

IN THE MATTER OF
THE BRITISH COLUMBIA SECURITIES COMMISSION

- AND -

THALBINDER SINGH POONIAN, SHAILU SHARON POONIAN,
ROBERT JOSEPH LEYK, MANJIT SINGH SIHOTA, and
PERMINDER SIHOTA

Section 161 of the *Securities Act*, RSBC 1996, c. 418 and amendments thereto

NOTICE OF APPLICATION

Names of applicants: Thalbinder Singh Poonian and Shailu Sharon Poonian

To: The Executive Director of the British Columbia Securities Commission
("Executive Director")
Attention: Len Doust, QC

And to: Manjit Singh Sihota and Perminder Sihota
Attention: Sean K. Boyle

TAKE NOTICE that an application will be made by the Applicants to the British Columbia Securities Commission ("Commission") at 701 West Georgia Street, Vancouver, BC on October 30, 2013 for the order set out in part 1 below.

Part 1: ORDER SOUGHT

1. An order permanently staying the proceedings against Thalbinder Singh Poonian and Shailu Sharon Poonian commenced pursuant to a Notice of Hearing issued by the Executive Director on August 2, 2012.

Part 2: GROUNDS FOR ORDER SOUGHT

1. Representatives of the Executive Director (acting within their prosecutorial or enforcement mandate) have engaged in *ex parte* communications with representatives of the Commission acting within the adjudicative mandate of the Commission.

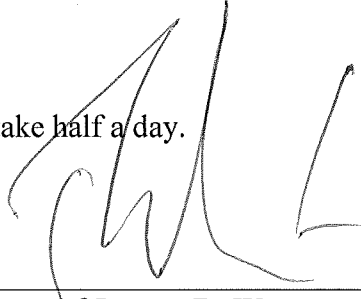
2. From the information which the Applicants have been able to piece together, the *ex parte* communications commenced prior to March 27, 2013 and may have continued up to July 12, 2013. The communications appear to have involved a number of individuals.
3. Objectively viewed, the *ex parte* communication can be interpreted as an attempt by the Executive Director to gain an advantage in this proceeding.
4. The *ex parte* communications give rise to a reasonable inference that the hearing panel may have been influenced either directly or indirectly.
5. The Executive Director has failed to acknowledge or deny the existence of other *ex parte* communications with representatives of the Commission (acting within their adjudicative mandate) or adduce any evidence regarding the *ex parte* communication or any other communication.
6. As a result, the proceeding is irreparably tainted such that a permanent stay of proceedings ought to be granted.
7. The *ex parte* communications and the lack of transparency in respect to those communications have served to deny the Applicants the requisite procedural fairness and natural justice and gives rise to a reasonable apprehension of bias. The integrity of the commission process is fundamentally undermined by such conduct.

Part 3: MATERIAL TO BE RELIED ON

1. Affidavit #1 of April Kapchinsky, made on 13/August/2013
2. Affidavit #1 of Manjit Sihota, made on 13/August 2013.

The Applicants estimate that the Application will take half a day.

Date: September 18, 2013



Signature of Jeremy D. West
Counsel for the Applicants