

VANCOUVER

MAR 11 2013

COURT OF APPEAL
REGISTRY

Court of Appeal File No.

CA 040704

COURT OF APPEAL

IN THE MATTER OF THE *SECURITIES ACT*
R.S.B.C. 1996, c. 418

BETWEEN

PERMINDER SIHOTA

APPELLANT

AND

BRITISH COLUMBIA SECURITIES COMMISSION and
THE EXECUTIVE DIRECTOR OF THE BRITISH COLUMBIA SECURITIES
COMMISSION

RESPONDENTS

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

TAKE NOTICE that Perminder Sihota, hereby applies for leave to appeal to the Court of Appeal for British Columbia from the order of a hearing panel of the British Columbia Securities Commission pronounced on the 8th day of February, 2013 at Vancouver, British Columbia.

1. The appeal is from a:

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Trial Judgment

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Summary Trial Judgment

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Order of a Statutory Body

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Chambers Judgment

2. If the appeal is from an appeal under Rule 18-3 or 23-6 (8) of the *Supreme Court Civil Rules* or Rule 18-3 or 22-7 (8) of the *Supreme Court Family Rules*, name the maker of the original decision, direction or order: N/A

3. Please identify which of the following is involved in the appeal:

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Constitutional/
Administrative

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Civil Procedure

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Commercial

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Family

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Motor Vehicle
Accidents

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Municipal Law

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Real Property

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Torts

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Equity

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Wills and Estates

AND FURTHER TAKE NOTICE that the Court of Appeal will be moved at the hearing of this application for an Order that:

1. leave to appeal be granted; and
2. if leave to appeal is granted:
 1. an order that the order of the British Columbia Securities Commission ("Commission") pronounced the 8th day of February, 2013 be set aside; and
 2. an order that Perminder Sihota be granted her costs of the appeal.

The grounds of appeal are:

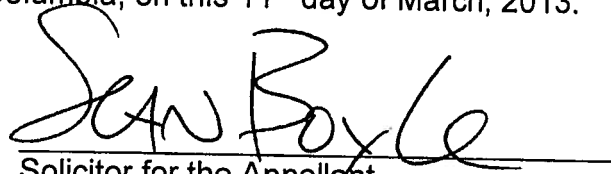
1. the Commission erred in law and exceeded its jurisdiction, or in the alternative, acted unreasonably, by making a temporary order pursuant to section 161(3) of the *Securities Act*, R.S.B.C. 1996, c. 418 against

Perminder Sihota absent sufficient or any evidence that it was (a) necessary, and (b) in the public interest to do so;

2. the Commission erred in law and exceeded its jurisdiction, or in the alternative, acted unreasonably, by exercising its statutory discretion to make the temporary order against Ms. Sihota for punitive reasons, contrary to the Commission's statutory mandate;
3. the Commission erred in principle by concluding that extending the temporary order against Ms. Sihota was (a) necessary, and (b) in the public interest; and
4. such further grounds as counsel may advise and this Honourable Court may permit.

The hearing of this proceeding occupied 1 day.

DATED at Vancouver, British Columbia, on this 11th day of March, 2013.


Solicitor for the Appellant

To the Respondent: British Columbia Securities Commission

And to: The Executive Director of the British Columbia Securities Commission

And to Its Solicitors: Paige Leggat

This NOTICE OF APPLICATION FOR LEAVE TO APPEAL is given by Sean K. Boyle, of the firm BLAKE, CASSELS & GRAYDON LLP, Solicitors for the Appellant, whose address for service is Suite 2600, Three Bentall Centre, 595 Burrard Street, P.O. Box 49314, Vancouver, British Columbia, V7X 1L3. Telephone: 604.631.3300. Facsimile: 604.631.3309.

To the Respondent:

IF YOU INTEND TO PARTICIPATE in this proceeding, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Application for Leave to Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE,

- (a) you are deemed to take no position on the application, and
- (b) the parties are not obliged to serve you with any further documents related to the application.

The filing registries for the British Columbia Court of Appeal are as follows:

Central Registry:

B.C. Court of Appeal
Suite 400, 800 Hornby Street
Vancouver, BC V6Z 2C5

Other Registries:

B.C. Court of Appeal
The Law Courts
P.O. Box 9248 STN PROV GOVT
850 Burdett Ave.
Victoria, BC V8W 1B4

B.C. Court of Appeal
223 - 455 Columbia Street
Kamloops, B.C. V2C 6K4

Inquiries should be addressed to (604) 660-2468
Fax filings: (604) 660-1951