
Citation : *New-Brunswick (Financial and Consumer Services Commission) v. Pierre Emond and Armel Drapeau*, 2015 NBFCST 5

PROVINCE OF NEW-BRUNSWICK
FINANCIAL AND CONSUMER SERVICES TRIBUNAL
IN THE MATTER OF THE *SECURITIES ACT*, S.N.B. 2004, c S-5.5

Date: 2015-06-19
Docket: 2300-E1

BETWEEN :

Financial and Consumer Services Commission,

Applicant,

- and -

Pierre Emond and Armel Drapeau,

Respondents.

ORDER

WHEREAS on February 5, 2013, Drapeau filed a Notice of motion and supporting affidavit with the Office of the Secretary of the New Brunswick Securities Commission seeking an order that the proceedings against him be stayed or adjourned pending the disposition of his civil action in the Court of Queen's Bench of New Brunswick against the Securities Commission and others;

WHEREAS on April 17, 2013, the motion was heard before a panel of the New Brunswick Securities Commission;

WHEREAS as of July 1, 2013, the New Brunswick Securities Commission is continued as the Financial and Consumer Services Commission and the adjudicative functions of the Securities Commission are now performed by the Financial and Consumer Services Tribunal;

WHEREAS in accordance with section 75 of the *Financial and Consumer Services Commission Act*, S.N.B. 2013, c 30, previous decisions issued by the New Brunswick Securities Commission in this proceeding are deemed to be those of the Financial and Consumer Services Tribunal;

WHEREAS on August 27, 2013, the Financial and Consumer Services Tribunal issued a decision adjourning the proceedings against the Respondents for one year, after which the parties would provide the Tribunal with a status update with respect to the progress of the civil actions involving the former New Brunswick Securities Commission, after which the Tribunal would have the right to issue a new order with respect to the conduct of these proceedings;

AND UPON hearing the submissions of the Financial and Consumer Services Commission and Arnel Drapeau on June 19, 2015;

AND WHEREAS the Tribunal considers it in the public interest to make this Order;

IT IS HEREBY ORDERED THAT:

1. the adjournment of this proceeding is lifted;
2. the Tribunal will set dates for the hearing on the merits of this proceeding;
3. there will be no adjournment of the dates for the hearing on the merits unless exceptional circumstances are demonstrated ; and
4. the Tribunal will issue a decision detailing the reasons for this Order.

DATED at Saint John, New Brunswick, this 19th day of June, 2015.

"original signed by"
Enrico A. Scichilone, Panel Chair

"original signed by"
Jean LeBlanc, Panel Member

"original signed by"
Gerry Legere, Panel Member