

2007 BCSECCOM 98

**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 application of Richard Jeffs that we heard on February 19 and 20. One of the issues important to our disposition of that application is the relevance of the documents in question that are protected by solicitor-client privilege.
- ¶ 2 The documents are described paragraphs 29, 30 and 31 of Exhibit 1 (Mr. Jeffs' November 20, 1993 affidavit).
- ¶ 3 We have some evidence as to the relevance of the documents described in paragraphs 29 and 30, but we are unclear as to the evidence that relates to the relevance of the documents described in paragraph 31. The only evidence that appears to relate to those documents is in paragraph 8 of Exhibit 9 (Mr. Jeffs' February 7, 2007 affidavit), and it is not sufficient for us to determine their relevance. We would therefore like to review those documents in order to determine their relevance.
- ¶ 4 We therefore propose the following:
 1. Mr. Jeffs will deliver to the panel the documents described in paragraph 31 of Exhibit 1. He may also deliver any other documents described in paragraph 29 or 30 of that affidavit that in his opinion the panel ought to review in order to determine their relevance.
 2. The delivery would include three sets of the documents to be reviewed, each set in a sealed envelope (one envelope for each member of the panel). The three panel members will be the only persons who will review the documents, and we will make no copies. When we rule on the application, we will return all three sets of documents to Mr. Jeffs, through his counsel.
 3. None of us will sit on the panel that hears the allegations in the notice of hearing. (A different panel as already been assigned to that matter.)
 4. Mr. Jeffs and the executive director will file written submissions as to the standards the panel ought to apply in determining the relevance of the documents we are to review.

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5. Mr. Jeffs will deliver the documents and file his submissions on or before Friday, March 2. The executive director will file her submissions on or before Wednesday, March 7.
- ¶ 5 A party who objects to this procedure, or wishes to make any suggestions about it, should make submissions to us before Mr. Jeffs makes his submissions on March 2.

February 23, 2007

Brent W. Aitken
Vice Chair

Neil Alexander
Commissioner

Robert J. Milbourne
Commissioner