



Order

File No. 200505

**IN THE MATTER OF A DISCIPLINARY HEARING  
PURSUANT TO SECTIONS 20 AND 24 OF BY-LAW NO. 1  
OF THE MUTUAL FUND DEALERS ASSOCIATION OF CANADA**

**Re: Anthony McPhail**

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**ORDER**

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**WHEREAS** on March 29, 2005, the Mutual Fund Dealers Association of Canada (the “MFDA”) issued a Notice of Hearing pursuant to sections 20 and 24 of By-law No. 1 in respect of a disciplinary proceeding commenced against Anthony McPhail (the “Respondent”);

**AND WHEREAS** the first appearance in this hearing was held before a Hearing Panel of the Ontario Regional Council of the MFDA on May 11, 2005;

**AND WHEREAS** no one appeared on behalf of the Respondent, although the Respondent was personally served with the Notice of Hearing on April 14, 2005 at 8:45 p.m. as appears from the Affidavit of Service sworn by Rick Iles;

**AND WHEREAS** the Respondent has not served or filed a Reply within 20 days of the effective date of service of the Notice of Hearing or at all, contrary to Rule 8.1(1) of the *Rules of Procedure*, nor has the Respondent taken any steps to contact the MFDA or to otherwise participate in the proceeding since he was served with the Notice of Hearing;

**AND WHEREAS** the first appearance was held 26 days after the effective date of service of the Notice of Hearing on the Respondent;

**AND WHEREAS** counsel for staff of the MFDA requested an Order at the first appearance abridging the time for service of the Notice of Hearing on the Respondent from 30 days to 26 days prior to the date of the first appearance, pursuant to Rules 2.2(1)(a) and 7.1(2) of the *Rules of Procedure*;

**AND UPON** reading the affidavit of Terri Spence sworn May 2, 2005 and the affidavit of Rick Iles sworn April 28, 2005 and on hearing the submissions of counsel for Staff of the MFDA;

**AND WHEREAS** the Hearing Panel is of the opinion that it would not be contrary to the public interest to abridge the time for service of the Notice of Hearing on the Respondent from 30 days to 26 days prior to the first appearance;

**IT IS HEREBY ORDERED THAT:**

1. The time for service of the Notice of Hearing is abridged from 30 days to 26 days prior to the first appearance pursuant to Rules 2.2(1)(a) and 7.1(2) of the *Rules of Procedure* such that service of the Notice of Hearing on the Respondent on April 14, 2005 constituted good and sufficient service; and
2. The hearing on the merits in this matter shall take place before a Hearing Panel of the Ontario Regional Council in the hearing room located at 121 King St. West, Suite 1000 on June 9, 2005 commencing at 10:00 a.m. or as soon thereafter as the hearing can be held.

**DATED** at Toronto this 11th day of May, 2005.

Per: “The Hon. Fred Kaufman”  
The Hon. Fred Kaufman, Chair

Per: “Richard Austin”  
Richard Austin

Per: “Selwyn Kossuth”  
Selwyn Kossuth