



**CIRO · OCRI**

Canadian Investment  
Regulatory  
Organization

Organisme canadien  
de réglementation  
des investissements

Order

File No. 202249

**IN THE MATTER OF  
THE MUTUAL FUND DEALER RULES  
and  
Alvinder Singh Gill**

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**ORDER**

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**WHEREAS** on November 11, 2022, the Mutual Fund Dealers Association of Canada (the “MFDA”) issued a Notice of Hearing pursuant to sections 20 and 24 of MFDA By-law No. 1 (now Mutual Fund Dealer Rules 7.3 and 7.4) in respect of a disciplinary proceeding commenced against Alvinder Singh Gill (the “Respondent”);

**AND WHEREAS** on November 17, 2023, the Notice of Hearing was personally served on the Respondent;

**AND WHEREAS** on November 18, 2022, the Respondent requested a delay in the publication of the Notice of Hearing on the MFDA website until December 12, 2022 so that amounts that he had solicited from investors that were unaccounted for could be repaid to the investors;

**AND WHEREAS** Staff agreed to delay the publication of the Notice of Hearing on the MFDA website until December 6, 2022, however, no money was repaid to investors or otherwise accounted for prior to that date;

**AND WHEREAS** on January 1, 2023, the MFDA and the Investment Industry Regulatory Organization of Canada (“IIROC”) consolidated to form a new self-regulatory organization called the New Self-Regulatory Organization of Canada (“New SRO”) now called the Canadian Investment Regulatory Organization (“CIRO”);

**AND WHEREAS** on January 17, 2023, the first appearance in this hearing was held electronically by videoconference before one public representative of a district hearing committee acting on behalf of a hearing panel of the Pacific District Hearing Committee of the New SRO, pursuant to section 19.13 of MFDA By-law No. 1 (now Mutual Fund Dealer Rule 7.2.4(b)) which permits one public representative to be designated to act on behalf of a Hearing Panel for the purpose of hearing and determining any procedural matter;

**AND WHEREAS** Counsel for Staff of the New SRO, now Staff of CIRO (“Staff”) attended the first appearance by videoconference and the Respondent attended by teleconference to address scheduling and other procedural matters;

**AND WHEREAS** at the first appearance, the Hearing Panel ordered the following schedule for further delivery of materials by the parties:

- (a) On or before February 6, 2023, the Respondent shall serve on Staff and file a Reply to the Notice of Hearing;
- (b) On or before April 14, 2023, Staff shall provide documentary disclosure to the Respondent;
- (c) On or before May 15, 2023, the Respondent shall provide documentary disclosure to Staff;
- (d) On or before June 9, 2023, Staff and the Respondent shall provide each party with a witness list and each witness that the party intends to call at the hearing on the merits;

**AND WHEREAS** at the first appearance, the hearing of this matter on its merits was scheduled to take place electronically by videoconference on July 11-13, 2023 commencing at 10:00am (Pacific) each day;

**AND WHEREAS** following the first appearance, on February 8, 2023, the Respondent requested an extension of time to serve and file a Reply to the Notice of Hearing;

**AND WHEREAS** Staff consented to the Respondent's request for an extension of time to serve and file a Reply to the Notice of Hearing until February 13, 2023;

**AND WHEREAS** on February 13, 2023, the Respondent requested a further extension of time to serve and file a Reply to the Notice of Hearing;

**AND WHEREAS** Staff consented to the Respondent's further request for an extension of time to serve and file a Reply to the Notice of Hearing until February 14, 2023 and on February 14, 2023, the Respondent served and filed a Reply to the Notice of Hearing;

**AND WHEREAS** on April 14, 2023, Staff provided documentary disclosure to the Respondent and on June 6, 2023, Staff delivered its witness lists and summaries of expected evidence in respect of each witness to the Respondent;

**AND WHEREAS** as of the date of this Order, the Respondent has not provided Staff with documentary disclosure, witness lists or any summaries of evidence expected from any witnesses that he intends to call to testify at the hearing on the merits;

**AND WHEREAS** on June 26, 2023, the Respondent brought a motion, returnable July 7, 2023, to adjourn the hearing on the merits for approximately three months, extend the deadlines for delivery of documentary disclosure and witness lists and witness statements, and for the hearing to take place in person, on the basis that the Respondent claims that he is suffering from a medical condition that will prevent him from participating in the hearing on the merits that is scheduled to commence on July 11, 2023 (the "Respondent's motion");

**AND WHEREAS** on July 7, 2023, the Respondent's motion was heard by videoconference;

**AND WHEREAS** Counsel for Staff appeared by videoconference and the Respondent appeared by teleconference;

**AND WHEREAS** Staff opposed the relief sought by the Respondent;

**AND WHEREAS** the Respondent filed no evidence in support of his claim that he is suffering from a medical condition that will prevent him from participating by videoconference in the hearing on the merits that is scheduled to commence on July 11, 2023;

**AND WHEREAS** at the interim appearance, the Respondent made an oral request for a pre-hearing conference;

**AND UPON** reading the Notice of Motion filed by the Respondent and the Responding Record filed by Staff including the affidavit of John Gallimore sworn July 6, 2023 and upon hearing the oral submissions of the Respondent and the oral submissions of Staff with respect to the relief sought by the Respondent;

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's motion to adjourn the proceeding is dismissed without prejudice to the Respondent's right to renew his motion for an adjournment supported by further evidence;
2. The Respondent's motion for an extension of the deadlines to deliver documentary disclosure and witness lists and witness statements is dismissed;
3. The Respondent's motion for the hearing of this matter on its merits to take place in person is dismissed;
4. The Respondent's request for a pre-hearing conference is denied;
5. Subject to any further Order of the Hearing Panel, the hearing of this matter on its merits shall take place electronically by videoconference on July 11-13, 2023 as previously scheduled, commencing at 10:00am (Pacific); and
6. If at any time a non-party to this proceeding, with the exception of the bodies set out in Mutual Fund Dealer Rule 6.3, requests production of or access to exhibits in this proceeding that contain personal information as defined by CIRO's Privacy Policy, then

the Corporate Secretary's Office, Mutual Fund Dealer Division of CIRO shall not provide to the non-party, copies of or access to the requested exhibits without first redacting from them any and all personal information, pursuant to Rules 1.8(2) and (5) of the Mutual Fund Dealer Rules of Procedure.

**DATED** this 7<sup>th</sup> day of July, 2023.

"Joseph Bernardo"

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Joseph Bernardo,  
Chair