

BC Instrument 13-502
Electronic filing of reports of exempt distribution

Definitions

1. In this Instrument:

“consent” means a consent of a qualified person that is required to be filed with a technical report under section 8.3 of National Instrument 43-101 *Standards of Disclosure for Mineral Projects*;

“eServices” means the electronic filing system for the submission of, and the payment of fees associated with, a report, offering memorandum and consent;

“exempt distribution report” means a report of exempt distribution required to be filed after the distribution of a security under the Act, the regulations or an order made by the Commission or the Executive Director;

“offering memorandum” means

- (a) an offering memorandum required to be delivered to a purchaser of a security under section 2.9 of National Instrument 45-106 Prospectus Exemptions, or
- (b) an offering document required to be made available to a purchaser of a security under section 5 of National Instrument 45-110 Start-up Crowdfunding Registration and Prospectus Exemptions;

“technical report” means a technical report under National Instrument 43-101 *Standards of Disclosure for Mineral Projects* that is required to be filed to support scientific or technical information in an offering memorandum;

“report filer” means an issuer or underwriter that is required to file an exempt distribution report.

Electronic filing

2. A report filer that is required to file any of the following must file the document electronically using eServices:
- (a) an exempt distribution report;
 - (b) an offering memorandum;
 - (c) a technical report;
 - (d) a consent.

Electronic fee payment

- 3 (1) A fee payable to the commission for filing an exempt distribution report must be paid, by electronic funds transfer or by credit card, using eServices at the time the filing is made.

- (2) Despite subsection (1), a report filer may pay the fee payable for an exempt distribution report filed under section 6.2 (2) of National Instrument 45-106 *Prospectus Exemptions* by submitting a cheque at the time the filing is made.

Temporary technical difficulties exemption

4. (1) If unanticipated technical difficulties prevent the timely transmission of an electronic filing, the report filer may file the exempt distribution report, offering memorandum, technical report or consent by email as soon as practical and in any event no later than 2 business days after the day on which the filing was required.

- (2) A filing under subsection (1) must include the following legend in capital letters at the top of the first page:

THIS REPORT IS BEING FILED UNDER A TEMPORARY TECHNICAL
DIFFICULTIES EXEMPTION.

- (3) If a report, offering memorandum or consent is filed as prescribed in this section, the specific date by which the document is required to be filed under the Act or regulations is extended to the date on which the filing is made using eServices.
- (4) A report filer must file using eServices a copy of any report, offering memorandum or consent filed under this section as soon as practical after the unanticipated technical difficulty has been resolved and in any event no later than 3 business days after the filing has been made by email.