

# 2009 BCSECCOM 627

## Partners in Planning Financial Services Ltd. and Mutual Fund Dealers Association of Canada

### Sections 27 and 28 of the *Securities Act*, RSBC 1996, c. 418

<b>Panel</b>	Brent W. Aitken Bradley Doney David J. Smith	Vice Chair Commissioner Commissioner
<b>Date of hearing</b>	November 6, 2009	
<b>Date of ruling</b>	November 9, 2009	
<b>Appearing</b>		
Shayne Strukoff	For Partners in Planning Financial Services Ltd.	
Gordon Johnson	For Mutual Fund Dealers Association of Canada	
Alan E. Keats Douglas B. Muir	For the Executive Director	

### Ruling

#### Background

- ¶ 1 On October 9, 2009 Partners in Planning Financial Services Ltd. applied for a hearing and review, under section 28(1) of the *Securities Act*, RSBC 1996, c. 418, of a decision of the Mutual Fund Dealers Association of Canada to amend its By-law No. 1.
- ¶ 2 On October 23 the Commission told the parties that it would first rule on two preliminary matters:
1. Whether the MFDA's decision is a decision described in section 28(1) of the Act.
  2. Whether Partners in Planning Financial Services Ltd. is directly affected by the MFDA's decision.
- ¶ 3 On November 6 we held a hearing to consider the two preliminary matters. The parties also made submissions on whether, if the Commission decided that

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Partners in Planning's application could not be heard under section 28(1), the Commission ought to hear the application under section 27.

### **Ruling**

- ¶ 4 The Commission will hear Partners in Planning's application under section 27. Our reasons will follow.
- ¶ 5 The Commission wishes to hold a hearing management conference as soon as practicable. The Secretary to the Commission will be in contact with the parties to arrange a date.
- ¶ 6 November 9, 2009
- ¶ 7 **For the Commission**

Brent W. Aitken  
Vice Chair

Bradley Doney  
Commissioner

David J. Smith  
Commissioner