

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

Citation: Re Dhala, 2025 BCSECCOM 149

Date: 20250407

**Hussain Dhala**

<b>Panel</b>	Gordon Johnson Deborah Armour, KC Karen Keilty	Vice Chair Commissioner Commissioner
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**Decision date** April 7, 2025

**Parties**

Karin Blok Steve Zolnay	For the Executive Director
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Hussain Dhala	For himself
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**Decision**

**I. Introduction**

- [1] On November 7, 2023, Hussain Dhala (Dhala) applied to the Commission under section 171 of the *Securities Act*, RSBC 1996, c. 418 (Review Application), for an order varying or revoking the Commission's 2015 decision *Re Dhala*, 2015 BCSECCOM 336 (2015 Decision).
- [2] On March 3, 2025, this panel made a procedural order, *Re Dhala*, 2025 BCSECCOM 89 (Procedural Order), that gave Dhala 30 days to apply for leave to proceed with his Review Application.
- [3] Dhala has not responded since the issuance of the Procedural Order.

**II. Background**

- [4] On December 8, 2023, a hearing management meeting occurred where the parties agreed to the following schedule:

***Schedule for delivery of evidence***

- a) Dhala to deliver his written evidence in support of his application by January 2, 2024;
- b) The executive director to deliver his written response to that evidence, if any, by January 12, 2024;
- c) Dhala to deliver any reply evidence, if any, by January 26, 2024;
- d) Dhala and the executive director both agreed that, after receiving the other's evidence, they would promptly determine whether to seek to apply for cross-examination of a witness.

***Schedule for delivery of written submissions***

- a) Dhala to deliver his submissions by February 9, 2024;

- b) The executive director to deliver his response submissions by February 20, 2024;
  - c) Dhala to deliver any reply submissions by February 27, 2024.
- [5] Dhala and the executive director delivered their evidence in accordance with the schedule and, on January 26, 2024, Dhala applied to cross-examine a Commission Investigator (Cross-examination Application).
- [6] On February 5, 2024, the executive director provided his response to the Cross-examination Application.
- [7] On February 6, 2024, we adjourned the previously set schedule for delivery of written submissions on the Review Application and directed Dhala to provide his reply on the Cross-examination Application by February 13, 2024. The date for Dhala's reply was later extended to February 20, 2024. Dhala provided his reply on February 20, 2024.
- [8] Oral submissions on the Cross-examination Application were set for a half-day hearing on April 24, 2024.
- [9] On April 23, 2024, the executive director provided Dhala with a copy of a transcript of an interview of a witness from June 24, 2014, that had not been previously disclosed to Dhala. Dhala requested the hearing of the Cross-examination Application be adjourned. We granted the adjournment and a hearing management meeting was set for May 31, 2024.
- [10] At the May 31, 2024, hearing management meeting, the Cross-examination Application hearing was rescheduled for July 16, 2024.
- [11] The Cross-Examination Application was heard on July 16, 2024. On August 29, 2024, we dismissed the application in *Re Dhala*, 2024 BCSECCOM 379.
- [12] On September 3, 2024, the following schedule for submissions on the Review Application was set:
- a) Dhala to deliver his submissions by September 27, 2024;
  - b) The executive director to deliver his response submissions by October 8, 2024;
  - c) Dhala to deliver any reply submissions by October 15, 2024.
- [13] On September 16, 2024, Dhala requested the schedule be revised. On September 24, 2024, a revised schedule was set as follows:
- a) Dhala to deliver his submissions by November 1, 2024;
  - b) The executive director to deliver his response submissions by November 27, 2024;
  - c) Dhala to deliver any reply submissions by December 6, 2024.
- [14] Dhala did not deliver any submissions for the Review Application.

[15] On March 3, 2025, we issued a procedural order, *Re Dhala*, 2025 BCSECCOM 89 (Procedural Order), that stated that, if Dhala wished to proceed with the Review Application, then he must apply within 30 days of the Procedural Order with:

- a) an explanation as to why he missed the November 1, 2024, deadline;
- b) an explanation as to why he did not communicate with the hearing office after missing his deadline; and
- c) the date he proposes to provide his submissions.

[16] The Procedural Order stated that, if Dhala did not communicate with the Hearing Office during that 30 day period then, when it expired, “we will consider the Review Application abandoned and will direct that it be struck.”

### **III. Analysis**

[17] BC Policy 15-601 *Hearings*, section 9.10 Post Hearing Applications – applications to vary and appeals of decisions, applies to section 171 hearings. It states:

**(d) Timing** If a party fails to diligently pursue their application under section 171 of the Act, or fails to file materials required by the Commission to hear the matter, the Commission may determine the matter has been abandoned and direct the Commission Hearing Office to strike it from the hearing schedule.

[18] 15-601, section 2.1 Procedures, states:

**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.

[19] It is in the public interest to have matters heard in an efficient manner and decided promptly. The rules of natural justice require that we provide Dhala with a reasonable opportunity to be heard, a fair hearing free from bias, and adequate notice of any material changes to his Review Application.

[20] As noted in our Procedural Order, it has been over a year since Dhala submitted the last of the evidence that he wished to rely on in his Review Application. He has not communicated with the Hearing Office since September 2024. Despite that lack of communication, we issued the Procedural Order that would have allowed Dhala to seek leave to proceed with his Review Application. He did not respond. We find that Dhala has stopped participating in the proceeding he initiated and that it is within our power to strike this matter.

### **IV. Conclusion**

[21] Dhala failed to provide submissions for the Review Application that he initiated despite being provided extra time to do so.

[22] Dhala failed to respond to the Procedural Order that gave him additional time to seek leave to proceed with his Review Application. As a result of Dhala’s lack of communication, we find that he has abandoned his Review Application.

**V. Orders**

- [23] Considering it to be in the public interest, and pursuant to 15-601, section 9.10(d), we order that the Review Application is dismissed as abandoned and direct that the Hearing Office strike it from the hearing schedule.

April 7, 2025

**For the Commission**

Gordon Johnson  
Vice Chair

Deborah Armour, KC  
Commissioner

Karen Keilty  
Commissioner