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**Document N°:** 11-501  
**Subject:** Fee Rule  
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The New Brunswick Securities Commission, being of the opinion that

- a) it is in the public interest to make the proposed rule without delay because there is an urgent need for the proposed rule, and
- b) without the proposed rule being made, there is a substantial risk of material harm to investors or to the integrity of the capital markets

resolves that Fee Rule 11-501 is adopted as an emergency rule.

**DATED** at Saint John, New Brunswick this 5th day of July, 2004.

Donne W. Smith  
Chair

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### **FEE RULE 11-501**

The following fees must accompany applications and filings to the Commission:

#### **1) Registration of dealers and advisers**

- a) For an application for registration or renewal of registration as a dealer or adviser, a fee of \$600;
- b) In addition to the fee in (a), a fee of \$100 for an application for the registration or renewal of registration for each branch or sub-branch office located in New Brunswick;
- c) For an application to amend the registration of a dealer or adviser, a fee of \$100.

#### **2) Registration of individuals**

- a) For an application by an individual for registration or renewal of registration as a salesperson of a registered dealer, a fee of \$300;
- b) For an application by an individual for registration or renewal of registration as a representative of a registered adviser, a fee of \$300;

- c) For an application by an individual for registration or renewal of registration as a trading partner or trading officer of a registered dealer or a registered adviser, a fee of \$300.

### **3) Reinstatements and transfers**

For an application to reinstate or transfer a registrant who has been suspended, a fee of \$100.

### **4) Prospectuses**

- a) Where New Brunswick is not the principal jurisdiction for a preliminary prospectus or a pro forma prospectus, a fee of \$ 850 per issuer;
- b) Where New Brunswick is the principal jurisdiction for any preliminary prospectus or pro forma prospectus, a fee of \$1250 per issuer;
- c) In addition to the fees in (a) and (b), where the issuer of the securities is a natural resource company, a fee of \$100 for each property of the issuer that is the subject of a report filed with the preliminary prospectus or pro forma prospectus;
- d) For an annual information form filed under the provisions of National Instrument 44-101, a fee of \$1200;
- e) Where New Brunswick is not the principal jurisdiction for a preliminary simplified prospectus or pro forma simplified prospectus accompanied by an annual information form, a fee of \$1200 per issuer;
- f) Where New Brunswick is the principal jurisdiction for a preliminary simplified prospectus or pro forma simplified prospectus accompanied by an annual information form, a fee of \$1650 per issuer.

### **5) More than one class or unit**

Where a preliminary prospectus or pro forma prospectus includes more than one class of securities or more than one type of unit offering, a fee of \$300 for each additional class of securities or each type of unit offering.

### **6) Financial statements**

For the financial statements filed by each issuer under section 90(1) of the Act, a fee of \$150 unless the issuer has securities listed and posted for trading on the stock exchange in Canada, in which case the fee is \$250.

### **7) Amendments**

- a) For every amendment to a preliminary prospectus, a pro forma prospectus or a prospectus, a fee of \$100 per issuer;
- b) For an amendment to a preliminary prospectus, a pro forma prospectus or a prospectus that is accompanied by a report on a property or by an amended financial statement, an additional fee of \$150 for each property reported upon and each amended financial statement.

## **8) Shelf prospectus supplement**

For every supplement to a shelf prospectus filed under the provisions of National Instrument 44-102 a fee of \$850.

## **9) Prospecting syndicate agreements**

For every prospecting syndicate agreement filed, a fee of \$150.

## **10) Request to review decision of Executive Director**

For every request to the Commission for a hearing and review under section 193(1) of the Act, a fee of \$300.

## **11) Applications for orders**

- a) For every application to the Commission or Executive Director for an exemption order under the Act, rules, regulations, or policies, a fee of \$450;
- b) In addition to the fee in (a), for every application for an exemption order on an expedited basis, a fee of \$350.

## **12) Rights offering circular**

For every rights offering circular filed under National Instrument 45-101, a fee of \$350.

## **13) Certificates**

- a) For a certificate referred to in s 97(1) of the Act, a fee of \$50;
- b) For a certificate referred to in section 196(1) of the Act, a fee of \$50 plus \$1 per page photocopied;

## **14) Certified documents**

For a decision, document, record or thing certified by the Commission, Executive Director, Secretary or other authorized official, a fee of \$50 plus \$1 per page photocopied.

## **15) Searches**

For each on-site search, a fee of \$20 per search.

## **16) Photocopying**

For photocopying, a fee of \$1 per page.

## **17) Take-over and issuer bids**

- a) For every take-over bid or issuer bid circular, a fee of \$350;
- b) For every directors' circular, individual director's or officer's circular filed, a fee of \$100;

- c) For every notice of change or variation in respect of a take-over bid circular or issuer bid circular filed, a fee of \$100.

### **18) Late documents**

For every document filed outside the prescribed time period, a fee of \$100.

### **19) No fee**

No fee is required in respect of:

- a) A request for consent to the release of securities from, or the transfer of securities within, escrow;
- b) an application for amendment of registration as a salesperson of a registered dealer or as a partner or officer of a registered dealer or a registered adviser; and
- c) any matter which does not require the formal consent or approval of the Commission or the Executive Director.

### **20) All other applications and filings**

- a) For every application to the Commission or the Executive Director for which a fee is not otherwise provided, a fee of \$350;
- b) For any other filing for which a fee is not otherwise provided, a fee of \$25.

### **21) Cost of compliance reviews**

- a) For every compliance review under Section 167 or Section 169, a fee of \$50 per hour for each employee of the Commission involved in the review;
- b) For disbursements properly incurred by each employee of the Commission involved in the compliance review, the total amount disbursed.

### **22) Investigation costs.**

For the cost of or related to an investigation by a person appointed under section 171 of the Act, a fee of:

- a) \$50 per hour per person for time spent on an investigation by any employee of the Commission;
- b) For disbursements properly incurred by any employee of the Commission for an investigation, the total amount disbursed;
- c) Fees paid to an expert, to a maximum of \$600 per hour for each expert engaged;
- d) For disbursements properly incurred by an expert retained by the Commission, the total amount disbursed.;
- e) Fees paid for legal services, to a maximum of \$400 per hour for each lawyer engaged;

- f) For disbursements properly incurred in connection with the provisions of legal services to the Commission, the total amount disbursed.

### **23) Hearing costs**

Fees and charges for the costs of or related to a hearing are:

- a) \$2000 for each day or partial day of hearing;
- b) \$50 per hour for each employee of the Commission for time spent at a hearing;
- c) For disbursements properly incurred by any employee of the Commission for a hearing, the total amount disbursed;
- d) Fees paid to an expert or witness, to a maximum of \$600 per hour for each person involved;
- e) For disbursements properly incurred by an expert retained by the Commission, the total amount disbursed;
- f) Fees paid for legal services, to a maximum of \$400 per hour for each person involved;
- g) For disbursements properly incurred in connection with the provision of legal services to the Commission, the total amount disbursed.

### **24) Refunds**

Where:

- a) an application for registration or renewal of registration is abandoned; or
- b) a preliminary prospectus or prospectus is withdrawn,

the Executive Director may, upon the application of the person who made the application or filed the preliminary prospectus or prospectus grant a refund of the fee paid on the making of the application or the filing of the preliminary prospectus or prospectus or such part thereof as he considers fair and reasonable.

### **25) Discretionary fee reduction**

If the Commission or the Executive Director considers it to be in the public interest, the Commission or the Executive Director may order that,

- a) the fees in either or both of sections.13 and 14
  - i) be varied by reducing the fee payable, or
  - ii) do not apply, or
- b) the fees in s.19, s.20 and s.21
  - i) be varied by reducing the fees and charges payable, or
  - ii) do not apply.

**26) Incomplete or incorrect filings**

If a record is filed with the Commission, the Executive Director or a self-regulatory organization recognized by the Commission and the record has not been completed in accordance with the Act or this regulation, the Commission, the Executive Director or the self-regulatory organization may return the record to the person by whom it has been filed, and a refund of the fee or any part of it paid upon the filing of the record must not be made unless the Commission, the Executive Director or the self-regulatory organization otherwise directs.

**27) Effective date**

This rule comes into effect July 1, 2004