

[62] Wharram has asked for an order that any future repayment of investor losses by him not be subject to section 15.1 of the Act. We cannot make this order. With respect to the section 161(1)(g) order for \$517,500, those funds, as required by the Act, must be made subject to the disbursement procedures of section 15.1. Any amounts over and above the \$517,500 section 161(1)(g) order and administrative penalty ordered under section 162 that Wharram may be in a position to pay to investors would happen outside the confines of the Act in its entirety. Wharram is free to make whatever payments to investors he wants. Any such payments would not reduce his obligation to pay the orders we are making under sections 161(1)(g) and 162.



We argued that if future circumstances changed and we had the ability to pay money back to the investors, we did not want the involvement of the BCSC. We don't agree with the policies and procedures mandating they wait 36 months to receive their any repayment of capital.