



OSGOODE INVESTOR PROTECTION CLINIC and LIVING LAB

2024 ANNUAL REPORT

ABOUT US

OUR PURPOSE

Osgoode’s Investor Protection Clinic and Living Lab (“IPC”), the first of its kind in Canada, provides pro-bono legal services to people who believe their investments were mishandled and cannot afford a lawyer. The IPC was founded by Osgoode Hall Law School in collaboration with FAIR Canada, a non-profit organization that champions the rights of individual investors in Canada through advocacy, education, and regulatory advancements.

The IPC has received seed and other funding from the Law Foundation of Ontario, the Ontario Securities Commission (OSC), the Investment Industry Regulatory Organization of Canada (IIROC) and the Mutual Fund Dealers Association (MFDA) (now merged as the Canadian Investment Regulatory Organization (CIRO)), and two cy-près awards. The IPC also receives support from Osgoode alumni and in-kind contributions from our pro-bono partner law firms and experts. The IPC is grateful to these organizations and individuals for their generous support.

The IPC has three primary purposes:

LEGAL SERVICES

Provide legal advice to people who believe they have suffered an investment loss because of someone else’s wrongdoing or negligence.

RESEARCH

Act as a “Living Lab,” collecting and analyzing research data in an anonymized way to inform public policy.

EDUCATION AND ENGAGEMENT

Develop investor education initiatives and educational resources through community outreach.

OUR PEOPLE

The IPC is managed by Osgoode Professor Poonam Puri, Osgoode Adjunct Faculty Member Brigitte Catellier, Advocacy Coach Neil Gross, and Administrative Coordinator Ruby Soriano.



Poonam Puri

Professor Puri is a full professor at Osgoode and founding academic director of the IPC.



Brigitte Catellier

Professor Catellier is an adjunct faculty member at Osgoode and associate director of the IPC.



Neil Gross

Mr. Gross is a capital markets policy consultant and retired lawyer, and is the advocacy coach of the IPC.



Ruby Soriano

Ms. Soriano is the administrative coordinator of the IPC.

Student Caseworkers

In 2023-2024, the IPC was staffed by 12 student caseworkers. The students were supervised internally or paired with supervising lawyers from our pro-bono partner law firms, and each was assigned several client files. Students conducted initial intake interviews with potential clients, then provided a written memorandum outlining the merits of the file. If the IPC was able to take on a file, students drafted and filed the necessary documents to pursue the clients' complaints or claims. The students also worked on the IPC's existing files, which are at a variety of stages, and participated in community outreach activities focused on investor education, including the creation of Points of Interest videos on topical issues such as Do-it-Yourself investing.

Student caseworkers at the IPC are also researchers in the Living Lab*, and as such analyze issues including: the demographics of who is harmed, what legal recourse may be possible, whether such legal recourse was successful, and what changes to the legal framework might be required to better protect harmed investors.

** Participants in the Living Lab research provide informed consent to our collection and use of information from the intake process until the file's closure unless they choose to withdraw their consent, which they can do anytime. A Clinic client's refusal to consent or withdrawal of consent to participate in the Living Lab research does not impact their ability to receive pro-bono legal assistance from the IPC.*

Pro-Bono Partner Law Firms

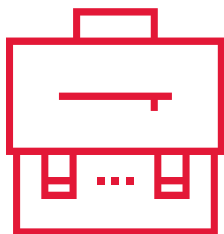
The IPC is grateful for the longstanding pro-bono involvement of a number of leading law firms, including:



Referrals

In 2023-2024, the IPC received 12 referrals from industry stakeholders, including CIRO, FAIR Canada and the OSC, as well as from our pro-bono partner law firms. These referrals helped us further our mission in assisting harmed investors.

2023-2024 AT A GLANCE



LEGAL SERVICES

From May 1, 2023 to April 30, 2024, the IPC received a total of 44 inquiries, which resulted in:

- 27 intake interviews
- 13 new files with 5 closed
- 7 formal letters to opposing parties
- 6 complaint letters to Ombudsman offices:
 - 4 complaints to the Ombudsman for Banking Services and Investments (OBSI);
 - 1 complaint to the OmbudService for Life and Health Insurance (OLHI); and
 - 1 complaint to the ADR Chambers Banking Ombuds Office (ADRBO)
- 4 settlements with compensation
- 1 complaint to the OSC
- 1 complaint to the United Kingdom Financial Conduct Authority (UKFCA)
- 1 factum to the Supreme Court of Canada
- 1 Small Claims Court action

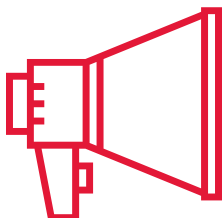


RESEARCH

Key data points from the 27 intake interviews:

- 16 (59%) involved clients aged 50 or older
- 10 (36%) involved fraud or scam
- 7 (25%) involved unsuitable advice by registered representatives
- 5 (18%) involved do-it-yourself (DIY) investors

The Living Lab is collecting and analyzing this and other data for research purposes.



EDUCATION AND ENGAGEMENT

- Comment letter in favour of OBSI being given binding authority (February 28, 2024).
- Comment letter on the Financial Services Regulatory Authority of Ontario's (FSRA) proposed approach to strengthening the protection of vulnerable consumers (March 5, 2024).
- Video educating investors about the legal risks associated with engaging in DIY trading on Order Execution Only (OEO) platforms (April 4, 2024).
- Publication about the risks associated with the investing technique of "buying on margin" (October 23, 2023).
- Presentation by IPC student caseworkers and Professor Catellier to the Canadian Securities Administrators (CSA) Advisory Panel entitled "A look at the Osgoode Investor Protection Clinic's trends from May 1, 2022 to October 31, 2023" (December 13, 2023).

LEGAL SERVICES

HIGHLIGHTS

- A majority of IPC inquiries involved clients who were unable to afford legal representation or had been declined paid legal representation due to the relatively modest size of their claim.
- The IPC successfully helped clients achieve settlements of more than \$140,000 CAD through various channels, including OBSI and CIRO.
- The IPC declined two client files when the OSC could not collect the financial sanctions it had already imposed.
- The IPC declined three client files involving previously expired limitation periods.

CLIENT TESTIMONIALS:

“Working with IPC caseworkers was an exceptionally supportive and enlightening experience. Their professionalism, empathy, and thorough understanding of my case provided me with the confidence and guidance necessary to navigate the complexities of my situation with my brokerage firm.”

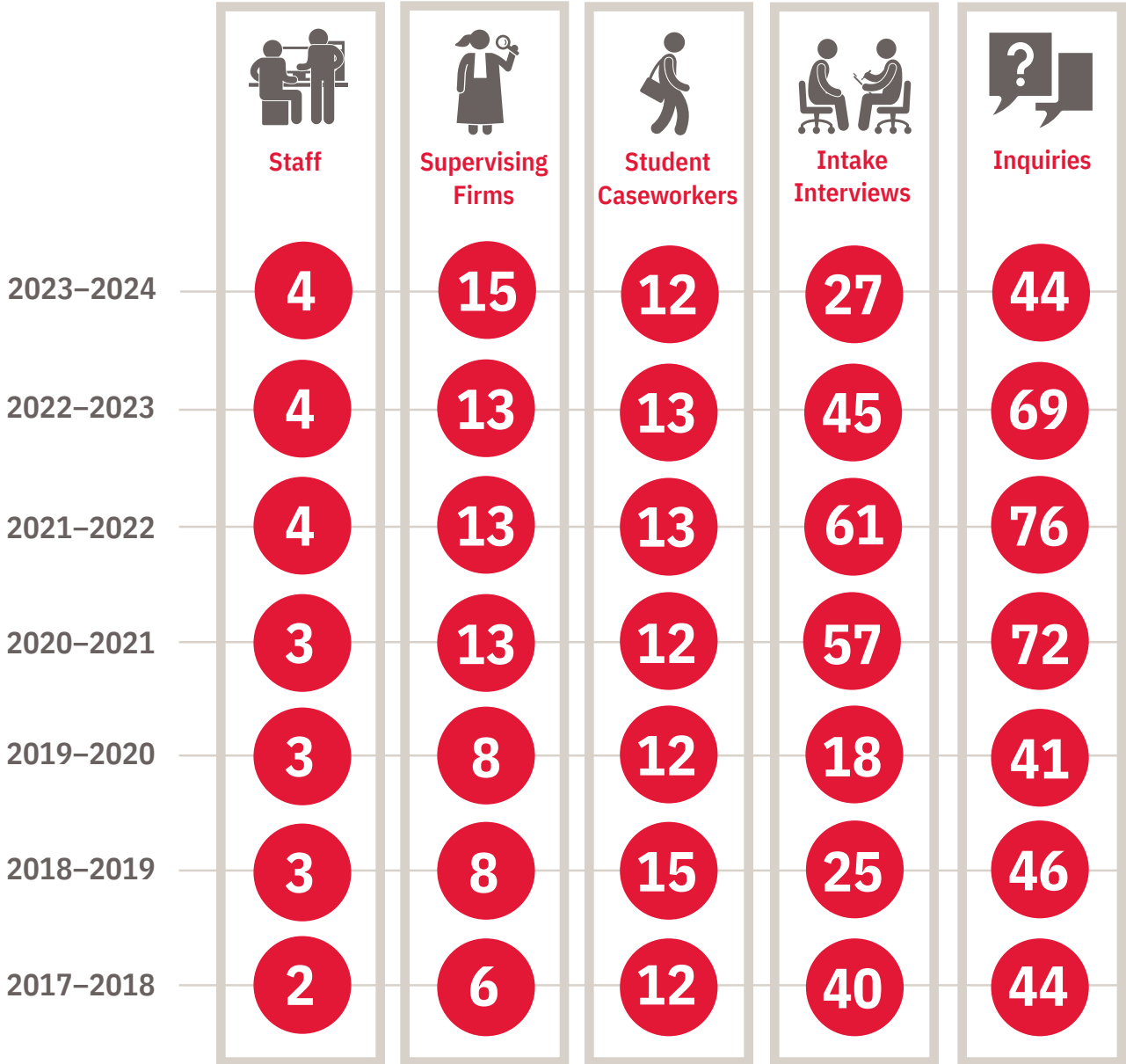
“I sought the IPC’s help after receiving misleading advice from my brokerage firm that significantly impacted my financial situation. With the IPC’s assistance, we aimed to seek proper compensation and rectify the misleading guidance I was given.”

“The most helpful aspect was the strategic advice and constant communication from the IPC team. Their ability to clearly explain my options, the legal context, and the steps we could take was invaluable. Knowing I had knowledgeable advocates on my side made a significant difference in how we approached the resolution process.”

“The nature of my case was complicated, and the IPC helped clarify the key points I needed to communicate to OBSI. The advice I received in preparation for my OBSI interview was the most helpful part of the process. At times, I was getting lost in the details, but the IPC helped me focus on the facts that strengthened my case.”

“The student caseworkers did not give up on me! They believed in my case and worked in presenting justifications to my online trading platform as to why all my lost money should be refunded.”

OUR WORK



Factors Considered in Selecting Files:

- Merits of an applicant’s complaint
- Whether a complaint fell within the scope of the IPC’s mandate
- Financial needs of an applicant
- Adequate evidence and recordkeeping of communication
- Expiry of the limitation period
- Learning opportunity for the student caseworkers
- IPC capacity

File Work Included:

- Submitting complaints to regulators and law enforcement
- Preparing demand letters to investment firms and other opposing parties
- Negotiating compensation for losses on OEO platforms
- Submitting complaints to OBSI, OLHI, and UKFCA
- Pursuing civil claims
- Assisting with settlements
- Determining the standard of care required for recommending an investment
- Educating clients on various complaint processes
- Investigating potential avenues for dispute resolution, including alternatives to civil litigation

RESEARCH

The IPC is a “living research lab,” providing important data and evidence of trends to help inform public policy debates. Four trends dominated our work throughout 2023-2024. Through comment letters, educational videos, public presentations and the IPC’s newsletter, the IPC Living Lab is raising awareness of these challenges, advocating for changes in policy and practice, and developing practical tools to better protect investors.

DIY INVESTOR COMPLAINTS CONTINUE TO GROW

The IPC continued to experience a rise in complaints from DIY investors who manage their own investments without the help of an advisor. Since 2022, the IPC has received 31 complaints from DIY investors. In 2023-2024, five cases (18%) were related to DIY investors and OEO platforms.

One of the IPC’s recent files, for example, involved an investor who suffered a loss when his put options were impacted by a negative stock split. Although DIY investors typically have few options for recourse following a loss, the IPC’s student caseworkers and their supervising lawyer were able to successfully secure appropriate compensation for the client after the OEO dealer admitted that they had provided incorrect information on this complex trade.

To help educate investors and mitigate their risk, the IPC released a new informational video on DIY investing, part of the IPC’s Points of Interest video series. →



IPC CALLS FOR OBSI BINDING AUTHORITY

The IPC urged the CSA to grant OBSI, an independent dispute resolution provider, the authority to issue final, binding decisions.

“Based on our experience working with retail investors, we strongly support the CSA’s proposed regulatory framework as a crucial step in investor protection and urge its swift adoption across all jurisdictions,” says Poonam Puri, the IPC’s academic director. The IPC team voiced their opinion in a comment letter to the CSA in February 2024.

In 2023-2024, the IPC supported seven clients through the OBSI complaint process. In one instance, OBSI recommended a \$57,000 settlement. The investment firm responded with a counter-offer of \$27,000.

“Binding authority would help mitigate this problem of lowball settlement offers,” Puri says, adding that it was only with the support of the IPC that the client secured the full recommended amount.

NO ONE IS IMMUNE FROM FRAUDS AND SCAMS

Nearly half of the IPC’s 2023-2024 cases were frauds or scams and a majority involved college- or university-educated clients (73%) over the age of 50 (64%). “No one is immune from falling prey to a well-crafted scheme,” says IPC’s associate director Brigitte Catellier.

Fraudsters often present attractive, time-sensitive investment opportunities and pressure their victims to quickly invest large sums of money. In one IPC case, the client received a call from someone claiming to be an employee of a recognized Canadian financial institution.

Investors should call the financial institution directly and take the time to carefully consider the benefits and risks associated with an investment opportunity. “If it sounds too good to be true, it probably is,” says Catellier.

The IPC shared this message and data about the growing number of fraud cases at multiple presentations over the last year, where they also advocated for increased collaboration and enforcement strategies to help protect vulnerable retail investors.

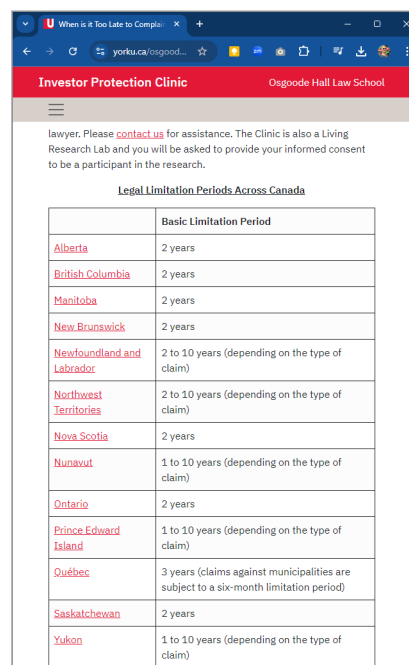
LAPSED LIMITATION PERIODS IMPACTING INVESTOR COMPENSATION

The IPC raised the red flag on the investor knowledge gap after declining multiple cases in 2023-2024 involving retail investors who exceeded the statutory limitation period on civil claims.

“It can be challenging for retail investors to recognize that they’ve suffered an investment loss as a result of someone else’s wrongdoing,” explains IPC’s associate director Brigitte Catellier. By the time several of the IPC’s prospective clients realized they were harmed and contacted the IPC for assistance, the civil limitation period had already elapsed. In Ontario, the basic limitation period for a civil claim is two years from the discovery of the claim.

A lapsed limitation period not only prevents investors from pursuing a civil claim, it also removes their ability to use the possibility of commencing a civil claim as leverage during settlement negotiations.

The IPC published “When is it too late to complain? A guide on limitation periods” to help educate investors about their rights.



The screenshot shows a webpage from the Investor Protection Clinic at Osgoode Hall Law School. The page includes a disclaimer about research participation and a table titled "Legal Limitation Periods Across Canada".

	Basic Limitation Period
Alberta	2 years
British Columbia	2 years
Manitoba	2 years
New Brunswick	2 years
Newfoundland and Labrador	2 to 10 years (depending on the type of claim)
Northwest Territories	2 to 10 years (depending on the type of claim)
Nova Scotia	2 years
Nunavut	1 to 10 years (depending on the type of claim)
Ontario	2 years
Prince Edward Island	1 to 10 years (depending on the type of claim)
Québec	3 years (claims against municipalities are subject to a six-month limitation period)
Saskatchewan	2 years
Yukon	1 to 10 years (depending on the type of claim)

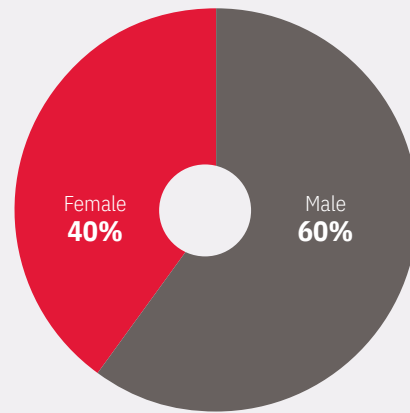
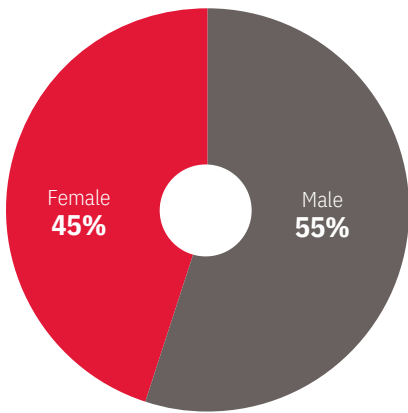
DEMOGRAPHICS OF 2023-2024 CLIENTS

2023-2024 clients were diverse in gender, age, cultural background, occupation, and financial knowledge.

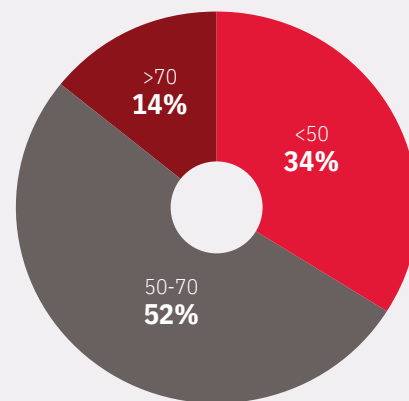
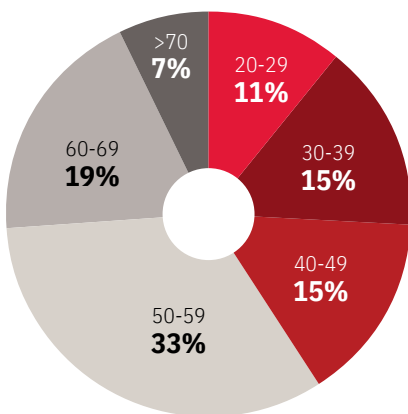
(May 1, 2023 to April 30, 2024)

DEMOGRAPHICS OF ALL CLIENTS TO DATE

Gender



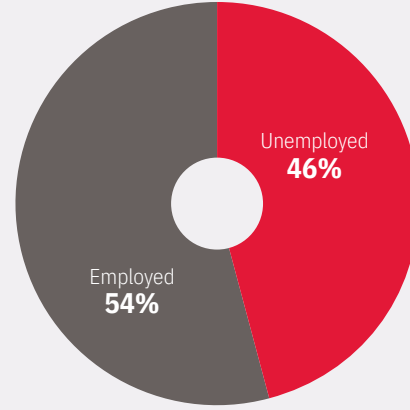
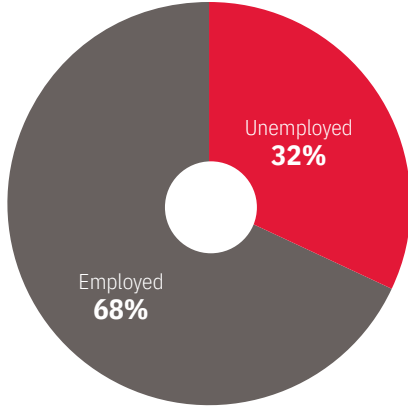
Age



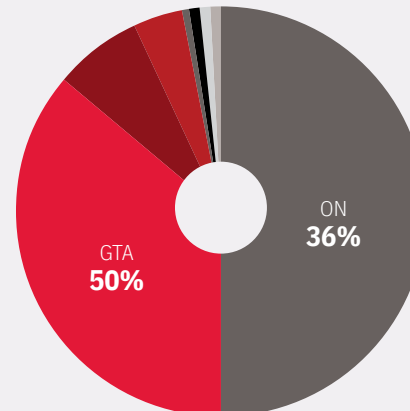
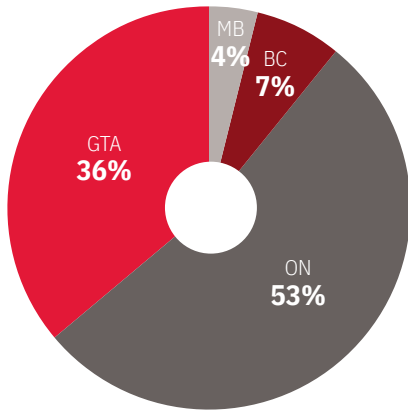
DEMOGRAPHICS OF 2023-2024 CLIENTS

DEMOGRAPHICS OF ALL CLIENTS TO DATE

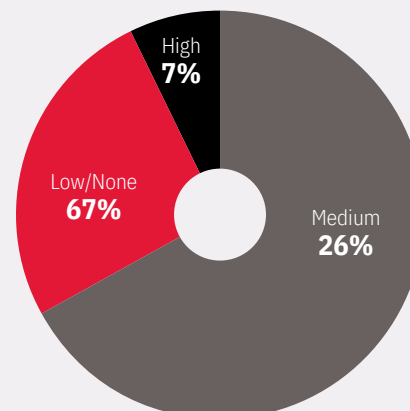
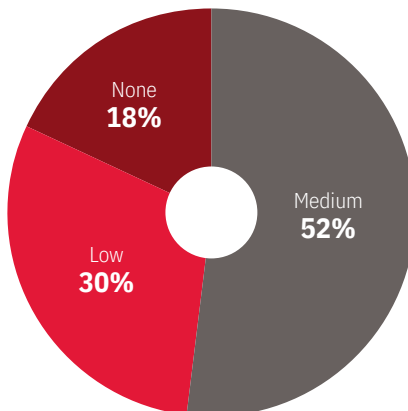
Employment Status



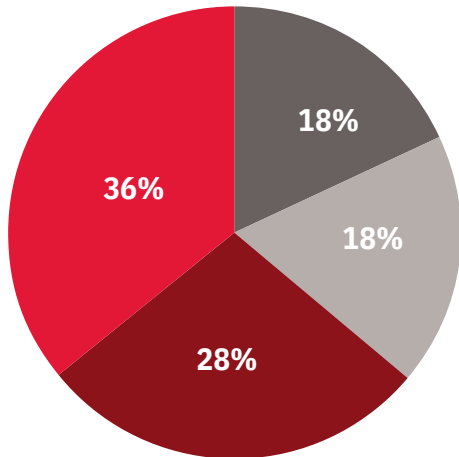
Geography



Investment Knowledge



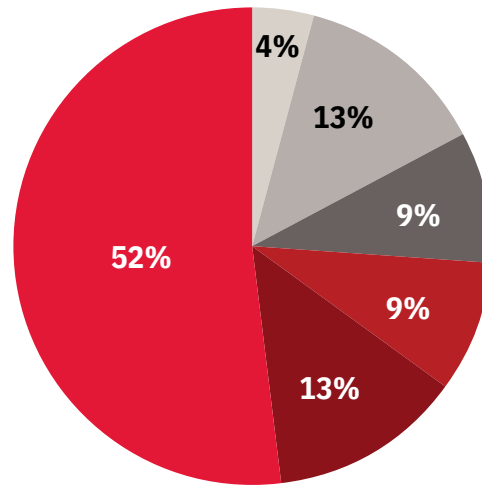
COMPLAINT TYPE



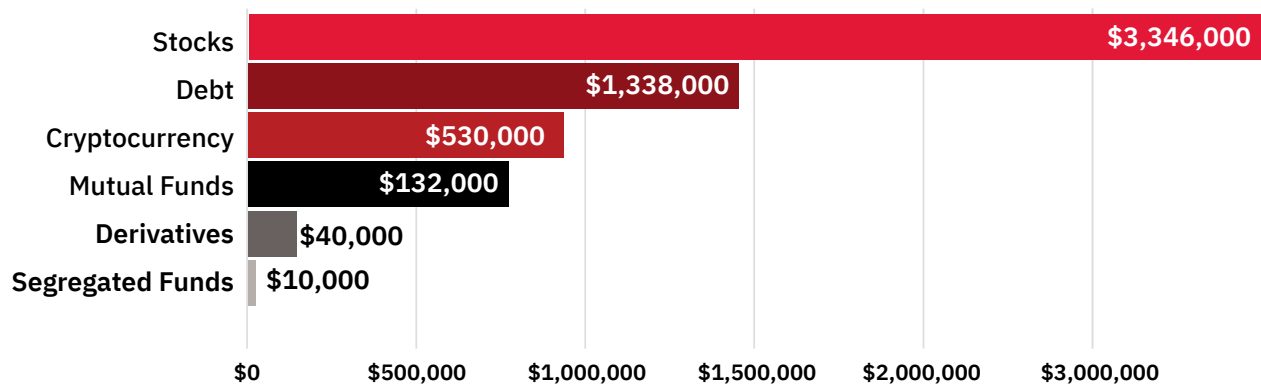
- Fraud/scam 36%
- Unsuitable advice 28%
- DIY trading 18%
- Investment underperformance due to financial mismanagement 18%

INVESTMENT PRODUCT TYPE

- Stocks 52%
- Debt 13%
- Mutual Funds 9%
- Cryptocurrency 9%
- Segregated Funds 13%
- Derivatives 4%



INVESTMENT PRODUCT TYPE



EDUCATION AND ENGAGEMENT



PUBLICATIONS

- The IPC published a comment letter in support of the CSA’s proposal for a new regulatory framework under which OBSI would have the authority to issue final, binding decisions.
- The IPC published a comment letter in response to FSRA’s proposed approach to strengthening the protection of vulnerable consumers. The IPC advocated for a comprehensive definition of the term “vulnerable consumers” and shared behavioural insights gleaned from interactions with IPC clients.
- In response to a growing number of inquiries from DIY investors using OEO platforms, the IPC produced a video about DIY trading to inform investors about the legal risks of using such platforms.
- The IPC published an article about the risks associated with the investing technique of “buying on margin”.
- The IPC intervened in the *Poonian v. BC Securities Commission* case at the Supreme Court of Canada. The Court ruled that disgorgement orders survive declarations of bankruptcy, partly adopting the position for which IPC advocated.



In 2023-2024, the IPC welcomed subject experts and opinion leaders from various law firms and financial institutions to speak to the IPC student caseworkers on topics including investor protection and securities law.

- Malcolm Gilroy, Logan Wealth Management – Understanding Risk Management in Portfolio Management
- Laura Tamblyn Watts, CanAge – A Focused Look at Seniors
- Jean-Paul Bureaud, FAIR Canada – Investment Fraud
- Lori Stein, McCarthy Tétrault – Cryptocurrency Developments and Regulation
- Meera Paleja, Ontario Securities Commission – Behavioural Economics & Biases
- Jill Davis, Blake, Cassels & Graydon LLP – ESG Funds: Regulatory Developments & Investor Protection
- Jonathan Davey, Scotiabank – Indigenous Perspectives in Investing
- Garth Myers, Kalloghlian Myers LLP – Private Enforcement and Class Actions



OSC Dialogue 2024 Investor Panel from l-r: Moderator Sonny Randhawa, Brigitte Catellier, Tom C. W. Lin and Sasha Tregobov



PRESENTATIONS

- IPC Directors Poonam Puri and Brigitte Catellier were featured speakers at numerous events throughout the year, including:
 - The 2024 OSC Dialogue about DIY investments
 - Northwind’s Retail Investor Forum about issues impacting retail investors
 - McCarthy Tetrault’s ESG Shareholder Proposals Roundtable
 - The Long Run Institute/ Ivey New York City Roundtable on ESG
 - The Banff Capital Market Roundtable on the character of the corporate fiduciary duty
 - The CSA’s conference on mergers and acquisitions

The IPC student caseworkers and Professor Catellier also gave a presentation to the CSA Investor Advisory Panel in December 2023 entitled, “A look at the Osgoode Investor Protection Clinic’s trends from May 1, 2022 to October 31, 2023”.



MEDIA

On September 29, 2023, the IPC opened the market at the Toronto Stock Exchange while celebrating six years of operation. In attendance were IPC Directors Poonam Puri and Brigitte Catellier, Osgoode Hall Law School Dean Trevor Farrow, current and former IPC student caseworkers, and supervising lawyers.



AWARDS AND ACHIEVEMENTS

- Professor Puri was named the York Research Chair in Corporate Governance, Investor Protection and Financial Markets.
- Professor Catellier was renewed for a three-year term on the CSA’s Investor Advisory Panel.

SOCIAL MEDIA

The IPC student caseworkers are responsible for operating our social media accounts. You can find us on the following platforms:

FOLLOW US ON:



X: @OsgoodeIPC



LinkedIn: Osgoode-IPC



Visit our website



Subscribe to our newsletter

IPC STUDENTS AND ALUMNI

BENNETT JONES INVESTOR PROTECTION CLINIC AWARD



Bennett Jones

Since 2021, internationally recognized Canadian law firm Bennett Jones LLP has supported an annual award to recognize an outstanding student caseworker in the IPC. The IPC thanks Bennett Jones for their generosity.



“The time [Bennett Jones] took, the resources they provided were amazing to see. It set the bar for what it means to be an accomplished lawyer. I realized then that it’s not just about winning cases, but about cultivating a practice that reaches into the community... I’d like to thank [Bennett Jones] for all they’ve done for the IPC and for me. They’re shaping the kind of lawyer I will become.”

- 2024 award winner Muzammil Chatha

STUDENT CASEWORKERS

Year 7 (2023–2024):



Abilash
Sathyakumar



Aishath (Azka)
Anees



Alexander
Qanbery



Angelie
Vivekanand



Ayisha Malik



Diana Damiani



Emma Kirwin



Jialin Zheng



Josephine Hu



Mathieu
Hergett-Rozier



Muzammil Chatha



Zane Nasir

STUDENT CASEWORKERS

Year 8 (2024–2025):

In 2024, a record-setting 80 applications were received from IPC student caseworker candidates



Allyson Hamiltond



Alyssa Marchese



Ani* Velinova



Bilal Ak



Elukshayn* Rishihesan



Haben Dawit



Jason Corry



Lina Kohandan



Nazshirin (Shirine)
Haghjou



Raagavi*
Ramenthiran



Rishab Rekhi



Rose Zhang



Shahaab Sherwani



Yang (Rita)* Yang



Yubo* Wang

Student Testimonials

“During my time as a caseworker, I had the opportunity to engage with the complexities of investment-related legal issues and client advocacy. I was fortunate to represent a client successfully in Small Claims Court, which further developed my ability to analyze intricate legal matters and deliver compelling legal arguments. This experience has laid a strong foundation for my future career as a lawyer, equipping me with the analytical, advocacy, and client-relations skills essential for success in the legal profession.”

- Diana Damiani, 2023-2024 Caseworker

“My experience with the IPC has been a highlight of my law school career. I gained hands-on experience in seeking legal recourse for clients’ losses and harms, whether through Small Claims Court or direct communication with opposing counsel. The IPC provided valuable exposure to legal drafting, client communication, and a deeper understanding of Ontario’s judicial process. Moreover, I became more acutely aware of the challenges facing today’s investing public, including the rise of fraudulent investment schemes and the lack of investor education regarding emerging marketplace options like order-execution-only trading platforms. I am eager to apply the skills I have learned and honed at the IPC in my future legal practice.”

- Abilash Sathyakumar, 2023-2024 Caseworker

“I just wanted to say thank you for all the training I received while working as an IPC caseworker. I especially appreciate the professionalism training and the informative seminars provided during the school year. I am confident that the soft skills and knowledge I gained during the placement will serve me well in the coming months and beyond.”

- Jialin Zheng, 2023-2024 Caseworker

*IPC 2024 summer caseworker

ALUMNI



OUR ADVISORS

We thank our advisors for their dedication and valuable contributions to the pro-bono work at the IPC.



Malcolm Gilroy

Mr. Gilroy is a seasoned executive in the financial services industry, having held senior management positions in North America, Europe and Africa. Mr. Gilroy is currently working on assignments in Nigeria and East Africa. He resides in Toronto and is the Chair of the Investment Committee for Logan Wealth Management. He sits on the boards of directors for The Jane Goodall Institute (Global) and Lupus Canada. Mr. Gilroy frequently participates in the training and development of student caseworkers, and has done so since the inception of the IPC in 2017. Mr. Gilroy also assists in financial evaluations and damages assessments of our files and provides guidance that is instrumental to our success.



Deborah Leckman

Ms. Leckman is a senior investment professional with over 30 years of experience in the pension fund and retail wealth industries. Ms. Leckman recently completed a six-year term as Commissioner, Director and Adjudicator at the OSC. In January 2019, she was appointed to the Board of Trustees at OPTrust by the Government of Ontario. Ms. Leckman participates in the weekly IPC team meetings and provides assistance, support and recommendations on file matters.



Christopher McKenna

Mr. McKenna is a lawyer at Bennett Jones LLP and is responsible for the overall operation and administration of the Toronto Student Program, including the recruitment and development of Summer and Articling Students. He is also a member of National Association of Law Placement (NALP) and of the OCI Advisory Committee. Mr. McKenna has been dedicated to the IPC since its inception and participates in training our student caseworkers and supervising various IPC files.

GETTING INVOLVED

Donations and Financial Support

- The IPC is a student-run pro-bono legal service, and we are always looking for donations and support! If you are interested in donating, please email us at ipc@osgoode.yorku.ca.

Industry Professionals

- Are you an industry professional who would like to lead seminars? The IPC is always looking for professionals to give our student caseworkers a competitive edge. Please reach out to us at ipc@osgoode.yorku.ca if you would like to get involved!
- If you are a lawyer who would like to work alongside the IPC in providing services to our clients or supervising a group of student caseworkers on their files, please reach out to us!

Spreading the Word

- The IPC always appreciates referrals and the promotion of our services or publications to the public.

REQUESTING OUR SERVICES

- Do you believe that your investments have been mishandled? Have you been a victim of investment fraud? The IPC wants to hear from you!
- If you believe you could benefit from our services, apply online:
<https://www.yorku.ca/osgoode/ipc/clinics-process/>.
- The IPC also conducts Living Lab research, collecting data and performing analysis to inform the scholarly literature and public policy debates, and to provide views and opinions to regulatory bodies and governments, and educate the general public on issues facing retail investors. You will be asked to provide your informed consent prior to participation in the Living Lab research. However, your participation in the Living Lab research is not required to be considered to receive pro-bono services from the IPC.



FREE LEGAL ADVICE
FOR PEOPLE WHO BELIEVE THEIR INVESTMENTS WERE MISHANDLED.

 The Law Foundation of Ontario
Advancing access to justice

 OSC ONTARIO SECURITIES COMMISSION

 CIRI • OCRI
Canadian Investment Regulatory Organization / Organisme canadien de réglementation des investissements

 OSGOODE
OSGOODE HALL LAW SCHOOL

 YORK UNIVERSITY



CONTACT US

416-736-5538

IPC@osgoode.yorku.ca

<https://www.yorku.ca/osgoode/ipc/>

