

IN THE MATTER OF
THE BRITISH COLUMBIA SECURITIES COMMISSION

- AND -

ROBERT JOSEPH LEYK

NOTICE OF APPLICATION

Name of applicant: Robert Leyk

TO: The Executive Director of the British Columbia Securities Commission
("ED") and BC Securities Commission (BCSC)
Via email: Inquiries@bcsc.bc.ca ldoust@mccarthy.ca

And to: Manjit Sihota and Perminder Sihota
Via email: sean.boyle@blakes.com
Via email: Alexandra.luchenko@blakes.com

And to: Thalbinder Poonian and Sharon Poonian Attention
Via email: info@jovennarwal.com
Via email: info@bearcreeklaw.com

And to: BC Court of Appeals Registrar
BC Court of Appeal CA42714 and CA 42715
Via fax: 604-660-1951

TAKE NOTICE that I am making an application to the British Columbia Securities Commission ("Commission") at 701 West Georgia Street, Vancouver, B.C. on a date and time to be determined for the order set out in Part 1 below.

Part 1: ORDER SOUGHT

1. An order permanently cancelling the Liability Decision dated August 29, 2014 and the Sanction Decision dated March 13, 2015 against Robert Leyk.

Part 2: GROUNDS FOR ORDER SOUGHT

1. Representatives of the Executive Director and BCSC acting within their prosecutorial or enforcement mandate engaged in malicious prosecution.

Affidavit # 1 of Robert Leyk, para 13 to 18, (attached)

2. The apparent intention of not providing any notice of the proceedings to Robert Leyk was to provide the Executive Director and BCSC with an advantage in the Hearing processes.

Affidavit #1 of Robert Leyk sworn March 27, 2017, para 22 to 34, (attached)

3. It appears that as a result of not providing any notice of the proceedings to Robert Leyk has influenced the BCSC either directly or indirectly in making penal orders against Robert Leyk.

Affidavit #1 of Robert Leyk sworn March 27, 2017 Para 35,
(attached)

4. The Executive Director and the BCSC had ample opportunity to provide a notice or at least interview Robert Leyk to hear his side of the story.

5. Accordingly, the proceedings has been irreparably tainted such that an order permanently cancelling the Liability Decision dated August 29, 2014 and the Sanction Decision dated March 13, 2015 against Robert Leyk should be immediately done and is the only remedy that is fair.

6. By intentionally not providing Notice of the Proceedings to Robert Leyk by the representatives of the Executive Director and representatives of the Commission, has resulted in lack of transparency in the process, and has denied Robert Leyk the requisite procedural fairness and natural justice.

7. Further, and in the alternative, an informed person, viewing the matter realistically and practically would conclude that intentionally not providing Notice of the Proceedings is unfair, abuse of process and malicious prosecution.

Part 3: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Robert Leyk, made on March 27, 2017.

The applicant awaits further instruction from BCSC on the steps to follow.

Date: March 27, 2017

Signature of

A handwritten signature in blue ink, appearing to read "Robert Leyk". The signature is stylized with a large initial "R" and a long, sweeping underline.

Robert Leyk
Applicant