

## 2007 BCSECCOM 102

**Fairtide Capital Corporation, Bayshore Management Corporation,  
Gibraltar Consulting Corporation, Richard Norman Jeffs,  
Robert Leigh Jeffs, and Francis Jason Dean Biller**

### **Application of Richard Jeffs**

#### **Ruling**

- ¶ 1 We refer to the submissions of the parties in response to our Ruling of February 23.
- ¶ 2 The starting point to all the issues in this application is the relevance of the documents in question. If some or all of them are relevant, then we will have to deal with some or all of the other issues. If they are not, there is no basis to support the relief the applicant seeks, and that will be the end of the matter. The issues of the scope of the privilege, potential prejudice, onus, and so on will not arise. That is why it makes sense to deal first with the issue of relevance.
- ¶ 3 The document review we described in our February 23 ruling is therefore solely to determine the relevance of the documents that are the basis of Jeffs' application. We require only two things for the purposes of that review: 1) the documents, as we described them in the February 23 ruling, and 2) the parties' submissions on the standard of relevance we ought to apply.
- ¶ 4 Jeffs seeks an opportunity to reply to the submissions of the executive director. We will decide, once we see the submissions, whether a reply or any other further submissions are necessary.
- ¶ 5 We therefore propose no changes to the procedure we proposed in our February 23 ruling, except that we agree with Jeffs' suggestion that following our review we reseal the documents and retain them for the record.
- ¶ 6 Jeffs says that he objects to our proposed procedure unless his counsel is given the opportunity to appear alone before us and make submissions. We are not agreeing to that request, so it may be that he will choose not to submit the documents. In that event, we will determine whether the relevance of the documents has been established based on the record as it stands.
- ¶ 7 March 1, 2007

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Brent W. Aitken  
Vice Chair

Neil Alexander  
Commissioner

Robert J. Milbourne  
Commissioner