
Citation: *Financial and Consumer Services Commission v. McKellar et al.*, 2021 NBFCST 2

PROVINCE OF NEW BRUNSWICK
FINANCIAL AND CONSUMER SERVICES TRIBUNAL
IN THE MATTER OF THE *REAL ESTATE AGENTS ACT*, S.N.B. 2011, c 215, THE *MORTGAGE BROKERS ACT*,
S.N.B. 2014, c 41, AND THE *SECURITIES ACT*, S.N.B. 2004, c S-5.5

Date: May 11, 2021
Docket: MS-001-2021

BETWEEN:

Financial and Consumer Services Commission,

Applicant,

– and –

John Albert McKellar and 668054 N.B. LTD.,

Respondent.

ORDER

WHEREAS:

1. The Applicant filed a motion on April 9, 2021 requesting that the Tribunal change the format of the merits and sanctions hearing with evidence being provided by way of *Affidavit* instead of orally;
2. After consultation with the parties regarding their availability, the Registrar issued a *Notice of Hearing of Motion* on April 20, 2021 setting May 27, 2021 for the hearing of the motion;
3. The *Notice of Hearing of Motion* set the filing deadlines for the motion as follows:

- a) The Applicant must file their *Statement of Position* (Form 14) no later than May 4, 2021, and
 - b) The respondents can respond to the motion by filing *Affidavits* (Form 10) and a *Statement of Position* (Form 14) no later than May 13, 2021;
4. On May 8, 2021, John McKellar wrote to the Registrar advising that he would respond to the motion, but that he would like the hearing adjourned to June 1, 2021 to allow him more time to prepare and submit his Affidavit;
 5. The solicitor for the Financial and Consumer Services Commission advised that it did not consent to the request for an adjournment;
 6. On May 10, 2021, John McKellar wrote to the Registrar requesting that the filing deadline for providing his *Affidavit* and *Statement of Position* be extended from May 13th to May 24th and that the motion hearing proceed on May 27, 2021;
 7. FCNB consented to this request for an extension of the filing deadline;
 8. The respondents are self-represented and preparing Affidavits may be a difficult exercise;

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The respondents' deadline for filing its *Affidavit(s)* and *Statement of Position* is extended to May 24, 2021 before 4 p.m.; and
2. The hearing of the motion will proceed on May 27, 2021 at 10:30 a.m. as set out in the *Notice of Hearing of Motion* issued on April 20, 2021.

DATED this 12th day of May, 2021.

Lucie LaBoissonnière

Lucie LaBoissonnière
Tribunal Member