

Can you settle a securities enforcement proceeding in Alberta without admitting misconduct

June 22, 2018

<>The Alberta Securities Commission ("ASC") announced that it had revised the Credit for Exemplary Cooperation in Enforcement Matters Policy (Policy 15-601) to allow respondents to enter into no-contest settlement agreements in certain and limited circumstances.

A no-contest settlement agreement permits the settlement of enforcement proceedings without requiring an admission by the respondent of misconduct. Until the introduction of no-contest settlement agreements, the ASC required an admission of guilt or culpability in order to settle an enforcement proceeding.

The ASC announced that no-contest settlement agreements may be considered when respondents have self-reported, have fully cooperated with the ASC and have taken financial responsibility for their actions. The ASC stated that a "no-contest settlement agreement will not be considered if the ASC has reason to believe that a respondent has engaged in abusive or fraudulent misconduct, or if it is in the public interest to proceed with a quasicriminal or criminal investigation" and "it will always be in the sole discretion of the ASC whether a no-contest settlement agreement will be available in the circumstances".

The introduction of no-contest settlement agreements brings Alberta in line with other jurisdictions, including the Ontario Securities Commission, had previously adopted no-contest settlements, and the U.S. Securities and Exchange Commission ("SEC"), which used no-contest settlement agreements to garner an impressive enforcement record.

The ASC released a notice ([found here](#)), in which the ASC stated in that the inclusion no-contest settlement agreements is part of an effort to expand the ASC enforcement toolbox. However, there has been some criticism of no-contest settlement agreements as they allow respondents to avoid the consequences that would follow an admission of guilt, such as civil proceedings by investors. It will be interesting to see in what circumstances the ASC allows no-contest settlement agreements.

by Andrew Pozzobon in Securities: Litigation Regulatory and Compliance

By

[Andrew Pozzobon](#)

Expertise

[Securities Disputes](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.