

**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:** September 18, 2017

**Panel:** Peter Carton (Chairperson)

Honourable Eugene Scheibel

Honourable Larry Kyle

**Appearances:** Ronald Aitkens (Respondent)

Norman Anderson (Counsel for the Respondent ) (by telephone)

Dallas Smith (Counsel for Staff of the Financial and Consumer  
Affairs Authority)

**Date of Decision:** September 18, 2017

**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.

### **Adjournment Request**

[5] This was a hearing on September 18, 2017, prior to the commencement of the hearing on the merits, to consider a further request for an adjournment of the hearing made by the Respondent, through his counsel, Norman Anderson.

[6] The Panel heard submissions from both Mr. Anderson and counsel for FCAA Staff on matters of whether the timeliness of disclosure was appropriate and on whether or not adequate time had been allowed for the defence to properly prepare their response.

[7] The Panel also reviewed the Affidavit of Ron Aitkens sworn and filed on September 15, 2017 in support of the Respondent’s request for an adjournment of the hearing on the merits.

### **Decision**

[8] After considering the material filed and the submissions from Mr. Anderson and counsel for FCAA Staff on the issue of whether the hearing on the merits should proceed on September 18, 2017, the Panel determined that timely disclosure was one day short of the disclosure time periods determined in accordance with the provisions set out in section 1.5 of the Saskatchewan Policy Statement 12-602: *Procedures for Hearings and Reviews*, which refers to subsection 2(10) of *The Saskatchewan Securities Act, 1988* and section 24 of *The Interpretations Act, 1995*.

[9] In any event, the Panel also determined that as a matter of fairness an adjournment was in order to permit the defence proper time to prepare its response.

[10] Furthermore, the Panel noted that the time presently allocated for the hearing contemplated only the time required for the FCAA Staff to present their case, leaving no provision for the defence presentation. This would mean that the hearing would need to be split and would likely result in a lengthy delay between the completion of the FCAA Staff’s case and the

commencement of the respondent's case. The Panel was of the view that splitting the hearing in these circumstances would not be in the best interests of either party.

[11] 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**

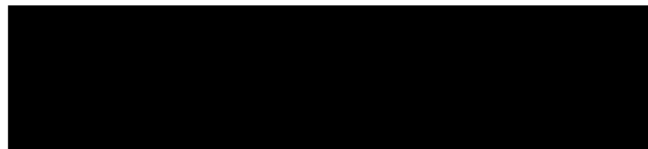
10.2 In deciding whether to grant an adjournment, the Panel will consider all relevant factors, including the following:

- (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.

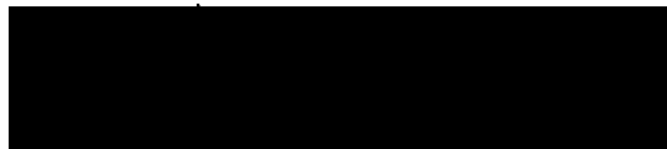
[12] For the reasons stated above, the Panel grants the Respondent's request for an adjournment of the hearing on the merits. The Panel also orders that the dates for the hearing into this matter previously scheduled for September 18, 19, 20, and 22, 2017 are vacated and that the hearing into this matter 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.

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

Dated: September 18, 2017



Peter Carton, Chairperson



Honourable Eugene Scheibel



Honourable Larry Kyle