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

Citation: Re Meikle, 2025 BCSECCOM 416 Date: 20250919

William Brent Meikle and Hit TV Brands Inc.

Panel	James Kershaw	Commissioner
	Gordon Johnson	Vice Chair
	Karen Keilty	Commissioner
Submissions completed	May 15, 2025	
Ruling date	May 21, 2025	
Date of Reasons	September 19, 2025	

Parties

Matthew Smith Elizabeth Allan Steve Zolnay	For the Executive Director
William Brent Meikle	For himself and for Hit TV Brands Inc.

Reasons for Ruling

I. Introduction

[1] These are the reasons for our ruling on the adjournment application of the respondents, William Brent Meikle and Hit TV Brands Inc. (Applicants) to adjourn the liability hearing that was scheduled to commence on June 3, 2025.

II. Background

[2] On May 28, 2024, the Commission set the hearing in this matter for March 31, April 1, 2, 4, 7, 8, 9, 10, 11 and 14, 2025 (Hearing Dates).

[3] On November 22, 2024, counsel for the executive director applied to the Commission to adjourn the Hearing Dates. Counsel for the Applicants consented to the application.

[4] On November 27, 2024, the Commission adjourned the Hearing Dates to June 3, 4, 6, 16, 17, 19, 20, 23, 24, 25 and 27, 2025 (June Hearing Dates). A hearing notice was issued, 2024 BCSECCOM 487.

[5] On May 9, 2025, counsel for the Applicants wrote to the Commission advising that he was withdrawing as counsel for the Applicants and confirmed that he had delivered to the Applicants all disclosure and other important documents received from the executive director to that point and also reminded the Applicants of their agreed upon disclosure obligations including the dates for such disclosure.

[6] On May 15, 2025, the Applicants applied to adjourn the June Hearing Dates. Counsel for the executive director did not oppose that application.

[7] On May 21, 2025, the panel granted the adjournment and directed the parties to attend a hearing management meeting on June 16, 2025 for the purpose of setting down new hearing dates. The Commission set the hearing in this matter for November 3, 4, 7, 10, 12, 13, 14, 17, 19, 20 and 21, 2025 (November Hearing Dates).

[8] These are our reasons for our order.

III. Applicable law

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

[10] The Commission controls its own procedures as set out in section 2.1 of BC Policy 15-601 *Hearings:*

> 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.

[11] Accordingly, the Commission is authorized to adjourn hearings and to set terms and conditions on adjournments, as the Commission sees fit. The exercise of this authority is discretionary.

[12] BC Policy 15-601 states:

> **3.4 Preliminary Applications**
> *(c) Adjournment Applications* – The Commission expects parties to meet scheduled hearing dates. If a party applies for an adjournment, the Commission considers the circumstances, the timing of the application in relation to any hearing date, the fairness to all parties and the public interest in having matters heard and decided efficiently and promptly. The Commission will generally only grant adjournments if a panel is satisfied based on the evidence filed by the applicant that there are compelling circumstances. Where an adjournment application is based on a party's health, the Commission usually requires sufficient evidence from a medical professional.
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> Where the Commission has previously set dates for a hearing, and a party retains new counsel, the Commission expects the new counsel to be available for those dates.

[13] As the Commission commented in *Re BridgeMark,* 2023 BCSECCOM 553, at para. 30, the right of a respondent to retain counsel in a proceeding before the Commission is not absolute; what is absolute, however, is the right to a fair hearing. See: *Mervilus v. Canada (Citizenship and Immigration)*, 2004 FC 1206, at para 25, describing the factors to be applied to an adjournment request based on a need to retain counsel:

> [25] The following principles can therefore be drawn from the case law: although the right to counsel is not absolute in an administrative proceeding, refusing an individual the possibility to retain counsel by not allowing a postponement is reviewable if the following factors are in play: the case is complex, the consequences of the decision are serious, the individual does not have the resources - whether in terms of intellect or legal knowledge - to properly represent his interests.

[14] No counsel can insist on an adjournment to suit his or her convenience. Equally, no party can insist on an adjournment to obtain his or her counsel of choice. See *Re Bezzaz Holding Group Ltd*., 2019

BCSECCOM 415 (at paras. 21-34) where the panel dismissed an application to adjourn to retain counsel, where the applicant did not provide evidence:

- to explain why counsel had not been retained to date
- that the applicant would actually retain the counsel sought

[15] The public's interest in the timely disposition of Commission hearings is as important a consideration as the interests of the parties in determining whether to refuse or grant an adjournment. See *Re Nickford*, 2016 BCSECCOM 282, 2016 BCSECCOM 326.

[16] At paragraphs 31 to 34 of the *BridgeMark* ruling cited above, the Commission stated:

> [31] On the issue of procedural fairness in the context of an application to adjourn an administrative hearing in order to retain counsel, the Saskatchewan Court of Appeal in *Markwart v. Prince Albert City*, 2006 SKCA 122, at paragraph 33, quoted the following passage from *Judicial Review of Administrative Action in Canada*, Donald J.M. Brown and John M. Evans, *Judicial Review of Administrative Action in Canada*, looseleaf (Toronto: Canvasback Publishing, 1995) at pp.9-108 &109:
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> > … [w]hile a decision to grant or refuse an adjournment may be said to be a matter of discretion, the tribunal's decision cannot be contrary to procedural fairness. Thus, the basic question is whether an adjournment was required in order to ensure that the individual concerned had a reasonable opportunity in all the circumstances to present proofs and arguments to the decision-maker, and to answer the opposing case. *[footnote omitted]* As well, it may be relevant to consider the seriousness of the injury likely to be sustained by the applicant as a result of an erroneous or adverse determination of the dispute. For example, a request for an adjournment in proceedings that may result in the deprivation of a right protected by the Charter must be considered especially carefully.
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> [32] Although not quoted by the Court, that passage continues as follows:
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> > […]
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> > In addition, the “cost” of the adjournment, that is, the extent to which the resulting delay will cause prejudice to other parties to the hearing, and possibly the public interest in expeditious decision-making, must be balanced against any such “fairness” considerations. For example, a request for an adjournment will not lightly be granted at the request of one participant in a multi-party proceeding, when all others are present with their lawyers and witnesses, and are ready to start. Nor will an adjournment necessarily be granted to await a hearing of related cases by the Supreme Court of Canada. *[footnote omitted]* As well, whether the party requesting the adjournment was at fault in causing the situation that led to the request *[footnote omitted]* will of course be taken into account as an element of the public cost of adjourning the proceeding.
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> [33] There is a significant public interest in having proceedings heard and concluded promptly. Investor confidence in the integrity of the capital markets and the Commission’s ability to protect the public diminishes as serious allegations continue to be unheard. See *Re Nickford*, 2016 BCSECCOM 282, at para 16.

> [34] Another important public interest factor is the need for an administrative body, including this Commission, to operate efficiently. As the Commission stated in *Re Zhang*, 2023 BCSECCOM 192, at para 47:
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> > … It is not efficient for us as a tribunal to repeatedly set aside time and resources only to adjourn. Also, the resource cost to the enforcement division is even larger because that group invests significant resources into preparation as each hearing date approaches. Even more importantly, there are a number of witnesses who have repeatedly set aside time in their schedules to attend hearings which did not proceed and permitting another adjournment will repeat that cost on individuals who have suffered their own level of stress and given up time in relation to this proceeding. We consider all those interests to be important. …

IV. Analysis

[17] We agree with the reasoning from the earlier *BridgeMark* ruling that there can be no debate that the Applicants are entitled to a fair hearing, that their right to retain legal counsel is not absolute, and that it is in the public interest to hold and complete hearings promptly. Provided adequate notice has been given, as a general proposition, the panel is properly entitled to insist that the hearing proceed on schedule. Parties and lawyers involved in litigation cannot automatically expect a court or tribunal to adjourn a case because of "inconvenience" or because a lawyer has a conflicting commitment in another matter. The public expects cases to be tried reasonably promptly, and our decision-making bodies have recognized that they cannot achieve that objective if adjournments are granted solely on the basis of convenience.

[18] As the *BridgeMark* panel noted at paragraph 36 of that earlier ruling, our task rests in weighing and balancing all the relevant and sometimes competing factors in the circumstances before us to determine whether or not it is in the public interest to grant the adjournment and if so, on what terms and conditions.

[19] Loss of counsel as a hearing approaches can happen for a number of reasons. Applicants are not obligated to disclose reasons as that information is generally protected by privilege. Where there is something unusual going on, for example, counsel getting appointed to the bench or getting sick or retiring, we would expect to be advised of that.

[20] The Applicants have shared that, as of June 2025, they had invested over 100 hours reviewing and preparing for this hearing.

[21] As noted, the executive director has not opposed this adjournment application. The procedural history also reflects the fact that the executive director earlier sought and obtained an adjournment with the consent of the Applicants and this adjournment application is the first sought by the Applicants.

[22] To be clear, it could be appropriate to refuse an adjournment application where the only material basis for that application is that counsel has withdrawn. Changing counsel does not entitle a respondent to an adjournment as it is the expectation of this Commission that counsel, when retained, implicitly agree to honour the dates previously set down for a hearing, to participate in the pre-hearing disclosure process and appear ready and able to proceed on the first day of the scheduled hearing.

[23] This case is different. We highlight here the factors which favoured the granting of an adjournment:

a) The allegations are complex, many documents are involved, the hearing is scheduled for 11 days and it will be more difficult, but not impossible or unfair, for a lay respondent to represent himself at this hearing without a lawyer.

b) These proceedings can result in significant consequences for the Applicants.

c) This is the Applicants' first request for an adjournment. They have stated their intention to take immediate steps to retain and instruct new counsel who are available for the November Hearing Dates and, if ultimately unsuccessful in that regard, the Applicants have committed, to avoid disruptions to the other parties and to the tribunal's operational efficiency, that they will be ready to proceed as self-represented respondents at the commencement of the hearing as scheduled.

d) The executive director does not oppose the adjournment.

e) The executive director's witnesses have all been granted the right to appear remotely.

f) Having all parties represented by experienced counsel in this hearing will likely facilitate a more efficient hearing.

g) A hearing management meeting was scheduled promptly following the adjournment and the new dates for the hearing were set down this calendar year.

[24] Weighing the competing interests of procedural fairness and efficiency, and the public interest in proceeding expeditiously with the hearing of this matter, we concluded that it was in the public interest to grant a relatively short adjournment to allow time for the Applicants to retain counsel and for such counsel to prepare for the November Hearing Dates. As noted, irrespective of such retention, this hearing will proceed on the November Hearing Dates with the Applicants having committed to participate as self-represented respondents if unable to retain counsel.

September 19, 2025

For the Commission

James Kershaw
Commissioner

Gordon Johnson
Vice Chair

Karen Keilty
Commissioner