

British Columbia Securities Commission

BC Instrument 51-510

Exemption from the requirement to send financial statements and related disclosure to securityholders during a disruption in postal service

The British Columbia Securities Commission, considering that to do so would not be prejudicial to the public interest, orders that effective June 3, 2011, BC Instrument 51-510 entitled “*Exemption from the requirement to send financial statements and related disclosure to securityholders during a disruption in postal service*” is made.

June 3, 2011

Paul C. Bourque, Q.C.
Executive Director

(This part is for administrative purposes only and is not part of the Order)

Authority under which Order is made:

Act and section:- *Securities Act*, section 91

BC Instrument 51-510

Exemption from the requirement to send financial statements and related disclosure to securityholders during a disruption in postal service

Order under section 91 of the Securities Act

Definitions

1. Terms defined in the *Securities Act*, R.S.B.C. 1996, c. 418, as amended (the Act), National Instrument 14-101 *Definitions*, or National Instrument 51-102 *Continuous Disclosure Obligations* (NI 51-102) have the same meaning in this order.

Background

2. Under subsection 4.6(3) of NI 51-102, a reporting issuer (other than an investment fund) must send copies of its annual and interim financial statements to registered holders or beneficial owners of securities who have requested them, within the timelines specified in that section.
3. Under subsection 5.6(1) of NI 51-102, a reporting issuer (other than an investment fund) must send copies of its annual and interim MD&A to registered holders or beneficial owners of its securities who have requested them, within the timelines specified in that section.
4. Reporting issuers generally depend on regular postal service to meet their delivery obligations under section 4.6 and section 5.6 of NI 51-102.
5. There may be a disruption to regular postal service in Canada.
6. The Executive Director considers that in the event of a disruption to regular postal service in Canada, relief from the requirement to send specified disclosure in accordance with section 4.6(3) and section 5.6(1) of NI 51-102 would not be prejudicial to the public interest.

Order

7. The Executive Directors orders, under section 91 of the Act, that a reporting issuer (other than an investment fund) is exempt from the delivery requirements in subsection 4.6(3) and subsection 5.6(1) of NI 51-102 provided that:
 - (a) regular postal service is not available in Canada;
 - (b) the reporting issuer complies with the filing requirements for annual or interim financial statements under Part 4 of NI 51-102 and for annual or interim MD&A in Part 5 of NI 51-102, as applicable;

- (c) the reporting issuer issues and files a news release stating:
- (i) that electronic versions of the annual or interim financial statements and annual or interim MD&A, as applicable, have been filed and are available on the SEDAR website at www.sedar.com,
 - (ii) that the reporting issuer will provide copies of the annual or interim financial statements and annual or interim MD&A, as applicable, to each securityholder who requests them, and
 - (iii) where a securityholder can direct a request under paragraph (ii); and
- (d) the reporting issuer complies with its delivery obligations under section 4.6 and section 5.6 of NI 51-102 as soon as practicable, and in any event within ten days of the date on which regular postal service resumes, except in respect of a particular securityholder, to the extent that the reporting issuer has delivered disclosure to that securityholder by other means.