

BRITISH COLUMBIA SECURITIES COMMISSION
Securities Act, RSBC 1996, c. 418

Citation: Re Dhillon, 2026 BCSECCOM 349

Date: 20261014

Avtar Singh Dhillon

Panel	Gordon Johnson Noordin Nanji, KC	Vice Chair Commissioner
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Submissions completed September 17, 2026

Ruling date October 14, 2026

Parties

Avtar Singh Dhillon	For himself
Zaid Sayeed	For the Executive Director

Ruling and Reasons for Ruling

I. Introduction

- [1] On June 24, 2026, the executive director of the Commission filed an application (Application) under sections 161(6)(a) and 161(1) of the *Securities Act*, 1996, c. 418 (Act) seeking orders against Avtar Singh Dhillon (Dhillon).
- [2] BC Policy 15-601 – *Hearings* (Hearings Policy) provides that while many applications under section 161(6) of the Act proceed in writing, the Commission may proceed with an oral hearing at the request of the parties.
- [3] In written submissions dated August 24, 2026 and in an email dated September 4, 2026, Dhillon made a conditional request for an oral hearing of the Application.
- [4] By email from counsel dated September 17, 2026, the executive director did not oppose Dhillon’s request for an oral hearing but took the position that Dhillon has had an opportunity to be heard and that none of the issues raised by Dhillon require an oral hearing.
- [5] We dismiss Dhillon’s request for an oral hearing. Our reasons for doing so are set out below.

II. Background: extension of time for written materials and request for oral hearing

- [6] The Application stated that Dhillon could deliver a response in writing, together with any supporting materials including any evidence that Dhillon intended to rely on, by July 30, 2026.
- [7] The Application also advised Dhillon that this hearing would be done in writing, but that he could make a request to the Commission for an oral hearing.
- [8] On July 14, 2026, Dhillon sent an email to counsel for the executive director and to the Commission hearing office, requesting an extension to file his response materials to November 30, 2026.
- [9] Dhillon set out four “practical reasons” for his extension request:

- a) the Application arrived by mail on or about July 6, 2026 and he did not get to it until several days later,
- b) Dhillon is self-represented and would take steps to obtain legal advice in British Columbia,
- c) Dhillon is subject to concurrent legal proceedings in the United States, with court-imposed deadlines in late July and continuing through the autumn, and
- d) Dhillon's response would include a sworn affidavit that he wanted to prepare carefully and accurately.

[10] On July 20, 2026, the panel chair directed that the executive director provide his response to Dhillon's extension request no later than July 23, 2026 and that Dhillon could provide a reply, if any, no later than July 27, 2026.

[11] On July 23, 2026, the executive director provided his response, agreeing that a reasonable extension of time would not prejudice the executive director or the public interest, but submitting that a four-month extension would be unreasonably long.

[12] Instead, the executive director submitted that six weeks from the July 14, 2026 date of Dhillon's extension request was reasonable. The executive director consented to an extension to August 25, 2026 for Dhillon to file written response materials.

[13] Dhillon did not provide any reply, and on July 29, 2026, the panel directed that:

- a) Dhillon provide his response to the Application, including written submissions and any supporting materials, no later than August 25, 2026,
- b) the executive director provide materials in reply, if any, no later than September 1, 2026, and
- c) any party seeking an oral hearing file a written request with the hearing office, including the reasons for the request, no later than September 4, 2026.

[14] On August 25, 2026, Dhillon filed materials in response to the Application, including an affidavit, written submissions and a proposed form of consent order.

[15] At paragraph 14 of his written submissions and referring to his proposed form of consent order, Dhillon stated:

I respectfully ask the Panel to make the orders in that form; everything needed is in this record, sworn and exhibited. I am content for the application to be decided in writing. If the Panel is not prepared to grant the relief sought on this record, I request an oral hearing before any broader orders are made.

[16] By email dated September 4, 2026, Dhillon again requested an oral hearing. In that email, Dhillon stated:

I remain content for the panel to decide the application in writing if it is prepared to grant the relief sought on the existing record. This request is made so that I am heard before any broader orders are made.

[17] Dhillon gave several reasons for his request for an oral hearing, which included:

- a) the executive director's position on language proposed by Dhillon to modify the specific orders sought by the executive director, commonly called "carve-outs",
- b) an opportunity to "clarify the record" with respect to any required resignations from existing roles as a director or officer, given that he holds no such position, and
- c) an opportunity to particularize reasons for Dhillon's proposed carve-outs to the specific orders sought by the executive director.

[18] In response to Dhillon's request, the executive director gave his position that:

- a) none of the issues Dhillon raised require an oral hearing,
- b) Dhillon is not entitled to an oral hearing as of right and was afforded an opportunity to be heard under section 161(6), and
- c) "...in the interest of moving this matter forward," the executive director does not oppose an oral hearing, provided it can be held within a reasonable time.

[19] On the language of carve-outs, the executive director submits that Dhillon has made submissions on the nature of the carve-outs and his reason for requesting them. In the executive director's view, Dhillon is now seeking a right of sur-reply on the issue, and sur-reply does not require an oral hearing.

[20] On the issue of resigning as a director and officer, the executive director submits that Dhillon's position makes the issue moot. That is, if Dhillon "...is not currently a director or officer of any issuer and has no position to keep, then a resignation clause will not affect him."

III. Discussion

[21] The Commission's Hearing Policy makes clear that:

- a) many applications under section 161(6) of the Act proceed in writing, and
- b) a party must specifically request an oral hearing if that party wishes one.

[22] Absent a hearing panel directing an oral hearing on its own motion, applications under section 161(6) will proceed in writing unless a party requests an oral hearing and the hearing panel grants that request.

[23] Dhillon has requested an oral hearing.

[24] In deciding whether to grant that request, we are guided by sections 1.2 and 2.1 of the Hearing Policy. Those sections state:

1.2 General Principles

The Commission holds administrative hearings, which are less formal than the courts.

The Commission's goal is to conduct its proceedings fairly, flexibly and efficiently.

The procedures set out in this Policy are in furtherance of this goal and the provisions of this policy are to be interpreted in light of this goal. **Where the circumstances require a variation of the procedures set out in this policy in order to achieve this goal, the Commission may do so.** [emphasis in original]

2.1 Procedures

The Act and Regulation prescribe very few procedures the Commission must follow in hearings. Consequently, the Commission is the master of its own procedures, and can do what is required to ensure a proceeding is fair, flexible and efficient. In deciding procedural matters, the Commission considers the rules of natural justice set by the courts and the public interest in having matters heard fully and fairly, and decided promptly.

- [25] In *Re Zhang*, 2023 BCSECCOM 315 [*Zhang*], the Commission considered procedural fairness and procedural flexibility in deciding that a section 161 hearing initiated by a notice of hearing would proceed in writing.
- [26] At paragraph 7 of *Zhang*, the Commission wrote:
- This ability to be flexible accords with the principles set out by the Supreme Court of Canada in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817. In particular, the Supreme Court held that the duty of procedural fairness is flexible and variable, and that the participatory rights of an individual must both be appropriate in the context of the decision being made while at the same time ensuring that the person affected has the opportunity to put forward their evidence and argument fully so they can be considered by the decision maker.
- [27] We have concluded that an oral hearing is not necessary to provide Dhillon the opportunity to put forward his evidence and argument fully so that they can be considered by this hearing panel.
- [28] Dhillon has been provided an opportunity, including a six-week extension, to provide written materials for our consideration. Dhillon has done so, providing both evidence and detailed submissions about that evidence and the law.
- [29] If we concluded that Dhillon could make his submissions more effectively within an oral hearing or that there would be some benefit to his appearing before us in person, we would give weight to those considerations.
- [30] That is not the basis of Dhillon's request. Instead, Dhillon has filed detailed materials and advised that he is content for this hearing to proceed in writing, so long as this hearing panel makes its order in the form of consent order that Dhillon himself has provided.
- [31] In effect, Dhillon takes the position that a hearing in writing is sufficient unless we disagree with his position on the orders the Commission should make, in which case an oral hearing is necessary.
- [32] The Commission quite liberally grants requests for oral hearings, especially requests from self-represented respondents. In this matter, however, we cannot think of anything that would affect our decision making except perhaps new evidence, and Dhillon has had ample time, including

an extension, to allow him to file the detailed evidentiary materials and written submissions that he has.

- [33] Were we to permit Dhillon to provide additional evidence or even further submissions, we would then have to ensure procedural fairness to the executive director as well. Achieving fairness might involve giving the executive director an opportunity, and time, to respond to anything new provided by Dhillon. That creates a risk that this process could extend for an unreasonable period of time.
- [34] We have reviewed the evidence and the submissions of the parties and have concluded that an oral hearing is not necessary for us to decide the Application.
- [35] In our view, this hearing process has been fair to all parties and consistent with the principles and procedures from the Hearings Policy set out in detail above.

IV. Ruling

- [36] Dhillon's request for an oral hearing is dismissed.
- [37] We will issue our decision on the Application separately.

October 14, 2026

For the Commission

Gordon Johnson
Vice Chair

Noordin Nanji, KC
Commissioner