

NOVA SCOTIA COURT OF APPEAL

Citation: *Wadden v. Nova Scotia (Attorney General)*, 2011 NSCA 55

Date: 20110609

Docket: CA 332625

Registry: Halifax

Between:

Calvin Wadden, Kenneth MacLeod and Dan Potter

Appellant

v.

The Attorney General of Nova Scotia and the
Nova Scotia Securities Commission

Respondent

Judge: The Honourable Justice Linda Lee Oland

Appeal Heard: March 28, 2011, in Halifax, Nova Scotia

Subject: *Securities Act*, R.S.N.S. 1989, c. 418, s. 150(aat)

Summary: In proceedings before the Securities Commission, the appellants sought to have certain motions pertaining to the integrity of the investigation against them heard in advance of the hearing of allegations that they had breached the *Act*. The Commissioner decided against bifurcation of the hearing of their motions and the allegations against them.

Issue: Whether the Commissioner erred by deciding not to hear the complaints in the motions about the investigation in advance of the hearing on the allegations. If so, whether the proceedings before the Commission should be stayed.

Result:

Appeal dismissed. Section 150(aat) of the *Act* authorizes the Commission to prescribe procedures or practices to be followed in the matters before it. When the motions are heard is a procedural question. Moreover, an examination of the record and Commissioner's decision does not demonstrate that he foreclosed the possibility that he would hear and determine their motions in advance of any hearing of the allegations, or that he would disregard the issues surrounding the integrity of the investigation.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 12 pages.