

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 4

NOTICE OF APPLICATION (*RULES 13(a), 20(3) and (4), 54(a), 58(1), 59(1), 60(2), 61(2), 63(2)*)



Court of Appeal File No.

49296

The file number can be found on the upper right corner of the Notice of Appeal.

PARTIES TO THE APPEAL

Appellant(s)

List the name(s) of the appellant(s) named on Form 1: Notice of Appeal.

Mark Morabito

Respondent(s)

List the name(s) of the respondent(s) named on Form 1: Notice of Appeal.

Executive Director of the British Columbia Securities Commission;
British Columbia Securities Commission; and
Global Crossing Airlines Group Inc., formerly known as Canada Jetlines Ltd.

This application is in the jurisdiction of:

☐ The Court (3 Justices) ☒ A Chambers Justice ☐ The Registrar

To the person(s) filing the application (the *applicant*):

If your application is before a chambers justice, check the [available chambers dates](#) on the court website and the timelines for bringing your application under the rules.

If your application is before the court or the registrar, contact the appropriate scheduler before completing this form.

Communicate with the other person(s) to ensure they are available on the requested date. Chambers applications are to be no more than 30 minutes.

Name(s) of person(s) bringing the application

Mark Morabito

Name(s) of responding person(s) to be served with the application

Executive Director of the British Columbia Securities Commission;
British Columbia Securities Commission; and
Global Crossing Airlines Group Inc., formerly known as Canada Jetlines Ltd.

Location where the application will be heard
Enter the address of the courthouse.

800 Hornby St.
Vancouver, BC V6Z 2C5

Date the application will be heard

12/10/2023

Chambers applications begin at 9:30 a.m.

DD/MM/YYYY

Enter the section(s) or rule(s) that you are relying on for your application
E.g., If you are applying for leave to appeal, enter "Section 31 of the Court of Appeal Act." If you are applying for a stay of proceedings, enter "Section 33 of the Court of Appeal Act."

Section 31, *Court of Appeal Act*, SBC 2021, c. 6
Rule 20(4), *Court of Appeal Rules*, BC Reg 120/2022

Enter the order(s) that you are seeking
E.g., "stay of proceedings" or "extension of time to file an appeal book" and any request with respect to costs. If you are seeking leave to appeal, enter "leave to appeal the order of _____."

The appellant seeks the following orders:

1. Leave to appeal from the order of the panel of the British Columbia Securities Commission pronounced 17 August 2023.
2. An order that the liability proceedings arising from the Notice of Hearing issued 8 October 2021 be stayed pending the final disposition of this appeal or until further Order of this Court.

Is an application book required?

*See Rule 13 for leave applications
and Division 2 of Part 9 of the
Rules for other applications.*

☒ Yes

☐ No

**If you are not required to file an
application book, list the
affidavit(s) in support of this
application**

*Enter the name of each person
whose affidavit is being filed and
the date each affidavit was sworn.*

n/a

**The applicant anticipates that
this application will be...**

Check only one.

☒ Contested

☐ Uncontested

**Email address(es) for service
of applicant(s)**

*If you provide an email
address, you consent to have
documents served on you by
email.*

rdeane@blg.com / pburnham@blg.com

Date form completed

20/09/2023

DD/MM/YYYY

Name of lawyer or applicant
authorizing filing of this form

Robert J.C. Deane