



Court of Appeal File No. ~~Case File No.~~ **CA47483**

**COURT OF APPEAL**

BETWEEN:

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

RESPONDENTS

AND:

HUNTER "WEI-SHUN" WANG

APPELLANT

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL**

Take notice that the Appellant, Hunter Wei-shun Wang also known as Hunter Wang, hereby applies for leave to appeal to the British Columbia Court of Appeal the related decisions of the British Columbia Securities Commission pronounced the 9<sup>th</sup> day of December 2020 and the 16<sup>th</sup> day of April 2021, at Vancouver, British Columbia.

1. The appeal is from an:

- Trial Judgment                       Summary Trial Judgment  
 Order of a Statutory Body    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:

- Administrative                       Civil Procedure                       Commercial  
 Family                                       Motor Vehicle Accidents       Municipal Law  
 Real Property                               Torts                                       Equity  
 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. the Appellant is granted leave to appeal the following decisions of the British Columbia Securities Commission:
  - a. the decision pronounced the 9<sup>th</sup> day of December 2020 and reported as *Re Wang*, 2020 BCSECCOM 504 (the "**Liability Decision**") whereby the Hearing Panel found that the Appellant had contravened sections 57.5 of the *Securities Act*, RSBC 1996, c. 418 (the "**Act**"); and
  - b. the decision of the British Columbia Securities Commission pronounced the 16<sup>th</sup>

day of April 2021 and reported as *Re Wang*, 2021 BCSECCOM 153 (the "**Sanctions Decision**") whereby the Hearing Panel:

- i. ordered the Appellant to pay \$30,000 as an administrative penalty under section 162 of the Act; and
- ii. prohibited the Appellant until the later of 2 years from the date of the Commission's decision and the date upon which the Appellant has made the ordered payments to the Commission:
- iii. under section 161(1)(d)(ii), from becoming or acting as a director or officer of any issuer or registrant's
- iv. under section 161(1)(d)(iii), from becoming or acting as a registrant or promoter;
- v. prohibited the Appellant under section 161(1)(d)(iv), from acting in a management or consultative capacity in connection with activities in the securities market; and
- vi. prohibited the Appellant under section 161(1)(d)(v), from engaging in investor relations activities.

(collectively, the "**Sanctions**")

3. In the alternative, the appellant is granted leave to appeal the Sanctions in the Sanctions Decision.
4. Costs of the appeal of the Liability Decision and/or the Sanctions Decision are payable by the Respondents.

The grounds of appeal are:

1. The appellant appeals the Liability Decision on the grounds that:
  - a. the British Columbia Securities Commission made an error in fact and in law in finding that an objectively reasonable person would consider the Appellant's conduct amounted to obstruction of justice under section 57.5 of the Act; and
  - b. Further, or in the alternative, the British Columbia Securities Commission made errors in fact and in law in making findings without having sufficiently reliable evidence before it.
2. The appellant appeals the Sanctions Decision on the grounds that:
  - a. The British Columbia Securities Commission erred in law and in principle and, in the alternative, was clearly wrong, in ordering the Sanctions against the Appellant.
  - b. Further, or in the alternative, the reasons delivered April 16, 2021 are inadequate for the reason that they do not provide a sufficiently discernable basis on which the findings against the Appellant have been made.

The liability portion of the hearing in this proceeding occupied 4 days.

The sanction portion of the hearing in this proceeding occupied 1 day.

Dated at Vancouver, British Columbia, this 15<sup>th</sup> day of May 2021



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Lawyer for the Appellant  
**Lisa D. Ridgedale / Khalil Jessa**

To the respondent: The Executive Director of the British Columbia Securities Commission  
And to its solicitors: Derek Chapman

To the respondent: The British Columbia Securities Commission

This Notice of Leave to Appeal is given by Hakemi & Ridgedale LLP, whose address for service is 502-815 Hornby Street, Vancouver, BC V6Z 2E6 (Attention: Lisa Ridgedale/Khalil Jessa)

To the respondents

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 BC V2C 6K4

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