

**DECISION OF A PANEL APPOINTED PURSUANT TO *THE FINANCIAL
AND CONSUMER AFFAIRS AUTHORITY OF SASKATCHEWAN ACT***

IN THE MATTER OF

THE SECURITIES ACT, 1988, S.S. 1988, C.S-42.2

AND

IN THE MATTER OF

Ronald James Aitkens, also known as Ron Aitkens,

1252064 Alberta Ltd.,

1330075 Alberta Ltd.,

Harvest Capital Management Inc.,

and Harvest Group GP Corporation

DECISION – Request for Adjournment

Hearing held: May 14, 2018

**Panel: Peter Carton (Chairperson)
Honourable Eugene Scheibel**

**Appearances: Ronald Aitkens (Respondent)
Nathaniel Day and Sonne Udemgba (Counsel for Staff of the
Financial and Consumer Affairs Authority)**

Date of Decision: May 14, 2018

Background

[1] The proceedings at issue before the Panel of the Financial and Consumer Affairs Authority (the “Panel”) were commenced by a Notice of First Appearance, dated January 5, 2017. The Amended Statement of Allegations of the Staff of the Financial and Consumer Affairs Authority

("FCAA Staff"), dated February 10, 2016, filed in support of the Notice of First Appearance, provides details of the specific allegations.

[2] The hearing on the merits was initially scheduled to commence on May 15, 2017.

[3] On April 21, 2017, the Panel ordered that the May 15, 2017 hearing date be vacated and that the hearing on the merits commence on September 18, 2017 and continue thereafter as necessary on September 19, 20, and 22, 2017, and if necessary, on any other such dates and times as may be determined by the Panel.

[4] On August 25, 2017, the Panel heard an application by the Respondent to adjourn the hearing on the merits. Upon hearing submissions from Mr. Aitkens, appearing on his own behalf, and Counsel for FCAA Staff, the Panel denied the Respondent's application for an adjournment and issued a written decision dated August 25, 2017 in respect of the Respondent's application.

[5] On September 18, 2017, the Panel, as a preliminary matter, heard a request for an adjournment by the Respondent on the grounds of the timeliness of disclosure and adequate time had not been allowed for the Respondent to properly prepare his response. The Panel granted the Respondent's request for an adjournment and ordered that the hearing proceed on May 22, 2018 through to June 8, 2018 and, if necessary, on any other such dates and times as may be determined by the Panel.

Request for Further Adjournment

[6] This was a hearing on May 14, 2018, prior to the commencement of the hearing on the merits, to consider a request for a further adjournment of the hearing made by the Respondent. Counsel for FCAA Staff opposes the Respondent's request for a further adjournment.

[7] The Panel heard submissions from both Mr. Ronald Aitkens and Counsel for FCAA Staff regarding the Respondent's request for a further adjournment, including matters related to the scheduling of parallel proceedings involving the Respondent in Alberta and the impact of those proceedings on the Saskatchewan hearing.

Decision

[8] After considering the material filed and the submissions from Mr. Aitkens and Counsel for FCAA Staff on the issue of whether the hearing on the merits should proceed as scheduled on May 22, 2018, the Panel determined that the Respondent's request for an adjournment is not warranted and that it is in the public interest to have the hearing proceed on May 22, 2018.

[9] The Panel determined that there is no overlap between the dates scheduled for the Saskatchewan hearing and the dates scheduled for Mr. Aitken's quasi-criminal trial in Alberta. In addition, the proceedings in Alberta have no bearing on the outcome of the Saskatchewan

hearing as the Saskatchewan hearing involves a determination as to whether Mr. Aitkens has breached Saskatchewan's *Securities Act, 1988*. Most importantly, the matter of a fair hearing in this matter is not in question as timely disclosure has occurred and the Respondent has had ample time to prepare his response. It will not be unfair to the Respondent if the hearing proceeds as scheduled, and it is in the public interest in having the proceeding resolved in a timely manner.

[10] In reaching its decision, the Panel considered the factors set out in section 10.2 of Saskatchewan Policy Statement 12-602: *Procedures for Hearings and Reviews*. This section sets out a list of relevant, but non-exhaustive, factors to be considered when deciding whether to grant an adjournment:

10.2 Factors Considered

10.2 In deciding whether to grant an adjournment, the Panel will consider all relevant factors, including the following:

- (a) whether an adjournment would be in the public interest;
- (b) whether all parties consent to the request;
- (c) whether granting or denying the adjournment would prejudice any party;
- (d) the amount of notice of the hearing date that the requesting party received;
- (e) any prior adjournment requests made and by whom and the reasons for those prior requests;
- (f) the reasons provided to support the adjournment request;
- (g) the cost to the Authority and to the other parties for rescheduling the hearing;
- (h) evidence that the party made reasonable efforts to avoid the need for the adjournment; and
- (i) whether the adjournment is necessary to provide an opportunity for a fair hearing.

[11] For the reasons stated above, the Respondent's request for an adjournment of the hearing on the merits is denied. The hearing shall commence at 9:00 a.m. (CST) on Tuesday, May 22, 2018 and shall continue thereafter, if necessary, on May 23 to May 25, 2018, May 28, 2018 to June 1, 2018, and June 4 to June 8, 2018, and if necessary, on any other such dates and times as may be determined by the Panel.

[12] This is the unanimous decision of the Panel.

Dated: May 14, 2018



Peter Carton, Chairperson



Honourable Eugene Scheibel