### **2004 BCSECCOM 142**

#### Headnote

Mutual Reliance Review System for Exemptive Relief Applications - extension of time in which to file and send to security holders first quarter interim financial statements – extension required because of death in family of senior official responsible for preparation of financial statements

#### **Applicable British Columbia Provisions**

Securities Act, R.S.B.C. 1996, c. 418, s. 91 Securities Rules, B.C. Reg. 194/97, ss. 144 and 149

# IN THE MATTER OF THE SECURITIES LEGISLATION OF ALBERTA AND BRITISH COLUMBIA

#### AND

# IN THE MATTER OF THE MUTUAL RELIANCE REVIEW SYSTEM FOR EXEMPTIVE RELIEF APPLICATIONS

#### **AND**

#### IN THE MATTER OF SUNRISE INTERNATIONAL INC.

#### MRRS DECISION DOCUMENT

WHEREAS the local securities regulatory authority or regulator (the "Decision Maker") in each of Alberta and British Columbia (the "Jurisdictions") has received an application from Sunrise International Inc. (the "Corporation") for a decision pursuant to the securities legislation of the Jurisdictions (the "Legislation") extending to March 15, 2004, the time limit under the Legislation for filing and sending to its security holders the Corporation's interim financial statements for the period ended December 31, 2003 (the "Financial Statements");

AND WHEREAS under the Mutual Reliance Review System for Exemptive Relief Applications (the "System"), the Alberta Securities Commission is the principal regulator for this application;

AND WHEREAS unless otherwise defined the terms herein have the meaning set out in National Instrument 14-101 Definitions;

AND WHEREAS the Corporation has represented to the Decision Makers that:

1. The Corporation is a corporation continued under the laws of Alberta and is a reporting issuer in Alberta and British Columbia;

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- 2. The Corporation's authorized capital consists of an unlimited number of common shares, of which 43,702,510 common shares are issued and outstanding as of January 21, 2004;
- 3. The common shares of the Corporation are listed on the TSX-Venture Exchange;
- 4. The Controller of the Corporation is responsible for the preparation and finalization of the Financial Statements;
- 5. On January 29, 2004, the Controller's husband died unexpectedly and the Controller has therefore been unable to prepare the Financial Statements;
- 6. Without the relief requested in this order, the Financial Statements are due to be filed on or before March 1, 2004 (the "Filing Deadline");
- 7. There is currently no other person in the Corporation able to prepare the Financial Statements by the Filing Deadline;
- 8. An extension of time for filing the Financial Statements will allow the Chief Financial Officer and Controller to finalize the Financial Statements by March 15, 2004;
- 9. There has been no material adverse changes in the affairs of the Corporation since the filing of its third quarter interim financial statements on September 2, 2003.

AND WHEREAS under the System, this MRRS Decision Document evidences the decision of each of the Decision Makers (collectively the "Decision");

AND WHEREAS each of the Decision Makers is satisfied that the test contained in the Legislation that provides the Decision Makers with the jurisdiction to make the Decision has been met;

THE DECISION of the Decision Makers pursuant to the Legislation is that the requirement contained in the Legislation to file the Financial Statements by the Filing Deadline shall not apply to the Corporation provided that:

1. The Corporation will issue a press release which discloses the Filing Deadline for the Financial Statements, the date the Financial Statements are expected to be filed and delivered to security holders and the reasons for the delay in filing the Financial Statements; and

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2. The Corporation files and delivers to its security holders the Financial Statements on or before March 15, 2004.

DATED at Calgary, Alberta on this 27th day of February, 2004.

Mavis Legg, CA Manager, Securities Analysis