

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

Citation: Multi-Metal, 2024 BCSECCOM 473

Date: 20241106

**Multi-Metal Development Ltd., formerly American CuMo Mining Corporation and  
Shaun Methven Dykes**

<b>Panel</b>	Marion Shaw	Commissioner
	Judith Downes	Commissioner
	Warren Funt	Commissioner

**Submissions completed**     September 26, 2024

**Ruling date**                     October 1, 2024

**Counsel**

Amir Ghorbani                     For the Executive Director

Patricia Taylor                     For Shaun Methven Dykes

**Reasons for Ruling**

**I.        Introduction**

- [1] On October 1, 2024, the panel granted the September 6, 2024 application made by Shaun Methven Dykes (Dykes) to adjourn generally the liability hearing in this matter, which was initially scheduled to commence on November 18, 2024. These are our reasons.

**II.       Background**

- [2] On February 28, 2024, the executive director issued a Notice of Hearing (2024 BCSECCOM 76) against Multi-Metal Development Ltd., formerly American CuMo Mining Corporation (Multi-Metal) and Dykes.
- [3] The executive director alleged that Multi-Metal contravened section 168.1(1)(b) of the Securities Act by filing a false or misleading technical report with the Commission, and further contravened sections of National Instruments 43-101 *Standards of Disclosure for Mining Projects* and 51-102 *Continuous Disclosure Obligations*.
- [4] The executive director alleged that Multi-Metal's contraventions are also attributable to Dykes by operation of section 168.2 of the Act.
- [5] On September 6, 2024, Dykes made an application to adjourn the hearing that was scheduled to commence on November 18, 2024 based on a recent diagnosis of a serious medical condition.
- [6] On September 11, 2024, counsel for the executive director opposed the adjournment application. The application proceeded in writing.
- [7] On September 18, 2024, counsel for Dykes provided additional material in support of the adjournment application.

- [8] On September 25, 2024, the executive director provided written submissions objecting to the adjournment application, arguing that Dykes had not provided any:
- a) evidence of his medical condition,
  - b) evidence of how his illness affects his ability to participate in the hearing, or
  - c) reason why he could not participate in the hearing with appropriate accommodations.
- [9] On September 26, 2024, counsel for Dykes provided the Hearing Office documentary evidence that Dykes:
- a) was receiving treatment for a serious illness and was at risk for potentially life-threatening infection,
  - b) had a significant home medication list, and
  - c) had a list of five pending appointments with different medical specialists.
- [10] Upon receipt of the further records from Dykes on September 26, 2024, the executive director maintained his objection to the application, arguing that the documentation relied on does not state that Dykes is unable to participate in a hearing and does not indicate that an adjournment or delay would lead to an improvement in Dykes's condition.
- [11] The executive director submitted that he was open to accommodations to allow Dykes to participate in the hearing.
- [12] On September 26, 2024, in response to the executive director's objections, Dykes advised that he was seeking medical reports but did not know when they would arrive. He further submitted that the difference between receiving hospital treatment versus receiving outpatient treatment was not determinative of his ability to properly defend the allegations in a hearing.
- [13] Subsequent to the Ruling on this application, Dykes provided the Hearing Office with correspondence from his specialist that he had recently been diagnosed with a serious illness, was receiving treatment under his doctor's care, and could not attend the hearing due to his current condition.

### **III. Analysis and Ruling**

- [14] The Commission Hearing Policy BC Policy 15-601 addresses both the objective of hearing of matters before it promptly, as well as requests for adjournments, as follows:

**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.

[...]

**3.4(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.

- [15] We agree with the executive director that applications for adjournments based on underlying medical conditions will usually require proper documentary evidence to allow the panel to consider when and to what extent a party can participate in a hearing, and what accommodations can properly be made (see *Re Mohamed*, 2024 BCSECCOM 369 at paras. 41-43).
- [16] We also agree with the executive director that the submissions from Dykes could have had more detail and could have addressed potential accommodations in the hearing process.
- [17] However, the undisputed evidence before us is that the applicant has been recently diagnosed with a significant and serious illness that requires immediate treatment. Given the recency of the diagnosis and the medical treatment regime currently underway, we have no difficulty finding that Dykes's current circumstances will cause him significant difficulty in properly preparing for and effectively participating in a hearing scheduled to commence on November 18, 2024.
- [18] Accordingly, we adjourned the hearing generally and directed the parties to attend a hearing management meeting on November 1, 2024. It is appropriate at that time to discuss scheduling, as well as potential accommodations to allow the matter to proceed as expeditiously as is possible in the circumstances.
- [19] Finally, given the nature of the evidence relied on by Dykes for the purposes of the adjournment application, we order under section 19(2) of the *Securities Regulations*, BC REG. 196/97 that those exhibits be sealed from the public.

November 6, 2024

**For the Commission**

Marion Shaw  
Commissioner

Judith Downes  
Commissioner

Warren Funt  
Commissioner