Chen*] to be helpful here. Although the situation leading up to *Chen* was a disciplinary proceeding before a self-regulated profession, the background facts and reasoning provide instructive guidance for this proceeding as well. In *Chen*, a lawyer was criminally charged with conspiracy to purchase cocaine and conspiracy to bring an alien into the United States. The Law Society of Manitoba learned of the charges a day or so after the lawyer was released on bail and wrote to the lawyer to advise of concerns arising out of the serious charges. The Law Society then chose to issue an interim suspension.

36. The lawyer in *Chen* appealed the interim suspension to the Court of Queen's Bench, alleging various procedural issues including that the hearing was unfair, that the Law Society acted upon improper information, and that inadequate reasons were given for the suspension. The Court rejected the appeal, at which time the lawyer appealed to the Manitoba Court of Appeal.

37. The Court of Appeal also rejected the appeal, noting that the charges were serious and that, the same as in the present case, the evidence directly linked the allegations to the lawyer's professional dealings. In addition, and again the same as the present case, the Court of Appeal noted that the lawyer was given the opportunity to provide an explanation for the charges by the Law Society and before the Court of Queen's Bench but, on the advice of counsel, chose not to. This weighed heavily in the analysis. Moreover, the Court noted that the Law Society was, again like the situation before me, operating under a sense of urgency for the protection of the public for an investigative purpose (as opposed to finally disposing of any rights).

38. To conclude then, while a final decision regarding the NOPA has not been rendered, at the tail end of those proceedings, our office learned of the previously undisclosed fraud charge. This charge is also serious and for the second time appears to be directly linked to a vehicle transaction with a consumer. The long list of criminal proceedings brought against Mr. Leonard over the course of the last year, and the conduct that underlies those proceedings and how the majority relate to motor vehicle transactions, in my view results in this being one of those extraordinary situations where immediate action needs to be taken.

39. Ultimately, based on all the circumstances, I find that it is necessary and in the public interest to take immediate action. Indeed, not only is taking immediate action necessary and in the public interest, but in my respectful view taking action is now necessary to protect the public.

VI. The Licensee's Licence is Hereby Suspended


40. Subsection 65(1)(c) of the *Act* provides the authority to suspend a licence when there is a prescribed change in circumstance. As noted above, Mr. Leonard being charged with the criminal offence of fraud is a prescribed change in circumstance. Moreover, the conduct that appears to

underlie the fraud, based on the evidence currently, links the conduct to a motor vehicle transaction. An interim suspension, in my view, is necessary and appropriate.

41. The remaining issue then is how long the suspension should be in effect. FCAA staff is conducting an ongoing investigation into this incident. In my respectful view, the suspension should be effective immediately and remain in place until FCAA staff is finished its investigation and I have had the opportunity to determine whether continued or additional action should be taken in light of the evidence uncovered in that investigation.

42. While the suspension will take effect immediately, **Mr. Leonard has the right pursuant to subsection 71(9) of the Act to make written representation or attend a hearing before me within 10 business after the date of this NOIA.** Should Mr. Leonard exercise his rights in this regard, I will consider his evidence and representations alongside any other evidence that is gathered by FCAA staff in its investigation in determining whether the suspension should be lifted or whether continued or other action should be taken.

Dated at the City of Regina in the Province of Saskatchewan this 18th day of June, 2019.



Denny Huyghebaert
Deputy Director, Consumer Protection Division
Financial and Consumer Affairs Authority of Saskatchewan

Appendix A – Legislative Provisions

The Consumer Protection and Business Practices Act, SS 2013, c. C-30.2

Suspension or cancellation of licence

65(1) Subject to section 71, the director may suspend or cancel a licence:

- (a) for the same reasons that the director might have refused to issue the licence pursuant to section 61;
- (b) if the licensee has failed to comply with this Act or the regulations; or
- (c) if there has been a prescribed change in the licensee's circumstances.

(2) If the director considers it appropriate to do so, and on receipt of any prescribed reinstatement fee, the director may reinstate a licence that has been suspended.

Licensee to notify director if circumstances change

70 Within five business days after a prescribed change in circumstances, an applicant or licensee shall notify the director in writing.

Opportunity to be Heard

71 (1) In this section, "action" means an action that the director may take to refuse to issue a licence, to establish terms and conditions for a licence or to suspend or cancel a licence.

(2) Before taking an action, the director shall give the person who is the subject of the proposed action a written notice:

- (a) setting out the action proposed to be taken by the director and the grounds that, in the director's opinion, justify the action; and
- (b) informing the person of the person's right to make representations to the director as to why the action should not be taken.

(3) A person to whom a notice is sent pursuant to subsection (2) may, within 10 business days after receiving that notice, advise the director that:

- (a) the person requests an oral hearing; or
- (b) the person wishes to make written representations to the director respecting why the action should not be taken.

(4) Nothing in this section requires the director to give an oral hearing to any person who has given notice pursuant to clause (3)(b).

(5) A person who requests an oral hearing pursuant to clause (3)(a) must, within five business days after requesting the hearing, contact the director and arrange a date, time and place for the hearing.

(6) Written representations pursuant to clause (3)(b) must be received by the director within 20 business days after the person receives the notice pursuant to subsection (2).

(7) The director may take the action stated in the notice without considering any representations of the person if the person fails to:

- (a) advise the director in accordance with subsection (3);
- (b) meet the requirements of subsection (5) or (6) within the required time; or
- (c) appear on the date and at the time and place arranged for the hearing without the prior approval of the director.

(8) The director may extend the periods mentioned in subsection (3), (5) or (6) if, in the director's opinion, it is appropriate to do so.

(9) Notwithstanding subsection (2), if the director considers that it is necessary and in the public interest to take immediate action, the director may immediately take any action without giving the person an opportunity to be heard, but the director shall give the person an opportunity to make written representations or attend a hearing before the director within 10 business days after the date on which the director takes the action.

(10) On holding a hearing or receiving a person's written representations pursuant to this section, the director shall, within a reasonable period:

- (a) consider the submissions and make a decision;
- (b) notify the person, in writing, of the director's decision;
- (c) provide written reasons for the director's decision; and
- (d) provide the person with information respecting the right of appeal pursuant to section 85.

(11) Subsection (12) applies if:

- (a) a licensee holds more than one licence; and
- (b) the director is satisfied that the same grounds for taking action apply to more than one of the licensee's licences.

(12) In the circumstances mentioned in subsection (11), the director may provide the licensee:

- (a) with one written notice pursuant to subsection (2) that references all of the licensee's licences that are to be the subject of the action; and
- (b) with one oral hearing pursuant to this section that deals with all of the licensee's licences that are to be the subject of the action.

Change in circumstances

5□2 For the purposes of section 70 of the Act, a change in circumstances consists of:

(a) a change in any of the following information previously provided to the director in an application for a licence, a renewal of a licence or the reinstatement of a licence:

- (i) an address, including an address for service, or a telephone number;
- (ii) the name of the applicant or the licensee;
- (iii) if the applicant or licensee is a partnership or a corporation, the fiscal year;
- (iv) if the applicant or licensee is a corporation, an officer or director of the corporation;
- (v) if the applicant or licensee is a partnership, a partner of the partnership;
- (vi) the location at which the licensee retains, or the applicant will retain, records required to be kept by the Act;
- (vii) any other material change;

(b) if the licence is for a specific location, the licensee ceasing to carry on business at that location;

(c) the commencement of bankruptcy, receivership or winding-up proceedings with respect to the applicant or licensee;

(d) the suspension, cancellation, surrendering or amendment in any other jurisdiction of the applicant's or licensee's authority to carry on business relating to the activities for which the licence has been applied for and granted;

(e) the imposition of any terms, conditions or restrictions on, or the variation or modification of any terms, conditions or restrictions imposed on, the applicant's or licensee's authority to carry on business as a designated business in any other jurisdiction;

(f) a civil action or a regulatory proceeding being brought against the applicant or licensee or any director, officer or partner of the applicant or licensee, in relation to:

- (i) fraud;
- (ii) breach of trust;
- (iii) deceit;
- (iv) misrepresentation; or
- (v) the actions of the applicant or licensee in the activities for which the licence has been applied for and granted;

(g) the issuing of a judgment or decision by a court or other adjudicator against the applicant or licensee or any director, officer or partner of the applicant or licensee, in relation to:

- (i) fraud;
- (ii) breach of trust;
- (iii) deceit;
- (iv) misrepresentation; or

- (v) the actions of the applicant or licensee in the activities for which the licence has been applied for and granted;
- (h) the instituting of proceedings against, or conviction of, the applicant or licensee or any director, officer or partner of the applicant or licensee with respect to a criminal offence, or any other offence under the laws of any other jurisdiction, excluding traffic offences; or
- (i) any change in circumstances that provides reasonable grounds to believe that the financial security required by the director pursuant to section 59 of the Act may not be in force or effective in accordance with its terms or may otherwise fail to meet the requirements of the director.
- (h) the instituting of proceedings against, or conviction of, the applicant or licensee or any director, officer or partner of the applicant or licensee with respect to a criminal offence, or any other offence under the laws of any other jurisdiction, excluding traffic offences; or
- (i) any change in circumstances that provides reasonable grounds to believe that the financial security required by the director pursuant to section 59 of the Act may not be in force or effective in accordance with its terms or may otherwise fail to meet the requirements of the director.