

Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. <i>Distribution List</i>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

BANKRUPTCY AND INSOLVENCY LAW OF CANADA

L. W. Houlden, G. B. Morawetz, Janis Sarra

Release No. 8, August 2025

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.

What's New in this Update:

This release features updates to the commentary in Chapters 1 (*BIA* — General; Short Title), Chapter 4 (*BIA* — Part III Proposals), 5 (*BIA* — Part IV Property of the Bankrupt), 6 (*BIA* — Part V Administration of Estates), 8 (*BIA* — Part VII Courts and Procedure), 12 (*BIA* — Part XI Secured Creditors and Receivers), 22 (*CCAA* — Part II: Jurisdiction of Courts), 23 (*CCAA* — Part III: General), 24 (*CCAA* — Part IV: Cross-Border Insolvencies), 27 (*Farm Debt Mediation Act*), and 28 (*Wage Earner Protection Program Act*).

THOMSON REUTERS®

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Case Law Highlights

- In a receivership proceeding, the Court of Appeal for Ontario dismissed appeals from contempt findings and the sentences imposed. The issue of the appropriate sentence for a civil contempt is a matter that is entirely within the discretion of the judge making the contempt finding. The appellants have not demonstrated any error in principle in the sentences imposed by the motion judge nor are the sentences manifestly unfit. The motion judge found that the trucks had been moved from the debtor's premises after the receivership order was made, in contravention of the order. All that is required to establish civil contempt is proof beyond a reasonable doubt of an intentional act or omission that is in fact in breach of a clear order of which the alleged contemnor has notice. The appeals from the contempt findings are dismissed as are the appeals from the sentences imposed: *Canadian Western Bank v. Canadian Motor Freight Ltd.*, 2025 CarswellOnt 4974, 2025 ONCA 263 (Ont. C.A.).
- The Court of Appeal for Ontario dismissed the plaintiff's appeal from the decision of a motion judge that held that while an undischarged bankrupt, the plaintiff had started an action against his landlord. The Court of Appeal held that the claim was directly linked to the claim for lost property, which was a nullity and the plaintiff's related claim for mental distress was also a nullity. The damages claimed for mental distress do not arise out of a standalone claim; they are directly linked to the claim for damages arising from the lost property. If the action arising out of the lost property falls as a nullity, the related claim for mental distress falls with it: *Little (Nautilus North Strength and Fitness Centre) v. Bramcan Investments Limited*, 2025 CarswellOnt 1132, 2025 ONCA 86 (Ont. C.A.).