

IN THE MATTER OF THE *SECURITIES ACT*,
S.N.B. 2004, c.S-5.5

AND

IN THE MATTER OF

**LOCATE TECHNOLOGIES INC. and TUBTRON
CONTROLS CORP.**

(The Respondents)

NOTICE OF HEARING OF MOTION

To : **The Respondents**

TAKE NOTICE that the New Brunswick Securities Commission (the Commission) will hear a motion at the offices of the Commission, suite 300, 85 Charlotte Street, Saint John, New Brunswick, commencing on **17 November 2009** at **1:30 p.m.**

The hearing is being held pursuant to section 184 of the *Securities Act*, S.N.B. 2004, c. S-5.5 (*Act*).

The purpose of the hearing is:

- (a) to determine whether an Order as requested in the attached Motion should be issued in this matter; and
- (b) to make such other or further Order as the Commission may deem just or necessary.

PARTICULARS OF THE BASIS FOR THE RELIEF AND REMEDIES SOUGHT ARE SET OUT IN THE ATTACHED MOTION.

TAKE NOTICE that:

YOU MUST ATTEND THIS HEARING. IF YOU FAIL TO ATTEND, THE HEARING MAY PROCEED IN YOUR ABSENCE AND A DECISION OR ORDER CONTRARY

VU LA *LOI SUR LES VALEURS MOBILIÈRES*,
L.N.-B. 2004, ch. S-5.5

ET

DANS L'AFFAIRE DE

**LOCATE TECHNOLOGIES INC. et TUBTRON
CONTROLS CORP.**

(Les intimés)

AVIS D'AUDIENCE D'UNE MOTION

Destinataires : **Les intimés**

VOUS ÊTES AVISÉS que la Commission des valeurs mobilières du Nouveau-Brunswick (Commission) entendra une motion au bureau de la Commission, 85 rue Charlotte, bureau 300, Saint John (Nouveau-Brunswick), le **17 novembre 2009** à compter de **13h30**.

Cette audience sera tenue sous le régime de l'article 184 de la *Loi sur les valeurs mobilières*, L.N.-B. 2004, ch. S-5.5 (*Loi*).

Les objets de cette audience sont les suivants :

- a) de décider de l'opportunité de rendre l'une des ordonnances demandées dans la motion ci-jointe; et
- b) de rendre toute autre ordonnance ou ordonnance additionnelle que la Commission estime appropriée ou nécessaire.

LES DÉTAILS SUR LESQUELS S'APPUIENT LES RECOURS ET LES MESURES DE REDRESSEMENT DEMANDÉS SONT PRÉCISÉS DANS LA MOTION CI-JOINTE.

PRENEZ AVIS que :

VOUS DEVEZ ÊTRE PRÉSENT À L'AUDIENCE. À DÉFAUT, L'AUDIENCE POURRA AVOIR LIEU EN VOTRE ABSENCE ET UNE DÉCISION OU UNE

TO YOUR INTEREST MAY BE ISSUED.

YOU ARE ADVISED that:

- (a) Commission Staff intend to proceed in the English language.
- (b) you are entitled to issue documents, present evidence and be heard in either English or French. If you wish to be heard in the French language, you must advise the Commission as soon as possible.
- (c) you are entitled to be represented by counsel.

DATED at the City of Saint John this 27th day of October 2009.

"original signed by"
Manon Losier
Secretary to the Commission

New Brunswick Securities Commission
Suite 300, 85 Charlotte Street
Saint John, New Brunswick E2L 2J2

Tel: 506-658-3060
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ORDONNANCE CONTRAIRE À VOS INTÉRÊTS
POURRA ÊTRE RENDUE.

NOUS VOUS AVISONS que :

- a) le personnel de la Commission a l'intention d'utiliser la langue anglaise.
- b) vous avez le droit de produire des documents, de présenter votre preuve et d'être entendu en français ou en anglais. Si vous souhaitez être entendu en français, vous devez en aviser la Commission dès que possible.
- c) vous avez le droit d'être représenté par un avocat.

FAIT dans la municipalité de Saint John, ce 27^{ième}
jour d' octobre 2009.

« original signé par »
Manon Losier
Secrétaire de la Commission

Commission des valeurs mobilières du Nouveau-
Brunswick
85, rue Charlotte, bureau 300
Saint John (Nouveau-Brunswick) E2L 2J2

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IN THE MATTER OF THE SECURITIES ACT,
S.N.B. 2004, c. S-5.5, as amended

AND

IN THE MATTER OF

**LOCATE TECHNOLOGIES INC. and
TUBTRON CONTROLS CORP.
(RESPONDENTS)**

MOTION

1. The following relief and remedies are sought by Staff against the Respondents:

An Order pursuant to subsection 184(2) of the *Securities Act*, S.N.B. 2004, c. S-5.5, as amended, that the Commission impose such terms and conditions as the Commission considers appropriate, including a firm date by which the Respondents must provide a Disclosure Document and an Offer of Rescission and Refund, satisfactory to Staff of the Regulatory Affairs Division of the New Brunswick Securities Commission.

2. The grounds for this motion are:

The Respondents entered into a Settlement Agreement with Staff of the Commission on 14 August 2008 which was subsequently approved by a panel of the Commission on 25 August 2008.

Pursuant to the terms of the Settlement Agreement as well as the Order of the Commission dated 25 August 2008, the Respondents were required to seek the expedient preparation of a Disclosure Document and Offer of Rescission and Refund, to certain New Brunswick residents who had provided money to the Respondents for investment purposes.

Over one year has passed since the approval of the Settlement Agreement and to date the Respondents have failed to produce a Disclosure Document and Offer of Rescission and Refund.

It is in the public interest that the Respondents complete their obligations under the Settlement Agreement without further delay.

3. **Evidence being relied on:**

- a. The affidavit of Mark McElman, sworn 5 October 2009; and
- b. Such further and other evidence as Staff may adduce and the Commission permit, in support of this motion.

DATED at the City of Saint John this 5th day of October, 2009.

Original signed by _____

Marc C. Wagg
Counsel to Staff of the Commission

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