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### **BANKRUPTCY AND INSOLVENCY LAW OF CANADA**

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**Release 4, April 2024**

This resource contains the complete text of the *Bankruptcy and Insolvency Act* and Rules, the *Companies' Creditors Arrangement Act*, the *Farm Debt Mediation Act*, the *Wage Earner Protection Program Act* and the *Winding-Up and Restructuring Act*. The section-by-section and rule-by-rule case annotations and commentary provide an extensive and detailed resource tool for insolvency lawyers, trustees, receivers and liquidators. The collection of Policy Documents, Model Orders, Forms and Precedents provide additional practice guides to make it the most complete resource for the professional.

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## What's New in this Update:

This release contains updates to Chapters 4, 5, 6, 7, 8, 9, 12, 16, 21, 22, and 23.

## Case Law Highlights

- **The Bankruptcy and Insolvency Act — Property of the Bankrupt — Property Vesting in Trustee—Environmental Liability and Vesting** — In the same proceeding, the Alberta Court of Appeal denied permission to appeal the decision. The Court held that permission to appeal a decision of a single justice can be granted if the applicant establishes that there is a question of general importance; a possible error of law; an unreasonable exercise of discretion; or a misapprehension of important facts. The fundamental hurdle is to show that it is in the interests of justice to have a panel review of the single judge's decision. Permission to review a single judge's decision should be rare and permitted only if there is a compelling reason. Here, the applicant had not persuaded the court of a possible error of law or misapprehension of the facts; or that an appeal would involve a question of general importance; or that it would be in the interests of justice to permit an appeal: *Mantle Materials Group, Ltd v. Travelers Capital Corp*, 2023 CarswellAlta 2930, 2023 ABCA 339 (Alta. C.A.).
- **The Bankruptcy and Insolvency Act — Courts and Procedure — Time for Filing Notice of Appeal and Extension of Time** — In a receivership proceeding, the British Columbia Court of Appeal granted an extension of time for a defendant to file a notice of cross-appeal and a cross-appeal factum. There was a dispute about the scope of the order that was not resolved until after the time for filing a notice of cross-appeal. The Court held that finality plays a lesser role in considering extensions to file cross-appeals than it does extensions to bring an appeal. The appellant will not be unduly prejudiced by the delay in filing the cross-appeal. The interests of justice favour all matters in dispute arising from the trial judgment being resolved in one hearing: *IE CA 3 Holdings Ltd. v. NYDIG ABL LLC*, 2024 CarswellBC 238, 2024 BCCA 38 (B.C. C.A.).

## ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView

- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages