



PHILIP (PHIL) ANISMAN, B.A., LLB, LLM, JSD

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Toronto, Ontario M5H 2A4**

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September, 2018

PROFESSIONAL HISTORY

Home Address: - **8 Biggar Avenue, Toronto, Ontario M6H 2N4**

Date of Birth: - **September 12, 1941 - Toronto**

Professional
Qualifications: - **Barrister and Solicitor, Ontario, 1970**

Education: - **B.A., University of Toronto, 1964**
- **LL.B., University of Toronto, 1967**
- **LL.M., University of California, Berkeley, 1971**

Walter Perry Johnson Fellowship (1967-1968)

- **J.S.D., University of California, Berkeley, 1974**

Employment:

- **Sole Practitioner, 1987 -**
- **Member (part-time), Ontario Securities Commission, 2016-2018**
- **Special Counsel on Corporation, Securities and Constitutional Law, Goodman and Carr, Toronto, 1985-1987**
- **Professor of Law, Osgoode Hall Law School, York University, 1978-1985**
Courses Taught: Business Associations (1978-1985); Constitutional Law (1979-1985); Securities Regulation (1978-1985); Advanced Securities Regulation (1978-1985); Torts (1978-1980)
- **Visiting Professor, Faculties of Law and Economics, Monash University, Australia, March-June 1983**
- **Consultant, National Companies and Securities Commission, Australia (1983-1986)**
- **Director, Corporate Research Branch, Department of Consumer and Corporate Affairs (Canada), 1973-1978**
- **Research Officer, Law Reform Commission of Canada, 1971-1973**
- **Assistant Professor, Faculty of Law, University of Western Ontario, 1968-1971**
Courses Taught: Administrative Law (1969-1970), Company Law (1968-1971), Advanced Company Law (1969-1971), Constitutional Law (1970-1971), Legal Method (1968-1969), Legislation (1969-1970), Securities Regulation (1968-1971)
- **Research Officer, Securities Task Force (Ottawa), 1966-1967**

Court

Appearances:

- **Has appeared as counsel before securities commissions, all levels of courts in Ontario and the Supreme Court of Canada.**

Adjudication:

- **Public member, Investment Dealers Association of Canada, Ontario District Council (1992-2000) (acted as chairman in disciplinary and approval proceedings)**
- **Member, Ontario Securities Commission, 2016-**

- **SOAR Certificate in Adjudication for Administrative Agencies, Boards & Tribunals, 2017**

Awards:

- **Arbor Award, University of Toronto, 2001**
- **Alumni of Influence Award, University of College, University of Toronto, November 15, 2012**

Publications:

Books

- Takeover Bid Legislation in Canada: A Comparative Analysis (1974 - CCH Canadian Limited) (xxviii + 438)
- A Catalogue of Discretionary Powers in the Revised Statutes of Canada 1970 (Background Study prepared for the Law Reform Commission of Canada - 1975) (vii + 51 (Introduction) + 973 (Tables))
- Proposals for a Securities Market Law for Canada (3 vols. 1979) (with W.M.H. Grover, J.L. Howard and J.P. Williamson, vol 1: Draft Act -xxiv + 129; vol. 2: Commentary - xxi + 398)(edited vol. 3: Background Papers - xvii + 1720)
- The Media, the Courts and the Charter (Carswell 1986) (co-editor, with Allen M. Linden) (xlv + 521)
- Insider Trading Legislation for Australia: An Outline of the Issues and Alternatives (Issues paper for the Australian National Companies and Securities Commission - AGPS 1986) (xi + 157 + 132)
- Insider Trading in Canada: Recommendations and Guidance on Boardroom Practice (Institute of Corporate Directors in Canada: 1988)
- Administrative Law: Issues and Practice (Carswell, 1995) (co-editor with Robert F. Reid) (viii + 327)

Articles

- "Water Pollution Control in Ontario", 5 Ottawa L. Rev. 342-410 (1972)
- "Takeover Bid Legislation in Canada: The Definitions, Exemptions and Substantive Requirements", 11 Western Ontario L. Rev. 1-134 (1972)
- "Insider Trading under the Canada Business Corporations Act", Meredith Memorial Lectures 1975: Canada Business Corporations Act 151-281 (DeBoo 1976)

- “Constitutional Aspects of Federal Securities Legislation”, in 3 Proposals for a Securities Market Law for Canada: Background Papers 135-220 (1979) (with P.W. Hogg)
- “The Proposals for a Securities Market Law for Canada: Purpose and Process”, 19 Osgoode Hall L.J. 329-67 (1981)
- “The Regulation of the Securities Market and the Harmonization of Provincial Laws”, in Royal Commission on the Economic Union and Development Prospects for Canada: Research Studies, vol. 56, Harmonization of Business Law in Canada 77-168 (1986)
- “Application of the Charter: A Structural Approach”, in P. Anisman and A.M. Linden, eds., The Media, the Courts and the Charter 1-33 (1986)
- “Majority - Minority Relations in Canadian Corporation Law: An Overview”, 12 Can. Bus. L.J. 473-93 (1987)
- _____, reprinted 29 Corp. Prac. Comm. 451-72 (1987)
- _____, 13 Canada-U.S. L.J. 85-102 (1988)
- “Offering Corporations' and Corporate Governance: A Proposal to Amend the Ontario Business Corporations Act, 1982”, 15 Can. Bus. L.J. 223-34 (1989)
- “The Commission as Protector of Minority Shareholders,” in L.S.U.C., Special Lectures 1989: Securities Law in the Modern Financial Marketplace 451-95 (1989)
- “An Acceptable Poison Pill Rights Plan?”, 2 Corp. Governance Rev. 2-11 (Allinvest Group Limited, February 1990)
- “Poison Pills and Corporate Governance”, 3 Corp. Governance Rev. 1-8 (Allinvest Group Limited, April 1991)
- “Common Securities Law Issues in Commercial Practice”, in L.S.U.C., C.L.E., Basic Securities A1-A40 (April 7, 1988) (reprinted May 6, 1991)
- “Takeover Bid Issues and Insider Trading Legislation”, in L.S.U.C., C.L.E., Basic Securities F1-F82 (April 7, 1988) (reprinted May 6, 1991)
- “Paying with Soft Dollars: Two Unresolved Issues”, 4 Can. Investment Rev. 89-95 (Fall 1991)

- “Some Thoughts on the Independence of Outside Directors”, 4 Corp. Governance Rev. 2-9 (Allinvest Group Limited, May 1992)
- “Poison Pill Rights Plans: A Checklist of Current Issues”, 6 Corp. Governance Rev. 1-18 (Fairvest Securities Corporation, August-September, 1992) (with Catherine R. McCall)
- “Jurisdiction of Administrative Tribunals to Apply the Canadian Charter of Rights and Freedoms”, in L.S.U.C., Special Lectures 1992: Administrative Law - Principles, Practice and Pluralism 99-130 (1993)
- “Regulation Without Authority: The Ontario Securities Commission”, 7 Can. J. Admin. L. & Prac. 195-299 (1994)
- “Regulatory Governance and the O.S.C.”, 6 Corp. Governance Rev. 7-18 (Fairvest Securities Corporation, February/March, 1994)
- “Legitimizing Lawmaking by the Ontario Securities Commission: Comments on the Final Report of the Ontario Task Force on Securities Regulation”, in Securities Regulation: The Expanding Frontier 1-77 (1995)
- “Authorizing Regulation: The Securities Amendment Act, 1994”, in P. Anisman and R.F. Reid, eds. Administrative Law: Issues and Practice 49-84 (1995)
- “Poison Pill Rights Plans: The New Generation”, 7 Corp. Governance Rev. 2-7 (Fairvest Securities Corporation, October - November 1995)
- “Statement of Philip Anisman”, in TSE Committee on Corporate Disclosure, Interim Report: Toward Improved Disclosure 100-115 (TSE, December 1995)
- “Dissenting Statement of Philip Anisman”, in TSE Committee on Corporate Disclosure, Final Report: Responsible Corporate Disclosure - A Search for Balance 85-124 (March 1997)
- “Directors’ Responsibilities: Stakeholder or Shareholder Interests?” 10 Corp. Governance Rev. 1-6 (Fairvest Securities Corporation, August - September 1998)
- “Poison Pill Rights Plans and Lock-Up Agreements,” 10 Corp. Governance Rev. 1-6 (Fairvest Securities Corporation, October-November 1998)

- “Proposed Amendments to the Ontario Securities Act: An Open Letter to the Ontario Securities Commission,” 31 Can. Bus. L.J. 272-90 (1999)
- “Regulation of Public Corporations: The Boundaries of Corporate and Securities Law,” in The Future of Corporation Law 63-88 (1997)
- “Squeezing Out Minority Shareholders: A Comment,” in Critical Issues in Mergers and Acquisitions: Domestic and International Views - Queen’s Annual Business Law Symposium 1999 229-239 (1999)
- “Poison Pills: The Canadian Experience,” in T. Baums, K.J. Hopt and N. Horn, eds., Corporations, Capital Markets and Business in the Law: Liber Amicorum Richard M. Buxbaum 1-12 (2000)
- “Comment: Judicial Discretion, Fairness and Standing,” in Selected Topics in Corporate Litigation - Queen’s Annual Business Law Symposium 2000 53-61 (2001)
- “Comments on Class Proceedings, Securities Market Liability and the CSA Proposal,” in Selected Topics in Corporate Litigation - Queen’s Annual Business Law Symposium 2000 113-127(2001)
- “Regulation of Lawyers by Securities Commissions: Sarbanes-Oxley in Canada”, Policy Comment, U. Toronto Capital Markets Institute (March 2003)
- “The Ontario Securities Commission as Regulator: Adjudication, Fairness and Accountability,” in Conflicts of Interest in Capital Market Structures - Queen’s Annual Business Law Symposium 2003 101-146 (2004)
- “Class Actions Without Borders: Canada - 'We are much like you, and quite different,’” ABA, The Future of Class Action Litigation in America, Washington, D.C., November 9-11, 2005 (with Garry Watson)
- “Some Comparisons between Class Actions in Canada and the U.S.: Securities Class Actions, Certification, and Costs,” 3 Can. Class Action Rev. 467-526 (2006) (with Garry Watson)
- “Poison Pills and Shareholder Decisionmaking: The Significance of Pulse Data,” 20 Corp. Governance Rev. 1-8 (RiskMetrics Group, September 2008) reproduced in Corporate Anti-Takeover Defenses: The Poison Pill Device (2009 ed., J.M. Bryan, ed.)

- “No-Contest Settlements and the SEC’s Recent Experience: Implications for Ontario,” prepared at the request of Staff of the Ontario Securities Commission, (2013) 36 O.S.C.B. 5899 (June 13).

Notes and Comments

- “Canada: New Act Brings Major Innovations”, 1 Company Lawyer 51-52(1980)
- “Canada: Definition of an Insider Will Extend to 'Persons in Special Relationship’”, 1 Company Lawyer 159-61 (1980)
- “Comment”, in J.S. Ziegel, L. Waverman and D.W. Conklin, eds., Canadian Financial Institutions: Changing the Regulatory Environment 201-12 (1985)
- “Foreigners' Access to Canadian Securities Industry to Increase”, The National Law Journal, November 25, 1985, p.15
- “The Southam Selkirk Matter: The OSC Decision”, 1 Corp. Governance Rev. 18-19 (Allinvest Group Limited, February 1988)
- “Protection of Minority Shareholders: Share Issues and The Toronto Stock Exchange”, 1 Corp. Governance Rev. 9-10 (Allinvest Group Limited, June 1988)
- “Charter Amendments: Minority Shareholder Approval of Company Transactions with Controlling Shareholders”, 1 Corp. Governance Rev. 10-11 (Allinvest Group Limited, June 1988)
- “The Carling O’Keefe Decision: Protection for Minority Shareholders”, 1 Corp. Governance Rev. 32-34 (Allinvest Group Limited, March 1989)
- “Poison Pill Rights Plans: A Checklist of Issues”, 2 Corp. Governance Rev. 4-7 (Allinvest Group Limited, April 1990)
- “Investors Should Know Executive Salaries”, The Financial Post, March 30, 1992, p. S4
- “The importance of independence,” 8 Company Director 27-28 (Journal of the Australian Institute of Company Directors, September 1992)
- “The Ontario Securities Commission and the Courts: Recent Administrative Law Decisions,” 2 Reid's Admin. L. 105 (January 1993)

- "Investors need more protection against negligent auditing," The Financial Post, June 10, 1997, p. 13
- "Planned OSC amendments far more than just red tape," The Lawyers Weekly, October 23, 1998
- "The OSC's hidden power grab," The Financial Post, November 3, 1998, p. C7
- "Insider Trading: A Remedy for Investors," 11 Corp. Governance Rev. 1-3 (Fairvest Securities Corporation, October-November 1999)
_____, The Lawyers Weekly, December 17, 1999, p.5
- "Victims of Insider trading need new reparation policy," The Globe and Mail, December 31, 1999, p. B11
- "Fast-tracking an OSC merger is undemocratic," The Globe and Mail, October 26, 2000, p. B18
- "It's break point for break fees," The Financial Post, March 18, 2002, p.15
- "Break Fees, Investor Protection and Securities Commissions," 14 Corp. Governance Rev. 1-2 (Fairvest Securities Corporation, February-March 2002)
- "The OSC taint: 't ain't there," The Financial Post, July 8, 2003, p. 11
- Comment, "Securities Reform: First, do no harm," The Globe and Mail, August 27, 2004, p. A15
- Comment, "Leave the OSC alone," The Financial Post, January 25, 2005, p. 15
- Comment, "Free market liquor," The Financial Post, February 25, 2005, p. 19
- Comment, "OSC works. Why fix it?" The Financial Post, October 28, 2005, p. 19
- Comment, "No 'Gotcha' Here," The Financial Post, March 16, 2007, p. 15
- Web Comment, "Putting securities regulation in jeopardy?" Globe and Mail Update, March 26, 2007, <http://www.theglobeandmail.com/servlet/story/RTGAM.20070326.wcomment0326/BNStory/> (with Edward Waitzer)

- Comment, "Are sales material?" The Financial Post, October 17, 2007, p. 15
- Comment, "Counterpoint: Passport system's benefits are limited," The Financial Post, June 5, 2010, p. 19
- Comment, "More than a passport," The Financial Post, June 25, 2010, p. 11
- Comment, "It's not over yet," The Financial Post, December 29, 2011, p. 11
- Comment, "OSC should correct policy", The Financial Post, March 27, 2013, p. 13
- Comment, "Shareholders should decide takeovers," The Financial Post, May 6, 2014, p. 13
- Comment, "Should Shareholders Rule? Yes, it's the law," The Financial Post, May 14, 2014, p. 11
- Comment, "Jeffrey MacIntosh's misguided analysis of the new National Securities Regulator," Financial Post, November 28, 2014, p. FP11
- _____ (longer version), FP website, <http://business.financialpost.com/2014/11/28/jeffrey-macintoshs-misguided-analysis-of-the-new-national-securities-regulator/>
- Comment, "In defence of the single regulator," Financial Post, December 18, 2014, p. FP11
- _____, "Detailed Reply to Jeffrey MacIntosh," FP website, <http://business.financialpost.com/2014/12/17/in-defence-of-the-single-regulator/>
- Letter to the Editor, "Securities foul," Financial Post, January 22, 2015, p. FP11

Book Reviews

- Book Review of A.M. Willms and W.D.K. Kernaghan, eds., Public Administration in Canada: Selected Readings (1968), 47 Can. Bar Rev. 666-70 (1969)
- Book Review of K.C. Davis, Discretionary Justice: A Preliminary Inquiry (1969), 47 Can. Bar Rev. 670-83 (1969)

Briefs

- Takeover Bid Legislation in Canada: Preliminary Proposals for Reform (1970), Brief submitted to House of Commons Standing Committee on Finance, Trade and Economic Affairs and Senate Standing Committee on Banking, Trade and Commerce, on Bill C-4, An Act to Amend the Canada Corporations Act (Text, pp. 1-104; notes, pp. 1-278)
- Brief submitted to Ontario Securities Commission Securities Industry Ownership Study (November 2, 1971) (6 pp. + App.)
- Brief submitted to the Parliamentary Task Force on Regulatory Reform (October 27, 1980) (45 pp.)
- Brief submitted to the Standing Senate Committee on Banking, Trade and Commerce concerning Bill C-105, An Act to amend the Canada Business Corporations Act (June 14, 1982) (19 pp.)
- Brief submitted to Commission du budget et de l'administration du Québec, Assemblée Nationale du Québec, on a draft bill entitled "An Act to amend the Securities Act", February 10, 1989 (5 pp.)
- Submission to Standing Committee on Finance and Economic Affairs of the Ontario Legislature concerning Proposed Amendments to the Securities Act contained in Part XX of Bill 134, The Financial Services Statute Law Reform Amendment Act, 1993, May 30, 1994 (61 pp.)
- Submission to the Standing Committee on Finance and Economic Affairs of the Ontario Legislature concerning Bill 190, An Act to Amend the Securities Act (First Reading, November 16, 1994), November 28, 1994 (56 pp.), published in Securities Regulation: Issues and Perspectives 48-77 (1995)
- Comment Letter submitted to the Ontario Securities Commission on Proposed Rule and Policy on Insider Bids, Issuer Bids, Going Private Transactions and Related Party Transactions (on behalf of Fairvest Securities Corporation), December 10, 1996 (57 pp.), excerpted in 8 Corp. Governance Rev. 1, 10-20 (October-November 1996)
- Submission to the Subcommittee on Bill C-25, The Regulations Act, of the Standing Committee on Justice and Legal Affairs of the House of Commons concerning Bill C-25, The Regulations Act (First Reading, March 22, 1996), November 19, 1996 (18 pp.), published in 6 Reid's Admin. L. 73-78 (February 1997)

- Submission to the Honourable Ernie Eves on Proposed Securities Act Amendments: Self-Funding (Bill 129), June 24, 1997
- Submission to the Investment Funds Institute of Canada on the Interim Report of the Code of Ethics Committee on Personal Trading, October 16, 1997
- CBAO Submission to the Director CBCA, Respecting Canada Business Corporations Act Exemptions from Dissident's Proxy Circular Requirements, April 8, 1998 (prepared for Canadian Bar Association - Ontario) (27 pp.)
- Submission to the Ontario Securities Commission on Proposed "Red Tape" Amendments to the Securities Act, September 21, 1998 (20 pp.)
- Submission to Government of Ontario on Discussion Paper, "Improving Ontario's Financial Services Regulation: Establishing a Single Financial Services Regulator", October 6, 2000
- Submission to Director of Capital Markets, Commission des valeurs mobilières du Québec, on Staff Position concerning Statutory Arrangements and Takeover Bids, November 10, 2000, 13 Corporate Governance Rev. 5-8 (Fairvest Proxy Monitor Corp., December 2000-January 2001)
- Comment Letter submitted to the Securities and Exchange Commission on Standards of Professional Conduct for Attorneys, March 10, 2003, with Policy Comment
- Comment Letter submitted to the British Columbia Securities Commission on proposed Draft Legislation ("Securities Regulation that Works: The BC Model"), July 30, 2003
- Comment Letter submitted to the Mutual Fund Dealers Association on proposed amendments to MFDA Rule 2.2.1- Know Your Client, August 11, 2003
- Submission to the Standing Committee on Finance and Economic Affairs of the Legislative Assembly of Ontario concerning its Review of the Final Report of the Five Year Review Committee, August 16, 2004 (32 pp.)
- Letter-Submission to Standing Committee on General Government of the Legislative Assembly of Ontario on Bill 96 - An Act to amend the Liquor Licence Act, November 29, 2004 (3pp.)
- Submission to the Beverage Alcohol System Review Panel (Ontario), February 16, 2005 (7pp.)

- Comment Letter submitted to the British Columbia Securities Commission on a proposed policy on “Governance of Enforcement Settlement Agreements”, September 16, 2007
- Comment Letter submitted to the Ontario Securities Commission on Proposed New Rules of Procedure, October 19, 2007
- Comment Letter submitted to the Ontario Securities Commission on a proposed policy entitled “Guidelines for the Approval by the Executive Director of Settlements of Enforcement Matters”, May 21, 2008
- Comments on Proposed OSC Policy 11-602: Guidelines on the Application of the Prohibition against Orders of General Application to Exemption Applications, July 15, 2013
- Request to the Ontario Securities Commission to Adopt a Policy to Correct the Decision *In the Matter of Paul Donald* on the Interpretation of “Special Relationship” in Subsection 76(5) of the Securities Act, R.S.O. 1990, c. S.5, with respect to Takeover Bids & Other Acquisitions, March 14, 2013

Unpublished papers

- “The Person - Company Dichotomy in the Ontario Securities Act: The Problem of the Dominion Company” (1967)
- “Sanctioning Practices of the Broker-Dealers' Association of Ontario: Self-Regulation in Action”, Paper prepared for the Securities Task Force, 1967 (Revised 1968)
- “Antitrust and the New York Stock Exchange: A Challenge for Self-Regulation” (1968) (appended to Brief to the Ontario Securities Commission Securities Industry Ownership Study, *supra*)

Teaching Materials

- Business Associations: Syllabus and Supplement (1980) (Revised 1981) (iv + 454)
- Securities Regulation: Tentative Edition (1980) (Revised 1981) (xxi + 1483 + 41)
- Securities Fraud - Manipulation: Tentative Materials (1981) (ii + 328)

- Constitutional Law: Supplementary Cases (1981) (iii + 671)
- Constitutional Law: Supplementary Cases and Materials (1984) (vii + 1312)
- Securities Regulation: Supplementary Cases and Materials (1984)

Organizational
Activities:

- Co-chairman, Canada-U.S. Law Institute Comparative Corporation Law Conference, Cleveland, October 16-19, 1984
- Chairman, “The Media, the Courts and the Charter”, Osgoode Hall Law School Annual Lecture Series, Downsview, March 21-22, 1985
- Chairman, “Basic Securities”, L.S.U.C. Continuing Legal Education Program, Toronto, April 7, 1988
- Co-Chairman, Law Society of Upper Canada Special Lectures: “Securities Law in the Modern Financial Marketplace”, Toronto, February 9-11, 1989
- Chairman, “Basic Securities”, L.S.U.C. Continuing Legal Education Program, Toronto, May 6, 1991
- Co-Chairman, Law Society of Upper Canada Special Lectures: “Administrative Law: Principles, Practice and Pluralism”, Toronto, November 6-7, 1992
- Co-Chairman, “Recent Developments in Administrative Law”, L.S.U.C. Continuing Legal Education Program, Toronto, January 17, 1995
- Co-Chairman, “Current Practice Before Administrative Tribunals”, L.S.U.C. Continuing Legal Education Program, Toronto, January 17, 1995
- Member, Advisory Board, Queen’s Annual Business Law Symposium (1994-2003); Planning Committee, 1994, 1997 and 1999
- Co-Chair, “8th Annual Advanced Forum on Securities Litigation and Enforcement”, Canadian Institute, Metropolitan Hotel, Toronto, April 20-21, 2009

Expert Witness:

Testified as expert witness on:

- stock fraud: in *R. v. Carter*, (1990) 9 C.C.L.S. 21 (O.C.J.-G.D.) and *R. v. Bawden* (Preliminary Inquiry, Ontario Provincial Court 1990)

- Ontario securities law and takeover bids: in *Exco Corp. v. Nova Scotia Savings & Loan Co.*, (1987) 35 B.L.R. 149 (N.S.T.D.)
- Canadian corporation and securities law remedies: in *Howe v. Goldcorp Investments Ltd.*, (1991) 946 F.2d 944 (1st Cir.)
- securities regulatory requirements concerning disclosure of material changes: *In the Matter of AiT Advanced Information Technologies Corporation*, (2008) O.S.C.B. 712 (January 18)
- Canadian corporation and securities law relating to takeover bids and related transactions: *Potash Corporation of Saskatchewan Inc. v. BHP Billiton Ltd.*, U.S. Dist. Ct., N.D. Ill., Civ. Action No. 1:10-CV-06024

Journals:

- Advisory Editorial Board, University of Toronto Law Journal (1975-1986)
- Canadian Editor, Company and Securities Law Journal (Australia) (1983 - 2018)

Committees:

- OBCA Advisory Committee, Canadian Bar Association, Ontario Branch, Commercial and Corporation Law Section (1984-)
- Law Society of Upper Canada Department of Education: Business Law Advisory Committee (1984-1994)
- Member, Toronto Stock Exchange Committee on Corporate Disclosure (1994-1997)
- Member, Ontario Securities Commission Enforcement Advisory Committee (2004-2009)
- Member, Legal Advisory Committee to the Expert Panel on Securities Regulation (2008)
- Member, Legal Advisory Committee to the Canadian Securities Transition Office (2009 - 2013)

Charities:

- Chairman, F.E.L. Priestley Memorial Fund Committee, University College, University of Toronto, 1989 -
- Member, University College Committee, University College, University of Toronto (also Member of Executive Committee), 1994 – 2006

Invited Lectures
and Miscellaneous
Addresses, etc.:

- Oliver S. Rundell Lecture (on “Sale of Corporate Control: The Ontario Experience”), University of Wisconsin School of Law, March 1982
- Guest Speaker, Third Annual Workshop on Companies and Securities Law, Bowral, N.S.W., Australia, May 1983
- Guest of Honour, Australian Finance Conference Annual Dinner, Canberra, A.C.T., Australia, June 1983
- Special lecture on “Corporate Law Reform: Recent Canadian Developments”, sponsored by the Wellington District Law Society, Wellington, New Zealand, July 1983
- Discussant, 14th Pacific Trade and Development Conference, Singapore, June 1984
- Guest Speaker, Fourth Annual Workshop on Companies and Securities Law, Australia, June 1984
- “Financial Assistance under the OBCA and CBCA”, Third Annual Corporate Update, Toronto, November, 1985
- “Is there a Need for Federal Securities Regulation in Canada?”, North American Securities Administrators Association, 68th Annual Conference, Calgary, October 2, 1985
- J “Recent Developments in Takeover Bids & Tactics”, Financial Post Seminar on Mergers, Acquisitions & Divestitures, Toronto, February 3, 1986
- “The Prudent Man Rule & the Four Pillars: A Historical Perspective”, Financial Research Foundation of Canada, Spring 1986 Conference: The Prudent Man Rule, Victoria, B.C., May 5, 1986
- “The Regulation of the Securities Market in Canada”, Canadian Economics Association Annual Meeting, Canadian Public Policy Seminar on Regulation of the Financial System, Winnipeg, May 29, 1986
- Commentator, Corporation Law Section, Annual Meeting of Canadian Association of Law Teachers, Winnipeg, May 31, 1986

- “Liability of Corporate Officers and Directors under Corporation and Securities Law”, Centre for Professional Education, Seminar on Corporate Liability in Ontario, June 11, 1986
- “Defence Tactics - The Legal Framework”, Financial Times Conference on Takeovers: Refining the Tactics of Corporate Siege, June 25, 1986
- “Shark Repellants, Poison Pills and other Defensive Strategies: The Legal Implications”, Financial Research Foundation of Canada, Fall 1986 Conference: Mergers and Acquisitions, Niagara-on-the-Lake, October 28, 1986
- “Insider Trading Legislation”, Panelist, The Canadian Institute Conference on The Securities Business in the Global Environment, February 6, 1987
- Seminar on Insider Trading, Monash University Centre for Commercial Law of Applied Legal Research, Southern Cross Hotel, Melbourne, Victoria, Australia, February 22, 1987
- Seminar on Insider Trading, Finlaysons, Adelaide, S.A., Australia, February 24, 1987
- Seminar on Insider Trading, Monash University Centre for Commercial Law & Applied Legal Research, Hilton International Hotel, Sydney, N.S.W., Australia, March 3, 1987
- Insider Trading Seminar, Law Society of Western Australia and Securities Institute of Australia, Parmelia Hilton Hotel, Perth, W.A., Australia, March 5, 1987
- “Insider Trading Remedies”, Lecture to Wellington District Law Society, Wellington, New Zealand, March 9, 1987
- Insider Trading Seminar, New Zealand Securities Commission, Wellington, New Zealand, March 10, 1987
- Moderator, Panel on Public Policy Responses, Institute for Research on Public Policy and School of Community and Public Affairs, Concordia University, A National Conference on Mergers, Corporate Concentration and Corporate Power in Canada, Hotel Meridien, Montreal, March 24, 1987

- “Banks as Insiders”, Institute for International Research Conference on Diversifying into Investment Banking, Sutton Place, Toronto, May 21, 1987
- “Changes in the Securities Industry: The Regulatory Framework”, Institute for International Research Conference on Mergers & Acquisitions in the Securities Industry, Sutton Place, Toronto, May 22, 1987
- “Poison Pills: Preliminary Considerations on their Potential in Canada”, Faculty of Law, University of Toronto, Conference on Takeover Bids and Going Private Transactions, June 23, 1987
- “Insider Trading: The New Provisions”, Panelist, The Canadian Institute Conference on Takeover Bids, Four Seasons Hotel, Toronto, October 20, 1987
- “How to Avoid Insider Trading and Tipping”, Institute for International Research Conference on Compliance in the Securities Industry, Sheraton Centre, Toronto, January 22, 1988
- “Securities Markets and Manipulation”, Commonwealth Secretariat and Crown Agents Training Services Division, Economic Crime Workshop on Fraud in the Securities Market, Delta Chelsea Inn, Toronto, March 28-30, 1988
- Moderator, Panel on “Cooperation in Regulation”, The Canadian Institute Conference on Regulating Financial Institutions: Bill 116 and Beyond, Sheraton Centre, Toronto, February 27-28, 1989
- “Secondary Trading,” Insight Conference: Anatomy of a Friendly Takeover, Sheraton Centre, Toronto, May 29, 1989
- “Institutionalization of the Market: Institutional Activism,” National Investor Relations Institute (Canada) and The Toronto Stock Exchange, Annual Conference 1989, 2d Annual - Share Value: Beyond the Bottom Line, Park Plaza Hotel, Toronto, June 20, 1989
- Faculty Member, Panel on “Cross-Border Criminal and Civil Government Investigations in the Securities Field”, A.L.I.-A.B.A.-C.B.A. Course of Study, U.S. -Canadian Business Law Issues: A Comparative View, November 16-17, 1989, Toronto
- “Insider Trading and Financial Institutions,” The Canadian Institute Conference on Regulating Financial Institutions, Four Seasons Hotel, Toronto, November 20-21, 1989

- Luncheon Speaker, “Unravelling the Current and Critical Aspects of Poison Pill Plans,” Insight Conference on Shareholder Remedies, The Sheraton Centre, Toronto, February 13, 1990
- “Insider Trading and Civil Liability”, The Canadian Institute Conference on Canadian Securities Regulation, Metro Toronto Convention Centre, March 6-7, 1990
- “Legal Implications of Financial Disclosures: Civil Liability of Auditors”, C.I.C.A. and McMaster University, Symposium on Risk and Uncertainty in Financial Reporting, Toronto, April 25, 1990
- Participant in Securities Law Workshop, organized by George Washington University in cooperation with the Ministry of Finance of Poland, Radziejowice, Poland, May 13-15, 1990
- “Insider Trading, Civil Liability and Related Party Transactions”, The Canadian Institute Conference on Canadian Securities Regulation, Intercontinental Hotel, Toronto, October 29-30, 1990
- Moderator, Panel on “Pension Funds in the Securities Regulatory Environment”, The Canadian Institute Conference on Pension Plans as Profit Centres, Four Seasons Hotel, Toronto, March 5-6, 1991
- “Insider Trading, Civil Liability and Related Party Transactions”, The Canadian Institute Conference on Canadian Securities Regulation, Park Plaza Hotel, Toronto, April 22-23, 1991
- “Proxy Voting and Corporate Governance”, Canadian Council of Financial Analysts Canadian Investment Seminar, The Winds of Change, The Gray Rocks Inn, St. Jovite, Quebec, April 28-30, 1991
- Panelist, “Insider and Control Issues”, Insight 1991 Mutual Funds Industry Conference, Mutual Funds: Current Regulatory Issues, Holiday Inn, Toronto, November 6, 1991
- “Insider Trading, Related Party Transactions and Civil Liability”, The Canadian Institute Conference on Canadian Securities Regulation, The Sheraton Centre, Toronto, December 3-4, 1991
- “Shareholders Rights and Corporate Governance”, The Canadian Institute Second Annual Securities Law Superconference, L’Hotel, Toronto, March 2-3, 1992

- “Soft Dollars”, Joint Industry Compliance Group Seminar, The Toronto Stock Exchange, March 25, 1992
- Panelist, “Directors' and Shareholders' Rights and Obligations - A Review of Recent Cases”, Law Society of Upper Canada C.L.E. Programme, Working with the Ontario Business Corporations Act: The Practitioner's Experience, Osgoode Hall, Toronto, April 8, 1992
- Panelist, “Corporate Governance in Canada”, National Investor Relations Institute Canada and The Toronto Stock Exchange, 5th Annual Conference 1992, Effective Investor Relations: A Framework for Managing Change, Holiday Inn on King, Toronto, June 1-2, 1992
- “Update on Disclosure of Executive Compensation,” Canadian Corporate Shareholder Services Association, Holiday Inn on King, Toronto, December 9, 1992
- Panelist, “Corporate Governance - Why is it an Issue Today,” Canadian Bar Association - Ontario, 1993 Institute of Continuing Legal Education: Corporate Counsel - Corporate Governance in Transition, Royal York Hotel, Toronto, January 28, 1993
- Panelist, “Civil Liability and Class Actions,” The Canadian Institute, 1993 Securities Regulation Superconference, The Marriott Eaton Centre, Toronto, March 2, 1993
- Panelist, “Striking a Balance Between Judicial and Administrative Remedies”, The Canadian Institute, Conference on Corporate Governance, The Four Seasons Hotel, Toronto, May 3, 1993
- Panelist, “Striking a Balance Between Judicial and Administrative Remedies”, The Canadian Institute, Conference on Corporate Governance, The Four Seasons Hotel, Toronto, May 3, 1993
- Panelist, “Corporate Governance”, Toronto Society of Financial Analysts, Sheraton Hotel, Toronto, May 6, 1993
- Panelist, “New Realities in the Boardroom”, Canadian Investor Relations Institute and The Toronto Stock Exchange, 6th Annual Conference 1993, Investor Relations: Building Confidence and Share Value in the Recovery, Holiday Inn on King, Toronto, June 17-18, 1993
- Panelist, “Implications of the Ainsley Decision and other Jurisdictional Issues”, Canadian Business Law Journal and Faculty of Law, University of Toronto, Conference: Advice to the Chairman, Faculty of Law, University of Toronto, December 17, 1993

- Panelist, “Proposed Refinements to the Early Warning, Insider Reporting and Take-Over Bid Regimes”, Insight Information Inc. and the Globe and Mail, New and Proposed Rules for Executive Compensation Disclosure and the Early Warning, Insider Reporting, Take-Over Bid Regimes, Sheraton Centre, Toronto, January 31, 1994
- Commentator, “Corporate Governance in the Canadian Setting - The Problem of Concentrated Control” and “Market Shift - The Role of Institutional Investors in Corporate Governance”, C.D. Howe Institute, Canadian Corporate Governance: A Multidisciplinary Perspective, Toronto, February 10-11, 1994
- Panelist, “Corporate Governance in Canada: The TSE Committee Report and Commentary”, Insight Information Inc. and The Globe and Mail, Public Company Forum, Toronto Marriott Eaton Centre, October 6, 1994
- “Legitimizing Lawmaking by the Ontario Securities Commission: Comments on the Final Report of the Ontario Task Force on Securities Regulation”, Inaugural Queen's Annual Business Law Symposium, The Role of the Regulator in the Capital Markets, Queen's University, Kingston, November 4-5, 1994
- Testimony before Standing Committee on Finance and Economic Affairs on Bill 190, The Securities Amendment Act, 1994, Hansard, F49, December 1, 1994, pp. F-1485 to F-1489
- “Delegated Legislation and Agency Rulemaking: The Implications of the Ontario Government Task Force on Securities Regulation”, Law Society of Upper Canada C.L.E. Programme, Recent
- Developments in Administrative Law, Osgoode Hall, Toronto, January 17, 1995
- Panelist, “Liability for Continuous Disclosure”, Institute for International Research, The 1995 Corporate Secretaries' Conference, Sheraton Centre, Toronto, February 13-15, 1995
- Panelist, “The Toronto Stock Exchange Committee Report on Corporate Governance in Canada”, Canadian Bar Association - Ontario, Business Law Section, Meeting, February 15, 1995
- Speaker, “Corporate Governance - The TSE Report, New Strategies of Institutional Activism, The Role of the Independent Director: Liability and Responsibility”, Insight Information Inc., 15th Annual Securities Law Practitioners' Institute, Langdon Hall, February 22-24, 1995

- Panelist, “Impact of Ontario Task Force on Securities Regulation: OSC Rulemaking and Bill 190”, The Canadian Institute, 5th Annual Securities Law Superconference, Sheraton Centre, Toronto, March 2-3, 1995
- “Investor Protection and Corporate Governance: The Disappearing Distinction between Corporate and Securities Laws”, The Meredith Lectures: Corporations at the Crossroads, Faculty of Law, McGill University, May 27, 1995
- “Poison Pill Rights Plans: Current Issues”, 4th Annual Securities Law Practitioners Conference, Hotel du Lac Carling, September 28, 1995
- Panelist, “The Consequences of Incomplete Disclosure and Other Liability Issues”, Insight Information Inc. and The Globe and Mail, Latest Issues in Public Disclosure, Toronto, Four Seasons Hotel October 2-3, 1995
- Commentator, “The Market and the Closely Held Corporation in Canada: The Implications of Concentrated Share Ownership for Corporate Performance”, Faculty of Law, University of Toronto, Canadian Corporate Governance into The Next Millenium: Symposium, Toronto, December 7-8, 1995 (edited version published in 9 Can. Investment Rev. 49 (Spring 1996) at 52)
- Panelist, “OSC Rules Project”, The Canadian Institute, 6th Annual Securities Superconference, Four Seasons Hotel, Toronto, February 29 and March 1, 1996
- Speaker, “Disclosure - Will Efforts to Improve Disclosure Increase or Inhibit Communications with Investors”, Canadian Investor Relations Institute, 9th Annual Investor Relations Conference, Royal York Hotel, Toronto, May 27-28, 1996
- Panelist, “The Allen Report (entitled ‘Towards Corporate Disclosure’): Where Are We Now?”, 5th Annual Securities Law Practitioners Conference, Hôtel du Lac Carling, September 26, 1996
- Speaker, “The TSE Corporate Disclosure Committee’s Report: A Status Update and the Road Ahead”, Institute for International Research, The 1996 Canadian Corporate Governance Congress, Sheraton Centre Hotel, Toronto, October 9, 1996
- Speaker, “TSE Committee on Corporate Disclosure’s Interim Report”, Insight Information Inc., Future Directions in Public Disclosure, Metro Toronto Convention Centre, Toronto, October 15-16, 1996

- Panelist, “Civil Liability for Continuous Disclosure”, Dialogue with the OSC, Westin Harbour Castle Hotel, Toronto, October 29, 1996
- Speaker, “Critique: Has the Rulemaking Process Lived up to Expectations and What Should We Anticipate for the Future?”, The Canadian Institute, OSC Reformulation and Other Securities Developments, King Edward Hotel, Toronto, October 20-21, 1996
- Speaker, “The Final TSE Disclosure Report”, Insight, Understanding the Final TSE Disclosure Report, Satellite Seminar, June 17, 1997
- Panelist, “The Predictable Impact of the Implementation of the Allen Report (entitled ‘Towards Corporate Disclosure’)”, 6th Annual Securities Law Practitioners Conference, Hôtel du Lac Carling, September 25, 1997
- Panelist, “Civil Liability for Inadequate Disclosure under Canadian Securities Law - A Proposal: Responsible Corporate Disclosure - A Search for Balance”, 27th Annual Workshop on Commercial & Consumer Law, Faculty of Law, University of British Columbia, Vancouver, October 17, 1997
- Panelist, “Implementing the Corporate Disclosure Committee Report”, Toronto Stock Exchange, Corporate Disclosure: Putting Theory into Practice, Westin Harbour Castle Convention Centre, Toronto, October 27, 1997
- Panelist, Litigation against Public Accountants: Reasons for and Against, York-Certified General Accountants Association of Ontario Accounting Research Program at York University, Fifth Annual Dinner and Conference, Sheraton Centre, Toronto, October 29, 1997
- Panelist, “A ‘Miller’s Court’ Roundtable Discussion and Debate of Emerging Issues and the Future of Securities Litigation,” Defending Your Assets, Price Waterhouse, Metro Toronto Convention Centre, Toronto, November 4, 1997
- “Regulation of Public Corporations: The Boundaries of Corporate and Securities Law,” 1997 Queen’s Annual Business Law Symposium, The Future of Corporation Law, Queen’s University, Kingston, Ontario, November 21-22, 1997
- Speaker, “Implementation of the Allen Report,” 1998 Schulich School of Business/Osgoode Hall Law School Joint LL.B./M.B.A. Conference on Canadian Corporate Risk Management, Sutton Place Hotel, Toronto, February 17, 1998

- Panelist, "The Year in Review, The Year Ahead," The Canadian Institute, 8th Annual Securities Superconference, Four Seasons Hotel, Toronto, February 23-24, 1998
- The Charles F. Galway Lecture in Business Law and Economic Regulation in a Diverse World, "Harmonization of Provincial Securities Laws and The Rulemaking Process," Faculty of Law, Queen's University, Kingston, Ontario, February 26, 1998
- "Protecting Shareholder Interests: Recent Developments," Osgoode Hall Law School of York University, Corporate Mergers & Acquisitions, Corporate Seminar Centre, Toronto, January 28-29, 1999
- Panelist, "Continuous Disclosure, Shareholder Democracy, and Civil Liability: Protecting Investors in the Secondary Market," The Canadian Institute, 9th Annual Securities Superconference, Hotel Inter-Continental, Toronto, February 23-25, 1999
- Commentator, "Taking Out the Minority," 1999 Queen's Annual Business Law Symposium, Critical Issues in Mergers and Acquisitions, Queen's University, Kingston, Ontario, November 19-20, 1999
- Panelist, "Mergers and Take-Overs: Developments and Disputes," The Canadian Institute, 10th Annual Securities Superconference, Toronto Hilton Hotel, February 8-9, 2000
- Testimony before Standing Senate Committee on Banking, Trade and Commerce on Bill S-19, An Act to amend the Canada Business Corporations Act, May 10, 2000, Committee Proceedings, Issue No. 13, pp. 24-33; June 22, 2000, Committee Proceedings, Issue No. 17, pp. 55-70
- Commentator, "Seeking a Remedy," 7th Queen's Annual Business Law Symposium, Selected Topics in Corporate Litigation, Queen's University, Kingston, Ontario, November 17-18, 2000
- Commentator, "Class Actions," 7th Queen's Annual Business Law Symposium, Selected Topics in Corporate Litigation, Queen's University, Kingston, Ontario, November 17-18, 2000
- Commentator, "Class Actions," 7th Queen's Annual Business Law Symposium, Selected Topics in Corporate Litigation, Queen's University, Kingston, Ontario, November 17-18, 2000
- Speaker, Mutual Fund Governance in Canada: Is Reform Needed?, University of Toronto Capital Markets Institute, March 8, 2001

Commentator, “Significant Legislative and Judicial Developments”,
Dialogue with the OSC, Sheraton Centre, Toronto, November 20, 2001

- Torys Public Lecture in Business Law, “Accountability of Securities Regulators,” Faculty of Law, Queen’s University, Kingston, Ontario, October 30, 2002
- Speaker, “Sarbanes-Oxley in Canada: Lawyer Conduct Rules,” Roundtable, Capital Markets Institute, University of Toronto, January 29, 2003
- Speaker, “The Regulator as Policy Maker, Enforcer and Adjudicator: is Bifurcation the Answer?,” 10th Queen’s Annual Business Law Symposium, Queen’s University, Kingston, Ontario, October 3-4, 2003
- Speaker, “Defining the Public Interest: The Role of a Self Regulatory Organization Public Director,” Current Issues in SRO Compliance: 2d Annual SRO Conference, Holiday Inn on King, Toronto, January 29, 2004

- Panelist, “Accountability and Transparency in Securities Regulation,” Dialogue with the OSC, Convention Centre, Toronto, November 1, 2004
- Speaker, “Status and Impact of Bill 198 on Secondary Market Liability,” The Canadian Institute, 4th Annual Advanced Forum on Securities Litigation, Four Seasons Hotel, Toronto, November 29-30, 2004
- Speaker, “Securities Class Actions: Ontario’s Limited Liability Regime for the Secondary Market,” Osgoode Hall Law School, York University, Professional Development, 3rd National Symposium on Class Actions: Class Actions Without Borders, April 6-7, 2006
- Speaker, “Restitution for Wronged Investors,” LSUC, Twelve Minute Securities Lawyer, Osgoode Hall, Toronto, May 31, 2006
- Moderator, “Overarching Themes in Canadian Securities Regulation,” IDA Annual Conference, Whistler, B.C., June 25-27, 2006
- Panelist, “D & O Liability: An Update,” Osgoode Hall Law School, York University, Professional Development, Advising the Public Company Board of Directors, October 3-4, 2006
- Panelist, “Reconsidering the Business Judgement Rule,” Canadian Institute, 10th Annual Conference on Directors’ and Officers’ Liability, Marriott Eaton Centre Hotel, October 30-31, 2006

- Panelist, “Securities Litigation is a Dangerous Business: The Enron Convictions and their Implications in Canada,” Canadian Institute, 6th Annual Advanced Forum on Securities Litigation, St. Andrews Club and Conference Centre, Toronto, November 28-29, 2006
- Panelist, “Securities Litigation and Enforcement: The Latest Developments,” Osgoode Hall Law School, York University, Professional Development, U.S. Securities Law: What Canadian Practitioners Need to Know, January 29, 2007
- Panelist, “Managing Disclosure and Vital Communications by Issuers and Registrants,” Osgoode Hall Law School, York University, Professional Development, Understanding and Managing Regulatory Investigations, April 23, 2007
- “Cross-Border Enforcement of Securities Laws: A Canadian’s Perspective,” Canadian Studies Initiative, Division of International Studies, University of Wisconsin-Madison, Institute for Legal Studies and Global Legal Studies Center, School of Law, Madison, April 27, 2007
- Panelist, “Defense Approaches,” Ontario Securities Commission, 2007 Securities Investigation Training Course, Kempfenfelt Conference Centre, Barrie, Ontario, June 14, 2007
- Moderator, “Panel: Harmonization and Uniformity of Securities Laws and Administration,” Investment Industry Association of Canada Annual Conference, Investors without Borders - Perspectives on the Global Economy, La Malbaie, Quebec, June 10-13, 2007
- Panelist, “Testing the Limits of the Business Judgment Rule Post Danier Leather,” Canadian Institute, 11th Annual Conference on Protecting Directors & Officers from Liability, Sutton Place Hotel, Toronto, October 15, 2007
- Moderator and Speaker, “Secondary Investor Market Liability: Why is Court Room so Quiet Post Bill 198?” Canadian Institute, 7th Annual Forum on Securities Litigation, St. Andrews Club & Conference Centre, Toronto, November 29, 2007
- Speaker, “Some Issues concerning Investigation in Securities Matters,” Capital Markets Institute, Rotman School of Management, University of Toronto, Roundtable on Effective, Efficient and Fair Investigation -

Advancing the Enforcement Agenda, Part 2: What is the Solution?
January 31, 2008

- Speaker, “Securities Enforcement Issues,” Law Society of Upper Canada, White Collar Crime: Prosecuting and Defending Regulatory and Criminal Proceedings, Osgoode Hall, March 1, 2008
- Commentator on Roberta Karmel, “Are SRO’s Government Actors?”, RS-DeGroot Luncheon Lecture Series, April 14, 2008, Le Royal Meridien King Edward Hotel, Toronto
- Speaker, “Interjurisdictional Enforcement Issues”, LSUC, Twelve Minute Securities Lawyer, Osgoode Hall, Toronto, May 14, 2008
- Panelist, “Effects of the Economic Downturn: Implications for Regulatory Structure, Litigation and Regulatory Responses”, Canadian Institute, 8th Annual Advanced Forum on Securities Litigation and Enforcement, Metropolitan Hotel, Toronto, April 20, 2009
- Panelist, “Defining Directors’ and Officers’ Obligations: Has Anything Actually Changed After BCE?” Canadian Institute, 12th Annual National Forum on Directors’, Officers’ and Fiduciaries’ Liability, Marriott Bloor Yorkville Hotel, Toronto, October 21, 2009
- Panelist, Compliance Panel, OSC Compliance-Enforcement Round Table, November 3, 2009
- Panelist, “Examinations, Interviews and Inquiries,” Osgoode Hall Law School, York University, Professional Development, Prosecuting and Defending Professional Discipline Cases, December 3, 2009
- Panel Debate, “National Securities Regulator Debate,” Calgary Chamber of Commerce, April 6, 2010
- Panelist, “Transitioning to a New National Securities Regulator: Will it Finally Happen?” Canadian Institute, Securities Litigation and Enforcement, Metropolitan Hotel, Toronto, October 19-20, 2010
- Keynote Speaker, “Economic Crime Regulation,” DeGroot School of Business, McMaster University, Corporate Fraud and White Collar Crime Enforcement Conference, Ron Joyce Centre, Burlington, Ontario, November 22, 2010