

Index

ABSCONDING DEBTOR

- Act of bankruptcy, **3:50**
- Arrest of section 168(1)(a), **7:63**

ACCELERATED RENT

- See LANDLORD and TENANT
- Generally, **6:334 to 6:341**

ACCOUNTING BY TRUSTEE

- See TRUSTEE

ACCOUNTS

- Books of, to be turned over to trustee
 - generally, **2:47**
 - bankrupt failing to keep, **7:154 to 7:157, 9:18**
 - bankrupt keeping, **7:154 to 7:157, 9:18**
- Estate account, cheque drawn on, **2:66**
- Passing of
 - by former trustee where substituted trustee appointed
 - generally, **2:124**
 - by registrar, **8:75**
 - by trustee, **2:170 to 2:182, 16:54**
 - Priority of, in case of substitution, **2:124**
 - Taxation of, **2:170 to 2:182, 8:64, 16:62**
 - Trustee, examination of by superintendent section 5(3)(e), **2:2**

ACT

- See BANKRUPTCY and INSOLVENCY ACT

ACTIONS AGAINST TRUSTEE

- Generally, **2:128 to 2:136, 10:6 to 10:12**
- Act or decision by trustee, **2:128 to 2:136**
- Any person aggrieved, **2:132**
- Appeals from orders dismissing application for leave, **10:17**
- Appeals from orders granting leave, **10:16**
- Approval of inspectors, no defence, **2:131**
- Bankrupt action by, **2:132**
- Caution in permitting, **2:128**
- Chair of meeting of creditors, **2:130**
- Claim for damages, **2:129, 2:135, 10:7**
- Claim for inaction by trustee, **10:12**
- Costs, **2:136**

ACTIONS AGAINST TRUSTEE

—Cont'd

- Discretion of court, **2:128**
 - Final determination of claim by motions court judge, **10:15**
 - Improvident sale of assets, **2:130**
 - Jurisdiction of registrar to hear section 215 application, **10:10**
 - Leave given, de bene esse, **10:14**
 - Leave given, nunc pro tunc, **10:14**
 - Material required, **10:9**
 - Necessity for leave, **10:6**
 - Notice to creditors, **2:132**
 - Omission, acts of, **10:12**
 - Recourse to ordinary courts, **2:129**
 - Refusal to take action by trustee, **2:130**
 - Relationship between section 37 and section 215, **2:129, 2:134, 10:7**
 - Remedies on
 - generally, **2:135**
 - section 37 cannot be used to challenge a section 38 order, **2:150**
 - section 37 cannot be used to do something contrary to the, Act, **2:128**
 - section 37 does not override the, Act, **2:128**
 - Terms and conditions, **2:155**
 - Time for applying, **2:133**
 - Tort actions, **10:11**
 - When leave should be granted, **10:15**
 - Where should application be brought, **10:10**
 - Who may apply for leave, **10:8**
 - Who may bring, **2:132, 10:16**
- ## ACTIONS BY CREDITORS WHERE A TRUSTEE REFUSES TO TAKE PROCEEDINGS
- Generally, **2:138 to 2:167**
 - Appeal from order granting leave, **2:166**
 - Assignment of trustee's title
 - generally, **2:158**
 - defect in, **2:158**

ACTIONS BY CREDITORS WHERE A TRUSTEE REFUSES TO TAKE PROCEEDINGS—Cont'd

Assignment of trustee's title—Cont'd
 proceedings taken without obtaining, **2:158**

Bankrupt cannot oppose, **2:141**

Commencement of action prior to bankruptcy
 generally, **2:160**
 necessity to lift stay, **2:160**

Consent of trustee, **2:150**

Costs, **2:162**

Creditor only can bring application, **2:141**

Creditors, notice of application to, **2:152**

Debtor cannot bring, **2:141**

Defendant deciding to participate, **2:156**

Disallowance of claim by section 38 creditor, **6:264**

Discharge of trustee and bankrupt, effect of, **2:145**

Dismissal for want of prosecution, **2:168**

Dismissal of, when appropriate, **2:141**

Distribution of proceeds, **2:163**

Exempt property, **2:160**

Flexible interpretation of section 38, **2:140**

Formalities
 generally, **2:140 to 2:153**
 applicant must be a creditor, **2:141**
 consent of trustee to the making of the order, **2:150**
 creditor taking proceedings without obtaining an order under section 38, **2:146**
 effect of discharge of trustee or bankrupt, **2:145**
 identification of the action to be taken by the creditor, **2:151**
 material in support of the application and service of the material, **2:147**
 method of taking proceedings after obtaining order under section 38, **2:152**
 need to consult inspectors, **2:144**
 need to establish a, prima facie case, **2:142**
 right of proposed defendant to oppose the making of the order, **2:148**

Form of order, **2:138**

Identification of issues, **2:151**

ACTIONS BY CREDITORS WHERE A TRUSTEE REFUSES TO TAKE PROCEEDINGS—Cont'd

Indian, lands of, **2:160**

Interest, **2:161**

Jurisdiction of the registrar to make a section 38 order, **2:154**

Liability for costs cannot be avoided, **2:141**

Method of taking proceedings after obtaining order under section 38, **2:153**

Must be for benefit of bankrupt estate, **2:147**

Necessity to file proofs of claim, **2:141**

Not a derivative action, **2:138** securities

Notice to bankrupt, **2:147**

Notice to defendants, **2:147**

Notice to trustee, **2:147**

Nunc pro tunc order to remedy defects, **2:158**

Parties, **2:156**

Person bringing has same rights as trustee, **2:160**

Prima facie case, **2:140 to 2:153**

Proceedings prior to application, **2:139**

Proceedings to claim property of bankrupt, **2:138**

Proper forum, **2:138**

Proposal after section 38 order, **2:159**

Proposals, attacking fraudulent transactions, **5:590**

Provable claim, need for, **2:142**

Right of defendant to challenge, **2:148, 2:165**

Right of defendant to counterclaim and add trustee as party, **2:149**

Sale of property, registrar cannot order, **2:154**

Scope of proceedings, **2:160**

Section 38 does not create a cause of action, **2:158**

Security for costs, **2:157**

Shareholder cannot bring, **2:141**

Shares obtained in section 38 proceedings, **2:163**

Summary application, **2:152**

Surplus, **2:161, 2:167**

Terms and conditions in the order, **2:155**

Trustee deciding to take proceedings
 generally, **2:167**

INDEX

ACTIONS BY CREDITORS WHERE A TRUSTEE REFUSES TO TAKE PROCEEDINGS—Cont'd

- Trustee deciding to take proceedings—Cont'd
 - court will not decide entitlement to possible surplus, **2:125**
- Trustee refusing or neglecting to take proceedings, **2:143**
- Trustee settling claim, **2:167**
- Two or more creditors applying for leave, **2:141**
- Who entitled to benefits of, **2:163, 2:164**

ACT OF BANKRUPTCY

- See ACTS OF BANKRUPTCY

ACTS OF BANKRUPTCY

- Generally, **3:48, 3:50**
- Absenting oneself, **3:50**
- Assigning, removing, secreting or disposing of property, **3:50**
- Assignment for benefit of creditors, **3:50**
- Ceasing to meet liabilities
 - see CEASING TO MEET LIABILITIES
- generally, **3:51, 3:52**
- demand for payment, **3:49**
- proof of, by filing credit report, **3:50**
- proof supplied by interim receiver, **3:50**
- single creditor, **3:53**
- Charge on property, **3:50**
- Conveyance of property, **3:50**
- Debtor's admission of inability to pay, **3:50**
- Defeating or delaying creditors, **3:50**
- Demand for payment, necessity for, **3:49**
- Departing from dwelling house, **3:50**
- Departing out of Canada, **3:50**
- Duty of court, **3:48**
- Execution unsatisfied, **3:50**
- Exhibiting statement to creditors of insolvency, **3:50**
- Fraudulent conveyance, **3:50**
- Fraudulent preference, **3:50**
- Gift, **3:50**
- Nulla bonareturn, **3:50**
- Proof of, by motion, **3:69**
- Proposal, default in, **3:50**
- Remaining out of Canada, **3:50**

ACTS OF BANKRUPTCY—Cont'd

- Statement of debtor's assets and liabilities showing that he or she is insolvent, **3:50**
- Suspension of payment of debts, **3:50**
- Transfer of property, **3:50**
- Within six months, **3:49**

ADDRESS

- Bankrupt, advising trustee of, **7:2**
- Fact under section 173(1), **7:172 to 7:175**

ADMINISTRATION CHARGE

- Costs of administration of estate, **8:111 to 8:146**
- DIP financing in, CCA proceedings, **22:40**
- Priority of professional fees in, CCA proceedings, **22:40**

ADMINISTRATION OF ESTATE

- Admission of claims, **6:261**
- Application by bankrupt for directions, **2:119**
- Application for directions, **2:109 to 2:116**
- Assistance of bankrupt, **2:99**
- Attacking fraudulent conveyances, **5:460 to 5:468**
- Attacking fraudulent preferences, **5:487 to 5:540**
- Attacking settlements, **5:451**
- Borrowing money, **2:93**
- Carrying on the business, **2:89**
- Carrying on the business prior to first meeting of creditors, **2:53**
- Compromise and settle claims, **2:95**
- Compromise and settle debts, **2:94**
- Conservatory measures, **2:52**
- Costs of, **8:111 to 8:146**
- Deposit of estate moneys, **2:66**
- Directions of court— see DIRECTIONS OF COURT
- Disallowance of claims
 - see also DISALLOWANCE OF CLAIMS
 - generally, **6:261**
- Disclaimer of property, **2:58**
- Dividing property among creditors, **2:96**
- Duty to file returns, **2:61**
- Employ a solicitor, **2:92**
- Employment insurance overpayments, **2:69**

ADMINISTRATION OF ESTATE

—Cont'd

- Giving security, **2:93**
- Incurring obligations, **2:93, 2:104**
- Initiating criminal proceedings, **2:60, 9:30**
- Insuring assets, **2:65**
- Leasing property of the bankrupt, **2:88, 6:373**
- Legal proceedings, **2:90**
- Obtaining possession of property, **2:41 to 2:45, 2:51**
- Payment of dividends, **5:587**
- Payment of source deductions, **2:63**
- Perishable property, **2:52**
- Re-direction of mail, **2:122**
- Reports by trustee, **2:70**
- Retaining and surrendering leases, **2:98, 6:345 to 6:354**
- Sale of assets, **2:75**
- Sale of assets to inspectors, **2:100**
- Sale of assets to reimburse trustee, **2:107**
- Sale of assets to trustee, **2:101**
- Summary administration, **6:458, 6:459**
- Termination of, **2:194**
- Three years elapsing without estate being administered, **2:121**
- Timely administration, **2:120**
- Trustee protecting itself from personal liability, **2:106**

ADMINISTRATIVE OFFICIALS

- Generally, **2:2, 2:3**

ADMINISTRATORS

- See CONSUMER PROPOSALS
- Administering consumer proposals, **4:152**
- Annulment of consumer proposal by, **4:164**
- Assignment by, for deceased debtor, **3:171**
- Calling meeting of creditors, **4:155**
- Delegation of duties and powers, **2:38**
- Fees and expenses of— consumer proposals, **4:170, 16:114**
- Filing consumer proposals with, **4:155**

ADMISSION OF CLAIMS

- See also DISALLOWANCE OF CLAIMS
- Generally, **6:261 to 6:283**
- Appeal from disallowance, **6:273 to 6:282**

ADMISSION OF CLAIMS—Cont'd

- Disallowance of claim by a creditor, **6:271**
- Disallowance of claim by trustee, **6:266 to 6:270**
- Disallowance of secured claims, **6:272**
- Duty of trustee to examine proof of claim, **6:261**
- Method of admitting claims, **6:261**
- Method of proving claim, **6:144 to 6:157**
- Power of court to expunge or reduce proof of claim, **6:283**
- Proof by secured creditors, **6:159 to 6:258**
- Provable claims, what are, **6:99 to 6:142**
- Registrar, jurisdiction to hear appeals, **8:80**
- Right of trustee to examine proof of claim and proof of security, **6:261**

ADVANTAGE, GIVING IN EVENT OF BANKRUPTCY

- Generally, **5:262**
- Equal distribution essential, **5:262**
- Void against trustee, **5:262**

ADVERTISEMENT

- Local newspaper, **6:3**

AFFAIRS OF DEBTOR

- Examination of persons having knowledge of, **7:30 to 7:43, 7:60**

AFFIDAVIT

- Assignment, execution of, **3:148**
- Cross examination generally, **16:31**
- Definition generally, **1:15**
 - application for bankruptcy order, in support of, **3:42 to 3:45**
- Proof of claim re property in possession of bankrupt, **5:410 to 5:422**
- Service of application, **16:67**
- Statement of affairs, **7:28**
- Statutory declaration, **1:15**
- Verifying application, **3:42 to 3:45**

AFFILIATION ORDER

- Discharge not releasing bankrupt from debt or liability under, **6:110, 7:188**

AFTER-ACQUIRED PROPERTY

- Generally, **5:561 to 5:573**

INDEX

AFTER-ACQUIRED PROPERTY

—Cont'd

- Actions for damages
 - generally, **5:569**
 - future loss of wages, **5:569**
- Banks, protection of, **5:407, 5:573**
- Bequest received after bankruptcy, **5:566**
- Definition of, **5:561**
- Discharge of trustee and seizure of, **5:571**
- Not vesting in trustee, **5:569**
- Personal earnings after bankruptcy, **5:266, 5:570**
- Property that does not vest in trustee
 - generally, **5:569**
 - damage actions, **5:569**
 - judgment failing to divide claim, **5:569**
 - punitive damages, **5:569**
 - wages, **5:569**
 - wrongful dismissal claims, **5:569**
- Punitive damages, **5:569**
- Transactions in good faith and for value
 - generally, **5:562 to 5:568**
 - after-required property, **5:564**
 - completed before intervention by trustee, **5:567**
 - estoppel, **5:568**
 - for value, **5:566**
 - good faith, **5:565**
 - undischarged bankrupt and third party, **5:563**
- Trustee discharged, **5:561**
- Trustee not discharged, **5:572**
- Vesting in trustee, **5:561**
- Wrongful dismissal actions, **5:569**

AGENT

- Bankrupt acting as, **5:82**
- Employing by trustee, **2:92**
- Examination of, **7:31**
- Trustee of agent must account to principal, **5:82**

ALIMONY

- And, **7:188**
- Debt or liability for, discharge not releasing bankrupt from, **7:188**
- Not stayed, **5:278, 7:185, 7:187**

AMENDMENTS

- Applications, **3:41**
- Power of court to make, **8:48**
- Proof of claim, **6:146**

ANNUITIES

- Exempt from seizure, **5:60**
- Taking possession of by trustee, **5:228**

ANNULING ASSIGNMENTS IN BANKRUPTCY

- See ASSIGNMENTS IN BANKRUPTCY

ANNULING BANKRUPTCY ORDERS

- See BANKRUPTCY ORDERS

ANNULING DISCHARGES

- See DISCHARGE OF BANKRUPT

APPEALS

- Generally, **8:30, 8:86 to 8:109**
- Affecting other cases of a similar nature, **8:88**
- By bankrupt from judgment given prior to bankruptcy, **8:106**
- Chair at meeting of creditors, from, **6:53 to 6:62**
- Conservation of assets during pending appeal, **8:97**
- Costs of
 - generally, **8:119**
 - fixing by court, **8:119**
 - personal liability of trustee, **8:114**
- Court of Appeal, **8:86 to 8:107, 16:44**
- Directions, **8:94**
- Disallowance of claims by trustee, from, **6:273 to 6:282**
- Discharge of bankrupt, **8:90**
- Dismissal for want of prosecution, **8:100**
- Effect of appeal, **8:96**
- Evidentiary rulings, **8:86**
- Extension of time, **8:53, 16:44**
- Fraudulent preferences, **5:540**
- From bankruptcy order, **3:133**
- From interim receiving order, **3:103 to 3:111**
- From order granting discharge, **8:90**
- From order granting leave under section 38, **2:166**
- From registrar, **8:82, 16:42**
- Future rights
 - generally, **8:87**
 - dismissal of section 187(5) application to set aside bankruptcy order, **8:87**
- Intervention in, **8:102**
- Jurisdiction of Court of Appeal, **8:30, 8:86**

APPEALS—Cont'd

Jurisdiction of Supreme Court of Canada, **8:30**

Leave to appeal
 generally, **8:91**
 cases when leave granted, **8:91**
 errors by trial judge, **8:91**
 refusal of, **8:91**
 review of order of single judge of court or appeal, **8:91**
 stay of proceedings, **8:96**
 to Supreme Court of Canada, **8:108**

More than § 10,000 involved, **8:89**

No appeal from refusal of leave to appeal, **8:91**

Perfecting
 generally, **8:100**
 addition of material not forming part of record, **8:95**
 delay in, **8:100**
 matters improperly included, **8:95**
 matters to be included in appeal books, **8:100**

Perishable property, **8:97**

Provincial execution in Quebec, **8:96**

Quashing
 generally, **8:101**
 bankruptcy orders, **3:133**

Refusal to approve proposal, **4:93, 8:96**

Refusal to transfer proceedings, **8:46**

Registrar, from, **8:82**

Reinstating, **8:104**

Removal of trustee, **2:22**

Reviewing, varying or reviewing order, **8:105**

Right of appeal allowed on motion for directions
 generally, **8:94**
 appeal denied, **8:93**

Scope of appeal, **8:86**

Security for costs, **8:98**

Settlement of, **8:103**

Stay of proceedings
 generally, **8:96, 8:109**
 no stay in issue unrelated to appeal, **8:96**
 power of judge to determine if appeal is valid, **8:96**

Supreme Court of Canada, **8:30, 8:108**

Taxation of costs, **8:119**

APPEALS—Cont'd

Time for, **8:53, 16:42, 16:44**
 Transmission of notice of, **16:44**

APPLICATION FOR BANKRUPTCY ORDER

Generally, **3:2 to 3:138, 16:68**

Able to pay debts, **3:70**

Acts of bankruptcy, see ACTS OF BANKRUPTCY

Adding or substituting creditor, **3:37**

Adjournment of, **3:68**

Advancing funds to debtor to defend application, **3:62**

Affidavit verifying
 generally, **3:42 to 3:45**
 cannot be made by employee, director or officer of bankrupt, **3:42 to 3:45**
 cross-examination on, **3:45, 3:65**
 no necessity for personal knowledge, **3:42**
 no opinions or conclusions, **3:42**
 should not be misleading, **3:42 to 3:45**

Agreement not to file a application, **3:79**

Alimony, debt for, **3:3**

Alterations in, **3:41**

Amending, **3:41**

Application filed for an improper purpose, **3:58, 3:59**

Assignee of debt, application by, **3:4**

Assignment conflict with, **3:56**

Bank, application against, **3:30**

Bank, by, **1:25, 1:43, 3:2 to 3:17**

Burden of proof, **3:47**

Champtous filing, **3:16**

Church corporations, **1:25, 3:23**

Commencement of bankruptcy, **5:356**

Commencement of proceedings in ordinary civil courts, **3:77**

Companies' Creditors Arrangement Act, **3:143**

Conflict between applications, **3:57**

Conflict of interest of solicitor, **3:41**

Consolidating, by, **3:38**

Co-operative syndicate, application against, **3:29**

Corporation, by, **3:41**

Creditors, one or more many file, **3:2**

Cross examination of applicant, **3:64**

**APPLICATION FOR BANKRUPTCY
ORDER—Cont'd**

- Damages for improper filing
 - generally, **3:138**
 - action must be taken in ordinary courts, **3:138**
- Dating back to, **1:60**
- Death of debtor
 - generally, **3:20, 16:67**
 - payment of testamentary expenses, **3:20**
- Debt for alimony and maintenance, **3:3**
- Debt not provable in bankruptcy, **3:2 to 3:17**
- Debt of d§ 1,000, **3:46**
 - must be owing both at date of application and date of hearing, **3:46**
 - must be recoverable by legal process, **3:46**
 - statute barred debt, **3:46**
- Debtor, meaning of, **3:19**
- Debtor carrying on business in some other name, **3:25**
- Debtor out of jurisdiction, **3:41**
- Deceased debtor, **3:20**
- Delay in proceeding with application, **3:80**
- Dismissal of
 - generally, **3:55**
 - solicitor and client costs, **3:81**
- Disputed, **3:59**
 - generally, **3:59**
 - advancing fund, to debtor to defend, **3:62**
 - costs of
 - generally, **3:81**
 - payment by non-parties, **3:81**
 - cross-claim, **3:72**
 - directors who have resigned, **3:59**
 - hearing of, **3:62**
 - improper conduct, **3:87**
 - intervention by creditor, **3:59**
 - nothing to be gained by bankruptcy, **3:85**
 - notice of, **3:59, 16:67**
 - no valid dispute, **3:59**
 - orderly distribution of property, **3:58**
 - payment to solicitor to defend, **3:64**
 - preservation of property, **3:101**
 - procedure, **3:59**
 - registrar hearing, **3:67**

**APPLICATION FOR BANKRUPTCY
ORDER—Cont'd**

- Disputed, **3:59—Cont'd**
 - subpoena books and records of debtor, **3:69**
 - verification by affidavit, **3:59, 3:64**
- Endorser of bill of exchange, application by, **3:2 to 3:17**
- Error in, **3:41**
- Evidence in support, **3:59**
- Examination for discovery of debtor, not allowed, **3:64**
- Examination of witness by debtor prior to hearing of application, **3:66**
- Farmers
 - see also, FARM DEBT MEDIATION ACT
 - generally, **3:22**
- Filing
 - generally, **3:18, 16:67**
 - place of, **3:18**
- Filing application to prevent debtor from defending itself, **3:58**
- Fishers, **3:22**
- Foreign corporations can be subject of application, **3:24**
- Foreign creditors, application by, **3:8**
- Foreign debt, **3:46**
- Foreigner, application against, **3:34, 3:41**
- Foreign judgment, **3:8**
- Formalities, **3:41**
- Former director filing application, **3:16**
- Future debts, **3:46**
- Heading for, **16:19**
- Improper conduct of applicant, **3:87**
- Improper purpose, **3:58**
- Income trusts, **3:31**
- Incorrect name in, **3:41**
- Individual filing, **3:44**
- Infants, application against, **3:9, 3:32**
- Infants, application by, **3:9**
- Insurance company, application against, **3:30**
- Interim receiver, see INTERIM RECEIVERS
- Irregularities in, **3:41**
- Issuing by court, **16:67**
- Joint, **3:2**
- Judgment creditor, application by, **3:16**
- Jurisdiction of registrar, **8:66**
- Land lords and priorities, **3:58**

**APPLICATION FOR BANKRUPTCY
ORDER—Cont'd**

Limited partnership, **3:26**
 Locality of debtor
 see also LOCALITY OF A DEBTOR
 generally, **1:42, 3:18**
 Maintenance, claim for, **3:3**
 Married women, against, **3:21, 5:355**
 Mental incompetent, application against,
 3:33
 Money paid to defect, **3:63**
 No need to exhaust all remedies, **3:47**
 Non-profit corporation, **3:19**
 Notice of dispute
 generally, **3:59, 16:50, 16:67**
 Partnership, against, **3:26**
 Partnership, by, **3:17**
 Partnership, service on, **3:41**
 Persons entitled to file, **3:2 to 3:17**
 Piercing corporate veil to file application,
 3:35
 Place for filing, **3:18**
 proper jurisdiction, **3:18**
 Preservation of property pending hearing,
 3:101
 by interim receiver, **3:103**
 Proceedings, penal in nature, **3:41**
 Proof of facts in, **3:46, 3:47, 3:59**
 Receiver, application by, **3:16**
 Receiver by way of equitable execution,
 3:76
 bankruptcy orders, see BANK-
 RUPTCY ORDERS
 Registrar hearing, **8:66**
 Removal of solicitor for applicant for
 conflict of interest, **3:41**
 Sealing of, **3:41, 16:67**
 Second application, filing of, **3:39**
 Secured creditors, priority of
 generally, **3:58**
 right to file, **3:17**
 Security for costs of
 generally, **3:100**
 Service of
 generally, **3:41, 16:67**
 death of debtor before, **16:67**
 out of Canada, **3:41**
 proof of, **3:41**
 substitutional
 generally, **3:41, 16:67**

**APPLICATION FOR BANKRUPTCY
ORDER—Cont'd**

Service of—Cont'd
 substitutional—Cont'd
 waiver of objections to, **3:41**
 Shareholders, no right to application, **3:16**
 Signing of
 generally, **3:41**
 corporation, by, **3:41**
 Single creditor, **3:52**
 Sole proprietorship, application against,
 3:28
 Stay of proceedings
 generally, **3:88**
 by filing of proposal, **3:98**
 criminal proceedings, **3:97**
 disputed applications, **3:89**
 imposition of terms, **3:90**
 no, bona fidedispute, **3:89**
 other sufficient cause, **3:94**
 prepaid of, **3:94**
 recommencement of proceedings after
 a stay, **3:93**
 refusal of stay, **3:91, 3:96**
 withdrawal or dismissal of application
 after a stay, **3:91**
 Stranger filing, **3:16**
 Substituting applicant, **3:37**
 Suggested form of order staying
 application a nullity, **3:37**
 Sunday, returnable on, **3:41**
 Ten-day notice period, **3:41**
 Title of proceedings Rule 9(2) tort claim
 of applicant, **3:46**
 Trust company, application against, **3:30**
 Trust company, application by, **1:25, 3:6**
 Trustee filing, **3:18, 3:41**
 Two applications, filing of, **3:39**
 Uncertain or unproven claims, **3:46**
 Voluntary liquidation, **3:75**
 Wage earner against, **3:21**
 Who may application, **3:2 to 3:17**
 Who may be subject of application, **3:19
 to 3:35**
 Withdrawing
 generally, **3:55**

APPLICATION FOR DIRECTIONS

See DIRECTIONS OF COURT

INDEX

APPREHENSION

See ARREST and WARRANTS

APPROVAL

See also PROPERTY
Goods, delivered on, **5:83**
Property passing, **5:83**

AQUACULTURE

First charge of, **5:435**
Right to repossess, **5:435**

AQUATIC PLANTS AND ANIMALS

Right to repossess, **5:435**

ARBITRATION

Claim ineffective in event of bankruptcy,
8:11

ARM'S LENGTH TRANSACTIONS

See also RELATED PERSONS
Corporations
generally, **1:66**
common director, **1:66**
de jure control, **1:66**
Definition of, **1:66**
Meeting of creditors, voting at, **6:39**
Postponement of claim to dividend, **6:396**
Question of fact, **1:66**
Related, **1:66**
Reviewable transaction, **1:66, 5:576**

ARRANGEMENTS WITH CREDITORS

See PROPOSALS

ARREARS OF RENT

See LANDLORD and TENANT

ARREST OF BANKRUPTS

Generally, **7:63, 16:35**
Absconding to avoid payment, or examination, **7:63**
Arrest of person, **7:63**
Breaking door, **7:63**
Execution of warrant by sheriff or executing officer, **16:35**
Procedure for, **16:35**
Seizure of books, **7:63**
Warrant for arrest, **7:63**

ASSETS

See also PROPERTY
After-acquired, see AFTER-ACQUIRED PROPERTY
Disclosing to trustee, **7:5 to 7:23**

ASSETS—Cont'd

Obtaining possession by trustee, **2:41 to 2:45**
Sale of, see SALE OF ASSETS
Unrealized or undistributed, **2:193**

ASSIGNMENT OF BOOK DEBTS

Generally, **5:472 to 5:232**
Assignments not requiring registration,
5:481
Avoidance of, unless registered, **5:472**
Bank assignments, **5:473**
Book debts, meaning of, **5:472, 5:473**
Collection of, by interim receiver, **3:107**
Crown claim, no assignment of, **5:473**
Demands by tax authorities, **5:473**
Disposal of property giving rise to book debts, **5:473**
Equitable assignments
generally, **5:481**
and legal assignments, **5:482**
no necessity to add trustee as party to action, **5:481**
Financial Administration Act, **5:473**
Floating charge debenture, **5:105**
Invalidity after bankruptcy, **5:275**
Performance of bankrupt's obligations by trustee, **5:473**
Procedure for attacking
generally, **5:232**
receivables from sale of goods, **5:473**
refund of tax, **5:473**
Property of debtor, **5:259**
Registered retirement savings plan, **5:472**
Scope and extent of assignment, **5:473**
Set-off, **5:473**
Subrogation, **5:473**
Trust fund provisions of, Mechanics' Lien Act and priority of assignment, **5:47**
Void unless registered, **5:472**

ASSIGNMENT OF WAGES AND PROFESSIONAL FEES

Generally, **5:483**

ASSIGNMENTS AND PREFERENCES ACT

Conflict with, Bankruptcy Act and Insolvency Act, **1:10**
Use of to attack fraudulent conveyances,
5:469

**ASSIGNMENTS AND PREFERENCES
ACT—Cont'd**

Use of to attack fraudulent preferences,
5:529 to 5:533

ASSIGNMENTS IN BANKRUPTCY

Generally, **3:146 to 3:187, 6:458, 6:459**

Act of bankruptcy, as, **3:50**

Agreement by debtor not to file an assign-
ment, **3:167 to 3:182**

Annulling

generally, **3:161 to 3:163, 7:239**

defect in documents, **3:166**

discretionary, **3:161**

effect of order of annulment, **3:164**

making of second assignment after
annulment, **3:166**

no necessity for discharge of bankrupt,
3:137

payment of debts in full, **3:161**

service on trustee, **3:165**

Appointment of trustee, certificate of,
3:148

Appointment of trustee by official
receiver, **3:154**

Assessment of debtor by trustee, **3:148**

Before approval of proposal, **4:139**

Bond of trustee, **3:148**

Cancellation by official receiver, **3:160**

Capacity to make, **3:167 to 3:182**

Conflict with application, **3:54, 3:158**

Consumer proposal, after, **4:166**

Copy to be filed in court

generally, **3:148, 16:76**

to be handed to trustee by official
receiver, **16:76**

Corporations, by, **3:148, 3:171**

Costs, of, **3:185, 8:123**

Creditor, nomination of trustee, **3:148**

Deceased debtor, by, **3:171**

Deemed assignment, **4:57, 4:130 to 4:138**

Definition of, **1:18**

Demand s by taxing authorities, **5:473**

Director, undischarged bankrupt, **3:148**

Effective date, **1:60, 3:157**

Effect of filing, **3:184**

Effect of on title to real property, **5:357 to
5:366**

Execution by receiver and manager, **3:171**

**ASSIGNMENTS IN BANKRUPTCY
—Cont'd**

Farmers, by

see also, FARM DEBT MEDIATION
ACT

generally, **3:171**

Formalities of filing, **3:148**

Inebriated person, **2:18**

Infants, by, **3:171**

Joint filing, Superintendent of Bankruptcy
Directive No. 2R, **3:148, 6:459**

conversion to ordinary administration,
3:148

Limited partnership, by, **3:171**

Liquidator, by, **3:171**

Locality of debtor

generally, **3:155**

cannot challenge on discharge of bank-
rupt, **3:155**

Married women, by, **3:171**

Mental incompetents, by, **3:171**

Mistakes in, **3:159**

Monitor order, CCAA filing, **3:171**

No assets, **3:167**

Non-resident, **3:167**

Official receiver

cancelling assignment, **3:160**

certification of, **3:148**

fee of, not unconstitutional, **3:148**

filing with, **3:148, 3:155**

naming trustee, **3:148**

Partnership by, **3:148, 3:171**

Personal representatives by, **3:171**

Place for filing, **3:155**

Preliminary statement of affairs, **3:148**

Priority over attachments etc., **5:335**

Receivers, by, **3:171**

Reside or carry on business in Canada,
3:167

Restraining order against spouse dealing
with family assets, **5:9**

Second assignment, **3:171, 3:186, 5:574**

Statement of affairs, **3:149**

Summary administration, **3:148, 3:187,
6:458**

Sunday, execution on, **3:148**

Transfer of proceedings to another bank-
ruptcy district or division, **3:156**

Trustee, nomination of, **3:148**

Validity of other assignments, **3:54, 3:147**

INDEX

ASSIGNMENTS IN BANKRUPTCY

—Cont'd

- Wage earners by, **3:171**
- Who may assign, **3:167 to 3:182**

ASSIGNMENTS OF WAGES

- See EARNINGS
- Generally, **5:275**

ATTACHING EARNINGS

- See EARNINGS
- Generally, **5:265 to 5:274**
- Failure to comply, **5:274**
- History of section 68, **5:265**
- Mediation of amount to be paid, **5:268**
- On whom should order be served, **5:270**
- Procedure, **5:268, 5:273**
- Related persons, **5:272**
- Section 68 cannot be used for unpaid fees of trustee, **5:265**
- Superintendent's standards, **5:268**
- Wages owing prior to bankruptcy, **5:276**
- What amount should be ordered by court, **5:269**
- What constitutes total income, **5:267**

ATTACHMENTS

- Dividend, not attachable, **6:431**
- Priority of bankruptcy orders and assignments over, **5:335**

AUCTIONS

- Sale by trustee, **2:75**

AUTHORITY OF THE COURTS

- See also COURTS
- Generally, **8:33 to 8:62**
- Admission of documents, **8:61**
- Courts acting in aid of each other, **8:55**
- Directing trial of an issue, **8:47**
- Dispensing with duties imposed on trustee, **8:54**
- Enforcing orders of court, **8:45**
- Evidence of deceased bankrupt or wife, **8:62**
- Excusing errors, **8:48**
- Extension of time, **8:53**
 - see EXTENSION OF TIME
- Periodical sittings, **8:36**
- Power of court to review, rescind or vary an order, **8:34**
 - to relieve against formal defects and irregularities, **8:48**

AUTHORITY OF THE COURTS

—Cont'd

- Proceedings taken in wrong court, **8:52**
- Registrar of, see REGISTRAR
- Relieving against irregularities, **8:48**
 - see RELIEVING AGAINST FORMAL DEFECTS and IRREGULARITIES
- Restraining courts in exercise of powers, **8:34**
- Reviewing, rescinding or varying an order, **8:37 to 8:44**
 - see REVIEWING RESCINDING OR VARYING ORDERS
- Seal of court, **8:33**
- Search warrants, **8:60**
- Sittings in chambers, **8:35**
- Transfer of proceedings to another District or Division, **8:46**
 - see TRANSFER OF PROCEEDINGS
- Warrant directing seizure or search, **8:60**

AUTOMATIC DISCHARGE

- Generally, **7:65, 7:66**
- Appeal from, **8:90**
- Calculation of 9-month period, **7:65**
- Creditor opposing, **7:65**
- Discharge prior to expiry of 9-month period, **7:63, 7:67**
- Failure to give notice, **7:65**
 - power of court to excuse, **7:65**
- Grounds for setting aside, **7:65**
- Notice of objection to, **7:65**
 - withdrawal of notice, **7:65**
- Prior proposal, offered of, **7:65**
- Rule 501 has no application, **7:65**
- Second time bankrupt, **7:72**
- Setting aside, **7:65**
- Superintendent, notice of opposition by, **7:66**
- Time for, **7:65**

AUTOMOBILE INSURANCE

- Generally, **6:423**
- Leave to proceed, **6:423**
- Right to proceeds of, **6:423**

AVAILABLE ACT OF BANKRUPTCY

- See ACTS OF BANKRUPTCY

AVAILABLE ASSETS

- See ASSETS, PROPERTY

BAIL

- Generally, **9:38**
- Bond, discharge not releasing bankrupt from section 178(1)(a), **7:186**
- Deposit by third party, **9:38**
- Property of bankrupt, **5:187, 9:38**

BAILIFFS

- See SHERIFFS and BAILIFFS

BANK

- See BANKS and BANK ACT

BANK ACCOUNT— TRUSTEE

- Generally, **2:66**
- Bankrupt's bank account, **2:43**
- payments after notice, **2:43, 5:407**
- Cheques, signing by trustee, **2:66**
- Consolidated account, **2:66**
- Deposit of funds in, **2:66**
- Duty of bank, **2:43, 5:407**
- Monitoring by Superintendent, **2:66**
- Separate trust accounts, **2:66**
- Summary administration estates, **2:66**
- Third party funds, **2:66**
- Withdrawal from, **2:66**

BANK ACT, SECTIONS 426 AND 427

- Generally, **6:220 to 6:245**
- Accounts receivable, **6:229**
- After-acquired property, **6:230**
- Cancellation and release of section 427 security, **6:226**
- Claims of a grower or producer of agricultural products, **6:232**
- Companies' Creditors Arrangement Act and section 427 security, **6:245**
- Dealing by the borrower with property covered by section 427 security, **6:225**
- Fraud on creditors by the use of section 427 security, **6:244**
- Invalid section 427 security cannot be claimed in some other form, **6:242**
- Judgment where a bank sells under invalid security, **6:243**
- Loans to farmers, **6:231**
- Loans to fishers, **6:233**
- Necessity for the borrower to be the owner of the property, **6:227**
- Ownership rights of a bank holding section 427 security, **6:237**

BANK ACT, SECTIONS 426 AND 427

—Cont'd

- Present advance or written promise to give security, **6:224**
- Priority of section 427 security, **6:238**
- Priority of section 427 security with respect to cattle, **6:240**
- Priority with respect to growing crops, **6:239**
- Procedure for obtaining section 427 security, **6:223**
- Property covered by security under section 427(1)(a) and (b), **6:228**
- Provincial exemption no application, **6:228**
- Realization of section 427 security, **6:235**
- Set-off and section 427 security, **6:236**
- Taking possession of section 427 security for default, **6:234**
- Unpaid seller of goods with rights of repossession, **6:241**

BANKRUPT

- Acting as agent, **5:79, 5:82**
- Actions against, frivolous or vexatious defence, **7:165**
- Advising trustee of address, **7:23, 7:178**
- Affairs of, persons having knowledge of, examination of, **7:30 to 7:43, 7:60**
- After-acquired property, information to trustee, **7:181**
- Agent of, examination of, **7:30**
- Aiding in administering estate, **7:5 to 7:23**
- Aiding in inventory, **7:5 to 7:23**
- Allowance to, for services after bankruptcy, **2:99**
- Annulling bankruptcy, **3:137, 3:161 to 3:163, 7:239**
- Arrest, **7:63**
- Assets, see ASSETS, PROPERTY
- Assigning claim for unpaid wages to, **5:250**
- Attendance at first meeting of creditors, **6:15**
- Bank account, see BANK ACCOUNT—TRUSTEE
- Books of account, duty to keep, **7:155**
- Breach of trust, fraudulent, **7:173, 7:197**
- Business affairs, culpable neglect of, **7:164**
- Chartered accountant, **1:9**

INDEX

BANKRUPT—Cont'd

- Clerk of, examination of, **7:30 to 7:43**
- Continuing to trade, **7:158**
- Credit cards, delivery to trustee, Superintendent of Bankruptcy Directive No. 3 published subsequent to November 30, 1992 under Policy Statements, **7:5 to 7:23**
- Debtor includes, **1:33**
- Deceased, assignment by, **3:171**
- Deceased, evidence of, **8:62**
- Deceased wife, evidence of, **8:62**
- Decision of trustee, aggrieved by, **2:128 to 2:136**
- Delivery of books and records to trustee, **7:8**
- Delivery of credit cards to trustee, Superintendent of Bankruptcy Directive No. 3, **7:7**
- Delivery of property to trustee, **7:6**
- Directions, applying for, **2:119**
- Director, cannot act as, **1:9**
- Director, examination of, **7:30**
- Discharge, see DISCHARGE OF BANKRUPT
- Disqualifications, certificate of removal of, **7:183**
- Documents, concealing section 168 generally, **7:63**
 - destroying section 168, **7:63**
 - falsifying section 168, **7:63**
 - mutilating section 168, **7:63**
- Duties
 - see also DISCHARGE OF BANKRUPT
 - generally, **7:5 to 7:23**
 - failure to perform, **7:25, 7:178, 9:3**
- Earnings
 - generally, **5:265 to 5:274, 5:570**
 - information to trustee of, **7:181**
 - money owing for services prior to bankruptcy, **5:276**
- Employee, examination of, **7:30**
- Employment of, **2:99**
- Engaging in business, **9:14 to 9:16**
- Examination of, **7:30 to 7:43, 7:60**
- Executor of estate, **1:9**
- Extravagance in living, **7:160**
- Failure to perform duties, **7:5 to 7:23, 7:25, 7:178, 9:3**

BANKRUPT—Cont'd

- False and misleading representation, **7:203**
- Fraud of, **7:174, 7:191 to 7:196**
- Fraudulent breach of trust, by, **7:149, 7:197**
- Fraudulently concealing property, **9:9**
- Fraudulently disposing of property, **9:9**
- Gambling, **7:160**
- Investigation of conduct by trustee, **2:59**
- Liability for debt incurred after bankruptcy, **7:211**
- Liability for provable debt, **7:211**
- Living expenses, allowance for, **2:99**
- Meeting of creditors, attending, **6:3, 6:63, 7:14**
- Obtaining advantage, **9:21**
- Obtaining credit, **9:8, 9:14 to 9:16**
- Obtaining property by false representations, **9:8**
- Offences, see BANKRUPTCY OFFENCES
- Officer or servant, examination of, **7:30**
- Official receiver's examination, attendance at, **7:24, 7:28**
- Pawning, pledging or disposing of property obtained or credit, **9:10**
- Property, see PROPERTY
- Proposal by, see PROPOSALS
- Public accountant, **1:9**
- Questionnaire, completion of, **7:28**
- Rash and hazardous speculations by, **7:161**
- Real property of, **5:389 to 5:397**
- Redirection of mail, **2:122**
- Removal as trustee of trust property, **5:10 to 5:20**
- Remuneration of, **2:99**
- Return of property to, **2:58, 6:422**
- Right to inspect books and records of trustee, **2:67**
- Securities dealer, **1:9**
- Solicitor, cannot have a trust account, **1:9**
- Statement of affairs, **7:10**
- Status, **1:9, 7:183**
- Surplus, right to, **6:422**
- Trade or business engaging in, **9:14 to 9:16**
- Trading after knowing insolvent, **7:158**
- Transfer of property prior to bankruptcy, disclosure to trustee, **7:5 to 7:23**

BANKRUPT—Cont'd

- Trustee, appointment and substitution, **2:16**
- Trustee verifying statement of affairs, **2:56**
- Undischarged, disclosure to creditors, **9:14 to 9:16**
- Unrealized assets, right to, **2:193**
- Warrant to apprehend, see **WARRANTS**

BANKRUPTCY

- Act, see **BANKRUPTCY and INSOLVENCY ACT**
- Act of, see **ACTS OF BANKRUPTCY**
- Annulment of, **3:137, 3:161 to 3:163, 7:239**
- Commencement of, **5:356**
- Date of, **1:60**
- Date of initial bankruptcy event, **1:29 to 1:32**
- Effect of, **1:5**
- Investigations by official receiver, **7:29**
- Misfortune caused by, **7:183**
- Notice of
 - generally, **6:4 to 6:10**
 - publication of, **6:4 to 6:10**
- Relating back of, **1:29 to 1:32, 5:356**
- Stay of proceedings, **5:278, 5:326, 5:331**
- Time of commencement, **1:60**

BANKRUPTCY AND INSOLVENCY ACT

- Generally, **1:3, 1:12**
- Act in good faith, **1:68**
- Attacks on constitutional validity, **1:12**
- Bank Act, interference with, **10:4**
- Constitutionality of, **1:11, 1:12**
- Crown, binding on, **1:67**
- Effect on an individual, **1:9**
- General approach, **1:7**
- History of, **1:5**
- Interpretation of, **1:8**
- Provincial legislation interference with, **1:10**
- Purpose of, **1:4**
- Scope
 - banks, **1:19**
 - building society, **1:25**
 - cemetery company, **1:25**
 - church corporation, **1:25**
 - co-operative syndicate, **1:25**

BANKRUPTCY AND INSOLVENCY ACT—Cont'd

- Scope—Cont'd
 - municipal corporations, **1:25**

BANKRUPTCY COURT

- See **COURTS**

BANKRUPTCY OFFENCES

- Generally, **9:2, 9:38**
- Acting as trustee when licence suspended or restricted, **9:26**
- Agent of corporation, liability of, **9:27**
- Aiding and abetting commission of, **9:2, 9:27**
- Alteration of books and records, section 198(e), **9:8**
- Bail, **9:38**
- Calling solicitor for bankrupt as witness, **9:36**
- Community service, **9:28**
- Compensation order, **9:29**
- Concealing property, **9:9**
- Director of corporation, liability of, **9:27**
- Disposition of property obtained on credit section 198(g), **9:10**
- Documentary evidence obtained from bankrupt, **9:37**
- Duty of trustee to inform bankrupt of offences, **9:2**
- Effect of offences on discharge, **7:169 to 7:171, 9:12**
- Effect of offences on discharge of bankrupt, **7:177**
- Effect of offences on proposals, **4:87**
- Engaging in business, by undischarged bankrupt, **9:14 to 9:16**
- Examination when criminal proceedings pending, **7:42, 9:35**
- Extradition for, **9:31**
- Failure to comply with, Actor Rules, **9:23**
- Failure to disclose being undischarged, **9:14 to 9:16**
- Failure to keep proper books, **9:18**
- Failure to perform duties by bankrupt, **9:11**
- Failure to perform duties by trustee, **9:22**
- False answers, **9:5**
- False claims by a creditor, **9:19**
- Fraudulent disposition of property, **9:4**
- Indictment, form of, **9:32**
- Information, form of, **9:32**

INDEX

BANKRUPTCY OFFENCES—Cont'd

- Initiating criminal proceedings, **2:60, 9:30**
- Inspectors obtaining improper fees, **9:20**
- Making false entry, **9:6**
- Material omission in statement of affairs, **9:6**
- Neglecting to answer proper questions, **7:54, 9:5**
- Obtaining an advantage by bankrupt, **9:21**
- Obtaining credit, **9:8, 9:14 to 9:16**
- Offences under section 198, **9:3**
- Officer of corporation, liability of, **9:27**
- Particulars, effect of, **9:3**
- Pawning or pledging property, **9:10**
- Place for laying charge, **9:3**
- Procedure for bankruptcy prosecutions, **9:30**
- Proposal, effect on, **4:87**
- Refusal to answer on examination section 198(1)(b), **7:54, 9:5**
- Removal of property out of possession of trustee, **9:25**
- Reporting offences, **9:30**
- Reverse onus, **9:3**
- Solicitor for bankrupt, calling as witness, **9:36**
- Status of trustee, **2:34**
- Stay because of pending criminal proceedings, **9:39**
- Time for commencing prosecution, **9:33**
- Trustee acting when license suspended or restricted, **9:26**
- Trustee failing to perform duties, **9:22**
- Trustee soliciting proxies, **9:22**
- Trustee's role in prosecutions, **9:30**
- Who may lay a charge, **9:3**
- Withdrawal of criminal proceedings, **9:34**

BANKRUPTCY ORDERS

- See also APPLICATIONS
- Generally, **3:121, 16:74, 16:75**
- Absconding debtor, precedent for, **3:132**
- Allegations in application, court relying on, **3:126**
- Annulling
 - generally, **3:137, 16:73**
 - no necessity for a discharge of bankrupt, **3:137**
 - order should not have been made, **3:137**
 - payment in full of debts, **3:137**

BANKRUPTCY ORDERS—Cont'd

- Appeals from
 - generally, **3:133**
 - costs of, **3:133**
 - effect of, **3:133**
 - quashing, **3:133**
 - when should appellate court interfere, **3:133**
- Appointment of trustee, **3:128**
- Attacks on, **3:121**
- Collateral attack on, **3:121**
- Commencement of bankruptcy
 - generally, **5:356**
 - consent by court-appointed receiver, **3:127**
 - consent by one director only, **3:127**
 - consent to, **3:127**
 - solicitor advising, care to be exercised, **3:126**
- Costs of, **3:129**
- Damages for improper presentation, **3:138**
- Discretion of court, **3:82 to 3:87**
- Effect of, **3:124**
- Filing with official receiver, **3:122**
- Form of, **3:122**
- Immediate, **3:132**
- Improper conduct of applicant, **3:87**
- Jurisdiction of registrar, if unopposed, **3:126, 8:66**
- Limited partnership, **5:444**
- Necessity for full and complete disclosure, **3:121**
- No assets, **3:86**
- No notice of dispute, **3:126, 8:66**
- No right to relitigate application on motion to set aside, **3:133**
- Notice of opposition, no one appearing, **3:126**
- Partnership, effect of
 - generally, **3:125**
 - application for, see Applications
- Precedence over attachments etc., **5:335**
see PRECEDENCE OVER ATTACHMENTS, GARNISHMENTS, EXECUTIONS ETC.
- Proof in support, **3:126**
- Registrar, granting
 - generally, **3:126, 3:137**
 - mailing to trustee, **3:122, 5:575**
- Registration of real estate, **5:389 to 5:397**

BANKRUPTCY ORDERS—Cont'd

- Rescinding, **3:136, 8:37 to 8:44, 16:73**
- Setting aside and rescinding, **3:137, 7:239, 8:37 to 8:44, 16:73**
- Staying of, **3:137**
- Stay of proceedings as a result of, **5:278**
- Time when effective, **3:123**
- Trustee, appointment of
 - generally, **3:128**
 - debtor's wishes irrelevant, **3:128**
 - fees and expenses, **3:130**
 - serving copy on bankrupt, **16:73**
- Undischarged bankrupt, **3:121**
- Unopposed applications, **3:126**
- Varying, **3:136, 8:37 to 8:44**

BANKRUPTCY RULES

See RULES

BANKS

- After-acquired property, **5:407, 5:573**
- Assignment of book debts to, **5:473**
- Cheque must be deposited in estate account, **2:66**
- Definition of, **1:19**
- Deposit by trustee in, Superintendent of Bankruptcy Directive No. 5R5, **2:66**
- Duty re property, **5:407**
- Effect of bankruptcy on, **10:4**
- Filing application by, **1:25, 3:5**
- Fire insurance, assignment of, **2:65**
- Foreign banks, **1:19**
- Interference with, **10:4**
- Person includes
 - generally, **1:45**
 - application against, **3:30**
 - application by, **1:25, 3:5**
- Possession of property of bankrupt, **2:43**
- Proof of claim by, **1:25**
- Right to file a application, **1:25, 3:5**
- Section 427 , see BANK ACT, Sections 426 and 427
- Transfer of funds, right of set-off, **5:548**
- Trustee's bank account, **2:66**
- Withdrawal of funds by trustee, **2:66**

BILL OF COSTS

See COSTS

BILLS OF SALE

See CHATTEL MORTGAGES

BODILY HARM

- Damages for, not released by discharge, **7:187**

BOND

- Generally, **2:14, 2:36, 2:40**
- Approval by inspectors, **2:40, 6:85**
- Cancellation of trustee's license, **2:40**
- Date in force, **2:6**
- Enforcement of, **2:40**
- Excessive amount, **2:40**
- General bond, **2:14**
- Inspectors authorizing reduction, **2:40**
- Inspector's dispensing with
 - generally, **2:40**
- Jurisdiction of official receiver
 - generally, **2:40**
 - deposit with, **2:40**
- Jurisdiction of registrar, **2:40**
- Proposals, in, **2:40**
- Refusing to file, **2:22, 2:40**
- Specific
 - generally, **2:40**
 - enforcement of, **2:40**
 - trustee suing on fidelity bond of bankrupt, **2:40, 8:30**
- Summary administration, no bond, **2:40**
- Superintendent, enforcement of, **2:14**
- Time for filing, **2:40**
- Trustee acting before filing, **2:40, 8:30**

BOOK DEBTS

See ASSIGNMENT OF BOOK DEBTS

BOOKS AND RECORDS

- Auditor's documents, **7:57**
- Banking, Superintendent of Bankruptcy Directive No. 5R4, **2:66**
- Bankrupt, inspection of trustee's records, **2:67**
- Bankrupt must deliver to trustee, **2:42, 7:8**
- Books and records, taking possession by trustee, **2:42**
- Concealing section 168(1)(c), **9:6**
- Correspondence file of trustee, **2:67**
- Creditor, inspection of trustee's records, **2:67**
- Delivery to bankrupt after discharge of trustee, **16:66**
- Delivery to purchaser of assets, **16:66**
- Delivery to trustee, **2:42**

INDEX

BOOKS AND RECORDS—Cont'd

- Discovery and production of bankrupt's books and records by trustee, **2:64**
- Disposal of, by trustee, **16:66**
- Duty of trustee to keep, **2:67**
- Electronic form documents, **2:47, 2:48**
- Entering premises, **2:42, 7:57**
- Examination of, by trustee, **7:57**
- Falsifying section 168(1)(c), **9:6**
- Inspection of, who may do so, **2:67**
- Inspectors, access to, **6:66**
- Keeping of, by trustee
 - generally, **2:67**
 - inspection of, **2:67**
 - transfer to new trustee, **2:124**
- No solicitor and client privilege, **7:57**
- Obtaining possession of, by trustee, **7:57**
- Personal correspondence of bankrupt, **2:42**
- Privileged documents, **2:68**
- Procedure for obtaining, **7:57**
- Production pursuant to section 231.2 of, Income Tax Act, **2:68**
- Requiring accountant to produce, **7:57**
- Solicitor-and-client privilege, **2:42, 7:57**
- Solicitor's lien, on, **2:48, 16:66**
- Solicitor's obligation to deliver to trustee, **2:42, 2:48, 7:57**
- Substituted trustee, delivery to, **2:124**
- Taking possession of books of account, **2:47**
- Third party's books, **2:44**
- Trust ledgers of a solicitor, **2:42, 7:57**
- Warrant to enter premises, **2:41, 7:57**

BORROWING MONEY

- Interim receiver, by, **2:104**
- Security under section 427 of, Bank Act, **2:105**
- Trustee, after appointment of inspectors
 - generally, **2:93**
 - prior to appointment of inspectors, **2:104**

BUILDERS' LIEN

- See LIEN; MECHANICS' LIEN

BUILDING SOCIETIES

- Without share capital, **1:25**

BULK SALES

- Generally, **5:117**

BUSINESS

- See CARRYING ON BUSINESS

CALL

- See CONTRIBUTORIES

CANADA GAZETTE

- Registration in, **10:3**

CANADA PENSION PLAN

- Deemed trust for, **5:27 to 5:29**

CANADIAN PAYMENTS ASSOCIATIONS ACT

- Letters of credit, **6:292**
- Priority of claim, **6:292**

CARRYING ON THE BUSINESS OF THE BANKRUPT

- Generally, **2:53, 2:89, 2:106**
- After first meeting of creditors, **2:89**
- Carrying on, by trustee, **2:89**
- Credit received in, **2:89, 2:104, 2:106**
- Debt incurred in, **2:89, 2:104, 2:106**
- Environmental damage, caused by, **2:28**
- Interim receiver giving security under, Bank Act, **2:104**
- Keeping records, **2:89**
- Only for beneficial administration of estate, **2:89**
- Permission of inspectors, **2:89**
- Personal liability of trustee, **2:106**
- Prior to first meeting of creditors
 - generally, **2:53**
 - no need for order, **2:53**
- Trustee giving security under, Bank Act, **2:93, 2:104, 2:105**
- Trustee's remuneration for, **2:178**
- Trustee under no obligation, **2:106**

CEASING TO MEET LIABILITIES

- See also ACTS OF BANKRUPTCY
- Able to pay, **3:50**
- Act of bankruptcy, **3:50**
- Date of occurrence, **3:50**
- Exhaustive investigation unnecessary, **3:50**
- Failing to pay one creditor, **3:50**
- Meaning of "Generally," **3:50**
- Paying some creditors, **3:50**
- Question of fact, **3:50**
- Unwilling to pay, **3:50**
- What constitutes, **3:50**

CEASING TO MEET LIABILITIES

—Cont'd

What does not constitute, **3:50**

**CERTIFICATE BANKRUPTCY
CAUSED BY MISFORTUNE**

Generally, **7:183**

Absence of misfortune, **7:183**

No misconduct, **7:183**

Removal of statutory disqualifications,
7:183

CERTIFICATE OF JUDGMENT

Completely executed by payment, **5:335**

Costs of first judgment creditor, **5:347 to
5:354**

Not a secured creditor

generally, **5:335, 6:164**

bankruptcy order and assignment tak-
ing precedence over, **5:335**

**CERTIFICATE OF PENDING
LITIGATION**

See LIS PENDENS

CHAIRPERSON

See MEETING OF CREDITORS

CHARGE

Holder of, a secured creditor, **1:50, 6:164**

CHARGES

Incidental to administration of estate, pay-
ment of, **2:66, 2:173**

CHARGING ORDERS

Priority of, **5:345**

Solicitor, effect of, **2:49**

CHATTEL MORTGAGES

Generally, **5:118**

Accelerated rent and, **6:334 to 6:341**

Fraudulent preference and, **5:515, 5:516**

Grounds for attacking, **5:118**

Land lord, priority, **6:385**

Secured creditor includes, **1:50, 6:164**

Seizure and sale before bankruptcy, **5:118**

Status of trustee to attack, **5:2, 5:118**

CHERRY V. BOULTBEE, RULE IN

Generally, **5:553**

Effect of, **5:553**

Meaning of, **5:553**

No application to action for damages,
5:553

CHERRY V. BOULTBEE, RULE IN

—Cont'd

No application to income tax claim, **5:553**

No mutual debts, **5:553**

Unascertained debt, **5:553**

CHILD

Liability for support not released by dis-
charge of bankrupt, **7:188**

Priority of, **6:320**

Provable claim for support, **6:136**

CHILD TAX BENEFIT

Generally, **5:256**

Cannot be assigned, **5:256**

Possible effect on discharge of bankrupt,
5:256

Restriction on voting section 113(3), **6:38**

CHOSES IN ACTION

See also ASSIGNMENT OF BOOK
DEBTS

Action by bankrupt will be dismissed,
5:250

Bankrupt cannot collect, **5:250**

Champteros agreement, **5:250**

Compromising and settling debts, **2:94**

Damages for breach of contract & torts,
5:250

Discharge of trustee does not vest in
bankrupt, **2:193, 2:200**

Name to be used by trustee in collecting,
2:32

Nothing owing at date of bankruptcy,
5:250

Order to continue, **5:250**

Personal injuries, **5:250, 5:562 to 5:568**

Personal torts, **5:250, 5:562 to 5:568**

Property includes, **1:46, 5:250**

Provincial health care payments, **5:250**

Rights of action for damages, **5:250,
5:562 to 5:568**

Sale of, by trustee, **5:250**

Vesting in trustee, **5:250, 5:562 to 5:568**

Wages owing to bankrupt, **5:250**

CHURCH CORPORATIONS

Actnot applicable to, **1:25**

Cannot have an application made against,
3:23

Not included in definition of corporation,
1:25

INDEX

CLAIMS

See also **ADMISSION OF CLAIMS, DISALLOWANCE OF CLAIMS, and PROOF OF CLAIM**

Acquired after bankruptcy, voting on, **6:30**

Admiralty claims, **8:27**

Admission of, see **ADMISSION OF CLAIMS**

Allowance by trustee, appeal from, **8:80**

Aquaculturist, **5:423 to 5:435**

Assignment of, **6:431**

Automobile insurance, proceeds of, **6:423**

Child support, **6:136, 6:320**

Compromising, **2:95**

Contingent
see also **CONTINGENT CLAIMS**
generally, **6:124 to 6:132**

Costs, claims for, **6:119**

Costs of administration, **6:294**

Crown, **5:446 to 5:449**

Disallowance
see also **DISALLOWANCE OF CLAIMS**
generally, **6:266 to 6:270**
appeal from, **6:273 to 6:282, 8:80**
duty of trustee to examine proof, **6:261**

Discharge of bankrupt, effect of, **7:212 to 7:224, 7:226 to 7:231**

Effective date for application
generally, **3:123**
for proposal section 62(1.1), **4:31, 4:57, 4:72**

Events occurring after bankruptcy, **6:105**

Execution creditor, **5:335, 5:347 to 5:354, 6:388**

False statement in proof of claim, **6:154**

Farmer
see also, **FARM DEBT MEDIATION ACT**
generally, **5:423 to 5:435**

Filing
generally, **6:446 to 6:450**
failure to file, **6:446 to 6:449**
time for, **6:446 to 6:449**

Fisher, **5:423 to 5:435**

Foreign currency claims, **6:134, 14:25**

Foreign discharge, effect of, **7:225**

Funeral and testamentary expenses, **6:293**

Income tax, **6:89, 6:389**

CLAIMS—Cont'd

Injuries to employees, **6:390**

Interest, **6:140, 6:254, 6:255, 6:421**

Land lord, **6:327 to 6:386**

Levy, **4:129, 6:295, 6:425 to 6:429**

Municipal taxes, **6:321 to 6:325**

Netting of claims, **6:109**

Not released by discharge
see **DEBTS NOT RELEASED BY ORDER OF DISCHARGE**
generally, **7:185 to 7:207**

Partnership, see **PARTNERSHIP**

Payable rateably, **6:403**

Postponement of, **6:395 to 6:399, 6:401**

Preferred payment of, **6:285 to 6:429**

Priority of, **6:285 to 6:291**

Proof of, see **PROOF OF CLAIMS**

Provable, see **PROVABLE CLAIMS**

Public utilities, **6:392**

Scheme of distribution, **6:285 to 6:291**

Splitting of, **6:30**

Spousal and child support, **6:136, 6:320**

Subordination of, **6:138**

Subrogation of, **6:116**

Unemployment insurance, **6:389**

Unliquidated
see **CONTINGENT CLAIMS**
generally, **6:124 to 6:132**

Valuation of, on proposal, **4:106 to 4:110**

Wages earners, **6:297 to 6:316**

CLAIMS PROVABLE

See **PROVABLE CLAIMS**

CLAIMS TO PROPERTY IN POSSESSION OF BANKRUPT

See also **UNPAID SELLER**

Generally, **5:410 to 5:422**

Appeals, **5:416**

Deemed trusts, claims for, **5:27 to 5:29, 5:413**

Exclusive jurisdiction, **5:420**

Extension of time, **5:410 to 5:422**

Notice of disallowance improper, **5:410**

Notice to prove, form of, **5:419**

Onus on claimant, **5:415**

Owner making claim, **5:411**

Possession by bankrupt, essential, **5:412**

Procedure, **5:410 to 5:422**

Property not owned by bankrupt, **5:409**

Proposals, **5:422**

**CLAIMS TO PROPERTY IN
POSSESSION OF BANKRUPT
—Cont'd**

- Proprietary claim, essential generally, **5:413**
- Real property, application to, **5:410**
- Registrar, jurisdiction of, **5:410 to 5:422**
- Restriction, **5:410 to 5:422**
- Revendication, **5:422**
- Right of unpaid seller to repossess, **5:423 to 5:435**
- Secured creditors, **5:410 to 5:422**
- Specifically identifiable property, **5:412**
- Trustee electing to admit or dispute claim, **5:414**

CLOSELY CONNECTED PERSONS

- See ARM'S LENGTH TRANSACTIONS, RELATED PERSONS, and REVIEWABLE TRANSACTIONS
- Generally, **1:66**

**COLLECTIVE BARGAINING
AGREEMENT**

- See LABOUR RELATIONS
- interim receiver not necessarily a successor employer, **5:253**
- Termination by bankruptcy, **5:253**

COMMERCIAL LEASES

- Compensation for, when disclaimed, **4:120**
- Disclaimer of, in proposals, **4:120**

COMMISSIONS

- Directors and officers, **6:311**
- Payable when goods are shipped, **6:303**
- Wages include, **6:303**

COMMITTAL

- See WARRANTS
- Application for failure to attend for examination, **7:53**

**COMMITTEE OF MENTAL
INCOMPETENT**

- See MENTAL INCOMPETENT

COMMON-LAW PARTNER

- Death of, **8:62**
- Definition of, **1:45**
- Restricted claim for wages, **6:398**
- Support order for, **7:188**

COMPANIES

- See CORPORATIONS

**COMPANIES' CREDITORS
ARRANGEMENT ACT**

- Generally, **19:3**
- Act in good faith, **1:68**
- Affiliated companies generally, **20:30**
 - company controlled by a person or two or more companies, **20:31**
- Alteration of plan by creditors, **21:31**
- Alterations of plan generally, **21:15, 21:31**
 - no need to distribute to creditors or obtain court approval, **21:31**
- Appeals generally, **22:99**
 - application for leave usually taken to judge of Court of Appeal, **22:99**
 - criteria for granting leave, **22:100**
 - discretion to permit, **22:99**
 - ex parte errors, **22:99**
 - extending time, **22:99**
 - hearing of, **22:102**
 - leave to appeal, **22:99**
 - stay pending appeal, **22:101**
 - Supreme Court of Canada, **22:104**
 - unsuccessful bidder cannot appeal, **22:100**
- Approval of plan by the court, **21:16**
- Arbitration proceedings, stay of, **22:13**
- Arrangements, **21:2**
- Assessment for income tax, staying of, **22:13**
- Assignment of claim of creditor generally, **21:12**
 - court's decision to make order, **22:51**
 - criteria to apply in considering proposed assignment, **22:46**
 - exceptions to court's ability to assign generally, **22:47**
 - collective bargaining agreements, **22:50**
 - eligible financial contracts, **22:49**
 - post-commencement agreements, **22:48**
- Bankruptcy and Insolvency Act and relation to, **19:3, 22:12, 22:73, 23:25, 23:76**
- Bargaining agent, meaning of, **20:4**

INDEX

COMPANIES' CREDITORS

ARRANGEMENT ACT—Cont'd

- Bond, meaning of, **20:5**
- Cash flow statement, meaning of, **20:6**
- Charge for goods and services supplied after filing, **22:34**
- Claims bar order
 - generally, **23:3**
 - appeal from, **23:3**
 - extension of time, **23:3**
- Claims for damages, **23:2**
- Claims for fraud, conspiracy and breach of fiduciary duty, **21:20**
- Claims of creditors
 - generally, **23:2**
 - amount of claims, **23:6**
 - barring procedure, **23:3**
 - claims not compromised by plan, **21:7, 23:4**
 - contested claims, **23:7**
 - definition, **23:2**
 - negotiation and mediation of, **23:3.50**
 - process, **23:2**
 - proof of, **23:3.30**
- Claims that cannot be compromised, **21:7, 23:4**
- Classifying creditors, **21:12**
- Collective agreement
 - generally, **20:7, 23:58 to 23:64**
 - court authority to order, **23:63**
 - court criteria, **23:60**
 - meaning of, **20:7**
 - notice to bargain, **23:59**
 - parties to agreement, **23:64**
 - remains in force, **23:58**
 - revise, **23:62**
 - vote of creditors, **23:61**
- Commencement of proceedings, **22:5**
- Company, meaning of, **20:9**
- Compromises, **21:2**
- Condition precedent to filing, **20:29**
- Conflict between, Actand instrument, **21:33**
- Consolidation of proceedings, **21:13**
- Constitutional validity of, **19:3**
- Contingent claim, **23:2**
- Contractual obligations arising after filing, **22:13**
- Conversion of claims to Canadian currency, **23:97**

COMPANIES' CREDITORS

ARRANGEMENT ACT—Cont'd

- Court, meaning of, **20:10**
- Court approved sale process, **21:29**
- Court authorizing assignment of agreement, **23:78**
- Court declaration, where directors have resigned or have been removed, **21:9**
- Court declaration where compromise would not be fair and reasonable, **21:8**
- Court order prohibiting release of information where prejudice to debtor company, **22:2, 22:7**
- Court order that constating instrument be amended, **21:25**
- Courts, acting in aid of each other, **22:108**
- Creditors
 - generally, **23:12**
 - criteria, **23:13**
 - equity claims, **23:15**
 - related claims, **23:14**
- Critical suppliers, **22:55**
- Cross border insolvency proceedings
 - generally, **24:2 to 24:23**
 - application for recognition of foreign proceeding, **24:8**
 - attornment to the jurisdiction, **24:15**
 - call in aid foreign courts, **24:13**
 - cooperation, **24:17**
 - discretionary orders made after recognition order, **24:16**
 - dividends and property received in a foreign proceeding, **24:18**
 - effect of recognition order, **24:11**
 - examinations of debtor or other persons, **24:14**
 - foreign court, definition of, **24:4**
 - foreign main proceeding, definition of, **24:5**
 - foreign non-main proceeding, definition of, **24:6**
 - foreign representative, definition of, **24:7**
 - guidelines applicable to court to court communications, **24:22**
 - miscellaneous cross-border provisions, **24:21**
 - multiple proceedings, **24:20**
 - obligation to inform court of any substantial change, **24:19**

COMPANIES' CREDITORS

ARRANGEMENT ACT—Cont'd

- Cross border insolvency proceedings
 - Cont'd
 - proof of foreign proceeding, **24:9**
 - protocol, **24:18**
 - purpose of provisions, **24:3**
 - recognition of foreign proceeding, **24:11**
 - stay of proceedings, **24:12**
- Crown claims, **22:53, 22:112, 23:10, 23:90 to 23:93**
 - Act binding on the Crown, **23:93**
 - deemed trust provisions, **23:90**
 - deemed trust under provincial legislature, **23:91**
 - payment of, **21:22**
 - workers' compensation claims, **23:92**
- Debt meaning of, **23:2**
- Debtor company, meaning of, **20:11**
- Debtor in possession financing
 - generally, **22:40**
 - considerations before granting, **22:40**
 - court may order priority charge, **22:41**
 - criteria to be applied by court, **22:43**
 - priority over builder's lien, **22:40**
- Debts payable in foreign currency, **23:97**
- Deemed trusts, **22:112**
- Directors, compromise of claims
 - generally, **21:6**
 - charge for, **21:6**
- Disclaimer or resiliation of contracts
 - generally, **23:49**
 - court approval, **23:51**
 - factors to consider, **23:52**
 - notice, **23:50**
 - provable claim of loss, **23:54**
 - provided reasons, **23:55**
 - right to intellectual property, **23:53**
 - specified contracts, **23:56**
- Disclosure of economic interest, **22:86**
- Duties under section 158, **23:76**
- Effect of order in other provinces, **22:106**
- Effect of sanctioning plan, **21:18**
- Eligible financial contract, meaning of, **20:13**
- Equity claim, meaning of, **20:14**
- Equity interest, meaning of, **20:15**
- Federal Court, effect of stay order on, **22:9**

COMPANIES' CREDITORS

ARRANGEMENT ACT—Cont'd

- Financial collateral, meaning of, **20:16**
- Foreign judgment, conversion to Canadian funds, **23:2**
- Foreign proceeding, **22:112**
- General rules, **25:3**
- Income trust, meaning of, **20:17**
- Indemnification
 - generally, **22:64**
 - gross negligence, willful misconduct, gross or intentional fault, **22:66**
 - ranking directors' charge, **22:65**
- Initial application, meaning of, **20:18**
- Interim receiver appointment of
 - generally, **22:84**
 - reason for appointment, **22:84**
- International insolvencies
 - generally, **22:112**
 - purpose of provisions of, Act, **22:112**
 - recognition of foreign plan, **22:112**
 - refusal to review order at request of foreign court, **22:84, 22:112**
 - stay of Canadian proceedings, **22:112**
- Interpretation of plan after sanction of court
 - generally, **21:21**
 - judge interpreting own order, **21:21, 22:102**
- Jurisdiction of courts
 - generally, **22:2**
 - inherent jurisdiction, **22:2**
 - proper place to file application, **22:2**
- Leases, termination of
 - generally, **20:15**
 - advance further credit, **23:70**
 - aircraft objects, **23:71**
 - application, **23:67**
 - cash or valuable consideration, **23:69**
 - prohibition on termination, **23:66**
 - provisions, contrary to, **23:72**
 - provisions, exceptions to, **23:73**
 - public utilities, **23:68**
- Lessors of equipment, treatment of, **22:34**
- Materials to accompany application, **22:6**
- Meeting of creditors, **21:14**
- Modification of plan, **21:31**
- Monitors
 - access to company's records and data, **23:30**

COMPANIES' CREDITORS**ARRANGEMENT ACT—Cont'd**

- Monitors—Cont'd
 - advise court, **23:25**
 - advise creditor, **23:21**
 - advise on fairness of plan, **23:26**
 - appointment of, **22:75**
 - assistance, **22:78**
 - attend court proceedings, **23:24**
 - auditor can act, **22:38**
 - code of ethics, **23:31**
 - cost of administration, **22:83**
 - creditor access to information, **23:27**
 - definition of, **22:75**
 - duties of, **21:2, 22:76**
 - employee claims, **22:80**
 - environmental conditions or damage, **22:81**
 - fees of, **22:68**
 - file prescribed documents, **23:22**
 - functions the court direct, **23:28**
 - hiring employees of bankrupt, **22:75**
 - interim receiver, **22:84**
 - investigate company's business and affairs, **23:19**
 - levy to Superintendent of Bankruptcy, **23:23**
 - liability, **22:79**
 - meaning of, **20:19**
 - preparation of report, **23:29**
 - priority of fees, **21:2**
 - publish orders, **23:17**
 - replacement of, **22:82**
 - report to court, **23:20**
 - restructuring officer or committee, **22:85**
 - review company's cash-flow statement, **23:18**
 - who can act as, **22:77**
- Motions, cost of, **23:2**
- Necessity for claims exceeding § 5 million, **20:29**
- Net termination value, meaning of, **20:20**
- Non-inclusion of parent company, **21:16**
- Obligations to assist monitor, **23:75**
- Offer made to particular group of creditors, **21:2**
- Ontario, Business Corporations Act, use of, **20:5**
- Order binding in other provinces, **19:3**

COMPANIES' CREDITORS**ARRANGEMENT ACT—Cont'd**

- Order effective for whole of the day on which it is made, **21:2**
- Order meeting of creditors, **21:3**
- Order meeting of shareholders, **21:4**
- Parallel restructuring negotiations, **22:97**
- Part of business in foreign jurisdiction, **22:106**
- Persons related or dealing at arm's length, **20:27**
- Plan more generous to certain creditors, **21:12**
- Plan where company subject to bankruptcy or winding-up legislation, **21:24**
- Professional fees, advance for
 - generally, **22:40**
 - effective participation in proceedings, **22:70**
 - financial and legal experts, **22:69**
 - monitor's fees, **22:68**
 - priority of security or charge, **22:71**
- Professional fees, setting a cap, **22:75**
- Proof of claim, **23:3:30**
- Proposals after filing, **4:149**
- Protection of claims of employees and former employees, **21:26**
- Protection of pension claims, **21:27**
- Provincial legislation, **23:15**
- Purposes of Act, **19:3**
- Regulations, **24:23**
- Remittances due after application for initial order, **21:23**
- Requirements to act in good faith, **1:68**
- Restraining right of set-off, **22:45**
- Restructuring officer or committee, **22:85**
- Review of the, Act, **25:2**
- Rules, **22:110**
- Sale of assets by debtor
 - generally, **21:20**
 - after approval by court, **23:84**
 - court approval, **23:77**
 - court to authorize only where company can make specified payments, **23:83**
 - criteria to apply, **23:80**
 - notice of application to court, **23:79**
 - prohibitions on sale, **23:78**
 - sale or disposition free and clear of security, **23:82**

COMPANIES' CREDITORS

ARRANGEMENT ACT—Cont'd

- Sale of assets by debtor—Cont'd
 - sale to related party, **23:81**
- Sale of substantial assets prior to consideration of plan by creditors, **23:78**
- Sanction of plan
 - generally, **21:16**
 - adjournment of application, **21:16**
 - interim receiver applying for, **21:20**
- Secured creditor, meaning of
 - generally, **20:21**
 - plan offered only to secured creditors, **21:20**
 - success payment to, **20:15**
- Set-off
 - generally, **22:112, 23:9**
 - binds the Crown, **23:10**
 - equitable set-off, **22:112**
- Setting aside, **22:30**
- Shareholders, cannot vote, **21:4, 23:15**
- Shareholders, compromise with, **23:15**
- Shareholders, meaning of, **20:22**
- Stay of proceedings
 - generally, **20:15, 22:9**
 - after approval of plan, **22:27**
 - appeal from, **22:31**
 - arbitration proceedings, **22:13**
 - assessment for income tax, **22:13**
 - Bankruptcy and Insolvency Act proceedings, **22:12**
 - Canada deposit insurance corporation, duties of in relation to, **22:21**
 - Canadian Payments Act, in relation to, **22:19**
 - cancellation of stock exchange listing, **22:13**
 - claims under section 224(1.2) of, Income Tax Act, **20:15**
 - class action, **22:30**
 - crown claims, **22:23**
 - deemed trusts, **22:112**
 - derivative contracts, **22:49**
 - DIP financing, **22:40**
 - directors
 - generally, **21:6, 22:58**
 - exceptions to stay with guarantee, **22:59**
 - filing vacancy, **22:63**
 - no reasonable cause of action, **21:6**

COMPANIES' CREDITORS

ARRANGEMENT ACT—Cont'd

- Stay of proceedings—Cont'd
 - directors—Cont'd
 - removing directors, **22:61**
 - resigned directors, **22:60**
 - disobedience of, **22:29**
 - eligible financial contracts, **20:13, 22:32**
 - equity solicitation, **22:37**
 - Excise Tax Act claims, **22:54**
 - extension of time, **22:10**
 - labour relations, **22:26**
 - lease, repudiation of, **21:2, 21:33**
 - letters of credit, **22:33**
 - lien claims, **22:36**
 - lifting the stay, **22:30**
 - minister of finance, performance of duties in relation to, **22:21**
 - monitor to send copy to know creditors, **22:18**
 - non-disclosure, **22:30**
 - oppression remedy, **23:2**
 - preferences and transfers at undervalue
 - generally, **23:87**
 - dates and terms to be applied, **23:88**
 - proceedings, meaning of, **22:13**
 - proceedings to obtain, **22:10**
 - proceedings under, Bankruptcy and Insolvency Act, **22:12**
 - proceedings under, Winding-up and Restructuring Act, **22:12**
 - prohibiting commencement of proceedings, **22:14**
 - provision for payment of claims in full or in part, **21:12**
 - regulatory body, **22:13, 22:24**
 - restraining further proceedings in an action, **22:13**
 - restraining right of set-off, **22:45**
 - sale of assets after approval of plan, **23:84**
 - sale of substantial assets prior to court's consideration of the plan
 - generally, **23:78**
 - court authorizing assignment of agreement, **23:78**
 - scope of order under initial application, **22:11**
 - scope of order under subsequent applications, **22:15**

COMPANIES' CREDITORS

ARRANGEMENT ACT—Cont'd

- Stay of proceedings—Cont'd
 - sale of substantial assets prior to court's consideration of the plan—Cont'd
 - security on aircraft objects, in relation to, **20:6**
 - setting aside, **22:30**
 - special payment to secured creditors if plan successful, arrangement for, **22:35**
 - stay not affect action against other persons, **22:17**
 - stay on actions against directors, **22:16**
 - Superintendent of Financial Institutions, duties of in relation to, **22:21**
 - suppliers after filing of plan, **22:34**
 - surplus after paying creditors, **20:17**
 - terminating contracts, **22:45**
 - third parties
 - generally, **22:38**
 - restraining sale of shares, **22:38**
 - thirty-day goods, **22:28**
 - true leases, payments under, **22:34**
 - varying, **22:30**
 - Winding-up and Restructuring Act proceedings, **22:12, 22:22**
- Subsidiary, **20:32**
- Superintendent of Bankruptcy
 - see also Superintendent of Bankruptcy under the, BIA provisions
 - generally, **23:33 to 23:47**
 - access to records, **23:38**
 - action against monitor
 - generally, **23:40**
 - monitor to receive notice, **23:41**
 - decision of a federal board or tribunal, **23:46**
 - delegate authority, **23:47**
 - engage professionals, **23:39**
 - hearing convened, **23:43**
 - intervene in proceedings, **23:35**
 - investigation, **23:37**
 - issue summons, **23:42**
 - meaning of, **20:23**
 - record of proceedings, **23:44**
 - records, **23:33**
 - records of complaints, **23:36**
 - review monitor, **23:34**

COMPANIES' CREDITORS

ARRANGEMENT ACT—Cont'd

- Superintendent of Bankruptcy—Cont'd
 - written decision, **23:45**
- Superintendent of Financial Institutions, meaning of, **20:24**
- Termination of contracts, **21:33, 22:45**
- Title transfer credit support agreement, meaning of, **20:25**
- Transferring proceedings under the, Bankruptcy and Insolvency Act, **22:73**
- Treatment of equity claims, **21:28**
- Unsecured creditor, meaning of
 - generally, **20:26**
 - payment to, prior to filing, **22:56**
- Vacancy, **22:63**
- Voting on plan
 - generally, **21:14**
 - benefit given to obtain vote, **21:14**
 - court decides who may vote, **21:14**
 - proxies, **21:14**
 - shareholders, right to vote, **21:2, 23:15**
 - show of hands, **21:14**
 - valuation for voting, **21:14**
- Who may make the application
 - generally, **21:2**
 - secured creditors only, **21:2**
- Winding-up and Restructuring Act reference to, **22:14, 23:2**
- Withdrawal of capital revenue by debtor, **21:33**
- Workers' Compensation claims, **22:112, 23:92**

COMPENSATION

- Money paid by way of, **5:187**
- Order for, **9:29**

COMPLAINT FOR BANKRUPTCY OFFENCE

- See also BANKRUPTCY OFFENCES
- Form of, **9:1, 9:32**
- Time for, **9:1, 9:33**

COMPOSITION

- See PROPOSAL

COMPROMISING AND SETTLING CLAIMS

- See also CHOSSES IN ACTION
- Generally, **2:95**
- Absolute power of trustee, **2:94**

COMPROMISING AND SETTLING CLAIMS—Cont'd

- Court approval, no necessity for, **2:95**
- Court approval, when required generally, **2:95**
 - how confirmed, **2:94**
- Court making order that objections not valid, **2:95**
- Necessity for inspectors' approval, **2:73, 2:95**
- Objection by unsecured creditor, **2:95**
- Setting aside, **2:95**

COMPROMISING AND SETTLING DEBTS

- Generally, **2:94**
- Absolute power of trustee, **2:94**
- Court directions, no need for, **2:94**

CONCEALMENT

- See BOOKS and RECORDS

CONDITIONAL DISCHARGE OF BANKRUPTCY

- See DISCHARGE OF BANKRUPT

CONDITIONAL SALES

- Generally, **5:85**
- Lease with option for purchase, **5:85**
- Secured creditor, includes, **1:50**
- Trustee not entitled to, **5:85**
- Words necessary to create, **5:85**

CONDUCT MONEY

- Payment to person being examined, **7:52**

CONSERVATORY MEASURES BY TRUSTEE

- See also PERISHABLE GOODS
- Generally, **2:52**
- Marginal grain accounts, **2:52**
- No necessity for order to dispose of perishable goods, **2:52**
- Sale of shares, **2:52**
- Seasonable goods not perishable, **2:52**

CONSIGNMENT GOODS

- Generally, **5:86 to 5:91**
- Agency relationship is essential, **5:86**
- Burden of proof, **5:87**
- Commercial consignment, **5:151**
- Distinguished from sale or return, **5:89**
- Essential elements of, **5:88**

CONSIGNMENT GOODS—Cont'd

- Funds removed from trust account without authority, **5:90**
- Intention of parties, **5:88**
- Mixing with other goods, **5:88**
- No need to make inquiries as to right to sell, **5:86 to 5:91**
- “On consignment” insufficient, **5:88**
- PPSA, **5:86 to 5:91, 5:151**
- Procedure for claiming, **5:91**
- Remedies of consignor, **5:90**
- True consignment, **5:151**

CONSOLIDATION OF BANKRUPT ESTATES

- Jurisdiction to order, **8:7**

CONSOLIDATION ORDER

- Effect on guarantors, **12:9**
- Orderly Payment of Debts Act, **11:2**

CONSTITUTIONAL LAW

- Appointment of interim receiver, **3:104**
- Attacks on constitutional validity, **1:12**
- Conflict between provincial statute and, Bankruptcy and Insolvency Act, **1:10**
- Federal bankruptcy legislation, **1:11**
- Method of determining validity, **1:10**
- Provincial legislation, **1:10**

CONSTRUCTION LIEN

- See LIEN, MECHANICS' LIEN

CONSTRUCTIVE TRUST

- See TRUST PROPERTY

CONSUMER PROPOSALS

- Generally, **4:152, 4:171**
- Acceleration of payments, **4:161**
- Administrator refusing to file, **4:153**
- Administrator's fees and expenses, **16:114**
- Agreement terminated by, **4:160**
- Alimony and maintenance, claim for, **4:159, 6:320**
- Amendment of, **4:163**
- Annulment of
 - generally, **4:164**
 - effect of, **4:164**
 - notice to creditors, **4:164**
 - payments made after, **4:164**
- Approved by court
 - generally, **4:158**

INDEX

CONSUMER PROPOSALS—Cont'd

- Approved by court—Cont'd
 - must be fair and reasonable, **4:158**
- Assignment in bankruptcy, **4:166**
- Bankruptcy prior to September 30, 1997, **4:153**
- Calculation of § 75,000, **4:153**
- Completion of, **4:169**
- Creditors bound by, **4:159**
- Crown bound by, **4:159**
- Debtor, protection of, **4:167**
- Default, relieving against, **4:164**
- Discharge of administrator, **16:81**
- Eligibility to make, **4:153**
- Eligible financial contracts, **4:168**
- Failure to make payments for 3 months, effect of, **4:164**
- Fees, in connection with, **4:170**
- Income tax claim, released by, **4:159**
- No extension of time, in case of default, **4:164**
- Persons eligible, **4:153**
- Postponing deemed acceptance, **4:155**
- Procedure, **4:155**
- Proposal by ineligible person, **4:158**
- Protection of debtors, **4:167**
- Public utilities, **4:162**
- Purpose of, **4:152**
- Rent owing prior to filing, **4:167**
- Revival of a consumer proposal, **4:165**
- Second consumer proposal, **4:153, 4:164**
- Secured creditors, **4:156**
- Stay of proceedings, **5:357 to 5:366**
- Taxation of accounts, **4:171**
- Termination because of insolvency, **4:160**
- Termination of eligible financial contracts in a consumer proposal, **4:168**
- Terms of, **4:154**
- Voting, **4:157**
- Who may make, **4:153**

CONTINGENT CLAIMS

- Generally, **6:124 to 6:132**
- Appeal from disallowance, **6:273 to 6:282**
- Breach of employment contract, **6:128**
- Crystallized in judgment, **6:132**
- Damages, **6:127**
- Definition of, **6:125**
- Determination by trustee final and conclusive, **6:124**

CONTINGENT CLAIMS—Cont'd

- Disallowance of, **6:124, 6:262, 6:266 to 6:270**
- Equipment rental claims, **6:131**
- Foreign currency, **6:124 to 6:132**
- Guarantor, **6:126, 6:133**
- Incapable of valuation, **6:125**
- Procedure for valuing, **6:124**
- Proposals and, **6:124 to 6:132, 6:139**
- Rental of a chattel, **6:131**
- Too uncertain, **6:129**
- Unliquidated claims, **6:127**
- Valuation by trustee, **6:124**
- Voting by, **6:41**

CONTRACTS

- Damages for breach
 - generally, **5:252**
 - duty to mitigate, **5:252**
- Disclaimer by trustee of, **5:252**
- Effect of bankruptcy on, **5:252, 5:357 to 5:366**
- Employment contracts, effect on, **5:252, 6:297 to 6:316**
- Personal services, **5:252**
- Property of bankrupt, **5:252**
- Rescission, **5:92**

CONTRIBUTORIES

- Generally, **5:399 to 5:405, 16:84**
- Amount unpaid, **5:402**
- Applicable law, **5:399**
- Asset of estate, **5:399**
- Calls, **5:399 to 5:405**
- Cancellation of subscription, **5:404**
- Co-operative, unpaid amount on shares, **5:399 to 5:405**
- Corporation purchasing own shares, **5:406**
- Demand for payment
 - generally, **16:83**
 - service of, **16:83**
- Disputing liability, **5:405, 16:84**
 - form of, **16:83**
 - time for, **16:83**
- Installment payments, **5:399 to 5:405**
- Necessity for allotment or acceptance, **5:401**
- Onus on trustee to prove allotment, **5:399 to 5:405**
- Proceedings to recover, **5:405, 16:83**

CONTRIBUTORIES—Cont'd

- Rights of trustee, **5:400**
- Transfer of unpaid shares, **5:403**
- Waiver of notice of allotment, **5:399 to 5:405**

CONVEYANCES

- See FRAUDULENT CONVEYANCES, FRAUDULENT PREFERENCES, PROPERTY and REAL PROPERTY

CO-OPERATIVE SOCIETY

- Application against, **3:29**
- Assignment by, **1:25**
- Balance owing on shares, **5:399 to 5:405**
- Whether corporation includes, **1:25**
- Whether person includes, **1:45**

CO-OPERATIVE SYNDICATE

- Not included in definition of corporation, **1:25**

COPYRIGHT

- Generally, **5:235, 5:441**
- Acquired by bankrupt, **5:235**
- Assignment of, **5:441**
- Fixed fee not a royalty, **5:441**
- Property must have been assigned to bankrupt, **5:235**
- Property of bankrupt subject to, **5:235, 5:441**
- Sale of, **5:235, 5:441**

CORPORATION

- Assignment by, **3:171**
- Bankruptcy offence committed by, **9:27**
- Banks, see BANKS
- Benefit conferred on director, **5:181**
- Claim of officers and directors for salary, **6:311**
- Corporate entity, continues, **1:25**
- Definition of, **1:25**
- Directors and officers, duties of, **7:5 to 7:24**
- Directors and officers, effect on, **1:25**
- Examination of officers and directors by official receiver
 - generally, **7:24, 7:28**
 - by creditors, **7:44 to 7:49**
 - by trustee, **7:30 to 7:43**
- Impairing capital, **5:406**
- Inside directors, liability of, **1:25**

CORPORATION—Cont'd

- Insurance companies, not included in definition, **1:25**
- Liability of officers and directors for GST and income tax, **1:25**
- Liability of officers and directors for offences, **9:27**
- Liability of officers and directors for wages, **6:317**
- Loan companies, not included in definition, **1:25**
- Payment of compensation, incentives or other benefits within 12 months of bankruptcy, **5:588**
- Payment of dividend within 12 months of bankruptcy, **5:587**
- Performance of duties of bankrupt, **7:24**
- “Person” includes, **1:45**
- Postponement of claims of directors section 140, **6:395 to 6:399**
- Proof of claim by, **6:24 to 6:28**
- Proxies by creditors, **6:42 to 6:51**
- Purchasing own shares, **5:406**
- Railway companies not included in definition, **1:25**
- Redemption of shares, **5:576**
- Registration of transfer of shares, **1:25**
- Reviewable transactions, **5:576, 6:395 to 6:399**
- Successors of, “Person” includes, **1:45**
- Trust companies not included in definition, **1:25**
- Voting by, restrictions on, **6:38**

COSTS

- Generally, **8:111 to 8:146**
- Action by creditor where trustee refuses to take proceedings, **2:162**
- Advances to solicitor for debtor to defend application, **3:62, 8:123**
- After bankruptcy incurred by bankrupt, **8:125**
- Against trustee, **8:126**
- Appeal from disallowance, **6:280**
- Appeal from taxation, **8:146, 16:37**
- Appeals, costs of, **8:119**
- Application for directions, costs of, **2:114**
- Approval of inspectors
 - generally, **8:121, 8:128**
 - giving of general authority, **8:128**
- Assignment on, **8:123**
 - costs prior to, **8:123**

INDEX

COSTS—Cont'd

Authorized services only, are payable section 197(4), **8:116, 8:128**
Awarded against a non-party, **8:127**
Bankrupt, attendance on taxation, **8:142**
Bankrupt's costs after assignment or bankruptcy order, **8:125**
Bill of costs, form of, **8:113**
Certificate of taxation on generally, **16:37**
of trustee on bill of costs, **8:113, 16:37**
Change in hourly rate during administration of bankrupt estate, **8:117**
Contingency fee, **8:113**
Crown, liability for, **8:144**
Disallowance of, **8:135, 8:141**
Discharge of bankrupt, **8:134**
Discretion as to, **8:111**
Disputed application, **3:81, 8:123**
Exceeding 10% of gross receipts generally, **8:121**
review of inspectors' refusal, **8:121**
Failure to submit bill for taxation, **8:139**
First execution creditor, **5:347 to 5:354**
see FIRST EXECUTION CREDITOR'S COSTS
Form of bill of costs, **8:113**
Fraudulent conveyance, **5:467**
Fraudulent preferences, **5:539**
Gross receipts under \$1,000 or \$ 2,000 generally, **8:121**
meaning of, **8:121**
Incidental to proceedings in court, **8:111**
Incurred in another province, **8:140**
Inspector of, when solicitor to bankrupt estate, **8:135**
Inspectors, approval of, **8:128**
Intervention of trustee in litigation commenced before bankruptcy, **8:114**
Lien for, **2:49, 8:137**
Lump sum, **8:111, 8:112**
Method of payment, **8:129**
Method of taxation, **8:112, 8:117, 8:122**
Must be a party, **8:111**
Necessity for taxation, **8:138**
No increased costs, **8:111**
Non-parties liability for costs, **8:127**
Not allowed, **8:130**
Not exceeding \$ 1,000, **8:138, 16:37**
Order for submission of bill, **8:139, 16:37**

COSTS—Cont'd

Party and party, **8:112, 8:117, 8:123**
Personal liability of solicitor, **8:115**
Personal liability of trustee, **8:114**
Personal liability of trustee for costs of discharge, **8:134**
application on, **8:123**
Preceding assignment or application, **8:123**
Priority of payment generally, **6:294, 8:120**
priority changed by reason of equitable fraud, **6:294, 8:120**
Prior to appointment of inspectors, **8:124**
Proposals, **8:121, 8:133**
Reasonable description of service generally, **8:113, 16:37**
no need for separate value for each item, **8:114**
Receiver, taxation of costs, **8:143**
Registrar section 192(1)(i), **8:75, 8:141**
Restriction on amount, **8:121**
Second counsel, **8:117**
Secured claims, on, **6:256**
Security for see also SECURITY FOR COSTS generally, **8:130**
application, on, **3:100**
Set-off, **8:145**
Signing of bill by registrar, **16:37**
Solicitor and client, **8:117, 8:122**
Solicitor and own client not allowed, **8:111**
Solicitor's lien for, **2:49, 8:137**
Supreme Court of Canada, **8:119**
Tariff generally, **8:117**
application of provincial tariffs, **8:117**
quantum of where tariff not applicable, **8:118**
Taxation of, **8:112, 8:117 to 8:123, 8:139, 16:37**
Trustee, costs against, **8:126**
Trustee adopting liability for, **8:136**
Trustee guilty of misconduct, **8:114**
Trustee to be represented on taxation, **8:141, 16:37**
Withholding payment, **16:37**

COUNSELLING SERVICES

- By trustee in bankruptcy, Superintendent of Bankruptcy Directive No. 1R2, **7:2**
- By trustee in consumer proposal, Superintendent of Bankruptcy, **4:155**
- Fees for, **7:3**
- Neglecting to provide generally, **7:2**
- bankruptcy order, **7:2**
- Trustee giving wrong advice, **7:2**

COURT OF APPEAL

- See APPEALS

COURTS

- Acting in aid of each other, **2:51, 8:55**
- Annulling bankruptcy order, **3:137, 7:239**
- Annulling proposal, **4:130 to 4:138**
- Appeals, **8:86 to 8:99**
- Application for directions, see DIRECTIONS OF COURT
- Application to, by creditor for leave to sue bankrupt generally, **5:278**
- by trustee for discharge, **2:189 to 2:194**
- for alteration of proposal, **4:16**
- for approval of proposal, **4:71 to 4:78**
- Appointment of inspectors, revocation of generally, **6:68 to 6:83**
- of trustee, **2:18 to 2:24**
- Approval of, fees of inspectors generally, **6:93, 6:94**
- final statement of receipts and disbursements, **6:453**
- for alteration of proposal, **4:16**
- inspector purchasing assets, **6:66**
- substituted trustee, fees and disbursements, **2:18 to 2:24**
- Authorization of incurring obligations by trustee or interim receiver generally, **2:104**
- creditor taking proceedings in own name, **2:138**
- Certificate that bankruptcy caused by misfortune, **7:183**
- Chambers, sitting in, **8:35**
- Commercial list in Ontario, **8:36**
- Committal, see COMMITAL
- Conflict with civil courts, **8:8 to 8:19**
- Consolidation of application by, **3:36**
- Consolidation of estates, **8:7**

COURTS—Cont'd

- Correction of errors in proposal, **4:16, 16:78**
- Costs, see COSTS
- Courts of Appeal see also APPEALS generally, **8:86 to 8:107, 16:44**
- Criminal proceedings, see BANKRUPTCY OFFENCES
- Declaratory judgment, **8:6**
- Defects in proceedings, **8:48, 8:52**
- Definition, **1:26, 8:2**
- Directing trial of issue, **8:47**
- Directions, see DIRECTIONS OF COURT
- Disallowance of claim see also DISALLOWANCE OF CLAIMS generally, **6:266 to 6:270**
- Discharge of bankrupt, see DISCHARGE OF BANKRUPT
- Dispensing with duties of trustee, **8:54**
- Dispensing with material or mailing, **8:54**
- Dividends, requiring trustee to pay section 148(3), **6:431**
- Documents, filing in generally, **16:27**
- admission of, **8:61**
- service of, **16:15**
- service of application, **3:41**
- Enforcement of orders, **8:45**
- Equitable jurisdiction, **8:5**
- Evidence generally, **16:34**
- in case of death, **8:62**
- Extension of time, **8:53**
- Filing, time of notice of motion, **16:26**
- Filing by fax, **16:22**
- Gap-filling, **8:4**
- Inspectors, review of decision and actions, **6:87**
- Irregularity in proceedings, **8:48, 8:52**
- Issue, directing trial of see ISSUE generally, **8:47**
- Judge, appointment of generally, **8:3**
- definition of, **8:2, 8:3**
- Jurisdiction see also JURISDICTION OF COURT

INDEX

COURTS—Cont'd

- Jurisdiction—Cont'd
 - generally, **8:2 to 8:31**
 - ancillary, **8:4**
 - claim for monetary sum, **8:2**
 - conflict with civil courts, **8:8 to 8:19**
 - declaratory judgments, **8:6**
 - equitable, **8:4, 8:5**
 - foreign bankruptcies, **8:25**
 - gap-filling, **8:4**
 - inherent, **8:4**
 - judge sitting in bankruptcy, **8:3**
 - registrar of, **8:31, 8:64 to 8:84**
 - statutory interpretation, **8:4**
- Lis pendens, issue of, **16:90**
- Money in, **5:346**
- Motions, **16:24, 16:26**
- Necessity for uniformity of decision throughout Canada, **1:4**
- Orders enforceable throughout Canada, **8:56**
- Periodical sittings, **8:36**
- Practice in civil matters
 - see also PRACTICE and PROCEDURE
 - generally, **16:7**
- Proceedings against trustee, **2:128 to 2:136, 10:6 to 10:12**
- Process, service of
 - see also SERVICE
 - generally, **16:15**
- Reference to Judge by registrar
 - generally, **8:84**
 - to Judge or other officer of issue, **8:47**
- Regulation of proceedings in, **8:2**
- Relieving against formal defects and irregularities, **8:48**
- Report to, by trustee under section 34(2)
 - generally, **2:121**
 - made by registrar, **2:121**
- Restraining courts in execution of process, **8:34**
- Review of decisions and actions of inspectors
 - generally, **6:87**
 - own order, **8:37 to 8:44**
- Rules, power to make, **10:2**
- Sale of assets, see SALE OF ASSETS
- Seal, **8:33**

COURTS—Cont'd

- Secured creditors, interference with, **5:326**
- Service of documents
 - generally, **16:15**
 - of application, **3:41**
- Settlement of orders, **8:78**
- Sittings of section 187(4)
 - generally, **8:36**
 - rules regulating, **16:39**
- Statutory interpretation, **8:4**
- Supreme Court of Canada, appeals to
 - generally, **8:30, 8:108, 8:109**
 - stay of proceedings, **8:109**
- Transfer of proceedings, **8:46**
- Trial of issue, **8:47**
- Trustee, taxing accounts of
 - generally, **2:170 to 2:182, 6:459, 8:141**
 - appointing, **2:18 to 2:24**
 - confirming, reviewing or modifying decision of, **2:128 to 2:136**
 - officer of, **2:128**
- Uniformity of decisions, necessity for, **1:4**
- Varying own orders, **8:37 to 8:44**
- Warrants directing search or seizure, **8:60**
- Witnesses, **16:28 to 16:32, 16:34**
- Wrong court, proceedings taken in, **8:52**

COVID-19 AMENDMENTS

- Generally, **1:6**

CREDIT

- Bankrupt obtaining, **9:14 to 9:16**
- False representations, obtaining by, **9:2**
- Property obtained on, pawning, pledging or disposing of, **9:2**
- Received in carrying on business by trustee, **2:104 to 2:107**

CREDITORS

- Actions by where trustee refuses to take
 - generally, **2:138 to 2:168**
 - against trustee, **2:128 to 2:136, 10:6 to 10:12**
 - against undischarged bankrupt, **5:278**
- Appeal, from decision of chairperson at first meeting, **6:53 to 6:62**
- Application for reappointment of trustee, **2:201**
- Application of leave to sue debtor, **5:278**
- Appointment of inspectors in bankruptcy, **6:68 to 6:83**

CREDITORS—Cont'd

Appointment of inspectors in proposal, **4:42**
 Appointment of new trustee by, **2:21**
 Arm's length voting by, **6:38**
 Authorizing trustee to institute criminal proceedings, **2:60, 9:30**
 Books and records, inspection of, **2:62**
 Calling meeting, **6:3**
 Claims
 see also CLAIMS
 Claims, see CLAIMS
 admission of, **6:261**
 disallowance
 see DISALLOWANCE OF CLAIMS
 generally, **6:266 to 6:270**
 filing, **6:446 to 6:449**
 on proposal section 62(1), **4:106 to 4:110**
 provable
 see PROVABLE CLAIMS
 generally, **6:99 to 6:142**
 time for determination on application, **3:46**
 Class of, **4:60**
 Contingent claims, **6:41, 6:124 to 6:132**
 see CONTINGENT CLAIMS
 Criminal proceedings, authorizing of, **2:60, 9:30**
 Debt not payable at debt of bankruptcy, **6:137**
 Decision of trustee, application to court, remedies, **2:128 to 2:136, 10:6 to 10:12**
 Definition of, **1:27**
 Directions to trustee, see DIRECTIONS OF COURT
 Discharge of bankrupt, opposing, **7:85 to 7:101**
 Dividends
 see also DIVIDEND
 generally, **6:431 to 6:456**
 Examination by, **7:44 to 7:49**
 see EXAMINATIONS
 Execution, lien for costs, **5:347 to 5:354, 6:388**
 Failure of bankrupt to disclose name of, **6:4 to 6:10, 7:5 to 7:23, 7:178, 7:205**
 False claim or proof, **9:19**
 False declaration, **9:19**

CREDITORS—Cont'd

False statement of account, **9:19**
 First meeting of, see MEETINGS OF CREDITORS
 Fraudulent preference to
 see also FRAUDULENT PREFERENCES
 generally, **5:487 to 5:528**
 Inspectors, filling vacancy
 see INSPECTORS
 generally, **6:68 to 6:83**
 overriding, **6:87**
 revoking appointment, **6:68 to 6:83**
 Limiting amount of obligations that trustee may incur
 generally, **6:144 to 6:150**
 time for carrying on business, **6:144 to 6:150**
 trustee's borrowing, **6:144**
 Meetings at
 see MEETINGS OF CREDITORS
 generally, **6:2 to 6:63**
 Name of, omitted from list of creditors, **6:4 to 6:10, 7:5 to 7:23, 7:178, 7:205**
 Notices to, of first meeting of creditors
 generally, **6:3**
 of proposal, **4:31**
 Overriding decision of inspectors, **6:87**
 Partnership, **6:401, 6:404 to 6:420**
 Postponed, **6:395 to 6:399, 6:401**
 Preferred, **6:285 to :394**
 Preferred shareholders, not creditors, **6:99 to 6:123**
 Priorities of, **6:285 to 6:423**
 Proceedings in own name, **2:138 to 2:168**
 Proof of claim, see PROOF OF CLAIM
 Proposal to, see PROPOSALS
 Quorum of, **6:13 to 6:23**
 Realizing security
 see also SECURED CREDITORS
 generally, **5:326, 6:159**
 Removal of trustee by, **2:18 to 2:24**
 Requiring filing of claim, **6:446 to 6:449**
 Right to inspect books and records, **2:62**
 Secured, see SECURED CREDITORS
 Substituted trustee, appointment of
 see also SUBSTITUTED TRUSTEE
 generally, **2:18 to 2:24**

INDEX

CREDITORS—Cont'd

- Taking proceedings in own name, **2:138 to 2:167**
- Trustee dividing up property among, **2:96**
- Voting by, see MEETINGS OF CREDITORS, PROPOSALS and CONSUMER PROPOSALS

CRIMINAL PROCEEDINGS

- See BANKRUPTCY OFFENCES

CROSS-BORDER INSOLVENCY PROCEEDINGS

- Generally, **14:2 to 14:25, 24:2 to 24:23**
- Application for recognition of foreign proceeding, **14:8, 24:8**
- Applications, **14:15**
- Attornment to the jurisdiction, **14:18, 24:15**
- Call in aid foreign courts, **14:14, 24:13**
- Conversion of claims to Canadian currency, **14:25**
- Cooperation, **14:20, 24:17**
- Discretionary orders made after recognition order, **14:19, 24:16**
- Dividends and property received in a foreign proceeding, **14:21, 24:18**
- Effect of recognition order, **14:11, 24:11**
- Examinations of debtor or other persons, **14:17, 24:14**
- Foreign court, definition of, **14:4, 24:4**
- Foreign main proceeding, definition of, **14:5, 24:5**
- Foreign non-main proceeding, definition of, **14:6, 24:6**
- Foreign representative, definition of, **14:7, 24:7**
- Guidelines applicable to court to court communications, **24:22**
- Interim receivers, **14:15**
- International insolvencies, Generally, **14:2**
- Miscellaneous cross-border provisions, **14:24, 24:21**
- Multiple proceedings, **14:23, 24:20**
- Obligation to inform court of any substantial change, **14:22, 24:19**
- Proof of foreign proceeding, **14:9, 24:9**
- Proposals, **14:16**
- Protocol, **24:18**
- Purpose of provisions, **14:3, 24:3**

CROSS-BORDER INSOLVENCY

PROCEEDINGS—Cont'd

- Recognition of foreign proceeding, **14:10, 24:11**
- Right of Canadian trustee to claim foreign assets, **14:12**
- Stay of proceedings, **14:13, 24:12**

CROWN

- Generally, **5:446**
- Bankruptcy and Insolvency Act, binding on, **1:67**
- Companies' Creditors Arrangement Act, **23:90 to 23:93**
- Costs, **1:67**
- Deemed trusts for, **5:27 to 5:29**
- Duty to deliver property to trustee, **2:41 to 2:45**
- Government bodies, **5:448**
- Mortgage on land, **5:451**
- Proposals, **5:446 to 5:449**
- Provincial legislation similar to section 224(1.2) of, Income Tax Act, **5:447**
- Secured claim, **5:446**
- Secured claim falling within section 136, **5:446**
- Trustee as agent of Crown, **5:449**

DAMAGE

- Environmental, **2:28**

DAMAGES

- Accelerated rent, as, **6:334 to 6:341**
- Interim receiver, caused by appointment of
 - generally, **3:108, 16:72**
 - undertaking as to damages, **3:118**
- Trustee causing, **2:106, 2:129, 2:135**

DATE OF BANKRUPTCY

- Generally, **1:60**
- Definition of, **1:60**
- No dating back, **1:60**
- Time of commencement, **1:60**

DATE OF INITIAL BANKRUPTCY EVENT

- Generally, **1:29 to 1:32**
- Assignments, **1:30**
- Proposals
 - generally, **1:31**
 - bankruptcy orders, **1:32**

DATION EN PAIEMENT

- Generally, **6:206**
- Application by hypothecary creditor to be declared
 - putting in good standing, **6:206**
- Collection of rents, **6:206**
- Use of section 81 procedure, **5:410 to 5:422**

DAYS

- Calculation of, **16:13**

DEATH

- See ASSIGNMENT, BANKRUPT, DEBTOR, DECEASED DEBTOR, EVIDENCE, PENSION BENEFITS, APPLICATION, TRUSTEE

DEBENTURE

- See FLOATING CHARGE DEBENTURE

DEBTOR

- Absconding section 168(1)(a), (b), **7:63**
- Absenting self, **3:50, 7:63**
- Act of bankruptcy by, **3:50**
- After-acquired property, see AFTER-ACQUIRED PROPERTY
- Assigning, removing, secreting or disposing of property, **3:50**
- Carrying on business, see CARRYING ON THE BUSINESS OF THE BANKRUPT
- Ceasing to meet liabilities, **3:50**
- Counselling, **7:2**
- Death of, assignment in case of
 - generally, **3:167 to 3:182**
 - effect on application, **3:20**
- Defeating or delaying creditors, **3:50**
- Definition of, **1:33**
- Departing from dwelling house, **3:50**
 - from Canada, **3:50**
- Discharge of, see DISCHARGE OF BANKRUPT
- Examination of, see EXAMINATIONS
- Exhibition of statement of assets and liabilities showing insolvency, **3:50**
- Fees for, **7:3**
- Locality of, **1:42**
 - application against, **3:19**
- Property, see PROPERTY
- Proposal by, see PROPOSALS
- Return of property to, **2:193**

DEBTS

- Alimony, **7:188**
- Avoiding payment of section 168(1)(a) and (b), **7:63**
- Bodily harm, **7:187**
- Bona fidedispute as to, application founded on, **3:70**
- Debtor, released from, **7:212 to 7:224**
 - not released from, **7:185 to 7:207**
- Suspension of payment of, act of bankruptcy, **3:50**
- Undue preference when unable to pay, **7:167**

DEBTS NOT RELEASED BY ORDER OF DISCHARGE

- Generally, **7:185**
- Alimony, **7:188**
- Bodily harm, **7:187**
- Compliance order for income tax deductions, **7:186**
- Damages for bodily harm, sexual assault or wrongful death, **7:187**
- Defalcation, **7:196**
- Disallowance of, **6:270**
- Embezzlement, **7:194**
- Endorser of promissory note, **7:228**
- Failure to disclose name of creditor, **7:206**
- False pretences, **7:204**
- Fiduciary capacity, **7:191 to 7:196**
- Fine, **7:186**
- Fraud, **7:193**
- Fraudulent misrepresentation
 - generally, **7:203**
 - by half truth, **7:203**
 - must be made to applicant, **7:203**
- Incurred after date of bankruptcy, **7:211**
- Judgment claim, **7:185**
- Judgment for matrimonial property, **7:188**
- Jurisdiction of ordinary courts to determine, **7:185**
- Maintenance, **7:188**
- Misappropriation
 - generally, **7:195**
 - proof of, **7:191**
 - trust money, **7:191 to 7:196**
- Not a provable claim, **7:185**
- Penalty, **7:186**
- Persons jointly bound, **7:231**
- Proper procedure to recover, **7:185**
- Proposal effect of, **7:185**

INDEX

DEBTS NOT RELEASED BY ORDER OF DISCHARGE—Cont'd

- Restitution order, **7:186**
- Sexual assault, damages for, **7:187**
- Student loans
 - generally, **7:207**
 - enactment of a province, **7:207**
- Student loans, not released by discharge of bankrupt, **7:207**
- Support, **7:188**

DEBTS OWING TO BANKRUPT

- Admission of indebtedness, **7:58**
- Compromise of, **2:94**

DECEASED DEBTOR

- Assignment by legal personal representation, **3:171**
- Discharge of bankrupt, **7:75**
- Evidence of, **8:62**
- Examination of executor
 - generally, **7:31**
 - application against estate of, **3:20**
- Proposal by, **4:31**

DECLARATION

- Affidavit includes, **1:14**

DECLARATORY JUDGMENTS

- See also **COURTS**
- Discretion to make, **8:6**
- Power to make, **8:6**

DEEMED TRUSTS

- Generally, **5:27 to 5:29, 6:459**
- Allocation by Minister to preserve, **5:11**
- Claim of bank, **5:27**
- Court ordering payment of claim, **5:27**
- Enhanced garnishment, **5:29**
- Excise Tax Act, under, **5:28**
- Liability of directors for, **5:30**
- Liability of receiver for, **12:43**
- Mingling with other money, **5:27 to 5:29**
- No need for deemed trust of money held in trust, **5:27**
- Not a trust under section 67(1)(a), **5:10 to 5:20**
- Not held in trust for Crown, **5:31**
- Priority of, **5:27**
- Property covered, **5:27**
- Provincial, validity of, **5:31**
- Quebec Pension Plan, **5:27**
- Revenue Canada, claims of, **5:27**

DEEMED TRUSTS—Cont'd

- Security interest, meaning of, **5:27**
- Validity of, **5:27**

DEFALCATION

- Discharge, not releasing bankrupt from debt or liability arising out of, **7:191 to 7:196**

DEFINITIONS

- Generally, **1:14**
- “Affidavit,” **1:15**
- “Arm’s length,” **1:66**
- “Assignment,” **1:26**
- “Bank,” **1:19**
- “Claim provable in bankruptcy,” **1:22**
- “Common law partner,” **1:24**
- “Common law partnerships,” **1:24**
- “Corporation,” **1:25**
- “Court,” **1:26**
- “Creditor,” **1:27**
- “Date of bankruptcy,” **1:60**
- “Date of initial bankruptcy event,” **1:29 to 1:32**
- “Debtor,” **1:33**
- “Insolvent person,” **1:41**
- “Licensed trustee,” **1:59, 2:12**
- “Locality of debtor,” **1:42**
- “Minister,” **1:43**
- “Ordinary resolution,” **1:49, 6:52**
- “Person,” **1:45**
- “Property,” **1:46, 5:2, 5:3**
- “Proposal,” **1:47, 4:2**
- “Provable claim,” **1:42**
- “Public utility,” **1:48**
- “Resolution,” **1:27**
- “Secured creditor” section 2(1), **1:50**
- “Settlement,” **1:51**
- “Sheriff,” **1:53**
- “Special resolution,” **1:54**
- “Superintendent,” **1:55**
- “Trustee,” **1:59, 2:12**

DELAY

- Administration of estate, in, **2:120, 2:121**
- Disallowance of claims, appeal from, **6:273 to 6:282**
- Extending time, see **EXTENSION OF TIME**
- Income tax, delay in claiming, **6:446 to 6:449**

DELAY—Cont'd

Proof of claim, delay in filing, **6:446 to 6:449**

DEMUTUALIZATION OF LIFE INSURANCE COMPANIES

Asset of estate, **5:220**
Date of approval by policyholders and government irrelevant, **5:220**
Entitlement date, **5:220**
Shares received after discharge, **5:220**

DENTAL RECORDS

See **MEDICAL and DENTAL RECORDS**

DIRECTIONS OF COURT

See also **COURTS**
Generally, **2:109 to 2:116, 2:119**
Acts already taken by trustee, **2:109**
Advice of court, **2:109**
Appeal, **2:116**
 see **APPEALS**
Application for, by trustee, **2:109**
 by bankrupt, **2:119**
Binding effect of, **2:115**
Complex matters, **2:109**
Conflict between trustee and inspectors, **2:109, 6:89**
Consent of inspectors not needed, **2:109**
Costs of, **2:114**
Disallowance of claim, **2:109**
Effect of order on, **2:115**
Facts should not be in dispute, **2:109**
Interim receiver, **2:117, 3:111**
Must relate to administration of estate, **2:109**
Not inconsistent with, Act, **2:109**
Official receiver applying for, **16:46**
Priority of secured creditors, **2:109**
Proper questions, **2:111**
Proposal, **4:146**
 ownership of property, **2:109, 4:146**
Prospective actions of trustee, **2:109**
Questions on which directions have been sought, **2:111**
Res judicata, **2:115**
Sale of assets, **2:76, 2:111**
Scope of, **2:109**
Secured creditors, validity of security, **2:112**
Secured creditors, validity of security in a proposal, **4:56**

DIRECTIONS OF COURT—Cont'd

Third parties affected, **2:109**
 court will not order action by, **2:109**
 disputes with, **2:109 to 2:116**
Trust fund, **2:113, 5:10 to 5:20**
 as to disposition of, **5:10 to 5:35**
Who may hear the application, **2:110**

DIRECTIVE

See **SUPERINTENDENT**

DIRECTORS

Claim for GST, compromise of, **21:6**
Companies' Creditors Arrangement Act, stay of proceedings, **22:58**
Effect of bankruptcy on, **1:25**
Liability for breach of fiduciary duty, **5:470**
Liability for breach of trust, **5:26**
Liability for deemed trusts, **5:30**
Liability for income tax deductions of employees, **1:25**
Liability for offences, **9:27**
Liability for statutory liabilities, **1:25**
Proposals, release of claims against, **4:18, 4:25**
Release of claims in, CCA proceedings, **21:6**
 amendment of plan to release claims, **21:6**
 guarantee, release of, **21:6**
Stay in proposals, **4:152**
Voting by, **6:38**
Wages, postponement of claim for, **6:311**

DISABILITY INSURANCE

Generally, **5:232**

DISABILITY TAX CREDIT

Property of the bankrupt, **5:257**

DISALLOWANCE OF CLAIMS

See also **ADMISSION OF CLAIMS and CLAIMS**
Generally, **6:261 to 6:283**
Admission of claims, **6:264**
Appeal from
 generally, **6:273 to 6:282**
 amending notice of disallowance, **6:274, 6:278**
 asserting set-off or counterclaim, **6:277**
 costs, **6:280**
Crown claims, **6:279**

DISALLOWANCE OF CLAIMS

—Cont'd

- Appeal from—Cont'd
 - effect of, **6:282**
 - extension of time for, **6:276**
 - firm must be followed, **6:266**
 - new ground, **6:278**
 - onus on appellant, **6:266**
 - pleadings in, **6:274**
 - procedure, **6:275**
 - security for costs, **6:281**
 - trial, de novo, **6:273**
- Application for directions, **2:109, 6:266**
- Collateral attack on allowance of claim not permitted, **6:283**
- Contingent or unliquidated claim, **6:265, 6:266**
- Costs of, **6:280, 16:81**
 - creditor applying to expunge or reduce claim, **6:283**
- Counterclaim power to deal with, **6:277**
- Creditor, by, **6:271**
- Delay in giving notice, **6:266 to 6:270**
- Disallowing without serving notice, **6:268**
- Duty of trustee to examine claims, **6:261**
- Effect of, **6:270**
- Evidence in support of claim, **6:262**
- Examination in support of, **6:266 to 6:270**
- Expunging or reducing a claim, **6:283**
- Final and conclusive, **6:273 to 6:282**
- Form of, **6:266**
- Giving of disallowance is mandatory, **6:266 to 6:270**
- Income tax claim, **6:279**
- Investigation of claim, **6:261, 6:266**
- Judgment not binding, **6:262**
 - acceptance by court, **6:262**
- Method of proving claim, **6:144 to 6:157**
- Necessity for formal proof, **6:261, 6:266 to 6:270**
- Necessity for trustee to act equitably, **6:269**
- Power of court to expunge or reduce proof of claim, **6:283**
- Preference, cannot be used, **6:266 to 6:270**
- Proposals, **4:106 to 4:110, 6:263, 6:266 to 6:270**
- Provable claims, what are, **6:99 to 6:142**
- Reasons for, frivolous or vexatious, **6:266**

DISALLOWANCE OF CLAIMS

—Cont'd

- Registrar, jurisdiction to hear appeals, **8:80**
 - Right of trustee to contest, **6:266 to 6:270**
 - Second claim, **6:266 to 6:270**
 - Section 178(1) claims, **6:270**
 - Secured claims, **6:272**
 - onus on secured creditor, **6:273**
 - Secured claims in proposals, **4:106 to 4:110**
 - Security for costs where creditor out of jurisdiction, **8:130**
 - Sending notice to address on proof of claim, **6:266**
 - Service of, **6:266, 6:267, 6:273 to 6:282, 16:97**
 - court can relieve if creditor receives disallowance, **6:266**
 - improper service, **6:266, 6:267**
 - Time for
 - generally, **6:267, 6:274**
 - before payment of first dividend, **6:266 to 6:270**
 - vacation, **6:273 to 6:282, 16:15**
 - waiver of, **6:273 to 6:282**
 - Trustee consenting to extension of time, **6:275**
 - Trustee refusing to disallow, **6:271, 6:283**
- DISBURSEMENTS OF TRUSTEE**
- See TRUSTEE
- DISCHARGE OF BANKRUPT**
- See also AUTOMATIC DISCHARGE
- Generally, **7:69, 7:104**
- Absolute order
 - generally, **7:112, 7:113**
 - cases where order made, **7:113**
 - effect of, **7:65**
 - facts proved under section 173(1), **7:112**
- Action under section 38, effect on, **2:140 to 2:153**
- Adjournment of application, **7:75, 7:105, 7:117**
- Affidavit of earnings and expenses Form 56T, **7:181**
- After-acquired property, effect on, **5:569**
- Agreement not to appose, **7:100**
- Alimony, effect on, **7:188**

DISCHARGE OF BANKRUPT—Cont'd

Annulling
 generally, **7:232 to 7:238**
 effect of order, **7:236**
 failure of bankrupt to perform duties,
7:234
 fraud, **7:235**
 practice, **7:237**
 rescinding, **7:233, 7:234, 8:43**
 reviewing, **7:233**
 varying, **7:233**
 Appeal from, **7:182, 8:90**
 Appeal from, extension of time, **8:53**
 no transcript of proceedings, **7:182**
 Application for
 generally, **7:75**
 notice to bankrupt of, **7:75**
 notice to creditors of, **7:75**
 notice to trustee, **7:75**
 prior to nine-month period, **7:63**
 time for, **7:75**
 trustee's duties, **7:75**
 Assets not of a value of 50, **7:149**
 Attendance on, by bankrupt
 generally, **7:75**
 by creditor section 170(4), **7:98**
 by trustee section 170(4), **7:102**
 Automatic
 see AUTOMATIC DISCHARGE
 generally, **7:65, 7:66**
 appeal from, **8:90**
 cannot be waived, **7:65**
 creditor opposing, **7:65**
 failure to send notice of, **7:65**
 notice of opposition by Superintendent,
7:66
 service of notice of opposition, **7:65**
 setting aside, **7:65**
 withdrawal of objection, effect of, **7:65**
 Certificate that bankruptcy caused by
 misfortune
 generally, **7:183**
 not granted because of misconduct,
7:183
 Co-contractor not released by, **7:226 to**
7:231
 Commission of an offence, **7:177**
 Concurrent orders, suspension &
 conditional, **7:107**

DISCHARGE OF BANKRUPT—Cont'd

Conditional
 generally, **7:107, 7:116, 7:148**
 age, **7:117**
 assets exempt from seizure, **7:129**
 avoiding a judge, not, **7:134**
 choosing bankruptcy rather than a pro-
 posal, **7:179**
 commission of an offence, **7:177**
 complying with terms, **7:124**
 conduct of bankrupt, **7:117**
 consent to judgment, **7:121, 16:103**
 when not granted, **7:121**
 continuing to trade, **7:158**
 copy of order to be sent to Superinten-
 dent, **7:75**
 corporation, **7:75**
 payment in full, **7:75**
 costs of, **8:134**
 credit card bankruptcy, **7:130**
 cross-examination at hearing, **7:99**
 cross-examination on affidavits, **7:97**
 Crown, effect on, **7:232 to 7:238**
 culpable neglect of business affairs,
7:164
 date of order, **7:75**
 death of bankrupt, **7:75**
 debts released by, **7:212 to 7:224**
 not released by, **7:185 to 7:207**
 see DEBTS NOT RELEASED BY
 ORDER OF DISCHARGE
 deposit for trustee's costs, **7:75**
 discharge granted, **7:112, 7:113**
 discharge prior to expiry of 9-month
 period, **7:181**
 discretion of court, **7:69**
 dismissal of application, **7:105, 7:106**
 disputing, **7:85 to 7:101**
 distribution of proceeds, **7:123**
 duties, not affected by, **7:5**
 early discharge, **7:63**
 earnings, failure to remit, **7:131**
 effective date of order, **7:75**
 effect of foreign discharge, **7:225**
 effect of order of discharge
 generally, **7:212 to 7:224**
 assets acquired after discharge,
7:222
 effective date, **7:75, 7:213**
 judgment after bankruptcy, **7:220**

DISCHARGE OF BANKRUPT—Cont'd

Conditional—Cont'd

- effect of order of discharge—Cont'd
 - liability for debt released by discharge, **7:216**
 - liability of transferee of property from bankrupt for income tax, **7:224**
 - property of bankrupt, effect on, **7:221**
 - provable claims, **7:214**
 - secured creditors, effect on, **7:217**
 - status of bankrupt, **7:223**
 - trustee's rights, effect on, **7:218**
 - undisclosed claims, **7:215**
- evidence by telephone, **7:75**
- examination by court, **7:75**
- examination on, **7:75, 16:105**
- exempt assets, **7:129**
- expenses, **7:117**
- factors to be considered, **7:68**
- facts under section 173
 - generally, **7:148**
 - appropriated date for determining, **7:151**
 - assets not of a value equal to 50 cents, **7:149**
 - circumstances for which bankrupt not responsible, **7:152**
 - onus of proof, **7:150**
- failure to account for deficiency of assets, **7:159**
- failure to comply with order, **7:124, 8:43**
- failure to comply with request to pay under section 68, **7:178**
- failure to perform duties, **7:180**
- fraud, **7:168**
- fraudulent breach of trust, **7:173**
- frivolous or vexatious action, **7:166**
- frivolous or vexatious defence, **7:165**
- gambling, **7:163**
- how should order be paid, **7:120**
- income, **7:117**
- income tax arrears, **7:132**
- income tax liability, **7:117**
- inheritance, possibility of, **7:142**
- judgment unpaid, **7:134**
- length of time for payments, **7:122**
- mediation, **7:74**

DISCHARGE OF BANKRUPT—Cont'd

Conditional—Cont'd

- modifying
 - generally, **7:143 to 7:147**
 - circumstances beyond control of bankrupt, **7:144**
 - one-year not elapsing, **7:146**
 - unwillingness not inability, **7:143**
- motor-vehicle judgment, **7:135**
 - voluntary payments for, **7:123**
- necessity for adequate material, **7:117**
- no benefit to creditors from, **7:128**
- omitting to keep proper books
 - generally, **7:154 to 7:157**
 - no need to keep, **7:157**
 - time for keeping, **7:156**
 - what are, **7:155**
- partners, **7:136**
- past income, **7:117**
- payment of fifty cents on dollar, **7:123**
- performing acts, **7:124**
- Prairie Grain Advance Payment Act, **7:141**
- prior bankruptcy or proposal, **7:167**
- professional persons, **7:137**
- property, transfer of, **7:126**
- rash and hazardous speculations, **7:161**
- recommendation by trustee for payment, **7:74, 7:117**
- rescinding for failure to pay, **8:43**
- retroactive order, **7:117**
- spouse's income, **7:138**
- student loans, **7:139**
- Superintendent's standards, **7:118**
- support of adult children, **7:117**
- to whom should payments be made, **7:119**
- undue preferences, **7:167**
- unjustifiable extravagance in living, **7:160**
- Veteran's Land Act property, **7:140**
- when is order complete, **7:127**
- when should order be made, **7:113**
- Failure to account for loss or deficiency of assets, **7:159**
- Failure to perform duties, **7:178**
 - after discharge, **7:181**
- Fines not released by discharge, **7:186**
- First time bankruptcy, **7:65, 7:66, 7:70**
- Foreign creditors, **7:90**

DISCHARGE OF BANKRUPT—Cont'd

Foreign discharge, effect of, **7:225**
 Fraud, claim for not released, **7:191 to 7:196**
 Fraud, fact under section 173, **7:172 to 7:175, 7:191 to 7:196**
 Fraudulent breach of trust, claim for not released, **7:191 to 7:196**
 fact under section 173, **7:173**
 must be deliberate and dishonest, **7:173**
 Frivolous or vexatious action, **7:166**
 Frivolous or vexatious defence to action, **7:165**
 Guarantor not released by, **7:226 to 7:231**
 Hearing of, **7:75**
 Income of spouse, **7:138**
 Incurring liabilities to make assets equal to 50, **7:168**
 Inheritance, possibility of, **7:142**
 Inspectors, approval of trustee's report, **7:77**
 Issuing order, **7:243**
 Jointly bound persons, not released by, **7:231**
 Joint submission as to order, **7:182**
 Judgment on, **16:89**
 consent to, **7:121, 16:89**
 Maintenance order, effect of discharge on, **7:188**
 Marriage settlement to defeat creditors, **7:239**
 Modifying conditional orders, **7:143 to 7:147**
 Nine-month period, prior to, **7:67**
 No facts under section 173(1), **7:105**
 No order, **7:105, 7:106**
 Notice of application, **7:75**
 Notice of opposition, **7:75, 7:93**
 Notice to creditors of application, **7:75**
 Objections to
 generally, **7:75, 7:85 to 7:101**
 creditor may object even if it recommended the bankruptcy, **7:86**
 creditor must have proved a claim, **7:87**
 foreign creditor, **7:90**
 secured creditor, **7:91**
 trustee, **7:102**
 unsecured creditors, **7:87, 7:88**
 withdrawal of counsel, **7:75**
 Obtaining property by false pretences, not released, **7:197**

DISCHARGE OF BANKRUPT—Cont'd

Offences, **7:177**
 Omitting to keep proper books, **7:154 to 7:157**
 Order of court, on, **7:75**
 Partner not released by, **7:226 to 7:231**
 Policy considerations, **7:68**
 Power of court to grant where creditor not notified of bankruptcy, **7:75**
 Prior bankruptcy or proposal, **7:169**
 Procedure on, **7:75**
 Professional person, **7:137**
 Rash and hazardous speculations, **7:161**
 Recommendation by trustee for payments, **7:74**
 Refusal of, **7:109 to 7:111**
 generally, **7:109**
 applications for discharge after refusal, **7:111**
 cases where discharge refused, **7:110**
 Registrar, jurisdiction of, **7:209, 8:68**
 Rehabilitation of bankrupt, **7:68**
 Release of persons other than bankrupt by discharge
 generally, **7:226 to 7:231**
 co-defendant in action, **7:229**
 co-maker of note, **7:228**
 endorser of note, **7:228**
 guarantors, **7:227**
 jointly bound persons, **7:231**
 partners, **7:230**
 person's jointly bound with bankrupt, **7:231**
 report by Superintendent on, **7:83**
 sureties, **7:227**
 Report of trustee
 generally, **7:75, 7:76, 7:80**
 bankrupt disputing, **7:75, 7:80**
 contents of, **7:76**
 creditors contesting, **7:81, 7:95, 7:96**
 effect of, **7:79**
 examination of trustee by bankrupt on report, **7:75**
 prima facie evidence, **7:79**
 recommendation in, **7:79**
 resolution of inspectors, **7:75, 7:77**
 should be precise, **7:76**
 Superintendent, **7:84**
 time for filing, **7:78**

DISCHARGE OF BANKRUPT—Cont'd

- Representation by creditors at hearing, **7:98**
- Rescinding, **7:74**
- Reviewing, **7:232 to 7:238, 8:43**
- Second bankruptcy, **7:65, 7:66, 7:71, 7:170**
 - where no discharge obtained in first bankruptcy, **7:73**
- Secured creditors, effect on, **7:217**
- Setting aside and rescinding, **7:232 to 7:238, 8:43**
- Student loans
 - generally, **7:139**
 - application for relief, **7:139**
 - commencement of 10-year period, **7:139**
 - foreign student loan, **7:139**
- Superintendent, report to, by trustee, **7:84**
- Superintendent, sending copy of order, **7:75**
- Superintendent's report to the court, **7:83**
- Superintendent's standards, **7:118**
- Suspension of discharge
 - generally, **7:114, 7:115**
 - cases in which discharge suspended, **7:115**
 - enactments of a province, **7:139**
 - should not be for too long a period, **7:115**
 - table of orders, **7:114**
- Three or more bankruptcies, **7:65, 7:66, 7:71, 7:171**
- Time for application, **7:75**
- Undue preference, **7:167**
- Viva voce evidence, **7:75**
- Waiver, **7:75**
- Writs of execution and writs of seizure and sale, removal of
 - generally, **7:240 to 7:242**
 - claim coming within section 178, **7:240**
 - form of order, **7:242**
 - procedure, **7:241**

DISCHARGE OF TRUSTEE

- Generally, **2:189 to 2:201, 16:62, 16:64**
- Action under section 38, not affected by, **2:140 to 2:153**
- After-acquired property, **2:194, 2:201**
 - see AFTER-ACQUIRED PROPERTY
- Application for, **2:189, 16:61**

DISCHARGE OF TRUSTEE—Cont'd

- Authority of trustee after, **2:200**
- Debtor commencing action after discharge of, **2:193**
- Discharge of former trustee where substitute appointed, **2:191**
 - procedure for, **2:192**
- Disclaimer of property, **2:58**
- Disposal of unrealized property, **2:193**
- Duties after, **2:194**
- Effect of, **2:194**
- Irregularity in, **2:197**
- Keeping books and records after, **2:189, 16:66**
 - see BOOKS and RECORDS
- Objections to
 - generally, **2:197**
 - by a creditor, **2:197**
 - by inspector, **2:197**
 - by Superintendent, **2:198**
- Order of, **16:61**
- Priority between first and second bankruptcy, **2:201**
- Procedure for, **2:189**
- Proceedings against bankrupt after, **2:195, 5:278**
- Proceedings in respect of after-acquired property where trustee discharged, **2:195**
- Re-appointment of trustee, **2:201**
- Registrar, jurisdiction of, **2:189, 8:63**
- Return of property to debtor, **2:58, 2:193**
- Revoking, **2:199**
- Secured creditor, right to object to, **2:197**
- Substituted trustee, procedure to be followed, **2:192**
- Summary administration, **6:459**
- Unrealized asset, **2:193**
- Withholding of, **2:194**

DISCLAIMER OF LEASE

- See LANDLORD and TENANT

DISCLAIMER OF PROPERTY

- Generally, **2:58**

DISCOVERY

- Cross-examination by debtor on affidavit on application, **3:65, 16:31**
- Documents, **16:28 to 16:32**
- Examination for, **16:30**
 - leave of court, **16:30**

DISCOVERY—Cont'd

- Examination of debtor in aid of application, **3:64**
- In aid of application, **3:64**
- Provincial laws of evidence, **16:34**
- Registrar, jurisdiction to conduct, **8:67, 16:101**
- Special examiner, **16:101**
- Third parties, prior to hearing of application, **16:29**

DISMISSAL OF APPLICATION

See APPLICATION

DISTRESS

- See also LANDLORD and TENANT
- After bankruptcy, **6:358**
- Before bankruptcy, **5:375 to 5:388, 6:357**
- Before making of bankruptcy order, **6:358**
- Distraining land lord not a secured creditor, **6:357**
- On goods of third party, **6:359**
- Release of, **5:375 to 5:388**

DISTRIBUTION OF PROPERTY

See SCHEME OF DISTRIBUTION

DISTRICTS

See BANKRUPTCY DISTRICTS

DIVESTING OF TITLE IN EVENT OF BANKRUPTCY

See FORFEITURE IN EVENT OF BANKRUPTCY

DIVIDEND

- Generally, **6:431 to 6:456**
- Acceptance of, effect of, **6:445**
- Action for, against trustee, **6:431**
- Application for directions respecting, see DIRECTIONS OF COURT
- Approval of inspectors, **6:432**
- Assignment of claim, **6:434**
 - of dividend, **6:434**
- Attachment by equitable execution, **6:433**
- Attachment of, **6:433**
- Claims by two estates, **6:443**
- Contesting dividend sheet, **6:454**
- Costs owing to trustee, deduction of, **6:436**
- Creditor failing to prove claim, **6:446**
 - extension of time, **6:447**
 - subsequently proving, **6:450**

DIVIDEND—Cont'd

- Declaration of, by trustee, **6:432**
- Disallowance of claim, **6:439**
- Dispute about priority, **6:440**
- Dispute as to whom entitled to, **6:438**
- Final dividend sheet, **6:452**
 - objections to, **6:454**
- Foreign bankruptcy, **5:264, 6:442**
- Garnishee of, **6:433**
- Guarantor, right to, **6:441**
- Income tax claim, **6:449**
- Inspectors, approval of, **6:452**
- Interim dividends, **6:451**
- Interim receiver, **6:437**
- Joint and separate properties, **6:455**
- Notifying creditor to prove, **6:446**
- Overpayment of, **6:444**
- Partnerships, **6:404 to 6:420, 6:455**
- Payment by limited company within one year of bankruptcy, **5:587**
- Payment of compensation, incentives or other benefits within 12 months of bankruptcy, **5:588**
- Postponement of claims, **6:401, 6:402**
- Proving claim after preparation of dividend sheet, **6:450**
- Silent partners, **6:401**
- Summary administration in, **6:459**
- Superintendent, forwarding copy to, **6:452**
 - levy, **6:425 to 6:429**
- Trustee notifying creditor to file claim
 - generally, **6:446 to 6:449**
 - extending time for filing, **6:447**
 - income tax claims, **6:449**
 - tax claims, **6:448**
- Unclaimed, **6:456**
- Unproved claims, **6:446**
- Withholding of by trustee, **6:436**

DIVIDEND, PAYMENT BY BANKRUPT WITHIN TWELVE MONTHS OF BANKRUPTCY

- Generally, **5:587**
- Arms length not required, **5:587**
- Forgiveness of a debt, **5:587**
- Must be payment of a dividend, **5:587**
- Onus on shareholder, **5:587**
- Payment as compensation, **5:587**

DIVIDEND, PAYMENT BY BANKRUPT WITHIN TWELVE MONTHS OF BANKRUPTCY—Cont'd

Payment of compensation, incentives or other benefits within 12 months of bankruptcy, **5:588**
 Setting aside, **5:587**

DIVISIONS

See **BANKRUPTCY DIVISIONS**

DOCUMENTS

See **BOOKS** and **RECORDS**

DOUBLE PROOFS

See **PROOF OF CLAIM**
 Generally, **6:155**
 Rule against, **6:155**
 Surety for part of debt, **6:155**
 Time for determining, **6:155**

DOWER

See also **HOMESTEAD RIGHTS**
 Generally, **5:215**
 Bankrupt sole owner, **5:216**
 Inchoate right, **5:217**
 Joint ownership, **5:218**

DUTIES OF BANKRUPT

See also **BANKRUPT** and **DEBTOR**
 Generally, **7:5 to 7:23**
 Advising trustee of address, **7:23**
 Attendance at first meeting of creditors, **7:14**
 improper questioning, **7:14**
 Attendance for examination by Official Receiver, **7:9, 7:28**
 Complying with court orders, **7:22**
 Conditional discharge, duties after, **7:116 to 7:141, 7:181**
 Corporation, performance of duties, **7:24**
 Credit cards, **7:7**
 Delivery of property to trustee, **7:75**
 Discharge, effect of, **7:5 to 7:23**
 Disclosure of property, **7:13**
 Executing transfer of shares, **7:18**
 Failure to disclose assets, **7:12**
 Failure to pay trustee fees, **7:22**
 Failure to perform, **7:25, 9:2**
 Material change of circumstances, **7:21**
 Statement of affairs, duty to prepare, **7:10**
 Transferring shares to trustee, **7:18**

DUTIES OF TRUSTEES

See **TRUSTEES**

EARNINGS

Generally, **5:265 to 5:274**
 After-acquired property, **5:570**
 Assigning claim for wages to bankrupt, **5:266**
 Assignment of, terminated by bankruptcy, **5:275**
 Attaching, **5:268**
 see also **ATTACHING EARNINGS**
 Child support payments, **5:268**
 Conflict between section 67(1)(c) and section 68, **5:265**
 Control providing for damages, **6:297**
 Directors, right of subrogation, **6:317**
 Directors and officers, personal liability for, **6:297, 6:317**
 Discharge of bankrupt, effect of, **5:266**
 Employment insurance on, **6:297**
 History of section 68, **5:265**
 Income from will or trust, **5:219**
 Independent contractors, **6:298**
 Mediation, **5:268, 16:85**
 Nanny, payments to, **5:268**
 Net family income, **5:268**
 No vesting in trustee, **5:265**
 Order of court, **5:269**
 Pre-bankruptcy earnings, **5:266**
 Preferred claim, **6:303**
 Prior to date of bankruptcy, **5:276**
 Provincial statute giving higher priority, **1:10**
 Related person, as employer, **5:272**
 Right of bankrupt to, until trustee intervenes, **5:266**
 Section 38 proceedings, **5:273**
 Senate Committee poverty lines, **5:268, 7:118**
 Services rendered prior to bankruptcy, **5:276**
 Severance pay, **6:297, 6:303, 6:317**
 Spouse, earnings of, **5:268**
 Surplus income, **5:268, 5:269**
 Termination pay, **6:297**
 Total income, what constitutes, **5:267**
 Wage assignments, **5:275, 5:570**
 Who is to be served, **5:265**
 Wrongful dismissal
 generally, **6:319**

EARNINGS—Cont'd

Wrongful dismissal—Cont'd
damages for, **5:266, 6:319**
not caused by bankrupt, **6:319**

E-COMMERCE, INSOLVENCIES

Generally, **5:102**

ELIGIBLE FINANCIAL CONTRACT

Generally, **1:35, 4:168**
Companies' Creditors Arrangement Act,
20:13, 22:49
Definitions of, **1:35**
Effect of proposal on, **4:114**

EMBEZZLEMENT

Discharge not releasing bankrupt from
debt or liability arising out of, **7:194**

EMERGENCY

See TRUSTEE

EMPLOYEES

See also EARNINGS and WAGES
Claims arising from injuries to, priorities,
6:390

EMPLOYER

Proposal by, **4:1, 4:12**

EMPLOYING A SOLICITOR

See also SOLICITORS
Generally, **2:92, 8:133**

EMPLOYMENT INSURANCE

Duties of trustee, **2:69**
Overpayment, **2:69**

ENVIRONMENTAL DAMAGE

Liability of interim receiver for, **2:28**
Liability of receiver for, **2:28**
Liability of trustee for, **2:28**
Priority of claim for, **2:28**
Proposals, claim for, **4:106 to 4:110**
Provable claim for, **4:106 to 4:110**

EQUITABLE ASSIGNMENTS

See ASSIGNMENT OF BOOK DEBTS

EQUITABLE FRAUD

Definition of, **5:192**
Use if statute to commit a fraud, **5:192**

EQUITABLE MORTGAGE

Deposit of title deeds, **5:206**
Essentials of, **5:206**

EQUITABLE SET-OFF

See SET-OFF

EQUITABLE SUBORDINATION

Generally, **6:402**
Application to remedy fraud, **6:182,**
6:402
Personal Property Security Act priority,
5:125
Postponement of claims, **6:402**
Secured claims— effect of, **6:182**

ERRORS

Power of court to correct, **8:48**

ESTATE BONDING

See BOND

ESTATE FUNDS AND BANKING

See BANK ACCOUNT— TRUSTEE

ESTATE RECORDS

Inspection of, **2:62, 2:67**
Trustee keeping, **2:67**

EVIDENCE

Admission of bankruptcy documents,
8:61
Certification of, **16:49**
Cross-examination on affidavit, **16:31**
necessity for leave, **16:31**
Death of common-law partner of bank-
rupt, **8:62**
Deceased bankrupt, **8:62**
Deceased spouse of bankrupt, **8:62**
Examination under section 163, admis-
sibility of, **7:55**
Income tax information, of, **5:2, 5:460,**
7:75
Minutes of meeting of creditors section
114, **6:2, 6:13 to 6:23**
Provincial laws, **16:34**
Report of trustee, prima facie evidence on
bankrupt's discharge, **7:79**
Rules of, **8:24**
Statement of affairs, proof of insolvency,
5:539
Witness, death of, **8:62**

EXAMINATIONS

Generally, **7:28, 7:30, 7:60, 16:82**
Accountant, privilege of, **7:35, 7:107**
Admission of indebtedness on, **7:27, 7:58**
Admission of possession of property, **7:59**

EXAMINATIONS—Cont'd

Advance rulings not given by court, **7:39**
 Agent of bankrupt section 163(1), **7:30 to 7:43**
 Answers tending to criminate, **7:60**
 Appointment for, form of, **7:52**
 Banking records, **7:31**
 Bankrupt
 generally, **7:28, 7:31**
 discharge of, **7:31**
 right to be present, **7:51**
 right to conduct, **7:45**
 Books, documents, correspondence or papers, regarding, **7:40, 7:49**
 Clerk of corporation section 163(1), **7:31**
 Conduct money, **7:52**
 Corporation, officer or director of section 159, section 163(1), **7:28, 7:31**
 Counsel representing the person examined, **7:51**
 Court cannot order section 163(1) examination, **7:52**
 Court proceedings
 generally, **16:28 to 16:32**
 cross-examination on affidavits, **16:31**
 discovery, **16:30**
 on pending motion, **16:32**
 Creditors, ordinary resolution for, **7:52**
 Creditors by
 generally, **7:44 to 7:49**
 conflict between creditor and bankrupt, **7:45**
 former director and officer, **7:46**
 leave of court, **7:44**
 necessity for sufficient cause, **7:44**
 on application to approve proposal, **7:44**
 other interested persons, **7:44**
 production of documents, **7:49**
 resolution of inspectors, **7:44**
 scope of, **7:48**
 secured creditor, right to apply, **7:45**
 time for conducting examination, **7:44**
 trustee may apply, **7:44**
 who may apply, **7:45**
 who may be examined, **7:46**
 who must be served, **7:44**
 Cross-examination in affidavits, **16:31**
 Discharge of bankrupt, effect of, **7:31**
 Discovery, see DISCOVERY

EXAMINATIONS—Cont'd

Executors of, **7:34**
 Failure to attend for, **7:53**
 Financial institution or officer, **7:36**
 no privilege from disclosure, **7:31**
 Inspectors, resolution by section 163(1), **6:95, 7:30 to 7:43, 7:52**
 delegating to trustee, **7:31**
 Interested person, by, **7:44**
 Internal memos, **7:39**
 No necessity for trustee to produce documents, **7:40**
 No temporal limit on, **7:39, 7:48**
 Obtaining possession of property & documents, **7:57**
 Official receiver, **7:28**
 incriminating, **7:28**
 out of province, **7:28**
 Order of court, unnecessary under section 163(1), **7:30**
 Pending litigation, **7:41**
 Pending motion, **16:32**
 Person reasonably thought to have knowledge, **7:30**
 Person to be examined out of Canada, **7:30**
 Place for, **7:52**
 Privilege, claim for, **7:107**
 Privilege against, **7:52**
 Procedural requirements, **7:52**
 Production of documents, **7:40, 7:57**
 civil proceedings, **7:57**
 failure to produce, **7:57**
 Proposal, **7:30**
 Re-attendance of witness, **7:43**
 Refusal to answer questions, **7:54**
 Scope of, **7:39**
 Second examination under section 121(1), **7:43**
 Servant of the bankrupt, **7:30**
 Solicitor, **7:32**
 Solicitor acting in joint transaction, **7:32**
 Spouse, **7:33**
 Summary administration, **6:458, 7:52**
 Superintendent, by, **2:6**
 Transcripts and exhibits from section 163 examination forming a proper record, **7:55**
 Trustee by, no court order necessary section 163(1), **7:30**
 Trustee of section 163(2), **7:47**

EXAMINATIONS—Cont'd

- Use of, **7:55**
 - section 165 orders, **7:35**
- Who may be examined
 - generally, **7:31**
 - accountants and auditors, **7:35**
 - confidential Crown information, **7:37**
 - discharged bankrupt, **7:38**
 - executors, **7:34**
 - financial institutions, **7:36**
 - solicitor and client, **7:32**
 - spouse of bankrupt, **7:33**

EXCUSING ERRORS

- Generally, **8:48**

EXECUTIONS

- Charging order, **5:345, 6:164**
- Costs of first execution creditor, **5:347 to 5:354, 6:388**
 - see **FIRST EXECUTION CREDITOR'S COSTS**
- Equitable execution, **6:164**
- Foreclosure action, proving a claim, **6:164**
- Property exempt from, **5:57**
 - bankruptcy order and assignment taking precedence over, **5:342**
- Registered judgment, **5:342, 6:164**
- Removal of after discharge of bankrupt, **7:240**
- Seizure and sale by, **5:369 to 5:374**
- Unsatisfied, act of bankruptcy, **3:50**
- Writ filed prior to bankruptcy, removal of, **7:240 to 7:242**

EXECUTORS

- See **DECEASED DEBTORS**
- Assignment by, **3:171**
- “Person” includes, **1:45**
 - application against deceased debtor, **3:20**

EXEMPT PROPERTY

- Generally, **5:57**
- Automobile, **5:75**
- Burden on bankrupt to establish entitlement, **5:57**
- Claiming the exception, **5:68**
- Claim raised subsequent to bankruptcy, **5:68**
- Conditional discharge, **7:117**
- Death of bankrupt, **5:69**

EXEMPT PROPERTY—Cont'd

- Farmer, **5:73, 5:75**
- Federal Crown not subject to provincial exemptions, **5:57**
- Federal law, **5:58**
- Fraudulent transactions, **5:61**
- Fraudulent transfer, **5:66**
- Goods and chattels, **5:74**
- Homestead, **5:73**
 - necessity for actual residence, **5:73**
 - principal residence, **5:73**
- House, **5:73**
- Increase in value after bankruptcy, **5:59**
- Jointly owned property, **5:71**
- Jurisdiction which determines exemption, **5:57**
- Miscellaneous property, **5:77**
- Motor vehicles, **5:74, 5:75**
- Native Indian, **5:58**
- No need for trustee to take possession of, **5:57**
- Partnership property, **5:70**
- Pension plan, **5:188**
- Personal Property Security Act, **5:120**
- Provincial law governs, **5:57**
- Purchase money security interest, goods purchased, under, **5:120**
- Real estate, **5:73**
- Reason for, **5:57**
- Relevant date, **5:57**
- Retainer of solicitor, **5:57**
- Rules are exhaustive, **5:57**
- Sale of, **5:59, 5:65**
- Secured creditor claiming, **5:70**
- Secured creditors, no application, **5:57**
- Seizability role in Quebec, **5:57**
- Settlements, **5:60, 5:66**
- Time for claiming, **5:68**
- Tools and chattels used in business, profession or calling, **5:75**
- Transfer to a third party prior to bankruptcy, **5:64**
- Use of exempt property to purchase exempt property, **5:62**
- Use of exempt property to purchase non-exempt property, **5:63**
- Use of to augment exempt property, **5:62**
- Use of to augment non-exempt property, **5:63**
- Use of to non-exempt to purchase exempt property, **5:64**

INDEX

EXEMPT PROPERTY—Cont'd

- Value in excess of provincial law, **5:59**
- Vesting in trustee, **5:57**
- Wages, see EARNINGS
- Waiver, **5:78**
- Within 3 months of bankruptcy, **5:67**
- Workers' compensation payments, **5:188**

EX PARTE JAMES, RULE IN

- Generally, **5:189 to 5:191**
- Cannot be used by trustee, **5:191**
- Cannot be used to challenge disposal of assets by trustee, **5:191**
- Cases where rule has been used, **5:190**
- Cases where rule has not been used, **5:191**
- Duty of trustee to act fairly, **5:189 to 5:191**
- Foreign creditors, **5:32**
- Mistake of law, **5:189**
- Necessity for enrichment, **5:189**
- Personal property security legislation, **5:123**

EXPENSES OF SUPERINTENDENT

- See SUPERINTENDENT

EXPENSES OF TRUSTEE

- See TRUSTEE

EXTENSION OF TIME

- See also AUTHORITY OF COURTS, COURTS and TIME
- See DISALLOWANCE OF CLAIMS
- Generally, **8:53**
- Abridging time, **8:53**
- Appeals, **8:53, 16:44**
- Appeals to Supreme Court of Canada, **8:53**
- Claim under section 81.1, **8:53**
- Disallowance of claims, appeal from, **6:273 to 6:282**
- Discharge, appeal from, **8:53**
- Discretion as to, **8:53**
- Imposing terms, **8:53**
- Notice to person affected, **8:53**
- Only one extension, **8:53**
- Registrar, from, **16:42**
- Rules, extension of time, **8:53**
- Second extension, **8:53**
- Under section 69, **5:451**

FALSE CLAIM

- By creditor, **6:154, 9:19**

FALSE PRETENCES

- Obtaining property by, discharge not releasing bankrupt from, **7:197**

FALSE REPRESENTATIONS

- Bankrupt obtaining credit and property by, **9:8**

FAMILY LAW ACTS

- Generally, **5:5**
- Assignment in bankruptcy not a disposition, **5:9**
- Assignment where spouse subject to a restraining order, **5:9**
- Division of property under, **5:6**
- Equalization payment is property, **5:6**
- Equity of exoneration, **5:8**
- Necessity for charge or judgment in Saskatchewan, **5:6**
- Necessity for triggering event, **5:6**
- Partition and sale, **5:7**
 - court may postpone, **5:7**
- Restraining order against spouse dealing with assets, **5:9**

FAMILY ORDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE ACT

- Generally, **5:258**
- Garnishment of, **5:258**

FARM DEBT MEDIATION ACT

- Generally, **4:150, 27:3 to 27:15**
- Applications, **27:5**
- Financial review, **27:8**
- Introduction to, **27:3**
- Mediation, **27:10**
- Qualification for benefit, **27:6**
- Regulations, **27:15**
- Relationship to other legislation, **27:14**
- Secured creditors, **27:13**
- Stay of proceedings, **27:12, 27:14.50**

FARMERS

- See also FARM DEBT MEDIATION ACT
- Generally, **3:22**
- Assignment by, **3:171**
- Cannot be subject of application, **3:22**
- Corporations, not covered, **3:22**
- Engaging in business and incurring debts, **3:22**
- Farm Debt Mediation Act, **4:150, 27:3**

FARMERS—Cont'd

- First charge on inventory, **5:435**
- Partnership, **3:22**
- Right to take possession of goods, **5:435**

FATHER OF BANKRUPT

- Postponement of claim for wages, **6:310**

FEES

- Of bailiff, tariffs, **8:117**
- Of official receiver, see OFFICIAL RECEIVER
- Of registrar, tariffs, and, see REGISTRAR
- Priorities, **6:294**
- Solicitors, see COSTS

FILING DOCUMENTS

- See PRACTICE and PROCEDURE

FILING RETURNS

- Generally, **2:61**
- Income tax returns, **2:61**

FINAL DIVIDEND

- See DIVIDENDS

FINAL STATEMENT OF RECEIPTS AND DISBURSEMENT

- Generally, **6:450, 6:451**
- Approval by inspectors, **6:85, 6:453**
- Comment by Superintendent, **6:453**
- Contents of, **6:453**
- Contesting, **6:454**
- Dividend sheet, see DIVIDEND
- Mailing copy to creditors, **6:430, 6:453**
- Mailing to Superintendent, **6:430, 6:453**
- Objecting to, **6:454**
- Onus on trustee to justify items in statement, **6:453**
- Registrar, taxing of, **6:430, 6:453, 8:63**
- Superintendent, comments on, **6:430, 6:453**
- Third party deposit, **6:453**
- Uncollectible, return to debtor section 40(1), **2:193**
- Use of, to prove insolvency, **5:539**

FINES

- Discharge not releasing bankrupt from, **7:186**

FIRE INSURANCE

- See also INSURANCE
- Loss occurring after bankruptcy, **2:65**

FIRE INSURANCE—Cont'd

- Payment of premiums, liability of secured creditors, **2:65**
- Proceeds payable to bank, **2:65**
 - to secured creditors, **2:65**
- Trustee takes subject to valid defences against bankrupt, **2:65**

FIRM

- See PARTNERSHIP

FIRST EXECUTION CREDITOR'S COSTS

- Generally, **5:347, 6:388**
- Date for determining, **5:350**
- Effect of sheriff's sale, **5:354**
- Necessity for seizure, **5:351**
- Priority of secured creditor, **5:352**
- Protecting priority, **5:353**
- What are costs, **5:349**
- Who is entitled, **5:348**

FIRST MEETING OF CREDITORS

- See MEETING OF CREDITORS

FISHERS

- Bankruptcy orders, provisions not applicable, **3:22**
- First charge of, **5:435**

FIXTURES

- Generally, **5:94 to 5:96**
- Bankruptcy of owner, **5:95**
- Bankruptcy of tenant, **5:96**
- Removal of tenant's fixtures, **5:96**
- Rights of mortgagee, **5:95**
- Rules for determining, **5:95**

FLOATING CHARGE DEBENTURE

- Generally, **5:105**
- After-acquired property, **5:105**
- Appointment of same person as trustee and receiver, **5:105**
- Assignment of book debts, **5:105**
- Crystallization, **5:105, 12:5**
- Effective date, **5:105**
- Effect of appointment of trustee in bankruptcy, **5:105**
- Failure to register, **5:105, 5:162**
- Nature of, **5:105**
- No necessity to register in Registry or Land Titles Office, **5:105**
- Personal Property Security Act, **5:162**

FLOATING CHARGE DEBENTURE

—Cont'd

- Priority, **5:105**
- Reasonable time to pay, **5:105**
- Receiver, appointment of, **5:105**
- Scope of, **5:105**

FOREIGN BANKRUPTCIES

- See **CROSS BORDER INSOLVENCIES**
- Generally, **5:264, 14:2 to 14:25**
- Canadian trustee claiming, **5:264**
- Foreign currency claims, **4:109, 6:134**
- Foreign trustee claiming Canadian assets, **5:264**
- Jurisdictional competence of foreign court, **5:264**
- Recognition of foreign bankruptcy and insolvency orders, **5:264**

FORFEITURE IN EVENT OF BANKRUPTCY

- Generally, **5:262**
- Bonus, enforceable, **5:262**
- Defeasance in event of bankruptcy, **5:262**
- Solvent partner purchasing interest of insolvent partner, **5:262**
- Spendthrift trust, **5:262**
- Void against trustee, **5:262**

FORMAL DEFECTS

- Power of court to excuse, **8:48**

FORMS

- Generally, **16:7**
- Deviation from, **16:7**
- For a detailed list of authorized Forms, see section headed Forms in vol 3. see also **PRECEDENTS**
- Must be followed, **16:7**

FRANCHISING AGREEMENT

- Effect of bankruptcy on, **5:101**
- Fundamental breach of franchise agreement, **5:101**

FRAUD

- Acting in fiduciary capacity, **7:192**
- Discharge not releasing bankrupt from debt or liability arising out of, **7:191 to 7:197**
- Fact under section 173, **7:177**
- Issue estopped, if heard on discharge, **7:200**
- Property obtained by, **5:2**

FRAUD—Cont'd

- Set off not permitted, **5:547**
- Should not be heard on the day of application, **7:172 to 7:175, 7:191 to 7:196**

FRAUDULENT CONVEYANCES

- Generally, **5:460 to 5:468**
- Act of bankruptcy, **3:50**
- Attacking under provincial, Assignments and Preferences Act, **5:469**
- Badges of fraud, **5:461**
- Bona fide, **5:461**
- Burden of proof, **5:462**
- Compensation for use, **5:466**
- Constitutionality of, **1:10**
- Conveyance, meaning of, **5:460**
- Conveyances without consideration, **5:463**
- Costs, **5:468**
- Costs against solicitor personally, **5:468**
- Designation of beneficiary in insurance, **5:460**
- Directing mind of a company, **5:461**
- Effect of finding a transaction to be a fraudulent conveyance, **5:466**
- Exempt property, **5:61, 5:465**
- Forebearance to sue, good consideration, **5:464**
- Future creditors, defrauding, **5:461**
- Good consideration, **5:464**
- Insolvency, not required, **5:460**
- Intent, **5:461**
 - inferring from circumstances, **5:461**
- Interlocutory injunction to maintain, status quo, **5:467**
- Liberal interpretation, **5:460**
- Limitation period for attacking, **5:467**
- Limit of recovery, **5:466**
- Necessity for a transfer of property, **5:460**
- Past consideration, **5:464**
- Practice, **5:467**
- Preference, not sufficient, **5:460**
- Prior to conveyance, transferee holding valid security, **5:466**
- Procedure for attacking, **5:467**
- Property exempt from seizure, **5:465**
- Rebutting the presumption, **5:508**
- Sale by transferee to bona fide purchaser, **5:464**
- Saving provisions, **5:464**
- Status quo, impossible to restore, **5:460**

FRAUDULENT CONVEYANCES

—Cont'd

- Time for determining, **5:460**
- Transfer of shares, **5:460**
- Valuable consideration, concurrent intent, **5:464**
- Voluntary, intent of donor only relevant, **5:463**

FRAUDULENT MISREPRESENTATION

- Property obtained by, discharge not releasing bankrupt from debt or liability for, **7:197**

FRAUDULENT PREFERENCES

- See also TRANSFERS AT UNDER-VALUE
- Generally, **5:487 to 5:540**
- Act of bankruptcy, **3:50, 5:528**
 - Paulian Action, **5:534**
- Adversarial position by trustee, **5:487**
- Agent of insolvent person, **5:504**
- Appeals in, **5:540**
- Binding agreement in three-month period, **5:518**
- Binding agreement prior to three-month period, **5:517**
- Bona fidebelief that debtor under an obligation, **5:514**
- Calculation of time, **5:496**
- Change of position— no defence, **5:537**
- Charge on property, **5:491**
- Conveyance or transfer of property, **5:490**
- Corroborative evidence, **5:524**
- Costs, **5:538**
- Creditor, in invitum, **5:506**
- Debtor-creditor relationship, **5:495**
- Diligent creditors, **5:511**
- Effect of, **5:487**
- Effect of finding, **5:537**
- Failure to cross-examine debtor on affidavit, **5:506**
- Guarantor, **5:527**
- Insolvency of debtor
 - generally, **5:497**
 - assets insufficient to meet obligations, **5:500**
 - ceasing to pay current obligations, **5:499**
 - partnership, **5:503**
 - proof of, **5:502**

FRAUDULENT PREFERENCES

—Cont'd

- Insolvency of debtor—Cont'd
 - relevant date, **5:501**
 - unable to meet obligations, **5:498**
 - use of statement of affairs to prove, **5:539**
- Interest on judgment, **5:536**
- Judgment for, **5:537**
 - creditor has the right of set-off, **5:547**
- Judicial proceeding taken, **5:494**
- Jury notice, cannot be served, **5:539**
- Knowledge of insolvency by creditor, **5:519**
- Knowledge of insolvency by debtor, **5:520**
- Limitation period, **5:535**
- Margin deposit, **5:507**
- Necessity for a transfer of property, **5:490**
- Obligation incurred, **5:493**
- Ordinary course of business, **5:510**
- Payment made, **5:492**
- Payment of GST, **5:488**
- Preference in fact, **5:505**
- Preferential transactions immune from attack, **5:488**
- Pressure, **5:526**
- Presumption, **5:507**
- Procedure for attacking, **5:539**
 - payment into court, **5:539**
- Proposals, **4:145**
- Provincial legislation
 - generally, **5:529 to 5:533**
 - debtor-creditor relationship, **5:531**
 - insolvency, **5:530**
 - proof of intent, **5:532**
 - saving clauses, **5:533**
- Rebutting the presumption
 - generally, **5:508, 5:509**
 - binding agreement in three-month period, **5:518**
 - binding agreement prior to three-month period, **5:517**
 - bona fidebelief that debtor under an obligation, **5:514**
 - continuing in business, **5:510**
 - diligent creditors, **5:511**
 - failure to call corroborative evidence, **5:524**
 - knowledge by creditor of insolvency, **5:519**

INDEX

FRAUDULENT PREFERENCES

—Cont'd

- Rebutting the presumption—Cont'd
 - knowledge by debtor of insolvency, **5:520**
 - no reason to prefer the creditor, **5:525**
 - objective intent of debtor, **5:509**
 - ordinary course of business, **5:510**
 - payment, etc., to remedy a wrongful act, **5:513**
 - refusal to perform an act, **5:521**
 - related persons, **5:523**
 - relevance of subjective intent of debtor, **5:509**
 - security for past debt, **5:516**
 - security for present advance, **5:515**
 - setting-off accounts, **5:543 to 5:553**
 - transactions permitting debtor to remain in business, **5:512**
 - transfer of all property, **5:522**
- Refusal to perform an act, **5:521**
- Related persons, **5:496, 5:523**
- Remaining in business, **5:510**
- Retainer paid to solicitor, **5:180**
- Security for past due debt, **5:516**
- Security for present advance, **5:515**
- Six-year limitation period, **5:467**
- Surety, **5:527**
- Three-month period, **5:496**
- Transactions immune from attach, **5:488**
- Transactions subject to section 95, **5:489**
- Transfer of all property, **5:522**
- Trustee payment to, **5:492**
- Twelve-month period, **5:496**
- With a view, **5:506**

FRAUDULENT PREFERENCES ACT

- Generally, **5:469**

FRAUDULENT TRANSACTIONS

- Exempt property, **5:61**

FUNERAL EXPENSES

- Priority of, **6:293**

GARNISHMENT

- After bankruptcy, **5:278**
- Before bankruptcy, **5:343**
- Dividends of, **6:431**
- Precedence of assignments and bankruptcy orders over, **5:335**

GENERAL RULES

- See RULES

GIFT

- Act of bankruptcy, **3:50**
- Not a settlement, **5:497**

GOODS

- Consignment, see CONSIGNMENT
- GOODS
 - Delivered on approval, **5:83**
 - Delivered on sale or return, **5:84**
 - “Property” includes section 2(1), **1:46**
 - Property passing, **5:103**
 - Repossession of by unpaid seller, **5:92, 5:423 to 5:435**
 - Sale to non-existent purchaser, **5:185**
 - Stoppage, in transitu, **5:204**

GOODS AND SERVICES TAX CREDIT PAYMENTS

- Effect on dividends, **5:79**
- Not property of bankrupt, **5:79**
- Use of to pay trustee's remuneration, **5:79**
- When is bankrupt entitled to the credit, **5:79**

GOODS AND SERVICES TAX REFUNDS

- Generally, **5:255**
- Filing of returns by trustee, **5:255**
- Not payable on inspector's fees, **6:93**
- Redemption of security by trustee, **6:197**
- Refunds, **5:255**
- Supplies have no interest in GST, **5:255**

GOODS ON CONSIGNMENT

- See CONSIGNMENT GOODS

GOODWILL

- Generally, **5:234**
- Covenant by bankrupt not to compete, **5:234**
- Property of bankrupt, **5:234**
- Restraining order against bankrupt, **5:234**
- Telephone numbers, **5:234**
- Trade name, **5:234**

GOVERNMENT

- Claims of priority, **5:448, 6:389, 6:391**

GUARANTEE

- Bankruptcy of surety, **6:155**

GUARANTEE—Cont'd

- Fraudulent preference of surety or guarantor, **5:527**
- Not a secured creditor, **6:164**
- Proof of claim where payment guaranteed, **6:133**

HEATING EXPENSES TAX CREDIT

- Generally, **5:81**

HEIRS

- Assignment by, **3:171**
- “Person” includes section 2(1), **1:45**
- application against, **3:20**

HOMESTEAD

- Generally, **5:73, 5:215 to 5:218**
- Bankrupt sole owner, **5:216**
- Exemption of, **5:73**
- Inchoate right, **5:217**
- Joint ownership, **5:218**

HYPOTHEC

- See also FRAUDULENT PREFERENCES, PROPERTY, SETTLEMENTS
- Movable property in Quebec, **6:207**
- Personal judgment, leave necessary, **5:330**
- Settlement, constituting, **5:451**
- Taking in payment clause, **6:206**

IMMOVABLES

- Generally, **5:446 to 5:449**

IMPRISONMENT

- See also ARREST OF BANKRUPTS, BANKRUPTCY, OFFENCES and COMMITTAL
- Arrest of bankrupt, **7:63**
- Bankruptcy offences, **9:2, 9:39**

INCOME AVERAGING ANNUITY

- Generally, **5:229**
- Assignment not required to be registered, **5:229**

INCOME TAX

- Appeal of assessment, **2:61**
- Claims in bankruptcy, **2:61**
- Claims under section 224(1.2) under proposal, **4:121**
- Declaratory judgment concerning, **8:6**
- Deemed trust for, **5:27 to 5:29**
- Directors and officers, liability for, **1:25**
- Disallowance of claims, **6:279**

INCOME TAX—Cont'd

- Duty of trustee to file returns section 22, **2:61**
- Examination of official of department, **7:31**
- Filing of claim by, **6:446 to 6:449**
- Filing returns, **2:61, 6:122, 6:144**
- Mailing assessment to trustee, **6:279**
- Post-bankruptcy refunds, **5:265 to 5:274**
- constitutes wages to bankrupt, **5:265 to 5:274**
- Precedence of bankruptcy over demand for, **5:343**
- Priority of, **5:446 to 5:449**
- Production of books and records pursuant to section 231.2, **2:68**
- Proof of claim for, **6:119, 6:446 to 6:449**
- Refunds of, **5:254**
- Right of bankrupt to appeal assessment, **2:61**
- Rule in, *Cherry v. Boulton*, no application, **5:553**
- Taxation year, **2:61**
- Trustee notifying to file, **6:446 to 6:449**
- extension of time, **6:446 to 6:449**

INCOME TAX REFUNDS

- Generally, **5:254**
- After bankruptcy, **5:254**
- Prior to date of bankruptcy, **5:254**

INCOME UNDER A WILL OR TRUST

- Generally, **5:219**

INCURRING OF OBLIGATIONS BY TRUSTEE

- After bankruptcy section 30(1)(g), **2:93, 2:104**
- payment for, **2:104**
- Before bankruptcy, **2:104**
- Books and records, assets to, **6:66**
- Carrying on business, liability for, **2:106**
- Disposal of assets to pay for obligations section 33(1), **2:104, 2:107**
- Priority for advances, **2:104**
- Sales tax, liability for, **2:104**

INDICTMENT

- See also BANKRUPTCY OFFENCES
- Form of section 207, **9:32**
- Time limit section 208, **9:33**

INDEX

INFORMATION

- See also **BANKRUPTCY OFFENCES**
- Form of section 207, **9:32**
- Time limit section 208, **9:33**

INHERENT JURISDICTION OF COURT

- Generally, **8:4**
- Companies' Creditors Arrangement Act, **22:2**
- Extent of, **8:4**
- Giving effect to the Act, **8:4**
- Impossible to comply with Act, **8:4**
- Practicality requires, **8:4**
- Registrar has none, **8:72**

INJUNCTIONS

- Jurisdiction to grant, **8:22**
- Preservation order, **5:27 to 5:29**
- Registrar, power to grant section 192(1)(e), **8:22, 8:71**
- Test to be applied in granting, **8:22**
- Undertaking as to damages, **2:32, 8:22**

INJURIES TO EMPLOYEES

- Generally, **6:390**
- Claims for, **6:390**
- Workers' compensation, **6:390**

INSOLVENCY

- Assignment, necessity for, **3:167**
- Definition of, **1:41**
- Not necessary for application, **3:48**
 - effect of, **3:48**
- Proof of for fraudulent preference, **5:489**

INSOLVENT PERSON

- Accelerating payments in case of proposal, **4:112**
- Assignment by, **3:167**
- Commercial lease by, in proposal, **4:120**
- Definition of, **1:41**
- Fraudulent preference proof for, **5:489**
- Notice of intention to make proposal, **4:4**
- Proposal by, **4:31**
- Repudiation of commercial lease by, **4:120**
- Terminating agreement with, **4:111**

INSPECTION OF PROPERTY HELD AS SECURITY

- Generally, **5:408**
- Costs of, **5:408**

INSPECTION OF PROPERTY HELD AS SECURITY—Cont'd

- Pledge or pawn, **5:408**
- Secured creditors, **5:408**

INSPECTORS

- Generally, **6:66 to 6:97**
- Accounting to, by replaced trustee section 41(3), **2:192**
- Action by creditor where trustee refuses to take proceedings, **2:140 to 2:153**
- Actions against, **6:91**
- After-acquired property, **5:571, 6:90**
- Appeal from, **6:87**
- Appeal from ruling on appointment, **6:83**
- Appointment of
 - generally, **6:2, 6:68 to 6:83**
 - contested, **6:68**
 - defect or irregularity in, **6:80**
 - meeting of creditors, **6:77**
 - no necessity for after re-appointment of trustee, **2:155**
 - ordinary resolution, **6:68**
 - special meeting of creditors, **6:77**
- Approving proposal by a bankrupt, **4:31, 4:40, 4:41**
- Approving report on discharge of bankrupt, **7:75, 7:77**
- Authorizing criminal proceedings, **2:60, 9:30**
- Bankrupt, ineligible, **6:70**
- Bond of trustee, approving, **2:40, 6:85**
 - dispensing with, **2:40**
 - reviewing, **6:85**
- Books and records, access to, **6:66**
- Carrying on business, **2:89**
- Casting vote, **6:84**
- Compromise and settle debts, **2:94**
- Compromising claims against estate, **2:95**
- Conflict of interest section 120(1), **6:66, 6:85**
- Conflict with creditors, **6:88**
 - with trustee, **6:89**
- Contested proceeding, party to, **6:70**
- Costs of solicitor, **6:97, 8:135**
- Court overruling, **6:87**
 - inspectors acting reasonably, **6:87**
- Creditor, need not be, **6:71**
- Delegating power to appoint, **6:75**

INSPECTORS—Cont'd

- Directions trustee applying for, no need for approval of inspectors, **2:109 to 2:116, 6:82**
- Distributing property among creditors, **2:96**
- Dividend, approval of, **6:432**
- Duties of, **6:85**
- Eligibility, **6:69**
 - limited company, **6:73**
 - secured creditors, **6:72**
- Emergency, power of trustee to act section 19(2), **2:55**
- Employ a solicitor, **2:92, 6:88**
- Employing bankrupt, **2:99**
- Equal division of opinion, **6:84**
- Examination of, **6:95, 7:44 to 7:49**
- Examinations under section 163, **6:95, 7:44, 7:46**
- Fees of, **6:93, 6:94, 16:118**
 - no GST payable, **6:93**
- Fiduciary relationship, **6:66**
- Incurring obligations, **2:93**
- Ineligible persons, **6:70**
- Instituting criminal proceedings, **9:1, 9:30**
- Interim appointment of, **6:74**
- Interim draws for trustee, **2:94**
- Leasing property, authorizing, **2:90**
- Legal proceedings authorizing, **2:90**
- Limited companies, **6:73**
- Majority rules, **6:84**
- Meetings of, **6:84**
 - trustee must attend, **6:84**
- No inspectors, procedure to be followed, **6:77**
- Obtaining advantage or benefit, **6:92**
- Partnership, **6:81**
- Persons not eligible to act as, **6:70**
- Power of court before appointment of, **2:104, 6:67**
- Powers of, **6:66, 6:85**
- Proposals, **6:96**
- Purchase of assets, **2:100, 6:66**
- Ratification of acts of trustee, **2:74**
- Remuneration, **6:93, 6:94**
 - generally, **6:93**
 - special services, **6:94**
- Remuneration of trustee, approving, **2:170, 2:172**
- Replacement, **6:76**

INSPECTORS—Cont'd

- Resignation of, **6:79**
- Retaining leases, **2:98**
- Revoking appointment of, **6:78**
- Sale of assets, authorizing, **2:75**
- Sale to inspectors
 - generally, **2:100, 6:66, 6:86**
 - nunc pro tunc order, **2:100**
 - sale to partner of, **2:100**
- Secured creditor, acting as, **6:72**
- Solicitor of, **6:84**
- Special services by, **6:93, 6:94**
- Summary administration section 155(e), **6:458**
- Surrendering leases, **2:98**
- Travel expenses, **6:93, 6:94**
- Trustee acting before appointment of, **2:104, 6:67**
- Trustee's final statement, approval of, **6:85, 6:453**
- Vacancy, **6:76**

INSURANCE

- See also FIRE INSURANCE
- Generally, **2:65, 5:221 to 5:227**
- Annuities, **5:228**
- Application for directions re, **2:111**
- Assignment by debtor prior to date of bankruptcy, **5:227**
- Assignment within one year of bankruptcy, **5:225**
- Attacking change of beneficiary, **5:225**
- Automobile, **6:423**
- Bankrupt beneficiary of policy, **5:224, 5:226**
- Bankruptcy, effect on, **5:221**
- Bankrupt insured under policy, **5:221, 5:222**
- Beneficiary, change of, **5:223**
- Beneficiary same person as insured, **5:224**
- Demutualization of life insurance companies, **5:220**
- Disability, **5:232**
- Estate policies, **5:222**
- Exemption from seizure, **5:224**
- Fire insurance on property of debtor, **5:231**
- Fire occurring after bankruptcy, **2:65**
- Income averaging annuity, **5:229**
- Insuring assets by trustee, **2:65**

INDEX

INSURANCE—Cont'd

- Irrevocable designation of beneficiary, **5:223**
- Liability, **5:232**
- Life, **5:221 to 5:227**
- Payment of proceeds to bankrupt, **5:226**
- Policy payable to estate, **5:222**
- Policy payable to spouse, **5:224**
- PPSA, interaction with, **5:221**
- Proceeds of automobile insurance, **6:423**
- Proceeds of fire policy assigned to the bank, **2:65**
 - to secured creditors, **2:65**
- Proceeds of insurance other than automobile insurance, **6:424**
- Registered retirement saving plans, **5:236**
- Settlement, assignment constituting, **5:225**
- Trustee changing designation of beneficiary, **5:223**

INTELLECTUAL PROPERTY

- Generally, **5:235, 5:441**
- Copyright, see COPYRIGHT
- Formulas, **5:3**
- Property of bankrupt, **5:235, 5:441**

INTEREST

- Generally, **6:140, 6:421**
- After bankruptcy, **6:140, 6:421**
- Conditional discharge, on, **6:140**
- Debt, on, **6:140**
- Debts payable at a future time, **6:137**
- Prior to bankruptcy, **6:140**
- Proof of claim for, **6:140**
- Property includes, **1:46**
- Rate after bankruptcy, **6:140**
- Secured creditors, **6:254, 6:255**
- Surplus after payment of claims, **6:140, 6:421**
- Trust moneys, after bankruptcy, **5:19**

INTERIM RECEIVERS

- Generally, **3:103 to 3:111, 3:120, 16:70 to 16:72**
- Actions against, **10:6 to 10:12**
- Advances by, **3:110**
- Affidavit in support, contents of, **3:112**
- After notice of intention, **3:120**
- After notice under section 244(1), **3:119**
 - not a successor employer, **3:119**

INTERIM RECEIVERS—Cont'd

- After proposal, **3:120**
 - to defend application, **3:110**
- Appeals from appointment, by registrar, **3:114**
- Appeals from appointment of, by judge, **3:115**
- Appearing in person before the registrar, **16:17**
- Application for directions, **2:118**
- Appointment of, when notice given under section 244(1)
 - generally, **3:119**
 - matters to be included in order, **3:119**
 - pre-condition to appointment, **3:119**
 - proceedings under, Labour Relations Act, **3:119**
 - production of documents by, **3:119**
 - under, CCAA, **3:119**
 - when will appointment be made, **3:119**
- Appointment of after application
 - generally, **3:103 to 3:111, 16:52**
 - constitutionality of, **3:104**
 - discretion as to, **3:105**
 - full disclosure required, **3:105**
 - pending hearing of appeal, **3:106**
 - situations where appointed, **3:106**
- Appointment of after filing notice of intention, **3:120**
- Appointment of after filing of proposal, **3:120, 16:50**
- Borrowing money, **2:104, 3:107**
- Carrying on business section 31(1), (2), (4), **3:108**
- Claims of applicants uncertain and unproved, **3:105**
- Collecting book debts by, **3:107**
- Concealing property from, **3:112**
- Conservatory measures, **3:107**
- Constitutionality of, **3:103 to 3:111**
- Controlling receipts and disbursements, **3:107**
- Damages resulting from appointment, **3:118, 16:54**
- Danger that assets will disappear, **3:105**
- Definition of, **3:103**
- Directions to, **2:117, 3:111, 3:120**
- Discharge of, **3:117, 16:69**
- Discretion to appoint, **3:105**
- Disputed application, continuing appointment, **3:106**

INTERIM RECEIVERS—Cont'd

- Dividends by, **3:107**
- Excluding debtor from property, **3:107**
- Ex parte application for, **3:112, 16:50**
 - time for moving to set aside, **3:114**
- Failure of debtor to comply, **3:112**
- Fees and disbursements of, **3:116**
 - payment prior to bankruptcy order, **8:4**
- Immediate order for costs where appointment set aside, **3:116**
- Income tax deductions, liability for, **3:108**
- Incurring obligations by section 31(1), **2:104, 3:108**
- Interim order for payment of fees, **3:116**
- Intra vires, **3:104**
- Lease termination of interim receiver, **3:107, 6:371**
- Leave payments on personal property, no liability for, **3:119**
- Liability of, **3:108**
- Obligations, incurring of, **2:104, 3:107, 3:108**
- Occupation rent, liability for, **6:331**
- Officer of the court, **3:103**
- Onus on applicant creditor, **3:105**
- Payment by, **3:108**
 - constituting a preference, **3:107**
- Perishable property, **3:107**
- Powers and duties, **3:107**
- Practice, **3:112**
- Preservation order, **3:103**
- Proposal and appointment of, **3:120**
- Proposal by, **3:120**
 - borrowing by, **3:120**
 - who can make application, **3:120**
- Providing information to applicant, **3:51**
- Recommendation for sale, **3:119**
- Remedy for failure of debtor to comply with interim receiving order, **3:112**
- Remuneration of, **2:187, 3:116**
 - payment in priority, **2:187, 3:116**
- Rent, liability for, **3:108, 6:328 to 6:333**
- Right of debtor to use assets, **3:109**
- Sale of property, **3:107**
- Section 47 interim receiver, **3:119**
- Security on property of debtor giving, **2:103, 3:103 to 3:111**
- Security under, Bank Act, **2:104, 2:105, 3:107**
- Setting aside, **3:114**

INTERIM RECEIVERS—Cont'd

- Situations in which an appointment has been made, **3:106**
- Stay of proceedings, **3:107**
- Strong, prima facie case, **3:105**
- Taxation of accounts, **3:116, 16:69, 16:71**
- Undertaking as to damages
 - generally, **3:118, 16:72**
 - in a proposal, **3:120**
 - interim receiver not required to give, **3:118**
 - third parties may claim, **3:118**
 - under section 244(1), **3:119**
- Use of assets by debtor, **3:109**
- Vesting of property in, **3:103**

INTERNATIONAL INSOLVENCIES

- Generally, **14:2**
- Attornment to jurisdiction, **14:18**
- Calling in aid foreign courts, **14:14**
- Conversion to foreign currency, **14:25**
- Debtor having no property in Canada, **14:2**
- Dividends, **14:21**
- Examinations of debtor or other persons, **14:17**
- Foreign proceeding, meaning of, **14:2**
- Interim receivers, **14:15**
 - applications, **14:15**
- Plurality approach, **14:12**
- Proof of appointment of foreign representative, **14:11**
- Proof of foreign proceeding, **14:11**
- Property received, **14:21**
- Proposals, **14:16**
- Right of Canadian trustee to claim foreign assets, **14:12**
- Stay of proceedings, **14:13**
- Vesting foreign property in Canadian trustee, **14:12**

INTERPRETATION OF BANKRUPTCY LEGISLATION

- Generally, **1:8, 8:2 to 8:4**
- Amending, Act, **1:8**
 - substantive rights determined at date of bankruptcy, **1:12**
- Conflict of two statutes, **1:8**
- Consistency of sections, **1:8**
- Decisions in other provinces, **1:8**
- English and French versions, authority of, **1:8**

INDEX

INTERPRETATION OF BANKRUPTCY LEGISLATION—Cont'd

- Exception created by other legislation, **1:8**
- Inaccuracies or errors, **1:8**
- No literal or slavish application, **1:8**
- Not inconsistent, **1:8**
- Reasonable, **1:8**
- Repeal of a section, **1:8**
- Sections should be harmonious, **1:8**
- Starting point, **1:8**
- Two possible interpretations, **1:8, 8:2 to 8:4**

INTERROGATORIES

- See DISCOVERY

INVENTORY

- Making of, by trustee, **2:41 to 2:45**
- Procedure to be followed, Superintendent of Bankruptcy Directive No. 7 published subsequent to November 30, 1992 under Policy Statements, **2:45**

IRREGULARITIES

- See also COURTS
- Generally, **8:48**
- Application, errors in, **3:41, 8:50, 8:51**
- Assignment, **8:50, 8:51**
- Defects excused by court, **8:50**
- Defects not excused, **8:51**
- Errors of substance, **8:49**
- Formal defects, **8:48**
- Late filing of documents, **8:50**
- Nullity, no power to cure, **8:49**

ISSUE

- See also COURTS
- Generally, **8:47**
- Amendment of, **8:47**
- Appeal from, **8:47**
 - time for, **8:47**
- Appellate court directing, **8:47**
- Form of, **8:47**
- Fraudulent preferences, **5:539**
- Pleadings, necessity for, **8:47**
- Power of court to direct, **8:47**
- Refusal to order, **8:52**
- Registrar, no power to direct, **8:47**
- When should issue be directed, **8:47**

JOINT ASSIGNMENT

- Right to file in ordinary administration, Superintendent of Bankruptcy Directive No. 2R, **3:148**
- Summary administration, **3:148**

JOINT CONTRACT

- Generally, **7:229**
- Discharge of bankrupt, effect on, **7:229**

JOINT LIABILITY

- Discharge of bankrupt, effect in, **7:226 to 7:231**
- Partners of, see PARTNERSHIP

JOINT TENANCY

- Generally, **5:209 to 5:214**
- Accounting between, **5:213**
- Death of joint tenant, **5:210**
- Exemption from seizure, **5:214**
- Personal property, **5:209, 5:211**
- Real property, **5:210**
- Tenancy in common, **5:212**

JUDGE

- See APPEALS, AUTHORITY OF COURTS, COURTS, JURISDICTION OF COURT
- generally, **8:2**
- jurisdiction of, **8:3**

JUDGMENTS

- See also EXECUTIONS and CREDITORS
- Certificate of, priority of bankruptcy order and assignment, **5:335**
- Charging order under, **5:345, 6:164**
- Costs of first execution creditor, **5:347 to 5:354, 6:388**
- Equitable execution, **6:164**
- Foreclosure, proving a claim, **6:164**
- Judgment creditor, **5:342**
- Jurisdiction of, **8:3**
- Order may be enforced as, **8:45**
 - bankruptcy order and assignment taking precedence over, **5:342**
- Release of by bankrupt prior to bankruptcy, **5:260**
- Secured creditor, including, **6:164**
 - not including, **6:164**
- Seizure under execution, **5:342**
- Third party having interest in, **5:260**
- Vesting in trustee, **5:260**

JURISDICTION OF COURT

See also COURTS, REGISTRAR
 Generally, **8:2 to 8:31**
 Admiralty proceedings, **8:27**
 Appeals, **8:30, 8:84 to 8:107**
 Appointment of judge sitting in bankruptcy, **8:3**
 definition of, **8:2, 8:3**
 jurisdiction of, **8:3**
 Arbitration clause ineffective, **8:11**
 Assets not claimed by trustee, **8:21**
 Bankruptcy court, not a separate court, **8:2**
 Bankruptcy judge, **8:3**
 Conflict with ordinary civil courts
 generally, **8:8 to 8:19**
 bankruptcy issues in ordinary courts, **8:14**
 concurrent jurisdiction, **8:16**
 determination of whether a person is a creditor, **8:9**
 exclusive jurisdiction of court sitting in bankruptcy, **8:17**
 obtaining remedy granted by federal or provincial legislation, **8:9**
 proceedings against trustee, **8:15**
 proceedings in ordinary courts, **8:14**
 strangers to bankruptcy, **8:12, 8:13**
 title to property, **8:11**
 transferring proceedings to court sitting in bankruptcy, **8:18**
 transferring proceedings to ordinary courts, **8:18**
 Consolidation of estates, **8:7**
 Court of Appeal, **8:30, 8:86**
 Courts acting in aid of each other, **8:55**
 Declaratory judgments, power to make, **8:6**
 Determining obligations of creditor, **8:9**
 Determining rights between creditors, **8:28**
 Directing trial of an issue, **8:47**
 Equitable, **8:5**
 equity follows the law, **8:5**
 Evidence rules of, **8:24**
 Exclusive, **8:17**
 Foreign bankruptcies, **8:25**
 Forum, non conveniens, **8:29**
 Inherent, **8:4**
 Injunctions, **8:22**

JURISDICTION OF COURT—Cont'd

Interim preservation of property, **8:2**
 Jurisdiction of Bankruptcy Judge, **8:3**
 Letters of intent, **8:26**
 Lis pendens, **16:90**
 Money demand, **8:2**
 Procedure for exercising, **8:20**
 Proceedings against trustee, **2:128 to 2:136, 8:15, 10:6 to 10:12**
 Registrar, **8:31, 8:64 to 8:84**
 Remedy granted by federal or provincial legislation, **8:10**
 Res judicata, **8:2**
 Specific performance, **8:23**
 Stranger to bankruptcy, **8:8 to 8:19**
 Supreme Court of Canada, **8:30, 8:108, 8:109**
 Third parties, affecting rights of, **8:12, 8:13**
 Title to property, **8:11**
 Transferring proceedings, **8:18**
 Trustee claiming no interest in property, **8:21, 8:28**

LABOUR RELATIONS

Collective bargaining, **5:253**
 Constitutionality of provincial legislation, **1:10**
 Effect of appointment of interim receiver under section 47, **3:119**
 Interim receiver not necessarily a successor employer, **5:253**
 Purchaser of assets, a successor employer, **5:253**
 Realizing assets, use of bankrupt's employees, **5:253**
 Successor employer, no stay of proceedings, **5:318**
 Termination and severance pay, **6:297**

LAND

See SALE OF Land

LANDLORD AND TENANT

Generally, **6:327 to 6:386**
 Accelerated rent
 generally, **6:334 to 6:341**
 calculation of, **6:340**
 cannot be claimed in proposal, **4:120, 6:337**
 entitled thereto under lease, **6:338**

INDEX

LANDLORD AND TENANT—Cont'd

- Accelerated rent—Cont'd
 - less than three months remaining on lease, **6:337**
 - limited to value of property on premises, **6:335**
 - offer to lease, **6:338**
 - proposals, **6:339**
 - taxes and other charges as, **6:342**
- Arrears of rent, **6:334, 6:335**
- Assignment of lease
 - generally, **2:98, 6:345 to 6:354**
 - accelerated rent and, **6:334 to 6:341**
 - lease not permitting assignment, **6:345 to 6:349**
 - lease permitting assignment, **6:354**
 - shopping mall, **6:345 to 6:349**
- Cancelling a lease given by bankrupt, **2:98, 6:327, 6:387**
- Chattel mortgagee, priority of, **6:385**
- Commercial leases, repudiation of, **4:120**
- Constitutional attacks on, **1:12, 6:327**
- Covenants in lease, observance by trustee, **6:360**
- Damages for unexpired portion of lease
 - generally, **6:372**
 - Alberta, **6:372**
 - Manitoba, **6:372**
 - Ontario, **6:372**
 - Quebec, **6:372**
- Damages to leased premises, **6:384**
- Debentures, priority of, **6:385**
- Disclaimer of lease
 - generally, **2:98, 6:363 to 6:371**
 - approval of inspectors, **6:369**
 - effect of, **6:370**
 - effect of trustee entering into possession, **6:368**
 - meaning of, **6:364**
 - precedent, **6:206**
 - time for delivery, **6:367**
 - what constitutes, **6:365**
 - who does not constitute, **6:366**
- Distress after bankruptcy
 - generally, **6:358**
 - before bankruptcy, **6:357**
 - costs of, **5:375 to 5:388**
 - on goods of third party, **6:359**

LANDLORD AND TENANT—Cont'd

- Electing to retain lease, **2:98, 6:343, 6:345 to 6:349**
 - precedent, **6:191 to 6:193**
- Forfeiture of term before bankruptcy, **6:343**
- Fraudulent preference by payment of rent, **5:488, 5:494, 6:361**
- Guarantor, liability of, **6:375**
- Land lord, bankruptcy of, **6:387**
- Land lord cannot terminate lease after bankruptcy, **6:343**
- Leasing property of the bankrupt, **2:88, 6:373**
 - permission of courts unnecessary, **2:88, 6:373**
- Liability of guarantor and enforcement of security under leave where tenant becomes bankrupt, **6:375**
 - agreement to enter into a new lease, **6:377**
 - guarantees, **6:376**
 - indemnifiers, **6:378**
 - lease of chattels, **6:382**
 - letters of credit, **6:379**
 - promissory notes, **6:381**
 - security agreements, **6:380**
- Liability of trustee of tenant for taxes, **6:326**
- Liability original tenant where assignee becomes bankrupt, **6:383**
- Monthly, tenancy, **6:362**
- Municipal taxes
 - generally, **6:321 to 6:326**
 - liability of trustee of tenant for, **6:326**
 - payment of taxes and other charges as preferred claim, **6:342**
- Occupation of premises by purchaser of assets, **6:356**
- Occupation rent
 - generally, **6:328 to 6:333**
 - actual occupation, **6:329**
 - calculation of, **6:332**
 - interim receiver, liability of, **6:331**
 - personal liability of trustee for, **6:330**
 - procedure for obtaining payment of, **6:333**
- Payment of taxes and other charges as preferred claim, **6:342**
- Prepaid rent, **6:344**
- Priority of land lord's claim, **6:327**

LANDLORD AND TENANT—Cont'd

- Proposals, **4:120**
- Provincial law, application of, **6:327**
- Release of property under seizure by land lord, **5:375 to 5:388, 6:357**
- Right of trustee to let purchaser of assets occupy the leased premises, **6:356**
- Sale of lease which does not permit assignment without leave
 - generally, **6:345**
 - assigning leases, **6:349**
 - land lord wrongfully depriving trustee of opportunity to assign lease, **6:346**
 - secured creditor holding security on a lease, **6:347**
 - trustee's liability for rent after assigning a lease, **6:348**
- Sale of lease which permits assignment without leave, **6:354**
- Second bankruptcy and occupation rent, **6:374**
- Secured creditor, land lord not a, **5:375 to 5:388, 6:327, 6:357**
- Security for performance by bankrupt, **6:375**
- Seizure by land lord, **5:375 to 5:388**
- Sublessees
 - election to retain, **6:355**
- Surrendering lease, **2:98, 6:363 to 6:371**
- Taxes, liability of trustee of tenant, **6:326**
- Taxes, payment as preferred claim, **6:342**
- Termination of lease, **5:460 to 5:468**
 - by interim receiver, **3:107, 6:371**
- Trustee entering into lease, **6:373**

LAY-AWAYS

- Failure to maintain trust account, **5:104**
- Failure to segregate goods, **5:104**

LEASE

- See LANDLORD and TENANT

LEASING PROPERTY OF THE BANKRUPTCY

- See LANDLORD and TENANT

LEAVE TO TAKE PROCEEDINGS

- See STAY OF PROCEEDINGS

LEGAL PROCEEDINGS

- See also COSTS
- Generally, **2:90**

LEGAL PROCEEDINGS—Cont'd

- Approval of inspectors, **2:90, 2:92**
- Conflict among inspectors concerning, **2:90**
- Continuance of, after bankruptcy, **2:90**
- Emergency, **2:55, 2:90**
- Employing a solicitor, **2:92**
- Institution of, **2:90**
 - prior to first meeting of creditors, **2:54**
- Leave of court unnecessary, **2:90**
- Legal advice prior to first meeting, **2:54**
- Liability of trustee for costs, **2:90**
- Name to be used, **2:32**
- Order to continue, **2:90**
- Security for costs of, **8:130**
- Trustee not required to take if no funds, **2:16**
- Two methods for claiming property of bankrupt, **2:90**

LEGAL REPRESENTATIVE

- See DECEASED DEBTOR
- “person” includes, **1:45**

LEGAL SERVICES

- Generally
- Employing a solicitor, **2:92**
- Obtaining in emergency, **2:55**
- Obtaining prior to first meeting, **2:54**
- Proposal, right to obtain, **8:133**

LETTERS OF CREDIT

- Generally, **5:263**
- Bank cannot prove as a creditor, **5:263**
- Creating a security interest, **5:263**
- Effect of bankruptcy on, **5:263**
- Effect of subsequent agreement, **5:263**
- Not a guarantee, **5:263**
- Payment under not trust fund, **5:39**

LEVY

- See also SUPERINTENDENT
- Generally, **4:129, 6:295, 6:425 to 6:429, 16:108**
- Claims not released by discharge, **6:425**
- Failure to deduct, **6:429**
- Mechanics' lien holder, payment to, **6:425 to 6:429**
- No distribution to creditors, **6:426**
- Payment by trustee, **6:426**
 - reason for, **6:295**
- Preferred claims, **6:426**

INDEX

LEVY—Cont'd

- Priority of, **6:327, 6:425 to 6:429**
- Proposals and, **4:129**
 - distribution in specie, **4:129**
 - moneys furnished by third party, **4:129**
- Rate of, **6:425 to 6:429, 16:108**
- Realization by secured creditor, **6:427**
- Secured creditor, partial payment, **6:427**
- Surplus, levy not deducted, **6:450**
- Trust funds, **6:428**
- Unsecured claims, **6:426**

LIABILITIES, CEASING TO MEET

- See also ACTS OF BANKRUPTCY
- Generally, **3:50**
- Able but unwilling to pay, **3:50**
- Dates, unnecessary, **3:50**
- Failure to pay single creditor, **3:50**
- Meaning of "Generally," **3:50**
- Proof of, by filing of credit report, **3:50**
- Proof of, by interim receiver, **3:50**

LIABILITY AND DISABILITY INSURANCE

- Generally, **5:232**
- Effect of proposal, **5:232**
- Who may claim, **5:232**

LICENSED TRUSTEE

- See TRUSTEE

LICENSE OF TRUSTEE

- See SUPERINTENDENT and TRUSTEES

LICENSES

- Generally, **5:97**
- Distinguished from a leave, **5:97**
- Fishing licence, **5:97**
- Fishing quota, **5:97**
- Passing to trustee, **5:97**
- Taxi license, **5:219**

LIEN

- See also MECHANICS' LIEN
- Livery stable keeper, **6:164**
- Payment into court to remove, **6:164**
- Provincial statutes, **6:164**
- Solicitors, **2:48, 5:180, 16:46**
- Trustee's, for remuneration, **2:175**
- Vendor's lien on chattels, **5:248**
- Vendor's lien on land, **5:249**

LIFE INSURANCE

- See INSURANCE

LIMITATIONS

- See STATUTE OF LIMITATIONS

LIMITED PARTNERSHIPS

- Generally, **5:444, 6:406**
- Bankruptcy of, does not result in bankruptcy of limited partners, **3:27**
- Distribution of assets, **5:444**
- Provincial law governs, **5:444**
- limitation on liability, **5:444**

LIQUIDATOR

- See also WINDING-UP and RESTRUCTURING ACT

LIS PENDENS

- Generally, **16:90**
- Certificate of, **16:90**
- Debtor having no interest in property, **16:90**
- Necessity for full disclosure, **16:90**
- Necessity for proceeding promptly, **16:90**

LOCALITY OF A DEBTOR

- Application, filing in, **1:42, 3:18**
- Assignment, filing with official receiver at, **1:42, 3:155**
- Definition of, **1:42**
- Proposal, filing with official receiver, **1:42, 4:31**

MAIL

- Dispensing with section 187(12), **8:54**
- Re-direction of, see REDIRECTION OF MAIL
- Service by, **16:15**

MAINTENANCE

- Agreement for, **7:188**
- Claim for, not provable, **7:185, 7:187**
- Claim for, not released by discharge of bankrupt, **7:185, 7:187**
- Preferred claim, **6:320**
- Provable claim, **6:136**
- Stay of proceedings, **5:278, 5:302**

MARRIAGE

- Covenant or contract to defeat or delay creditors, effect on discharge, **7:184**

MARRIAGE SETTLEMENTS

- See SETTLEMENTS

MARRIED SPOUSES

- Applicability of Act, **5:355**
- Application against, **3:19**
- Assignment by, **3:171**
- Examination of, **7:31**
- Giving evidence against spouse, **5:355, 7:31**

MARSHALLING

- Generally, **6:209 to 6:214**
- Conditions for, **6:209 to 6:214**
- Secured creditor by, **6:209 to 6:214**

MATTER

- Definition of, **2:2**

MECHANICS' LIEN

- Interest on monies paid into court to discharge lien, **5:35**
- Position of, **6:164**
- Secured creditor against property of bankrupt, **6:164**
 - not on property of third party, **6:164**
- Stay of proceedings, **5:307**
- Trust funds
 - generally, **5:35, 5:38**
 - assignment by bankrupt of, **5:47**
 - beneficiaries, **5:40**
 - constitutionality, **5:36**
 - demand under, Income Tax Act, effect of, **5:48**
 - distribution of, **5:44**
 - extra-territorial effect, **5:38**
 - fraudulent preference, **5:52**
 - holdback, **6:164**
 - interest on, **5:45**
 - jurisdiction of court sitting in bankruptcy, **5:37**
 - legal costs, **5:56**
 - letter of credit payment, not trust funds, **5:39**
 - levy of Superintendent, **5:46, 6:428**
 - liability of officers and directors, **5:54**
 - money paid into court, **6:159**
 - moneys which are not trust funds, **5:39**
 - onus on claimant to show that payment from a particular project, **5:38**
 - overhead expenses, payment out of trust funds, **5:51**
 - payment by owner, **5:50**
 - payment in ordinary course of business, **5:51**

MECHANICS' LIEN—Cont'd

- Trust funds—Cont'd
 - payment to person with knowledge, **5:49**
 - purpose of, **5:38**
 - rental of equipment, **5:41**
 - right of reimbursement, **5:53**
 - set-off against, **5:42**
 - solicitor's lien, **5:43**
 - trustee's fees, **5:55**

MEDIATION

- Amount to be paid from income, **5:268**
- Amount to be paid on conditional discharge, **7:74**

MEDICAL & DENTAL RECORDS

- Property of bankrupt, **5:98**
- Sale of, by trustee, **5:98**

MEETINGS OF CREDITORS

- See also PROOFS OF CLAIM
- Generally, **6:2 to 6:64**
- Adjournment of meeting, **6:1, 6:8**
- Admission of claims at section 108(1), **6:23, 6:264**
- Advertising the meeting, **6:6**
- Alteration of proposals by, **4:63**
- Appointment of inspectors at, **6:3, 6:68 to 6:83**
- Appointment of trustee at, **2:21, 6:3, 6:17**
 - negative votes, **6:17**
- Assigning claims, **6:30**
- Bankrupt to attend section 158(h)
 - generally, **6:15, 7:14**
 - expenses of attending first, **6:15**
 - expenses of attending other than first, **6:63, 16:91**
 - improper questioning, **6:23**
 - interpreter for, **16:91**
- Calculation of votes at, **6:52**
 - on proposal, **4:60, 6:52**
- Calling other than the first, **6:63**
 - rights to reject claims, **6:63**
 - trustee is chair, **6:63**
- Casting vote, **6:20**
- Chair of
 - generally, **6:2, 6:20**
 - appeals from, **6:53 to 6:62**
 - costs of, **6:62**
 - appeals from judge, **6:61**

INDEX

MEETINGS OF CREDITORS—Cont'd

Chair of—Cont'd

- approach of courts to
 - generally, **6:53, 6:59**
 - jurisdiction of registrar to hear, **6:60**
 - notice to creditors whose claims are contested, **6:58**
 - noting objections, **6:54**
 - particulars of, **6:57**
 - section 37 proceedings, **6:53**
 - time for filing, **6:55**
 - who may appeal, **6:56**
- proposal, **4:31, 4:60**

Check-list of steps to be followed prior to and at, **6:2**

Creditors refusing to attend, **6:21**

Dispensing with advertising of, **6:6**

Extension of time for, **6:2**

Inspectors, appointment of, **6:3, 6:68 to 6:83**

- filling vacancy section 118, **6:68 to 6:83**

- overriding, **6:88**

- revocation of appointment by, **6:68 to 6:83**

Interlocutory orders, **6:64**

Irregularities, **6:4 to 6:10, 6:13 to 6:23, 8:48**

Majority of votes decisive, **6:52**

Meetings other than first meeting, **6:63** - trustee is chair, **6:63**

Minutes, **6:3, 6:22**

Notice of

- generally, **6:3, 6:5**
- bankrupt, **6:63**
- meeting subsequent to first meeting, **6:11**
- publication of, **6:2**
- shareholders, **6:5**

Objections to voting, **6:23**

Official receiver, chair of, **6:3, 6:20**

Order of holding meetings, **6:12**

Orders, interlocutory or permanent, **6:64**

Ordinary resolution, definition of, **1:49**

Partners, convening of, **6:14, 16:91**

Place for, **6:1, 6:9**

Procedure at first meeting

- generally, **6:13 to 6:23**
- attendance of bankrupt, **6:15**
- chair, **6:20**

MEETINGS OF CREDITORS—Cont'd

Procedure at first meeting—Cont'd

- considering affairs of bankrupt, **6:16**
- inspectors, appointment of, **6:18**
- minutes of, **6:22**
- objection to claim of creditor, **6:23**
- partnership, **6:14**
- quorum, **6:21**
- trustee, affirming appointment, **6:17**
- voting of, **6:23**

Procedure prior to first meeting

- generally, **6:4 to 6:10**
- adjournment of, **6:8**
- advertising the meeting, **6:6**
- notice to creditors, **6:5**
- place for holding, **6:9**
- reconvening, **6:10**
- time for holding, **6:7**

Proof of claim

- see also PROOF OF CLAIM

- generally, **6:24 to 6:28**

- address, **6:27**

- agent making, **6:28**

- formalities, **6:25**

- statement of account, **6:28**

- who may make, **6:26**

Proposals on, **4:58 to 4:63**

Proxies

- generally, **6:42 to 6:51**

- blank, **6:50**

- corporations, **6:43**

- defects in, **6:51**

- forms for, **6:42**

- individuals, **6:45**

- limited, **6:48**

- partnerships, **6:44**

- power of substitution, **6:46**

- time for lodging, **6:49**

- trustee completing, **6:50**

- who can be named, **6:47**

Purpose of, **6:13**

Quorum at, **6:2, 6:21**

- trustee holding proxy of one creditor, **6:21**

- voting letter in proposal, **6:21**

Rejection of claims at, **6:23**

Removal of trustee at, **2:21, 6:17**

Restricted creditors, **6:38**

- appointment of trustee or inspectors, **6:38**

MEETINGS OF CREDITORS—Cont'd

- Restricted creditors, **6:38**—Cont'd
 - non-arm's length, **6:39**
- Secured creditors
 - generally, **6:32 to 6:36**
 - failure to value, **6:36**
 - surrendering security, **6:33**
 - valuation of, **6:34**
 - voting for excess, **6:35**
- Shareholders, not entitled to notice, **6:5**
- Special resolution, **1:54**
- Special resolution, definition of, **1:54**
- Splitting claims, **6:30**
- Telecommunications, **6:24 to 6:28**
- Time for filing proofs, **6:29**
- Time for holding, **6:2**
- Trustee, **6:37**
- Trustee disallowing claim of creditor prior to meeting, **6:23, 6:266 to 6:270**
- Trustee must attend, **6:3, 6:63**
- Unliquidated and contingent claims, **6:41**
- Voting at
 - generally, **6:2, 6:23**
 - claim on bill of exchange or note on which bankrupt secondarily liable, **6:31**
 - contingent and unliquidated claims, **6:41**
 - on proposals, **4:3, 4:16, 4:58 to 4:63, 4:71 to 4:78**
 - proxies, **6:42 to 6:51**

MEETINGS OF INSPECTORS

See INSPECTORS

MENTAL INCOMPETENT

Assignment by, **3:171**

MINISTER

Definition of, **1:43**

MISAPPROPRIATION

- Discharge not releasing bankrupt from debt or liability arising out of, **7:191 to 7:196**
- Of bankrupt's property, **5:183**

MISTAKE

Power to excuse, **8:48**

MONEY

By way of compensation in criminal proceedings, **5:187**

MONEY—Cont'd

- Paid into court, see PAYMENT INTO COURT
- "Property" includes, **1:13, 1:46**
- Trustee to deposit, **2:66**

MONITOR

- Appointment of a monitor, **22:75**
- Officer of the court, **22:75**

MORTGAGE

See FRAUDULENT CONVEYANCES, FRAUDULENT PREFERENCES, PROPERTY, SETTLEMENTS

MOTIONS

- See also EX PARTE ORDERS
- Generally, **16:24, 16:26**
- Affidavit to be used on, **16:26**
- Application to court to be made by, **16:24**
- Filing, **16:23**
 - material to be filed, **16:23**
- Intervention by Superintendent on, **16:23**
- Notice of, **16:24**
- Service of, **16:15**
- Time for filing, **16:23**
- Use of ordinary procedure of court, **16:9 to 16:12**

MUNICIPAL TAXES

- Generally, **6:321 to 6:325**
- Business taxes, **6:324**
- Declaration of value by trustee, **6:325**
- Distress for, **5:382, 6:321, 6:326**
- Leased premises, **6:324**
- Lien on land, **6:322**
 - not a, priority of, **6:324**
- Limit on, **6:323**
- Public utility, **6:303**
- Trustee of tenant, liability for, **6:326**
- Within two years, **6:323**

NECESSARIES OF LIFE

- See also DISCHARGE OF BANKRUPT
- Generally, **7:205**
- Released by discharge of bankrupt, **7:205**

NEW DEVELOPMENTS

See section headed NEW DEVELOPMENTS

NEWSPAPER, ADVERTISING IN

See MEETINGS OF CREDITORS

INDEX

NON-EXISTENT PURCHASER

Sale of goods to, effect of, **5:185**

NOTICE OF DISALLOWANCE

See **DISALLOWANCE OF CLAIMS**

NULLA BONARETURN

See **ACTS OF BANKRUPTCY**

OBLIGATIONS

See **INCURRING OF OBLIGATIONS BY TRUSTEE**

meaning of, **5:3**

OBTAINING POSSESSION OF PROPERTY

See **POSSESSION OF PROPERTY**

OCCUPATION RENT

See also **LANDLORD** and **TENANT**
Generally, **6:328 to 6:333**

OFFENCES

See **BANKRUPTCY OFFENCES**

OFFICERS OF CORPORATION

See **DIRECTORS**

liability for breach of trust, **5:26**

Liability of officers for offences, **9:27**

Voting by, **6:38**

Wages, postponement of claim for, **6:311**

OFFICIAL NAME

See also **LEGAL PROCEEDINGS**

Generally, **2:32**

Change from wording of former, Act, **2:32**

Meaning of, **2:32**

Reason for, **2:32**

Revival order, **2:32**

Trustee suing in own name, **2:32**

OFFICIAL RECEIVER

Generally, **2:9, 16:46**

Absence of section 12(4), **2:9**

Action against, **10:6 to 10:12**

Appeal from, **2:9**

Application to registrar for directions, **2:9, 16:46**

to judge for directions, **16:46**

Appointment of trustee in assignment, **3:154**

Assignment

cancellation of, **3:160**

duties in respect of, **3:148, 16:76**

OFFICIAL RECEIVER—Cont'd

Assignment—Cont'd

filing with, **2:9, 3:148**

Bankruptcy offence, reporting, **2:9, 9:30**

Bankruptcy order, endorsement of, **2:9, 3:122**

Bond of trustee

generally, **2:40, 3:148**

decreasing, **2:40**

in proposals, **2:40, 4:31**

not to be excessive, **2:40**

time for filing, **2:40**

Certifying assignment in case of real property section 74(1), **5:389 to 5:397**

Chairperson of first meeting of creditors, **6:13 to 6:23**

of consumer proposal, **4:155**

of proposal, **4:31, 4:60**

Decreasing security, **2:40**

informing Superintendent section 12(3), **2:40**

Deemed assignment, **4:57, 4:72, 4:137**

Directions, application for, **2:9, 16:46**

Duties and responsibilities, **2:9**

Examination of bankrupt

generally, **7:9, 7:28**

failure to attend for, **7:9**

giving false answers on, **7:9**

Handing assignment to trustee, **16:76**

Immunity from suit, **2:98, 10:6**

Investigation by, **7:29**

List of, **2:9**

Offences, duties in respect of section 205, **9:30**

Proposal to be filed with, **4:31, 16:78**

creditor refusing to accept, **4:57**

Registrar performing duties, **2:8, 2:9**

Statement of affairs, delivery by trustee, **16:76**

Trustee, appointing of in assignment, **3:154**

OPPRESSION REMEDY

Generally, **5:184, 23:2**

Use of by creditor to recover property removed by fraud, **5:184**

Use to recover property of bankrupt, **5:184**

ORDERLY PAYMENT OF DEBTS

Generally, **11:2**

ORDERLY PAYMENT OF DEBTS

—Cont'd

- Assignment of wages, **11:2**
- Attaching order after, **11:2**
- Claim in excess of § 1,000, **11:2**
- Crown debt due to, **11:2**
- Effect of consent to order, **12:9**
- Provincial legislation required, **11:2**
- Release of surety, **11:2**

ORDER OF COURT

- See COURTS
- Order enforced as a judgment section 187(6), **8:45**

ORDINARY PROCEDURE OF THE COURT

- See PRACTICE and PROCEDURE

ORDINARY RESOLUTION

- All questions decided by, **1:49**
- Calculations of votes, **6:52**
- Contrasted with special resolution, **1:49**
- Definition of, **1:49**
- Proposals, **4:58 to 4:63**

PARTNERSHIP

- Generally, **5:444, 6:404 to 6:420**
- Actions against partners not in bankruptcy, **6:413, 7:230**
- Administration of estates, **6:420**
- After-acquired property of undischarged bankrupt partner, **5:574**
- All partners not bankrupt, **6:413, 7:229**
- Application against, **3:26**
- Application by, **3:17**
- Assignment by, **3:171**
 - court sitting in bankruptcy cannot declare, **5:34**
- Bankruptcy of, effect of, **6:407**
- Bankruptcy of partner, effect of, **6:408**
- Bankruptcy order, **3:26, 3:125**
 - transfer of application against other partner, **3:26**
- Claim against, **6:404**
- Claim by a partner, **6:418**
- Claim of joint estate against separate estate and by separate estate against joint estate, **6:419**
- Commencing and prosecuting action where one member bankrupt, **5:444**
 - notice to other partner, **5:444**
- Costs, payment of, **6:420, 6:455**

PARTNERSHIP—Cont'd

- Deemed to be a partner, **6:410**
- Discharge of, effect of, **7:230**
- Dissolution prior to bankruptcy, **6:405**
- Dissolution which prejudices creditors, **6:411**
- Distribution of property, **6:420**
- Dividends in, **6:455**
- Inspectors for separate estate, **6:68 to 6:83**
- Joint and separate property inextricably intertwined, **6:415**
- Joint debt, **6:416**
- Joint property, **6:414**
- Limited, **5:444, 6:406**
 - see LIMITED PARTNERSHIPS
- Meeting of creditors, **6:14, 16:91**
- No joint estate, **6:405**
- Partners, not in bankruptcy, **6:413, 7:230**
- “Person” includes section 2, **1:45**
- Proof against joint and separate estates, **6:417**
- Proxy by, **6:44**
- Secured claims in, **6:253**
- Separate debt, **6:416**
- Separate property of, **6:412, 6:414**
- Service of application on, **3:26, 3:42 to 3:45**
- Silent, postponement of claims, **6:401**
- Silent partner having right to purchase interest of insolvent partner, **5:262**

PATENTS

- Assignment of prior to bankruptcy, **5:235**
- Property of debtor, **5:235, 5:441**
- Sale of patented article, **5:441**

PAULIAN ACTION

- Generally, **5:534**

PAWNED GOODS

- Right of trustee to inspect section 79, **5:408**

PAYMENT INTO COURT

- No power to set aside security and direct, **6:204**
- Right to money paid in, prior to bankruptcy, **5:346**
- Secured claims, payment in to remove, **6:164**
- Trust money paid to abide outcome of litigation, **5:10 to 5:20**

INDEX

PENSION BENEFITS

- See also REGISTERED RETIREMENT and DISABILITY SAVINGS PLAN
- Generally, **5:188**
- Not vesting in trustee, **5:188**
- Personal liability of trustee for, **6:312**
- Seizure if not exempt, **5:188**
- Support payments in Ontario, **5:188**

PERISHABLE GOODS

- See also CONSERVATORY MEASURES
- Generally, **2:52**
- Conservatory measures, **2:52**
- No necessity for order to dispose of, **2:52**
- Seasonable goods, **2:52**

PERSON

- See also RELATED PERSONS
- Definition of, **1:45**

PERSON AGGRIEVED BY ACTIONS OF TRUSTEE

- See ACTIONS AGAINST TRUSTEE

PERSONAL PROPERTY SECURITY ACT

- Generally, **5:120**
- Actual notice, **5:128**
- Application of doctrine of equitable charge or mortgage, **5:124**
- Application of rule in, ex parte James, **5:123**
- Assignment of
 - book debts, **5:159**
 - mortgage on real estate, **5:157**
 - security interest where security interest not perfected, **5:169**
 - wages, **5:156**
- Attachment of a security interest, **5:163**
- Building materials affixed to realty, **5:149**
- Buyer in ordinary course of business, **5:146**
- Choice of law agreements, **5:141**
- Conflict of laws, **5:140**
 - knowledge of transfer, **5:140**
- Consignment agreements, **5:151**
 - true consignments, **5:151**
- Constitutional validity of provincial legislation, **5:121**
- Constructive trust, **5:129**
- Co-ownership of a chattel, **5:136**
- Crown, security interests of, **5:143**

PERSONAL PROPERTY SECURITY

ACT—Cont'd

- Description of collateral, **5:162, 5:175, 5:176**
- Discharge, effect of, **5:167**
- Effective date of vesting of trustee's title, **5:137**
- Equitable charge or mortgage, application of, **5:124**
- Equitable estoppel, **5:126**
- Equitable subordination, **5:125**
- Errors
 - in description of chattels in financing statements, **5:176**
 - in description of chattels in security agreements, **5:175**
 - in financing change statements, **5:177**
 - in name of debtor in financing statement, **5:174**
- Extension of time for compliance with, PPSA, **5:175**
- Fixtures, **5:150**
- Floating charges, **5:162**
- French name, **5:174**
- General financing statement, **5:168**
- Innkeeper's lien, **5:144**
- Insurance, transfer of an interest or claim under, **5:147**
- Interest in real estate, **5:158**
- Leases, **5:152**
- Legal process, control by, **5:165**
- Licenses, **5:160**
- Lien given by statute or rule of law, **5:144**
- Life insurance not governed by, **5:147**
- Marine mortgage, **5:154**
- Necessity for
 - interest by one unsecured creditor, **5:173**
 - lack of knowledge of unperfected security, **5:128**
 - security agreement, **5:138**
 - trustee to show that assets owned by bankrupt, **5:135**
- Perfection after date of bankruptcy, **5:137**
- Perfection by possession, **5:164**
- Perfection by registration, **5:166**
- Pledge of shares, **5:161**
- Post insolvency registration, **5:179**
- Power of court to relieve against irregularities, **5:173**
- Priority by legal process, **5:165**

**PERSONAL PROPERTY SECURITY
ACT—Cont'd**

- Procedure for attacking security interest, **5:131**
- Proceeds of sale of collateral, **5:171**
- Purchase money security interest
 - generally, **5:170**
 - priority between two holders, **5:170**
 - refinancing does not create, **5:170**
 - sale of collateral, **5:170**
- Real estate, creation of interest in, **5:158**
- Registration of a general financing statement on inventory, **5:168**
- Registration of a single financing statement, **5:166**
- Renewal of registration, **5:172**
- Revendication, right of, **5:141**
- Rights and remedies upon default, **5:178**
- Right to obtain information concerning security interest, **5:134**
- Rule in, ex parte James, application of, **5:123**
- Sale of Goods Act, rights of buyers and sellers, **5:145**
- Searches not revealing security, **5:173**
- Section 427 of, Bank Act, security under, **5:155**
- Security agreement, need for
 - generally, **5:138**
 - financing arrangements not complete, **5:139**
 - must charge collateral, **5:138**
 - not signed by purchaser, **5:175**
 - registered after bankruptcy, **5:138**
- Security interest, need for, **5:139**
- Shares, pledge of, **5:161**
- Shares, redemption of, **5:161**
- Subordination of security interests, **5:127**
 - equitable subordination, **5:125**
 - evidence of, **5:161**
- Subrogation, **5:130**
- Tenant's fixtures, **5:150**
- Transfer of an interest or claim under a policy of insurance, **5:147**
- Trustee has greater rights than bankrupt, **5:132**
- Trustee's right to attack for defects
 - generally, **5:122**
 - effective date of vesting of title, **5:137**
 - necessity to show that assets owned by bankrupt, **5:135**

**PERSONAL PROPERTY SECURITY
ACT—Cont'd**

- Trustee's right to attack for defects
 - Cont'd
 - procedure for attacking, **5:131**
 - rights not limited to those possessed by bankrupt, **5:132**
 - right to obtain information about security interests, **5:134**
- Unjust enrichment, not applicable, **5:129**
- Wages, interest in, **5:148**

PERSONAL REPRESENTATIVE

- Application against, **3:20**
- Assignment by, **3:171**

PETITION FOR BANKRUPTCY

- See APPLICATION FOR BANKRUPTCY ORDER

**POLICY STATEMENTS OF
SUPERINTENDENT**

- See section of book headed POLICY STATEMENTS & DIRECTIVES in vol 4

POSSESSION OF PROPERTY

- Generally, **2:41 to 2:45**
- Accounts receivable, **2:47**
- Books of account, **2:47**
- Changing locks, **2:41**
- Discretion of trustee, **2:41**
- Endorsing name of bankrupt, **2:41**
- Execution of documents, **2:41**
- Guardian, fees of, **2:41**
- Inventory, making, **2:45**
- Liabilities prior to bankruptcy, **2:50**
- Procedure for obtaining possession, **2:41, 5:410 to 5:422**
- Receiver, trustee as, **2:46**
- Search warrant for, **2:41**
- Sheriff, delivery to trustee, **2:49**
- Solicitor's lien on documents, **2:48**
- Solicitor's lien on property, **2:49**
- Taking possession of, **2:41**
- Telephone number, **2:50**
- Third party, claim to, **2:41**
- Unsworn testimony, not to be used, **2:41 to 2:45**

POSTPONEMENT OF CLAIMS

- See RESTRICTED CREDITORS

**POWERS OF APPOINTMENT
EXERCISABLE BY BANKRUPT**

Generally, **5:233**
Not for benefit of third parties, **5:233**
Trustee may exercise a general power, **5:233**

PRACTICE AND PROCEDURE

See also particular subjects, such as
Assignments, Applications
Generally, **16:7, 16:16, 16:24, 16:34**
Civil matters practice in, **16:9 to 16:12**
Depositions, **16:9 to 16:12, 16:28 to 16:32**
see DISCOVERY
Filing of documents, **16:19, 16:22**
Interim receiver, appearing before registrar, **16:17**
Motions, **16:24**
see MOTIONS
Ordinary procedure of the Court
generally, **16:9 to 16:12**
delay in perfecting appeal, **16:9 to 16:12**
implied undertaking only to use documents in bankruptcy proceedings, **16:11**
when applied, **16:10**
when both parties in bankruptcy and ordinary procedure applied, **16:11**
when not applied, **16:12**
Service, see SERVICE
form of, **16:13, 16:15**
time for, **16:13**
Superintendent, service by registered mail, **16:19**
Time for doing an act, **16:13**
Time less than six days, **16:14**
Title of proceedings, **16:19, 16:21**
Transfer of proceedings, **16:19**
Trustee, appearing before registrar, **16:17**
Witnesses, examination of, **16:28 to 16:32**

**PRECEDENCE OVER
ATTACHMENTS,
GARNISHMENTS, EXECUTIONS
ETC.**

Generally, **5:335**
Change in priority, **5:340**
Charging orders, **5:345**
Constitutionality of, **5:336**

**PRECEDENCE OVER
ATTACHMENTS,
GARNISHMENTS, EXECUTIONS
ETC.—Cont'd**

Conveyance by trustee, **5:337**
Costs of first execution creditor, see
FIRST EXECUTION CREDITOR'S
COSTS
Date of, **5:342**
Demands under, Income Tax Act, **5:343**
Excise Tax Act, demands under, **5:344**
Garnishees, **5:343**
Income tax, **5:343**
Judgment creditors, **5:342**
Mortgages, **5:341**
Payment into court, **5:346**
Proposals, **5:338**
Receivership order, **5:289**
Secured creditors, **5:339**

PRECEDENTS

For detailed list of precedents, see section
headed PRECEDENTS in vol
4. see also FORMS.

PREFERENCES

See FRAUDULENT PREFERENCES

PREFERRED CREDITORS

See PRIORITIES

**PRELIMINARY STATEMENT OF
AFFAIRS**

See ASSIGNMENTS

PRESCRIPTION

See STATUTE OF LIMITATIONS

PRESUMPTION

See EVIDENCE, FRAUDULENT PREFERENCES, SETTLEMENTS

PRINCIPAL AND AGENT

Effect of filing claim against an agent, **6:148**

PRIORITIES

Generally, **6:285 to 6:429**
Automobile insurance, **6:423**
Canadian, Payments Association Act, claims under, **6:292**
Child support, **6:320**
Costs of administration, **6:294**
costs incurred in bringing assets to jurisdiction, **6:294**

PRIORITIES—Cont'd

- Costs of first seizing creditor, **6:388**
see also FIRST EXECUTION CREDITOR'S COSTS
- Crown, claims of, **5:446 to 5:449**
- Deemed trusts, **6:288**
- Disputed claims, **6:290**
- Equitable subordination, **6:402**
- First execution creditor, **5:347 to 5:354, 6:388**
- Foreign creditors, **6:285 to 6:291**
- Funeral and testamentary expenses, **6:293**
- Injuries to employees, **6:390**
- Insurance other than automobile insurance, **6:424**
- Interest, **6:421**
- Land lord for rent, **6:327 to 6:386**
see Land LORD and TENANT
- Leases and sub-leases, **6:345 to 6:349, 6:375**
- Legal costs, **6:294, 8:120**
- Municipal taxes, **6:321 to 6:326**
see also MUNICIPAL TAXES
- Pari passupayment, **6:403**
- Partnership, **6:404 to 6:420**
see PARTNERSHIP
- Payable as soon as funds available, **6:393**
delaying payment, **6:393**
- Payment rateably, **6:403**
- Pension related claims, **6:296**
- Postponement of claims
generally, **6:395 to 6:399**
deferred claims of spouse or former spouse, **6:397**
reviewable transactions, **6:396**
silent partners, **6:401**
wages of officers and directors, **6:399**
wages of relatives, **6:398**
- Postponement of silent partners, **6:401**
- Priority of payment, **6:289**
- Proceeds from property of bankrupt, **6:286**
- Property sold and distributed before bankruptcy, **6:286**
- Public utilities, **6:392**
- Restricted by section 136, **6:394**
- Scheme of distribution, **6:285**
- Secured creditors, **6:287**
- Spousal support, **6:320**

PRIORITIES—Cont'd

- Superintendent's levy, **6:295, 6:425 to 6:429**
see LEVY
 - Surplus, **6:422**
 - Time for payment of preferred claims, **6:291, 6:393**
 - Trustee's fees, **6:294**
 - Wage-related claims under the, BIA generally, **6:297 to 6:316**
appropriating payment for, **6:314**
assignment and subrogation, **6:309**
claim for balance owing, **6:303**
directors and officers, **6:311**
disallowance of, **6:316**
disbursements of travelling salesperson, **6:303**
filing proof of claim for, **6:298**
for what is preference given, **6:303**
pension plan benefits, **6:296, 6:312**
relatives, **6:310**
section 427 of, Bank Act, **6:315**
subrogation, **6:309**
who is entitled to, **6:298**
 - Workers' compensation, **6:389**
see WORKERS' COMPENSATION
 - Wrongful dismissal, **6:319**
- PRIORITY BETWEEN FIRST AND SECOND BANKRUPTCY RE AFTER-ACQUIRED PROPERTY**
- See also AFTER-ACQUIRED PROPERTY
- Generally, **5:574**
 - Belongs to trustee in first bankruptcy, **5:574**
partnership, **5:574**
priority, **5:574**
 - Re-appointment of trustee to administer, **2:201, 5:574**
- PRIVY**
- See FRAUDULENT PREFERENCES
 - Definition, **5:520**
 - Knowledge of insolvency by debtor, **5:520**
- PROCEDURES IN CIVIL MATTERS**
- See PRACTICE and PROCEDURE
- PROCEEDINGS**
- Delay, see DELAY

INDEX

PROCEEDINGS—Cont'd

- Formal defect in, **8:48**
- Meaning of, **2:160**
- Stay of
 - secured creditors, **5:326**
 - unsecured creditors, **5:278**
- Stay of, deemed
 - under, Employment Insurance Act that refer to section 224(1.2) of, Income Tax Act, **5:325**
 - under Canada Pension Plan that refer to section 224(1.2) of, Income Tax Act, **5:325**
 - under section 224(1.2) of, Income Tax Act, **5:325**
- Taken in wrong court, **8:52**
- Transfer of, **8:46, 8:52, 16:19**
 - transfer only possible of proceedings in wrong court, **8:52**

PROCESS

- See PRACTICE and PROCEDURE, SERVICE

PRODUCTION OF BOOKS

- See BOOKS and RECORDS

PRODUCTION OF DOCUMENTS

- See EXAMINATIONS

PROFESSIONAL LIABILITY INSURANCE

- Generally, **5:232**
- Proceeds of entitlement to, **5:232**

PROFIT

- “Property” includes, **1:46**

PROOF OF CLAIM

- See CLAIMS
- Generally, **1:25, 6:29, 6:99 to 6:142, 6:144 to 6:157**
- Admission, notice of, **6:144 to 6:150, 6:264, 16:96**
- Admission or disallowance for voting, **6:13 to 6:23**
- After declaration of dividend, **6:450**
- Agent by, **6:26, 6:152**
- Amendment of, **6:146**
- Aquaculturist by, **5:423 to 5:435**
- Assigning of claims, **6:30**
- Bank, **1:25**
- Changes and erasures in, **6:25**

PROOF OF CLAIM—Cont'd

- Claims provable, see PROVABLE CLAIMS and CLAIMS
- Contents of, **6:24 to 6:28**
- Contingent claims, see CONTINGENT CLAIMS
- Court, power of to expunge or reduce, **6:283**
- Crown, by, **6:144**
- Debt, meaning of, **6:100**
- Debts payable at a future time, **6:137**
- Delivery to trustee, **6:144**
- Different classes of claims, **6:150**
- Disallowance of, **6:261 to 6:283**
 - see DISALLOWANCE OF CLAIMS
- Distinct contracts, **6:141**
- Dividend, necessity for filing, **6:144, 6:431**
- Double proof, **6:155**
- Effect of filing a claim against an agent, **6:148**
- Employee, **6:157**
- Equity claim, **6:111**
- Erroneous, **6:146**
- Events occurring after bankruptcy, **6:104**
- Evidence in support of, **6:262**
- Examination of, by trustee, **6:261**
- Expunging, **6:283**
- False, **6:154**
 - penalties for, **9:19**
- Farmer, **5:423 to 5:435**
- Filing with trustee, **6:144, 6:446 to 6:449**
 - extension of time for, **6:446 to 6:449**
 - failure to file, **6:144, 6:446 to 6:449**
- Fisher, **5:423 to 5:435**
- Formalities, **6:25**
- Form of, **6:151**
- Guarantor, by, **6:155**
- Income tax, claim for, **6:119, 6:446 to 6:449**
 - no necessity to attach assessment to claim, **6:28**
- Interest on debt, **6:140**
- Misrepresentation in, **6:154**
- Municipality, by, **6:150**
- Name of claimant, **6:26**
- Necessity for filing
 - generally, **6:144 to 6:150**
 - agent, effect of filing, **6:148**
 - amendment of, **6:146**

PROOF OF CLAIM—Cont'd

- Necessity for filing—Cont'd
 - different classes, **6:150**
 - second proof, **6:149**
 - third parties, effect on, **6:147**
 - withdrawal of, **6:145**
- Notice to file, **6:446 to 6:450**
 - failure to file, **6:144, 6:446 to 6:449**
- Officer or employee making, **6:26**
- Property claim for, **5:410 to 5:422**
- Proposal, **6:139**
- Reducing, **6:283**
- Registrar, jurisdiction of section 192(8), **8:74**
- Requirements for, **6:24 to 6:28, 6:153**
- Residents out of Ontario, **6:24**
- Right of creditors to examine, **6:156**
- Rule against double proofs, **6:155**
- Second, **6:149**
- Secured creditors, **6:159**
- Shareholders, **6:111**
- Splitting claims, **6:30, 6:155**
- Statement of account, necessity for, **6:24 to 6:28**
 - details in, **6:28, 6:153**
 - no necessity to attach assessment to claim by Ministry of National Revenue, **6:28**
- Statute of Limitations, **6:142**
- Subrogated claims, **6:116**
- Surety, by, **6:155**
- Technicalities to be avoided, **6:144**
- Third parties, effect of filing, **6:147**
- Time for lodging, for voting, **6:29**
- Time for lodging for dividend, **6:446 to 6:450**
- Type of claim, must be stated, **6:153**
- Voting, necessity for, **6:29**
- Wages, **6:157**
 - suggested form for
 - see also claims under the, Wage Earner Protection Program Act
- Who may make, **6:26**
- Withdrawal of, **6:145**

PROPERTY

- See also ASSETS
- Acting as agent, **5:82**
- After-acquired, **5:561 to 5:574**
 - see AFTER-ACQUIRED PROPERTY
- Annuities, **5:228**

PROPERTY—Cont'd

- Approval goods delivered on, **5:83**
- Assignment of book debts, **5:259**
 - see ASSIGNMENT OF BOOK DEBTS
- Automobile insurance, **6:423**
- Bail, furnished by bankrupt, **5:187**
- Bail, furnished by third party, **5:3**
- Bankrupt, acting as agent, **5:82**
- Bankrupt, delivery of, to trustee, **7:5 to 7:23**
- Bankrupt, obtaining by false representation, **9:2**
- Banks, duty of, **5:407**
 - possession of property of bankrupt, **2:43**
- Benefit conferred on director of corporation, **5:181**
- Bills of sale, invalid, **5:118**
- Bona fide purchaser from bankrupt of, **5:389 to 5:397**
- Book accounts, **5:472**
- Breach of fiduciary duty, **5:182**
- Bulk sales, invalid, **5:117**
- Caution, registration against real property, **5:389 to 5:397**
- Caveat, **5:389 to 5:397**
- Chattel mortgages invalid, **5:118**
- Chattels exempt from seizure, **5:133**
- Child tax benefit, **5:256**
- Choses in action, **5:250**
 - see CHOSSES IN ACTION
 - assignment of, **5:259**
 - vesting in trustee, **5:250**
- Claims to, in possession of bankrupt at date of bankruptcy, **5:410 to 5:422**
- Collective bargaining agreement, rights under, **5:253**
- Compensation order, **9:29**
- Conditional sales, **5:85**
 - see CONDITIONAL SALES
- Conservatory measures, **2:52**
- Consignment, **5:86 to 5:91**
 - see CONSIGNMENT GOODS
- Contingency fee of solicitor, **5:252, 5:357 to 5:366**
- Contingent interest in, **5:3**
- Contracts, **5:357 to 5:366**
- Contractual rights, **5:252**
- Contributors, **5:399 to 5:405**
 - see CONTRIBUTORIES

INDEX

PROPERTY—Cont'd

Conveyance of, as act of bankruptcy, **3:50**
Copyright, covered by, **5:235, 5:441**
see COPYRIGHT
Court, money in, **5:186**
Credit obtained by, person pledging or disposing of, **9:10**
Criminal proceedings, money paid by way of compensation, **5:187**
Dealing with, examination regarding, **7:30 to 7:43, 7:60**
Debenture, floating charge, **5:105**
Deemed trusts, **5:27 to 5:29**
see DEEMED TRUSTS
Defeasance on bankruptcy, **5:262**
Deferred profit sharing plan, **5:230**
Definition of, **1:46, 5:3**
Delivery of
act of bankruptcy, **3:50**
to substituted trustee, **2:124**
to trustee, **7:5 to 7:23**
Demutualization of life insurance companies, **5:220**
Depriving trustee of possession, **2:41 to 2:45**
Destroying section 168(1)(c), **7:63**
Director, benefit conferred on, **5:181**
Disability benefits, **5:188**
Disability tax credit, **5:257**
Disclaimer of, **2:58**
Disposal of, not owned by bankrupt, **5:409**
Distribution, **6:285 to 6:429**
see PRIORITIES
Distribution, sale by, **5:82**
Divesting of, by trustee, **2:58, 2:193**
Divesting of title in event of bankruptcy, **5:262**
Dividends, **6:431 to 6:456**
see DIVIDEND
Documents are property, **5:412**
Dower interests, **5:215 to 5:218**
Earnings, **5:265 to 5:274**
see EARNINGS
E-commerce insolvencies, **5:102**
Examination regarding, **7:30 to 7:43, 7:60**
Exempt, **5:57**
see EXEMPT PROPERTY

PROPERTY—Cont'd

False pretences, obtaining by, discharge not releasing from liability for, **7:197**
Family Law legislation, **5:5**
see FAMILY LAW ACTS
Fiduciary duty, breach of, **5:182**
Fire insurance policy, proceeds of, **2:65**
see FIRE INSURANCE
Fixtures, **5:94 to 5:96**
tenant's fixtures, **5:96**
Floating charge debenture, **5:105, 5:162**
Forfeiture in event of bankruptcy, **5:262**
Franchising agreement, **5:101**
Fraudulent conveyance, **5:460 to 5:468**
Fraudulent disposition of, **9:4**
Fraudulent misrepresentation, obtaining by, discharge not releasing from liability for, **7:197**
General considerations, re, **5:2**
Giving security on, by trustee, **2:93, 2:104, 2:105**
Goods and services tax (GST) collection and remittance, **5:80**
Goods and services tax (GST) credit payment, **5:79**
Goods and services tax (GST) refunds, **5:255**
Goodwill, **5:234**
non-competition clause, **5:234**
Homestead, **5:25**
Income averaging annuity, **5:229**
Income tax rebates, **5:254, 5:265 to 5:274**
Income under a will or trust, **5:219**
Indians, property of, **5:2**
In existence at bankruptcy, **5:3**
Inspection by trustee, **5:408**
Inspector, purchasing, **2:100, 6:66**
see INSPECTORS
Insurance, **5:221 to 5:227, 5:231**
see INSURANCE
Intellectual property, **5:235**
Interest on, **6:140, 6:421**
see INTEREST
Inventory of, **2:45**
Joint and separate dividends, **6:455**
Joint tenancy, **5:209 to 5:214**
Judgments, **5:260**
Lay-aways, **5:104**
Lease, **5:152, 5:153, 5:208**
see also LANDLORD and TENANT

PROPERTY—Cont'd

Legacy income from, **5:219**
 Letters of credit, **5:263**
 Liability insurance, **5:232**
 Licences, **5:97**
 Life insurance policy, **5:221 to 5:227**
 see INSURANCE
 Mareva injunction, **5:4**
 Married woman, **5:355**
 Meaning of, **1:46, 5:3**
 Medical and dental records, **5:98**
 Misappropriation of, **5:183**
 Money in court, **5:186**
 Money owing to bankrupt for services
 prior to bankruptcy, **5:276**
 Money seized by the police, **5:183**
 No equity in red property, **2:58**
 Non-competition clause by bankrupt,
 5:234
 Non-existent purchaser, goods sold to,
 5:185
 Not owned by bankrupt, **5:409**
 No value is irrelevant, **5:2**
 Obtained by fraud, **5:2**
 Obtaining possession of, **2:41 to 2:45,**
 5:410 to 5:422
 Offences in connection with, **9:3**
 On approval, delivery on, **5:83**
 Oppression remedy, use of to recover
 property, **5:184**
 Partnership, **5:444, 6:404 to 6:420**
 see PARTNERSHIP
 Patents of invention, **5:441**
 Payment by an owner pursuant to a certifi-
 cate, **5:50**
 Pension plan, superannuation benefits,
 5:72
 Pension refund, **5:188**
 Perishable goods, **2:52**
 Personal damages, not property of trustee,
 5:562 to 5:568
 Personal Property Security Act, **5:45**
 see PERSONAL PROPERTY SECUR-
 ITY ACT
 Planning Act, failure to comply, **5:2**
 Pledge, right to inspect, **5:408**
 Possession by bankrupt not proving
 ownership, **5:2**
 Possession of, by trustee, **2:41 to 2:45**
 see POSSESSION OF PROPERTY
 Powers, **5:233**

PROPERTY—Cont'd

Preferences, **5:487 to 5:540**
 see FRAUDULENT PREFERENCES
 Preservation of property, **5:4**
 Professional liability insurance, **5:232**
 Protection and conservation, **2:52**
 Provincial statutes relating to, **1:10**
 Provision for forfeiture or divesting,
 5:262
 Quebec
 resolution, right of, **5:195**
 resolution of contract of sale for default
 by buyer, **5:193 to 5:203**
 revendication, right of, **5:142, 5:194**
 Real property, **5:205 to 5:207**
 see REAL PROPERTY
 Receipt of, immaterial, **5:3**
 Recovery of, by trustee, from transferee,
 5:555 to 5:559
 Registered disability savings plans, **5:236**
 Registered education savings plan, **5:247**
 Registered retirement savings plans, **5:72,**
 5:236
 Registration of bankruptcy order or
 assignment, **5:389 to 5:397**
 Removal section 168(1)(, c), section
 168(1)(, d), **7:63, 9:7**
 out of province, **5:398**
 Rents, **5:99**
 Repairer's lien, **5:115**
 Resiliation, **5:193 to 5:203**
 Restitution for criminal acts, **7:186, 9:29**
 Return of, to debtor, **2:58, 2:193**
 Return to bankrupt, **2:58, 2:193**
 Revendication, **5:193 to 5:203**
 Revendication, unpaid seller's right of,
 5:142
 Right of trustee to act anywhere for
 recovery of, **2:51**
 Right of vendor to retake possession of,
 5:92
 Rights of actions, **5:250**
 see CHOSSES IN ACTION
 Rule in, Ex parte James, **5:189 to 5:191**
 Sale of, **2:75**
 see SALE OF ASSETS
 not belonging to bankrupt, **5:409**
 Sale of goods, property passing, **5:103**
 sale of goods, property not passing,
 5:103
 to non-existent purchaser, **5:185**

INDEX

PROPERTY—Cont'd

- Set-off, **5:313, 5:315**
- Settlement of, **5:451**
 - see SETTLEMENTS
- Shares in corporation, **5:251**
- Sheriff, delivery up of, by, **5:369 to 5:374**
- Shipper's lien, **5:116**
- Ship's mortgage, validity of, **5:119**
- Solicitor, property in hands of, **5:180**
- Solicitor disclosing to trustee, **7:57**
- Statute of Frauds, trustee relying on, **5:93**
- Statute of Limitations, **5:261, 6:142**
- Stocks and bonds, **13:2 to 13:10**
- Stoppage in transitu, **5:204**
- Street certificates, **5:34**
- Summary applications to determine title, **3:187**
- Superannuation benefits, **5:188**
- Support, arrears of, **5:304, 6:110**
- Taking possession of, **2:41 to 2:45**
- Third parties, property of, **5:409**
- Thirty-day goods, **5:193 to 5:203, 5:423 to 5:435**
- Time-share contracts, **5:100**
- Trademarks, **5:235**
- Transactions in good faith, **5:542, 5:558**
- Transfer for valuable consideration, **5:558**
- Trustee, no higher rights than bankrupt, **5:2**
 - not agent of creditors, **5:2**
- Trust property, **5:10 to 5:35**
 - see TRUST PROPERTY
 - common law tracing, **5:33**
 - mechanics' lien, **5:35**
 - stockbroker, **13:2 to 13:10**
 - tracing, **5:32**
- Undisposed of, **2:58, 2:193**
- Unpaid seller, right to repossess, **5:193 to 5:203, 5:423 to 5:435**
- Vendor, right to retake possession, **5:92**
- Vendor's lien on chattels, **5:248**
- Vendor's lien on land, **5:249**
- Vesting in trustee, **5:2, 5:357 to 5:366**
- Vesting of title in purchaser, **5:442**
- Wages, **5:265 to 5:274**
 - see EARNINGS
- Warehouser's lien, **5:114**
- Waste management licence, **5:97**

PROPERTY AND CIVIL RIGHTS

- Provincial legislation dealing with insolvency, **1:10**

PROPOSALS

- Generally, **4:2 to 4:149**
- Acceleration of payment because of, **4:112**
 - stay of, **4:112**
- Acceptance by creditors, **4:58 to 4:63**
- Act of bankruptcy, **3:50**
- Adjournment of meeting on, **4:31**
- Administrator's accounts, taxation of, **4:171**
- Alteration of, **4:16**
- Amendment of, **4:16**
 - by the court, **4:68**
- Annulling proposal
 - generally, **4:130 to 4:138**
 - default, remedying, **4:132**
 - default, what constitutes, **4:130**
 - default, when does it occur?, **4:131**
 - discretion to annul, **4:130**
 - effect of order, **4:138**
 - failure to disclose name of creditor, **4:130**
 - form of order, **4:136**
 - meaning of "annul," **4:130**
 - no benefit to creditors, **4:130**
 - procedure after making order, **4:137**
 - procedure on application, **4:134**
 - proper judicial officer to make order, **4:135**
 - remedying a default, **4:132**
 - section 187(5) should not be used, **4:130**
 - trustee and legal fees, payment of, **4:136**
 - who can bring application to annul, **4:133**
 - who can make order, **4:135**
- Annulment of bankruptcy, **4:92**
- Appeal from approval or refusal, **4:93**
- Application of, Bankruptcy and Insolvency Act
 - generally, **4:142 to 4:144**
 - provisions that are applicable, **4:143**
 - provisions that are not applicable, **4:144**
- Appointing new trustee where proposal rejected, **4:57**

PROPOSALS—Cont'd

Appraisal and investigation of property section 50(5), **4:31**

Approval by creditors, setting aside, **4:59**

Approval by the court
generally, **4:71 to 4:78, 16:62**
after bankruptcy, effect of, **4:92**
amending, in application for, **4:68**
appeal of disallowance of claim, **4:88**
appeals, **4:93**
calculated to benefit creditors, **4:81**
cases where approval refused, **4:85**
commission of offence under sections 198 to 200, **4:87**
costs, **8:133**
creditors, objections by, **4:76**
disallowance of claim, effect of, **4:88**
effect of approval by court for insolvent person, **4:90**
effect of approval by creditors, **4:84**
effect of facts under section 173, **4:86**
examinations under section 163(2), **4:77**
good faith, **4:79**
judicial officer who may hear, **4:75**
mandatory conditions for, **4:79 to 4:83**
motivation for opposing irrelevant, **4:76**
objections by creditors, **4:76**
offences, effect of, **4:87**
onus of proof, **4:78**
procedure for, **4:72**
reasonable terms, **4:80**
report of trustee, **4:74**
small dividend, **4:74**
speedy application, **4:71**
undisclosed assets, allegation of, **4:76**
who may apply, **4:73**

Assets, vested in debtor, **4:27**

Assignment, deemed, **4:57**

Assignment of receivables under, **4:27**

Assignment where proposal in force, **4:139**

Bankrupt by
generally, **4:5, 4:92**
approval of inspectors, **4:40 to 4:42**
approved by court, **4:92**
discharge of trustee, **4:31**

Bankruptcy, date of, **1:60**

PROPOSALS—Cont'd

Bankruptcy order when proposal in force, **4:55, 4:139**

Bond on, **2:40, 4:31**

Calculated to benefit the general body of creditors, **4:81**

Calculation of votes, **1:54, 4:58 to 4:63**

Cash-flow statement, preparation of
generally, **4:32**
extension of time, **4:31**
irregularities in, **4:31**
report by debtor, **4:31**
signing of, **4:31**

Claims, provable, **4:106 to 4:110, 6:139**

Claims, see ADMISSION OF CLAIMS, DISALLOWANCE OF CLAIMS, PROOF OF CLAIMS and PROVABLE CLAIMS
time for determining, **4:106 to 4:110**

Claims arising after filing
generally, **4:53**
priority over security given to trustee, **4:53**
severance pay, **4:53**
subsequent creditors, **4:53**

Claims coming within section 178, **4:98**

Claims of creditors where debtor bankrupt after making a proposal, **4:140**

Claims subsequent to, **4:53**

Classes of creditors, court cannot divide, **4:63**

Classes of creditors, voting by, **4:60**

Clerical errors, correction of, **4:16, 16:80**

Co-debtors, release of, **4:104**

Collective bargaining, effect of proposal on, **4:116**

Companies' Creditors Arrangement Act, taking up a proposal under, **4:149**

Composition, included in, **1:47, 4:2**

Consumer, **4:152**
see CONSUMER PROPOSALS

Contingent creditors, voting by, **4:63**

Contract for supply of goods and services, **4:112**

Contract with creditors, **4:2**

Contribution by creditors, **4:23**

Costs, **4:148, 8:133**

Creditors bound by
generally, **4:95 to 4:101**
claims under section 178, **4:97**

INDEX

PROPOSALS—Cont'd

- Creditors bound by—Cont'd
 - Crown claims, **4:100, 4:106, 4:121, 5:446 to 5:449**
 - income tax claim, **4:106**
 - preferred creditors, **4:99**
 - refusal to accept, **4:57**
 - secured creditor with unsecured claim, **4:97**
 - seizure by prior to filing of proposal, **4:55**
 - unsecured creditor not filing a claim, **4:96**
- Creditors refusing to approve, **4:57**
- Crown claims, **4:99, 4:121**
- Dating back of deemed assignment, **1:60**
- Deceased debtor, **4:31**
- Default in, **4:130, 4:131**
 - remedying, **4:132**
- Deferring claims, **4:24, 4:54**
- Definition of, **1:47, 4:2**
- Derivative contracts, **4:114**
- Directions, **2:109 to 2:116, 4:146**
- Directors, indemnification charge, **4:34**
- Directors, release of claim against, **4:18, 4:25**
- Directors, removal of during proposal proceedings, **4:33**
- Disallowance of claims, **4:110**
- Disallowance of secured claims, **4:119**
- Disputed claims, **4:118**
 - fees of interim receiver or trustee, **4:118**
 - holding money in trust for, **4:118**
- Distribution of moneys payable under,
 - 4:12, 4:94**
 - debtor cannot make, **4:94**
- Duties of trustee, **4:31**
- Effect of, **1:47, 4:2, 4:90, 4:92**
- Eligible financial contracts, **4:114**
- Environmental damage, **4:106**
- Errors or omissions, correction of, **4:16**
- Examination of debtor on, **4:31, 4:70**
- Examination of other persons, **4:70**
- Executory contracts, effect of proposal on, **4:115**
- Extending time for filing proposal, **4:5**
 - imposition of terms, **4:31**
 - material prejudice, **4:31**
- Extension of time, meaning of, **4:2**
- Facts in section 173, **4:86**

PROPOSALS—Cont'd

- Farm Debt Mediation Act, **4:150**
- Fees and expenses of trustee on,
 - advance to pay, **2:180**
- Filing documents in court, **16:78**
- Financial hardship of creditor supplying goods and services, **4:112**
- Fines and costs imposed by a professional body, **4:101**
- Foreign business, **4:36**
- Foreign currency claims, **4:29, 4:109**
- Fraudulent transactions, **4:145**
- Good faith, **4:82**
- Goods and services supplied after filing of proposal, **4:111**
- Goods and services tax, **4:123**
- Guarantee of
 - generally, **4:43 to 4:50**
 - annulment of proposal, **4:49**
 - claims covered by, **4:45**
 - effect of alteration, **4:47**
 - failure to carry out arrangement, **4:48**
 - jurisdiction of court sitting in bankruptcy to, enforce, **4:50**
 - meaning of, **4:44**
 - proceedings to enforce, **4:50**
 - secret agreement, **4:46**
- Guarantor, voting by, **4:61**
- Heading for court papers, **16:19**
- Income tax considerations, **4:122**
- Income tax installments, allocation of, **4:105**
- Informal, **4:8**
 - as act of bankruptcy, **3:50**
- Insolvency, necessity for, **4:31**
- Insolvent person, proposal by, **4:9**
- Inspectors
 - generally, **4:40 to 4:42**
 - appointment of, **4:42**
 - approval of, **4:40**
 - illegal agreement to approve, **4:41**
- Interim receiver, **3:120**
- Interim receiver, proposal by, **3:120, 4:39**
- Joint, **4:31**
- Joint proposal by several affiliated companies, **4:38**
- Leases, effect on
 - generally, **4:120**
 - actual losses, meaning of, **4:120**
 - disclaimer of, **4:120**

PROPOSALS—Cont'd

Leases, effect on—Cont'd
 onus on debtor to show that disclaimer
 necessary for a viable proposal, **4:120**
 payment on true leases, **4:112**
 repudiation of, **4:120**
 termination of, by assignee, **4:120**
 Levy, **4:129**
 Liability insurance, effect of, **5:232**
 Liquidator making, **4:39**
 Locality of debtor, **1:42, 4:31**
 Meeting of creditors
 generally, **4:31, 4:60**
 adjournment of, **4:31**
 chairperson of, **4:60**
 failure to give notice of, **4:31**
 objection to claim of creditor, **4:60**
 setting aside approval by, **4:60**
 trustee disallowing creditor's claim,
 4:60
 Mutatis mutand isapplication, **4:142 to**
 4:144
 Non-approval of proposal, **4:71 to 4:78**
 Notice of intention
 generally, **4:4**
 effect of filing notice of intention, **4:7**
 filing report required by section
 50.4(8)(a), **4:4**
 procedure for filing, **4:31**
 terminating period for filing proposal,
 4:4
 termination of notice of intention, **4:6**
 trustee cannot resign, **4:4**
 Obligation of trustee to observe terms, **4:2**
 Offences, effect on, **4:87**
 Opposed application
 generally, **4:71 to 4:78**
 appeal from, **4:93**
 costs of, **4:71 to 4:78, 8:133**
 Partnership, proposal by, **4:37**
 Payments falling due after, **4:111**
 Penalty imposed after filing, **4:53**
 Pension claims, priority of, **4:15**
 Performance in full of proposal, **4:141**
 application, **4:55**
 Place for filing, **4:31**
 Postponement of claims, **4:24**
 Post-proposal creditors, claims of, **4:53**
 Practice, **4:31**

PROPOSALS—Cont'd

Preferred claims, to be paid in priority,
 4:12
 Priority charge relating to participation in
 proposal proceedings, **4:35**
 Procedure for filing, **4:31**
 Promissory notes, issuance of, **4:21**
 Property, effect on, **4:2**
 Provable claims, **4:106 to 4:110, 6:139**
 Provisions of, Act applicable, **4:142 to**
 4:144
 Public utilities, **4:113**
 falling due after filing, **4:113**
 Purpose of, **4:2**
 Receiver making, **4:39**
 Refusal of court to approve, **4:85**
 Refusal of creditors to accept, **4:57**
 Registrar approval by, **4:31, 4:75**
 Related creditor, right to vote, **4:61**
 assignment of claim, **4:61**
 Release of claims against third parties,
 4:25
 Release of debtor from liabilities, illegal
 terms, **4:30**
 Release of third persons, **4:102 to 4:104**
 Remedy of creditor because of filing,
 4:111
 Remuneration of trustee on, **2:180**
 priority with secured claims, **4:3**
 reduction of, **2:180**
 Report of trustee, **4:74**
 contents of, **4:74**
 Revendication, right to, **4:55, 5:202**
 Scheme of arrangement meaning of, **1:47,**
 4:2
 Second, **4:16, 4:71 to 4:78, 4:124, 4:130**
 to 4:138
 Secret agreements with creditors
 generally, **4:125**
 after approval of proposal, **4:125**
 agreement known to creditors, **4:125**
 by third party, **4:125**
 purchase of claim of creditor, **4:125**
 recovery of payment, **4:125**
 Section 178 claims, protection of, **4:16**
 Secured creditors
 generally, **4:3, 4:56, 6:252**
 directions re, **4:56**
 disallowance of claims of, **6:271**
 priority over fees of trustee, **2:180**

INDEX

PROPOSALS—Cont'd

- Secured creditors—Cont'd
 - proposals binding, **4:95 to 4:101**
 - proposals to, **4:3**
 - voting by, **4:3, 4:62, 4:95**
- Security for payment, **4:43, 4:86**
- Security or guarantee for, **4:43 to 4:50**
- Selling assets during proposal proceeding, **4:117**
- Set-off, **4:53, 4:105, 5:549**
 - debt owing to creditor arising after filing of proposal, **4:105**
- Setting aside, **4:130 to 4:138**
- Settlement of rights by, **4:2**
- Shareholder, opposition by, **4:75**
- Shares, issuance of, **4:22**
 - purchase of, **4:23**
- Signing of, **4:31**
- Solicitor, employment of, **8:133**
- Special resolution, **1:47, 4:60**
- Statements of affairs, **4:31**
 - joint and separate creditors, **4:37**
- Stay of proceedings, **4:55, 4:112, 5:278, 5:325**
 - effect of appeal, **4:55**
- Subordination of equity claims, **4:13**
- Superintendent's levy
 - generally, **4:129**
 - assets delivered to debtor, **4:129**
 - payment from assets, **4:129**
 - payment in kind, **4:129**
 - payments by third parties, **4:129**
 - payments to suppliers etc., **4:129**
- Supervision of debtor's affairs
 - generally, **4:17**
 - securities, release of, **4:104**
 - seizure by sheriff, **5:370**
- Swap contracts, **4:114**
- Termination of agreement because of filing, **4:111**
- Termination of proposal by the court before meeting of creditors, **4:5, 4:52**
- Terms of
 - generally, **4:11, 4:12**
 - creditors receiving nothing more than in bankruptcy, **4:11**
 - foreign currency, payment in, **4:29**
 - legal, **4:30**
 - must be definite, **4:20**

PROPOSALS—Cont'd

- Terms of—Cont'd
 - postponement of claims, **4:24**
 - promissory notes, **4:21**
 - shares, issuance of, **4:22**
 - terms are reasonable, **4:80**
 - terms that may be included, **4:19**
 - terms that must be included, **4:12, 4:83**
 - third parties, release of claims, **4:25**
 - vesting assets in trustee, **4:27**
 - waiving claims, **4:26**
- Time for determining claims
 - generally, **4:106 to 4:110**
 - continuing contract claims, **4:107**
 - disallowance of claims, **4:110**
 - foreign currency claims, **4:109**
 - foreign judgments, **6:135**
 - interest, **4:94**
- Time for filing claims of creditors, **4:106 to 4:110**
- Title for proceedings, **16:19**
- Trustee, voting by, **4:61**
- Trustee making, **4:39**
- Trustee not merely agent of debtor, **4:2**
- Trustee remuneration in proposals, **4:147**
- Unliquidated claims in, **4:63**
- Unpaid seller, **5:193 to 5:203, 5:423 to 5:435**
- Use of property by debtor after court approval, **4:90**
- Utilities, see antePUBLIC UTILITY
- Vesting of assets, **4:27**
- Voting letter
 - generally, **4:58 to 4:63**
 - amendment of proposal, **4:66**
 - contingent creditors, **4:63, 6:41**
 - method of delivery, **4:59**
- Voting on
 - generally, **4:31, 4:58 to 4:63**
 - by assignees, **4:61**
 - contingent and unliquidated claims, **4:63**
 - meeting of creditors, **4:60**
 - secured creditors, **4:62**
 - voting letters, **4:59**
 - who may vote, **4:62**
- Wages of employees, payment of, **4:14**
- Withdrawal of claims, **4:24**
- Withdrawal of guarantee, **4:51**
- Withdrawal of proposal, **4:51**

PROPOSALS—Cont'd

Withdrawal of security, **4:51**

PROSECUTION

See **BANKRUPTCY OFFENCES**

**PROTECTION OF BONA FIDE
TRANSACTIONS WITH
BANKRUPT**

Date of bankruptcy, meaning of in section
97, **5:542**

Late registration of a debenture, protec-
tion of, **5:542**

Relation back of trustee's title, **5:542**

PROVABLE CLAIMS

See also **PROOF OF CLAIM**

Generally, **6:99 to 6:142**

Bank Act security, **6:221, 6:222 to 6:245**

Capital, contribution of, **6:113**

Child support claims, **6:136**

Claims, not provable, **6:110, 7:185 to
7:187**

Claims not disclosed by bankrupt, **6:122**

Contingent claims, **6:124 to 6:132, 16:74**
generally, **6:124**

breach of employment contract, **6:128**

crystallized in judgment, **6:132**

definition of, **6:125**

equipment rental contracts, **6:131**

guarantors and sureties, **6:133**

incapable of valuation, **6:129**

uncertain, **6:129**

unliquidated claims, **6:127**

valuation of, **6:130**

Costs, claim for, **6:119**

Day of bankruptcy, **6:104**

Debt, meaning of, **6:100**

Debt incurred after bankruptcy, **7:210**

Debt must be recoverable by legal pro-
cess, **6:103**

Debt or liability must be due by bankrupt,
6:102

Debt payable after date of bankruptcy,
6:102

Debt payable in foreign currency, **6:134**

Definition of, **1:22, 6:100, 6:101**

Discounts, **6:123**

Distinct contracts, **6:141**

Equity capital, **6:114**

Events after bankruptcy affecting claim,
6:105

PROVABLE CLAIMS—Cont'd

Filing as ordinary, preferred and secured,
6:117

Foreign currency, **6:134**

Foreign judgments, **6:135**

Guarantors, **6:112, 6:133, 6:165**

Income tax claims, **6:122**

Inspect property, right of trustee to, **6:186**

Interest, **6:140**

see **INTEREST**

Liability, meaning of, **6:101**

Liability to a public officer or authority,
6:118

Marshalling, **6:209 to 6:214**

Netting of claims, **6:109**

Obligation arising during bankruptcy,
6:107

Obligation incurred after bankruptcy,
6:107

Obligation incurred before bankruptcy,
6:106

Payable at a future time, **6:137**

Postponed claims, see **RESTRICTED
CREDITORS**

Proposal under, **6:139**

Real property, claims against, **6:115**

Recoverable by legal process, **6:103**

Rule against double proofs, **6:155**

Secured creditors, see **SECURED CRED-
ITORS**

Shareholders, **6:111**

Splitting claims, **6:30**

Spousal claims, **6:136, 6:320**

Statute of Limitations, **6:142**

Subordination, **6:138**

Subrogated claims, **6:116**

distinguished from assignment, **6:116**

no debt or duty, **6:116**

voluntarily discharging debt or obliga-
tion, **6:116**

Undisclosed claims, **6:108**

Unliquidated, see **CONTINGENT
CLAIMS**

**PROVINCIAL INSOLVENCY
LEGISLATION**

Generally, **1:10, 5:535**

Abitibi Power & Paper Co. Ltd.
Moratorium Act, **1:10**

Paulian Action, **5:534**

Application of, **1:10, 5:367**

INDEX

PROVINCIAL INSOLVENCY

LEGISLATION—Cont'd

- Assignment, effect on, **5:368**
- Assignments and Preferences Act of Ontario, **1:10, 5:529 to 5:533**
- Civil Code of Quebec, **1:10, 5:534**
- Companies Act of Alberta, **1:10**
- Deemed trusts, **5:27 to 5:29**
- Documents made under Act, effect on, **5:368**
- Employment Standards Act of Ontario, **1:10**
- Fraudulent Conveyances Act, **1:10, 5:460 to 5:468**
- Fraudulent Preferences Acts, **1:10**
- Fraudulent preferences and, **5:529 to 5:533**
- Land lords, see LANDLORD and TENANT
- Method of determining validity, **7:51**
- Orderly Payment of Debts Acts, **11:2**
 - bankruptcy order, effect on, **5:368**
- Set-off, see SET-OFF
- Use of, in bankruptcy, **1:10, 5:334, 5:367**

PROXIES

- See also MEETING OF CREDITORS
- Generally, **6:42**
- Agent, giving, **6:45**
- Bankrupt, cannot be, **6:42**
- Blank, **6:50**
- Company seal, unnecessary, **6:43**
- Excusing defects in, **6:51**
- Form of, **6:42**
- Giving of, **6:42 to 6:51**
- Individual, not necessary, **6:45**
- Letter, by, **6:42**
- Limited, suggested form, **6:48**
- Partnerships, **6:44**
- Proof of claim must be filed, **6:42**
- Revocation, **6:42**
- Substitution, power of, **6:46**
- Telecommunication, by, **6:42**
- Time for filing, **6:49**
- Time of operation, **6:42**
- Trust company, **6:42**
- Trustee, appointment of, **6:42**
- Voting by, **6:42 to 6:51**
- Witness to, **6:42**

PUBLIC RECORDS

- Keeping of, by Superintendent, **2:7**

PUBLIC UTILITY

- Definition of, **1:48**
- Effect of consumer proposal on, **4:162**
- Effect of proposal on, **4:113**

PURPOSE OF BANKRUPTCY

LEGISLATION

- Generally, **1:4**
- Delivery of assets to trustee, **1:4**
- Investigation of affairs of bankrupt, **1:7**
- Obtaining discharge, **1:4**
- Orderly distribution of assets, **1:4**
- Perform obligations as a citizen, **1:4**
- Proper and economical realization of assets, **1:4**
- Protect creditors, **1:4**
- Rehabilitation of bankrupt, **1:4**
- Uniformity of insolvency laws, **1:7**

QUOTED PROPERTY

- Hypothec, **5:326, 6:207**
- Pension plan, **5:188**
- Taking in payment, **6:206**

QUEBEC PROPERTY

- Generally, **5:446 to 5:449**

QUESTIONNAIRE

- Completion of, **7:28**

QUORUM

- See also MEETINGS OF CREDITORS
- Generally, **6:24 to 6:28**
- Adjournment for lack of, **6:13 to 6:23**
- Impossible to obtain, **6:13 to 6:23**
- One creditor, **6:13 to 6:23**

RAILWAY COMPANIES

- “Corporation” does not include, **1:25**

RATES

- See TAXES

REAFFIRMATION AGREEMENTS

- Generally, **7:210**
- Enforceability of, **7:210**
- Necessity for new consideration, **7:210**
- Not regulated by the Act, **7:210**

REAL PROPERTY

- Generally, **5:205 to 5:207**
- Defective mortgage, **5:207**

REAL PROPERTY—Cont'd

- Duty of bankrupt to execute deeds, **5:205**
- Effect on assignment on, **3:156**
- Equitable mortgage
 - generally, **5:206**
 - agreement to give mortgage, **5:206**
 - delivery of title deeds, **5:206**
 - requirements for, **5:206**
 - secured creditor, **5:206**
- Included in definition of property, **5:205**
- Onus on person claiming to be owner of property in bankrupt's name, **5:205 to 5:207**
- Registration of bankruptcy order or assignment, **5:389 to 5:397**
- Royalty interest in oil and gas leases, **5:205**
- Trustee required to convey good title, **5:205**
- Trustee successor in interest, **5:205 to 5:207**
- Vesting in trustee, **5:205**

RECEIVER

- Generally, **12:2**
- Action against debtor, **12:27**
- Action against receiver, **12:26**
- Actions by, **12:28**
- Act of bankruptcy after, **3:48**
- Advance of funds to defend proceedings, **12:19**
- Agent of debtor, **5:105**
- Appeal from appointment, **12:8**
- Appeal from interlocutory order, **12:49**
- Appeal with respect to actions of, **12:49**
- Appointment of
 - generally, **12:3**
 - collateral attack on, **12:3**
 - effect of bankruptcy on, **12:4**
 - scope of, **12:3**
 - trustee in bankruptcy, **12:4**
 - trustee under trust indenture, **12:3**
- Aquaculturist, claim against, **5:423 to 5:435**
- Borrowing by, **12:30**
- Business taxes, liability for, **12:32**
- Business taxes, prior to appointment, liability for, **12:37**
- Conflict with security agreement, **12:56**
- Consent to bankruptcy order, **3:127**
- Contempt proceedings against, **12:26**

RECEIVER—Cont'd

- Contracts, not binding, **12:30**
- Contractual terms binding on, **12:20, 12:30**
- Counsel should not have divided loyalties, **12:37**
- Court, no power to appoint, **2:16**
- Court, powers of to enforce duties, **12:7**
- Creditor, right to receive information, **12:18**
- Crystallization of charge by appointment, **5:105**
- Deemed trusts, liability for, **12:43**
- Definition of, **12:2**
- Delivery of books and records to trustee, **2:41 to 2:45**
- Directions to, **12:55**
- Disobedience of order appointing, **12:40**
- Distress against, **12:45**
- Distribution by receiver, **12:54**
- Documents, right to possession of, **12:11**
- Duties of, **12:18**
 - power of court to enforce, **12:7**
- Effect of appointment, **12:5**
- Effect of appointment on employment, **12:47**
- Effect of bankruptcy on, **12:4**
- Environmental damage, liability for, **2:28, 12:32**
- Failure to perform duties, **12:7**
- Farmer, claim against, **5:423 to 5:435**
- Fees, payment of, **12:53**
- Fees, suggested clause for, **12:50**
- Fees of receiver, liability for, **12:52**
- Final report of, **12:17**
- Fisher, claim against, **5:423 to 5:435**
- Foreign receivership, **12:58**
- Furnishing names of creditors to receiver, **12:10**
- Garnishee, money paid into court, **12:24**
- Goods and services tax, liability for, **12:41**
- Guarantors, **12:12**
- Improper appointment, **12:7**
- Income tax, duty to mitigate, **12:18**
- Interim in bankruptcy, **3:103 to 3:111**
- Interim in proposal, **3:120**
- Interim reports by, **12:16**
- Land taxes, liability for, **12:44**
- Leave to sue, **12:26**

INDEX

RECEIVER—Cont'd

- Legal counsel, report of, **12:16**
- Liability for claims arising prior to receivership, **12:33**
- Liability for expenses, **12:29**
- Liability for payment of receiver's fees, **12:52**
- Liability on contracts and borrowing, **12:30**
- Money paid into court, **12:23**
- Money paid into court under garnishee, **12:24**
- Money paid under mistake of law, **12:45**
- Notice of intention to enforce security, **12:9, 16:90**
 - crystallization by, **12:9**
- Notification of appointment to creditor, trustee and Superintendent, **12:10**
 - fees on, **16:118**
- Occupation rent, liability for, **12:45**
- Officer of the court, **12:18**
- Payment into court, **12:23**
- Payment of receiver's fees, **12:53**
- Personal liability for claim arising prior to appointment, **2:30**
- Possession of assets, right to, **12:11**
- Powers of, **12:18**
- Priority between security holders, **12:35**
- Priority of fees, **12:51**
 - claim for realty taxes, **12:51**
- Privately appointed, court appointing, **12:3**
 - difference in duties from court-appointed receiver, **12:18**
 - right to apply for directions, **12:18**
 - surplus, privately appointed receiver is a fiduciary, **12:18**
- Proposal by, **4:39**
- Public utilities, liability for, **12:31**
- Realty taxes, priority of, **12:51**
- Receivership in other provinces, **12:58**
- Removal of, **12:15**
- Remuneration of, **12:50**
 - calculation of, **12:50**
 - non-profit or charitable organization, **12:50**
- Rent, right to, **12:48**
- Reports by, **12:16**
 - method of obtaining information on, **12:16**
- Right to be indemnified for fees, **12:52**

RECEIVER—Cont'd

- Right to possession of assets, **12:11**
- Right to re-possess property after appointment of, **5:423 to 5:435**
- Sale for land taxes, **12:26**
- Sale of assets
 - generally, **12:20**
 - amendment of terms, **12:20**
 - call for tenders, **12:20**
 - higher tender after close of tenders, **12:20**
 - highest bidder not closing purchase, procedure to be followed, **12:20**
 - highest bid should be accepted, **12:20**
 - sale must be in commercially reasonable manner, **12:20**
- Saving sections, **12:57**
- Set-off against, **12:13**
 - equitable set-off, **12:13**
 - law the same regardless of how receiver is appointed, **12:13**
- Settlement by, **12:18**
- Solicitor and client privilege, **12:39**
- Solicitor for, **12:38**
- Source deductions, liability for, **12:37**
- Statement of, at commencement, **12:14**
- Successor employer, **12:47**
- Taxation of accounts
 - generally, **12:50**
 - affidavit by receiver and solicitor, **12:50**
 - cross-examination of receiver and solicitor, **12:50**
 - lack of vouchers, **12:50**
 - material to be included, **12:50**
 - remuneration must be fair and reasonable, **12:50**
 - right of principals to appear on, **12:50**
- Taxes, liability for, **12:42, 12:44**
- Termination of agreements by, **12:18**
- Trustee as, **2:46**
- Vesting order for real estate, **12:21**
- Wages, liability for, **12:47**
- Workers' Compensation, **12:36**

RECEIVER GENERAL

- Payment of unclaimed dividends to, **6:456**

RECEIVING ORDERS

- See BANKRUPTCY ORDERS

RECOGNIZANCE

Discharge not releasing bankrupt from, **7:186**

RECOVERY OF PROPERTY FROM TRANSFEREE OF BANKRUPT

Generally, **5:555**
 Bona fide purchaser for value, **5:557**
 Consideration unsatisfied, **5:559**
 Proceeds of, **5:556**
 Subrogation of trustee, **5:555**
 Transfer to person not acting in good faith for adequate valuable consideration, **5:557**

REDEMPTION OF SECURITY

See also SECURED CREDITORS
 Generally, **6:197**
 Assessment of value, **6:159, 6:197**
 Procedure, **6:159, 6:197**
 Third party, creditor holding, **6:197**

REDEMPTION OF SHARES WITHIN TWELVE MONTHS OF BANKRUPTCY

Generally, **5:587**

REDIRECTION OF MAIL

Generally, **2:122**
 Mail addressed to bankrupt's house, **2:122**
 No need for order, **2:122**
 Only in force for three months, **2:122**
 Partnership, **2:122**
 Personal residence of bankrupt, **2:122**
 Receiver in possession, **2:122**
 Terms and conditions in order, **2:122**
 Wage-earner, **2:122**

REGISTERED EDUCATION SAVINGS PLAN

Generally, **5:247**
 Collapse of plan by trustee, **5:247**
 Contribution after date of bankruptcy, **5:247**

REGISTERED RETIREMENT AND DISABILITY SAVINGS PLANS

Generally, **5:236**
 Assignment of, **5:236**
 Bank or trust company holding for a customer, **5:236**
 Converting to exempt form, **5:236**

REGISTERED RETIREMENT AND DISABILITY SAVINGS PLANS

—Cont'd

Death of owner prior to bankruptcy, **5:236**
 Deregistration, **5:236**
 Effect on discharge of bankrupt, **5:236**
 Exempt from seizure, **5:236**
 Income tax consequences, **5:236**
 Invalid RRSP creating s valid trust, **5:236**
 Life insurance, designation in favour of spouse, **5:236**
 Property of bankrupt, **5:236**
 Realization by trustee, **5:236**
 manner of showing in trustee's final statement of receipts and disbursements, **5:236**
 Settlement, **5:236, 5:451**
 Use of exempt property to purchase, **5:236**
 Use of non-exempt property to purchase, **5:236**

REGISTRAR

Generally, **8:31, 8:64 to 8:84**
 Action under section 38, making order, **2:154**
 Administrative duties, **8:79**
 Appeal from decisions of, **8:82, 16:42**
 Appeal from disallowance of claims, **8:80**
 Appeals from rulings of chair, **6:61**
 Application under section 215, **10:10**
 Appointment of, **8:31, 8:64**
 attacking, **8:31**
 Authorizing sale of immovable property, **8:83**
 Cannot act as counsel in Bankruptcy Court, **8:64**
 Certifying true copy of bankruptcy order for registration, **5:389 to 5:397**
 Claims to property in possession of bankrupt, **5:410 to 5:422**
 Consent orders, **8:76**
 Constitutional aspects, **8:31**
 Costs, taxation of, **8:75**
 Court, included in definition of, **1:26**
 Definition of, **8:31, 16:4**
 Deputy, **8:65**
 Directing trial of issue, **8:81**
 Discharges of bankrupt, **7:209, 8:68**
 Documents to be filed with, **16:19**

REGISTRAR—Cont'd

- Examination of bankrupt by, **8:67, 8:73, 16:101**
 - other persons by, **8:67, 16:101**
- Ex parte orders, **8:72**
- Extending time for appeal, **8:81**
- Fees of, see **TARIFFS, FEES**
- Filing documents with, **16:22**
- Immoveable property, giving title to, **8:55**
- Interim orders section 192(1)(e), **8:71**
- Interim receiver, **3:112, 8:72, 8:81**
- Issue, no power to direct, **8:47, 8:81**
- Judge hearing matters assigned to registrar, **8:84**
- Judicial notice of signature, **8:33**
- Jurisdiction of, **8:31, 8:64 to 8:84**
- Matter assigned to judge, **8:31**
- Matters that registrar cannot hear, **8:81**
- No inherent jurisdiction, **8:72**
- Order by, order of court, **8:64**
- Orders of discharge, **7:209, 8:68**
- Performance of duties by judge, **8:84**
- Performing duties of official receiver section 12(4)
 - application, sealing of, **16:67**
- Power, not co-extensive with judge, **8:31, 8:64**
- Practice and procedure, **8:77**
- Proofs of claim, disputes, **8:74**
- Proposals, approving, **4:71 to 4:78, 8:69**
 - setting aside, **8:70**
 - bankruptcy orders, **8:66**
- Referring matters to judge, **8:84**
- Removal of trustee by, **8:81**
- Reviewing, rescinding or varying order, **8:39**
- Settling and signing orders, **8:78**
- Suing in own name, **12:28**
- Summoning and examining bankrupt and others, **8:73**
- Taxation of costs by, **8:75, 8:141**
- Trustee, increasing remuneration, **2:170, 8:75**
- Unopposed, **8:72**
- Unopposed applications, **8:66**
- Vacating and construction lien, **8:81**

REGISTRATION OF BANKRUPTCY ORDER OR ASSIGNMENT

- See also **SALE OF Land**
- Generally, **5:389 to 5:397**

REGISTRATION OF BANKRUPTCY ORDER OR ASSIGNMENT**—Cont'd**

- Effect of non-registration, **5:396**
- Expunging registration, **5:395**
- Necessity for, **5:397**
- Procedure for, **5:390**
- Reason for registration, **5:391**
- Removal of encumbrances, **5:392**
- Trustee transferring title, **5:394**

RELATED PERSONS

- See **ARM'S LENGTH TRANSACTIONS**
- Arm's length, **1:66**
 - definition of, **1:66**
- Corporations, **1:66**
 - de jure control, **1:66**
- Fraudulent preference, **5:488**
- Groups, **1:66**
- Preference for wages, **6:395 to 6:399**
- Reviewable transactions, **5:576, 6:396**
- Voting at meeting of creditors, **6:38**
- Voting on proposal, **4:61**

RELATION BACK OF TRUSTEE'S TITLE

- Generally, **1:29 to 1:32**
- Assignments, **1:30**
- Proposals, **1:31**
- Protection of bona fide transactions, **5:542**
 - bankruptcy orders, **1:32**

RELIEVING AGAINST FORMAL DEFECTS AND IRREGULARITIES

- Generally, **8:48, 8:49**
- Defects which have been excused, **8:50**
- Defects which have not been excused, **8:51**
- Formal defects, **8:49**
- Must be proceeding in bankruptcy, **8:49**

REMOVAL OF BANKRUPT'S PROPERTY OUT OF PROVINCE

- Generally, **5:398**
- Method of removal, **5:398**

REMUNERATION OF INTERIM RECEIVER

- See also **INTERIM RECEIVERS**
- Generally, **2:187**
- No fixed rate, **2:187**
- Ordinary principles of taxation, **2:187**
- Payable in priority to trustee, **2:187**

REMUNERATION OF INTERIM RECEIVER—Cont'd

Time expended before appointment, **2:187**

REMUNERATION OF TRUSTEE

Generally, **2:170 to 2:187, 16:38**

Accounting fees, **2:173**

Appeal for assessment of, **2:182**

Approval of inspectors, **2:170, 2:172**

Assessing value of work done by trustee, **2:172**

Attacking, **2:182**

Bankrupt attacking, **2:182**

Calculation of, **2:171**

Cannot accept gift or benefit, **2:170, 9:17**

Cannot receive remuneration beyond that payable out of the estate, **9:17**

Carrying on business, **2:178**

Charge on assets for, **2:176**

Charging as professional accounting firm, **2:180**

Clerical and stenographic staff, **2:173**

Consultation fees, **2:174**

Disbursements, **2:173, 16:53**

Errors committed in administering the estate, **2:171**

Estimate of, by trustee, **2:170**

Estimate of dividend by trustee, failure to realize, **2:180**

Exceeding 7 1/2%, **2:172**

notice of application for increase, **2:172**

Following instructions of inspectors, **2:172**

Former trustee and substituted trustee, **2:181**

Fraudulent conduct, effect, **2:170**

Goods and services tax credit payments, use of to pay trustee's remuneration, **5:79**

Hourly rate, **2:170**

detailing services, **2:171**

increase in, **2:171**

use of, where proper, **2:171**

Interim draws, **2:177**

Interim draws in a proposal, **2:177**

Interim final passing of trustee's accounts, **6:453**

Meeting of creditors fixing, **2:170, 2:172**

creditors must be present, **2:170**

power of court to alter, **2:170**

REMUNERATION OF TRUSTEE—Cont'd

Misconduct of trustee, effect of, **2:182**

No time records, **2:171**

Objections to remuneration, **2:182**

Onus on trustee to justify, **2:170**

Operational receipts, **2:171**

Opposition of inspectors, **2:170**

Order of court, necessity for, **2:170**

Partner of trustee, **2:173**

Payment of, **2:175**

Proposals, **2:180**

Proposal setting fee of trustee, **2:177**

Reduction of because of conduct of trustee, **2:171, 2:180**

Registrar, jurisdiction, **2:172**

Restriction to 7.5%, **2:171**

Review of trustee's files by registrar, **2:171**

Sale of assets to include trustee's fees, **2:170**

Secured creditors, priority of, **2:172, 2:180, 2:185, 6:259**

Successive trustees, **2:181**

Summary administration, **2:186, 6:424**

Summary administration tariff used as a guide, **2:172**

Superintendent comments, **2:183**

objections to, **2:171**

review by, **2:184**

Third party, payment by, **2:170**

Third party deposits, **2:179**

Third party guarantees, **2:179**

Time records must be presented to court, **2:171**

Time spent by trustee prior to bankruptcy, **2:171**

Travel expenses, **2:173**

Trust funds, **2:170**

Unsuccessful proceedings, **2:172**

RENT

See LANDLORD and TENANT

REPAIRER'S LIEN

Generally, **5:115**

Dispute concerning, **5:115**

Priorities, **5:115**

Registration under, PPSA, **5:115**

Release of goods, **5:115**

INDEX

REPAIRER'S LIEN—Cont'd

Seizure by sheriff or executing officer,
5:115

Third party leases, **5:115**

RESCINDING ORDERS

See **REVIEWING, RESCINDING OR
VARYING ORDERS**

RESILIATION

See **THIRTY-DAY GOODS**

RESOLUTION

See **ORDINARY RESOLUTION** and
SPECIAL RESOLUTION

Definition of, **1:49**

RESTITUTION

After-acquired property, **5:187, 5:561**

Order for, **5:187**

Payment to creditors, **5:187**

Preferential payment, **5:506**

RESTRICTED CREDITORS

Generally, **6:395**

Claims of relatives, **6:310, 6:398**

Claims of spouse or former spouse, **6:397**

Officers and directors, **6:399**

Reviewable transactions, **6:396**

Silent partners, **6:401**

Voting by, **6:38**

RETURNS

Generally, **2:61**

Duty to make, **2:35, 2:61**

Income tax, **2:61**

REVENDEICATION

See **THIRTY-DAY GOODS**

REVIEWABLE TRANSACTIONS

See **TRANSFERS AT UNDERVALUE**

Generally, **1:66, 5:576, 6:395 to 6:399**

REVIEWING ACTIONS OF TRUSTEE

See **ACTIONS AGAINST TRUSTEE**

REVIEWING RESCINDING OR VARYING ORDERS

Generally, **8:37 to 8:44**

Annulling a proposal, **8:44**

Appeals, **8:41**

Conditional orders of discharge, **8:43**

Discharge orders, **8:43**

Discretionary, **8:37**

REVIEWING RESCINDING OR VARYING ORDERS—Cont'd

Final orders, **8:40**

Fundamental change in law, **8:37**

Interlocutory, **8:40**

Judge not, functus, **8:37**

Material to be used, **8:38**

Miscellaneous orders, **8:44**

Not made, proprio motu, **8:37**

bankruptcy orders, **8:42**

Rescinding in order annulling the dis-
charge of a bankrupt, **7:238**

Time for bringing, **8:37**

Who can bring, **8:39**

Who can hear, **8:39**

Who can make, **8:37**

RIGHT OF UNPAID SELLER TO REPOSSESS GOODS

See **UNPAID SELLER**

RULE AGAINST DOUBLE PROOFS

Generally, **6:155**

RULE INEX PARTE JAMES

Generally, **5:189 to 5:191**

Meaning of, **5:189**

Mistake of law, **5:190**

Necessity for enrichment of estate, **5:189**

Where rule has been applied, **5:190**

cases where rule has not been applied,
5:197

RULES

Generally, **10:2, 16:2**

Administrator's fees in consumer propos-
als, **16:114**

Admission of claims, **16:96**

Appeals of Court of Appeal, **16:44**
registrar from, **16:42**

Arrest, **16:35**

Assignments, **16:77**

Bankrupt

discharge of, **16:104, 16:105**

Books, records and documents, **16:66**

Business of the court, **16:39**

Consumer proposals, **16:81**

Contributories, **16:84**

Costs and taxation, **16:38**

Court, business of, **16:39**

Creditors, meetings of, **16:92**

Definitions, **16:2**

RULES—Cont'd

Disallowance of claims, **16:98**
 Discharge of bankrupt, **16:104, 16:105**
 Evidence, **16:34**
 Examination of bankrupt and others, **16:102**
 Examination of bankrupt on discharge, **16:104**
 Fees of court officers, **16:39**
 Filing of documents, **16:22**
 Forms, **16:7**
 see FORMS
 Interim receiver, **16:70, 16:72**
 Judge sitting in bankruptcy, definition of, **16:1**
 Lis pendens, **16:90**
 Making, **10:2**
 Mediation, **16:85**
 Meetings of creditors, **16:92**
 Miscellaneous fees, **16:119**
 Motions, **16:24, 16:26**
 filing of, **16:26**
 Must be allowed, **10:2**
 Notice of disallowance service of, **16:98**
 Notice of valuation service of, **16:98**
 Official receiver, **16:46**
 Order for payment under section 68, **16:88**
 Ordinary procedure of court, **16:9 to 16:12**
 Partnerships, statement of affairs, **16:100**
 applications, **16:68**
 Practice in civil matters, **16:9 to 16:12**
 Prescribed date, **16:120**
 Proceedings, meaning of, **16:20**
 Proceedings transferring, **16:19**
 Proposals, **16:79, 16:82**
 Public records, **16:106**
 bankruptcy orders, **16:74, 16:75**
 Registrar, definition of, **16:1, 16:4**
 Retention of books, records and documents, **16:66**
 Secured creditors and receivers, **16:111**
 Service of process, **16:15**
 Settlements and preferences, **16:90**
 Summary administration, **16:63, 16:64**
 Summary administration, trustee's fees and disbursements, **16:113**
 Superintendent of Bankruptcy's levy, **16:109**

RULES—Cont'd

Taxing officer, definition of, **16:1, 16:4**
 Title of proceedings, **16:21**
 Trustee
 appearance before registrar, **16:17**
 appointment and substitution, **16:49**
 Code of Ethics, **16:47**
 discharge of, **16:62**
 duties of, **16:52**
 remuneration of, **16:54**
 taxation of accounts, **16:62**
 warrants for search and seizure, **16:35**
 witness, **16:28 to 16:32, 16:34**
 examinations in connection with applications for bankruptcy order, **16:33**
 examinations of in court proceedings, **16:28 to 16:32**

SALARY

See EARNINGS

SALE OF ASSETS

Generally, **2:75, 2:76**
 Action against trustee for improper sale, **2:86, 2:128 to 2:136**
 Advertising, **2:82**
 Appeals from, **2:87**
 Approval of inspectors, **2:77**
 Assets includes a cause of action, **2:76**
 Attacking
 generally, **2:86, 2:128 to 2:136**
 onus of proof, **2:86**
 reluctance of court to interfere, **2:86**
 Auction, **2:83**
 Bankrupt purchasing, **2:85**
 CCA proceedings, **23:77, 23:84**
 Conservatory measures, **2:52**
 Consideration other than a fixed price, **2:79**
 Contrary to instructions of inspectors, **2:77**
 Court, interference by, **2:86, 2:128 to 2:136**
 Defending integrity of bankruptcy process, **2:76**
 Deference to decisions of trustee and inspectors, **2:86**
 Directions, **2:76, 2:109 to 2:116**
 Effect of, **5:442**
 Future payment for, **2:81**
 Goodwill, **5:234**

INDEX

SALE OF ASSETS—Cont'd

- Higher bid received after close of tenders, **2:82**
- Improvident, attacking, **2:86, 2:128 to 2:136**
- Inspectors, to, **2:100**
 - necessity for prior approval of court, **2:100**
- Inspectors refusing to approve, **2:77**
- Manner of, **2:75**
- Non-competition clause by bankrupt, **5:234**
- No need for court order, **2:76**
- Other than for fixed price, **2:79**
- Patented goods, **5:441**
- Perishable goods, **2:52**
- Prior to bankruptcy, **2:41**
- Prior to first meeting of creditors, **2:57, 2:77**
- Private contract, **2:78**
- Right of action, sale of, **2:84**
- Sale for consideration other than cash, **2:80**
- Sale to solicitor or trustee, **2:101**
- Subject matter, description of, **2:84**
- Tender, sale by
 - generally, **2:82**
 - highest not accepted, **2:82**
 - shopping against, **2:82**
- To whom can trustee sell, **2:85**
- Trustee, refusal to follow instruction of inspectors, **2:77**
- Trustee purchasing, **2:101**
- Trustee's duty to maximize yield, **2:76**
- Where no inspectors, **2:107**

SALE OF GOODS

- Property not passing, **5:103**
- Property passing, **5:103**

SALE OF LAND

- See also SALE OF ASSETS and REGISTRATION OF BANKRUPTCY ORDER OR ASSIGNMENT
- Generally, **5:389 to 5:397**
- Bona fide purchaser, **5:389 to 5:397**
- Effect of, **5:442**
- Expunging registration, **5:395**
- Lis pendens, **16:89**
- Registration of bankruptcy order or assignment, **5:389 to 5:397**

SALE OF LAND—Cont'd

- Removal of encumbrances, **5:392**
- Substitute trustee, **5:393**
- Transfer of title by trustee, **5:394**
- Withdrawal of caution, **5:389 to 5:397**

SALE OR RETURN

- Generally, **5:84**
- Distinction from consignment, **5:89**
- Keeping for unreasonable time, **5:84**
- Right of seller to re-possess, **5:84**

SCHEME OF ARRANGEMENT

- See PROPOSALS, COMPANIES' CREDITORS ARRANGEMENT ACT
 - included in proposal, **1:47**
- Meaning of, **1:47, 4:2**

SCHEME OF DISTRIBUTION

- See PRIORITIES
- Generally, **6:285 to 6:429**

SEAL

- Judicial notice of, **8:33**
- Meaning of, **8:33**

SEARCH

- See WARRANTS

SECOND BANKRUPTCY

- Generally, **5:574**
- Act of bankruptcy, **7:167**
- Automatic discharge, **7:72**
- Priority between first and second bankruptcy, **5:574**
- Re-appointment of trustee where bankrupt undischarged, **2:201**

SECTION 178, BANK ACT

- See BANK ACT, SECTIONS 426 and 427

SECTION 427, BANK ACT

- See BANK ACT, SECTIONS 426 and 427

SECTION 68 APPLICATIONS

- See EARNINGS

SECTION 165 ORDERS

- See EXAMINATIONS, use of

SECTION 37 PROCEEDINGS

- See ACTIONS AGAINST TRUSTEE

SECTION 38 PROCEEDINGS

See **ACTIONS BY CREDITORS WHERE TRUSTEE REFUSES TO TAKE PROCEEDINGS**

SECURED CREDITORS

Generally, **6:159 to 6:251**
 Amending valuation
 generally, **6:198 to 6:203**
 allowed, **6:200**
 imposition of terms, **6:202**
 refused, **6:201**
 time for, **6:199**
 withdrawal of claim, **6:203**
 Application for directions, **2:109 to 2:116**
 Appropriation of payments by, **6:216**
 Attacking security, **6:204**
 Cattle breeder's lien, **6:170**
 Charges of, **6:254, 6:255**
 Conditional sales, **5:85**
 Conserving assets, trustee's fees for, **6:259**
 Consignment goods, **5:86 to 5:91**
 Consolidation of mortgage, **6:215**
 Costs on secured claims, **6:256**
 power of court to disallow, **6:256**
 Creation of, **1:50, 6:159**
 Definition of, **1:50, 6:164**
 Demand by trustee to value, **6:187 to 6:190**
 failure to, **6:194**
 Determining amount owing, **6:205**
 Directions re validity of security, **2:111**
 Dissatisfaction with valuation, **6:195**
 Dividend to, **6:159, 6:246**
 exclusion from, **6:196, 6:246**
 Election by trustee, **6:191 to 6:193**
 Equalization payment, **6:164**
 Equitable mortgage, **5:205 to 5:207**
 Equitable subordination, **6:182**
 Equity of redemption, **6:249**
 Exclusion from dividend, **6:196, 6:246**
 Execution creditors, as, **6:164**
 Exit fee on termination, **6:254**
 Extending time to redeem, **6:191 to 6:193**
 Failure to file proof of security, **6:194**
 sale in 30-day period, **6:194**
 Failure to value, **6:194**
 approved by court of sale, **6:194**
 Filing proof of claim, preferred and secured, **6:159**

SECURED CREDITORS—Cont'd

Filing proof of security, **6:159**
 Floating charge, **5:105**
 General position of, **6:159**
 Guarantor, as, **6:164**
 Holder of negotiable instrument, **6:175**
 Immovable, sale of, **5:446 to 5:449**
 Improving priority by bankruptcy, **6:162**
 Inspection of property by trustee, **5:408**
 Interest on, **6:254, 6:255**
 Interim receiver, no right to postponement, **5:326**
 Joint debt, **6:166**
 Land lord, as, **6:357**
 Leave to proceed, **5:326, 6:208**
 Leave to proceed in mortgage actions, **5:326, 6:208**
 Letter of credit, **6:167**
 Levy, **6:250, 6:425 to 6:429**
 Lien for unpaid municipal taxes, **6:174**
 Liens created by provincial statutes, **6:173**
 Livery stable keeper's lien, **6:171**
 Maintenance, **6:169**
 Maritime lien, **6:172**
 Marshalling
 generally, **6:209 to 6:214**
 conditions precedent, **6:214**
 personal property, **6:214**
 Meaning of, **1:50**
 Mechanics' lien holder, **6:173**
 Meeting of creditors, see **MEETINGS OF CREDITORS**
 Merger with judgment, **6:217**
 Mixing of funds, **6:218**
 Money in court, **5:186**
 Movable property in Quebec, **6:207**
 Negotiable instrument, holder of, **6:31**
 No interference with, **6:159**
 Notice of intention to enforce, **12:9**
 Partnership, **6:253**
 Payment into court to remove, **6:164**
 Personal judgment by, **5:326**
 Personal Property Security Act, **5:120**
 application by, **3:2 to 3:17**
 Postponing rights of realization, **5:326, 6:181**
 Priority of, inter se, **6:163**
 Privilege, **6:176**
 Promissory note, person antecedently liable, **6:31**

INDEX

SECURED CREDITORS—Cont'd

- Proof of claim, no need to file, **6:159**
- Proof of security, filing of, **6:159**
- Property not belonging to the bankrupt, **6:164**
- Proposals and, **4:3**
- Real estate agent, **6:177**
- Realization by trustee, effect of, **6:159**
- Realizing, **5:326, 6:159, 6:180**
 - distribution of proceeds of realization, **6:180**
 - no necessity for trustee to register notice under section 20, **6:180**
- Receiver, appointment of, **5:326**
- Redeeming, **6:197**
- Reimbursing trustee for insurance costs, **2:65**
- Release of security, **6:194**
- Relying on security, **6:248**
- Repairer's lien, **5:115**
- Requiring secured creditor to file, **6:196**
- Requiring trustee to elect to redeem, **6:191 to 6:193**
 - generally, **6:191**
 - extending time, **6:192**
 - failure to elect, **6:193**
- Resiliation, **5:193 to 5:203**
- Revendication, **5:193 to 5:203**
- Sale by secured creditor, **6:205**
 - must be in commercially reasonable manner, **6:180**
- Sale for failure to value, **6:194**
- Section 427 of, Bank Act, see BANK ACTSECTIONS 426 and 427
- Settlement of claims, **6:155, 6:247**
- Ship owner's lien, **6:178**
- Ship's mortgage, **5:119, 6:178**
- Solicitor's lien, **2:48**
- Statute of Limitations, **6:142**
- Statutory trust liens, **6:183**
- Stay of proceedings, **5:326**
- Storer's lien, **5:114**
- Summary of position, **6:159**
- Superintendent of Bankruptcy levy, **6:425 to 6:429**
- Surrendering to trustee, **6:184, 6:185**
 - express, **6:184**
 - implied, **6:185**
- Taking in payment, **6:181, 6:206**
- Thirty-day goods, **5:193 to 5:203**

SECURED CREDITORS—Cont'd

- Trustee, conserving assets, **6:259**
- Trustee acting for, **2:15**
- Trustee requiring filing of proof of claim, **6:196**
- Trustee's remuneration, priority of, **2:183**
- Trustee's remuneration not calculated on payments to secured creditors, **2:171**
- Trustee surrendering security to, **6:258**
- Unsecured creditors given claim by statute, **6:219**
- Unsecured creditors with encumbrance against a secured asset, **6:219**
- Valuation of
 - generally, **6:187 to 6:190**
 - amending of, **6:198 to 6:203**
 - cannot claim a dividend unless security is valued, **6:187**
 - extending time for valuation, **6:188**
 - failure by trustee to elect, **6:194**
 - guarantees, **6:190**
 - method of making, **6:189**
 - nil dollars, **6:187 to 6:190**
 - time for filing, **6:188**
- Vendor's lien, **5:249**
- Vesting equity in creditor, **6:191 to 6:193**
- Vesting of property in trustee, **5:361**
- Voting at meetings, **6:32 to 6:36**
- Voting in proposals, **4:3, 4:62, 4:95**
- Warehouseman's lien, **5:114**
- Who is, **6:164**
- Wife as, **6:216**
- Worker's Compensation Board, **6:179**

SECURITIES FIRMS INSOLVENCIES

- Generally, **13:2**
 - application against, who may file, **13:10**
- Compensation fund, **13:10**
- Customer name securities, **13:10**
- Customer pool funds, **13:2**
- Relationship between customer and broker, **13:9**

SECURITY

- See SECURED CREDITORS

SECURITY AGREEMENT

- Errors in, **5:175**
- Information concerning, **5:134**
- Necessity for, **5:138**

SECURITY AGREEMENT—Cont'd

Notice of intention, effect on, section 69(1)(b), **5:327**
 Proposal, effect on, section 69(1)(b), **5:328**

SECURITY FOR COSTS

See also COSTS
 Generally, **8:130**
 Action by trustee in another province, **8:130**
 Appeal from disallowance, **8:130**
 Delay in applying, effect of, **8:98**
 Discharge of bankrupt, by opposing creditor, **8:130**
 Increasing, **8:130**
 Matters to be considered in an appeal, **8:98**
 No assets, **8:130**
 On appeal, **8:98**
 application, on, **3:100**
 Trustee as nominal plaintiff, **8:130**

SECURITY UNDER SECTION 427 OF BANK ACT

Generally, **6:220 to 6:245**
 Registration of, **6:222 to 6:245**
 Secured claim for, **6:222 to 6:245**
 Trustee giving, **2:105**

SEIZURE AND SALE BY EXECUTING OFFICER

Generally, **5:369 to 5:374**
 Delivery of property to trustee, **5:374**
 Distribution by, **5:373**
 Proposals, **5:370**
 Sale by, **5:372**
 Seizure by, **5:371**

SEIZURE FOR RENT OR TAXES

Generally, **5:375 to 5:388**
 Costs of distress, **5:382**
 Delivery of property to trustee, **5:381**
 Effective date, **5:378**
 Illegal distress, **5:387**
 Irregular distress, **5:386**
 Land lord not a secured creditor, **5:377**
 Mortgage, seizure under, **5:385**
 Proposals, no application, **5:376**
 Sale of property prior to production of assignment or bankruptcy order, **5:383**

SEIZURE FOR RENT OR TAXES

—Cont'd
 Taxes seizure for, **5:388**
 Third parties, seizure by, **5:384**
 True copy, production of, **5:379**
 to whom produced, **5:380**

SERVICE

Generally, **16:9 to 16:12**
 By courier, **16:15**
 By facsimile, **16:15**
 By mail, **16:15**
 Notice of disallowances, **16:98**
 Notice of intention to enforce security, **16:110, 16:111**
 Notice to file proof of security, **6:196**
 Personal service
 generally, **16:15**
 application of, **3:41**
 death of debtor before, **16:67**
 substituted, **3:41, 16:67**
 Repudiation of a lease in a proposal, **16:78**
 Substituted service of application, **16:67**

SET-OFF

Generally, **5:543 to 5:553**
 Abatement distinguished from equitable set-off, **5:551**
 Application in bankruptcy, **5:550**
 Assignees of book debts, **5:545**
 Banks, transfer from one account, **5:548**
 Contracting out of, **5:552**
 Costs, **8:145**
 Damage claims, **5:544, 5:551**
 Debts must be ascertainable, **5:544**
 Directions, application for, **2:109 to 2:116**
 Equitable
 generally, **5:551**
 damage claims can be asserted, **5:551**
 must be inseparable connection, **5:551**
 property claim cannot form basis of a claim for set-off, **5:551**
 Fraud, **5:547**
 Fraudulent preferences, **5:547**
 Guarantor of a debt of the bankrupt, **5:543 to 5:553**
 Legal, **5:544**
 debts do not have to be of same nature, **5:544**
 Mutual debts, meaning of, **5:544**

INDEX

SET-OFF—Cont'd

- Proof of claim, **5:544**
- Proposals, **4:105, 5:549**
- Receiver, against, **5:546**
- Rule in, *Cherry v. Boulton*, **5:553**
- Solicitor by, **5:544**
- Subrogation and, **6:116**
- Unascertained liability, **5:553**

SETTLEMENTS

- See TRANSFERS AT UNDERVALUE
- Generally, **5:451**

SETTLING CLAIMS

- See COMPROMISING and SETTLING CLAIMS

SETTLING ORDERS

- See also COURTS
- Generally, **16:28 to 16:32**

SEXUAL ASSAULT

- Damages for, not released by discharge, **7:187**

SHAREHOLDERS

- Contributories, **5:399 to 5:405, 16:84**
 - see CONTRIBUTORIES
- Not entitled to notice of meeting of creditors, **6:4 to 6:10**
- Not permitted to bring action under section 38, **2:140 to 2:153**
- Payment of compensation, incentives or other benefits within 12 months of bankruptcy, **5:588**
- Payment of dividend to, within 12 months of bankruptcy, **5:587**
- Redemption of shares within 12 months of bankruptcy, **5:587**

SHARES

- Right to on bankruptcy of stockbroker, **5:34**

SHERIFFS AND BAILIFFS

- See also EXECUTIONS
- Definition of, **1:53**
- Delivery up of property to trustee, **5:369 to 5:374**
- Seizure of property by, **5:369 to 5:374**

SHIPPER'S LIEN

- Generally, **5:116**

SHIP'S MORTGAGE

- Generally, **5:119**
- Failure to register, effect of, **5:119**
- Section 178 security, **5:119**

SITTINGS OF COURT

- See COURTS

SMALL ESTATES

- Summary administration of, **3:187, 6:458, 6:459**
 - see SUMMARY ADMINISTRATION

SOLICITORS

- See also LEGAL PROCEEDINGS
- Approval of inspectors to employing, **2:92**
- Breach of fiduciary duty, liability for, **5:470**
- Charging lien, **2:49**
 - must be recovery or presentation of property for lien, **2:49**
- Charging order in ordinary court, **2:49**
- Conflict of interest, **2:92**
- Costs, of, see COSTS
- Delivery of books and records to trustee, **2:42, 7:57**
- Employment of, **2:92**
 - on proposal, **8:133**
- Fruits of litigation, **2:49**
- Fruits of negotiation, **2:49**
- Funds in possession of, **2:41 to 2:45**
- Liability of partner, **5:180**
- Lien for costs
 - generally, **2:41 to 2:45, 5:180**
 - in Quebec, **2:49**
 - on papers, **2:48, 16:66**
 - on property, **2:49**
 - on trust funds, **2:49, 5:180**
- Moneys in trust account at date of bankruptcy, **5:180**
- Must be neutral and fair, **2:92**
- Payment after bankruptcy, **5:180**
- Personal liability for costs, **8:115**
- Property in hands of, **5:180**
- Purchase of assets by, **2:101**
- Removal of for conflict of interest, **2:92**
- Retainer, use of, **5:180**
- Solicitor for general creditors, **2:92**
- Solicitor to estate, **2:92**
- Termination of retainer, **5:180**

SOLICITORS—Cont'd

- Trust account, money of bankrupt in, **5:180**
- Unpaid fees, applying money to, **5:180**

SPECIAL RESOLUTION

- Appointing new trustee, **2:16**
 - after rejection of proposal, **4:57**
- Calculation of votes, **1:54, 2:16**
- Contrasted with ordinary resolution, **1:54**
- Definition of, **1:54**
- Proposal, approval of, **4:58 to 4:63**
- Substitution of trustee, **2:16**

SPECIFIC PERFORMANCE

- Not ordered against trustee, **8:23**
- Power to grant, **8:23**
- Trustee suing for, **5:205 to 5:207**

SPOUSAL AND CHILD SUPPORT CLAIMS

- Costs must be apportioned by Family Court, **6:320**
- Preferred claim, **6:320**
- Provable claim, **6:136**

SPOUSE OF BANKRUPT

- Postponement of wage claim, **6:310, 6:391**
- Settlements, **5:451**
- Voting by, **6:38**

STATEMENT OF AFFAIRS

- Bankrupt to prepare and execute, **7:10**
- Copy sent to superintendent, **7:10**
- Failure to prepare, **7:25, 9:6**
- Omission to name creditors in, **7:25**
- Preliminary, **3:148**
- Preparation by bankrupt, **2:56, 7:10**
- Use of to prove insolvency, **5:539**
- Verifying, **2:56**

STATEMENT OF RECEIPTS AND DISBURSEMENTS

- See FINAL STATEMENT OF RECEIPTS and DISBURSEMENTS

STATUTE OF ELIZABETH

- See FRAUDULENT CONVEYANCES

STATUTE OF FRAUDS

- Effect on claim by surety, **5:93**
- Oral guarantees, **5:93**
- Trustee relying on, **5:93**

STATUTE OF LIMITATIONS

- Generally, **5:261, 6:142**
- Acknowledgement of debt by trustee, **6:142**
- Claim by bankrupt, **6:142**
- Claims, with respect to, **6:142**
- Effect of bankruptcy on, **5:261, 6:142**
- Fraud, **5:261**
- Fraudulent conveyance, attacking, **5:467**
- Judgment in another province, **6:142**
- Proof of claim, **6:142**
- Secured claims, **6:142, 6:257**
- Statute barred after filing of application, **6:142**
- Suspension of period by the Act, **6:142**
- Trustee permitting time to run, **5:261**

STAYING APPLICATIONS

- Generally, **3:88**
- Disputed applications, **3:89**
 - generally, **3:89**
 - dismissal of application, **3:89**
 - imposition of terms, **3:89**
 - re-commencement of bankruptcy proceedings, **3:89**
 - refusal of stay, **3:89**
 - withdrawal of application, **3:89**
- Other sufficient cause, **3:94**
 - generally, **3:94**
 - limited time, **3:94**
 - refusal of stay, **3:94**
- Pending criminal proceedings, **3:97**
- Proposal, filing of, **3:98**
 - bankruptcy orders, stay of, **3:99, 3:137**

STAY OF PROCEEDINGS

- Generally, **5:278, 5:326**
- Actions, in rem, **5:311**
- Adding defendant where not bankrupt, **5:292**
- Aircraft objects, **5:333, 20:3**
- Amending order granting leave, **5:283**
- Appeals from, **5:322**
- Bankruptcy filed to avoid judgment, **5:295**
- Breach of trust by directors, **5:332**
- Canada Pension Plan, **5:325**
- Child support claims, **5:304**
- Complex actions, **5:297**
- Consent by trustee to giving of leave, **5:290**

STAY OF PROCEEDINGS—Cont'd

- Contempt proceedings, **5:299**
- Contingent and unliquidated claims, **5:298**
- Costs, taxing after bankruptcy, **5:281**
 - increased costs, claimed after date of bankruptcy, **5:281**
- Counterclaims, **5:314**
- Court sitting in bankruptcy has sole jurisdiction, **5:278**
 - jurisdiction of ordinary courts, **5:278**
- Criminal proceedings, **5:300**
- Cross-examination on affidavit, **5:279**
- Damage actions, **5:301**
- Death of bankrupt, **5:287**
 - possibility of insurance, **5:287**
- Debts not released by bankruptcy, **5:302**
- Debts released by bankruptcy, **5:303**
- Delivering judgment after bankruptcy, **5:281**
- Directors, stay in proposals, **5:331**
- Disallowance of claims, **5:296**
- Discharge of bankrupt, **5:285**
 - effect of appeal, **5:323**
 - of trustee, **5:284, 5:285**
- Effective date of stay, **5:280**
- Effect of granting leave, **5:288**
- Employment Insurance Act, **5:325**
- Enforcing a judgment, **5:309**
- Examination of debtor, **5:309**
- Family law actions, **5:305**
- Foreign court and deference to a stay, **5:324**
- Formal notice of motion required to lift stay, **5:279**
- Goods supplied to trustee, **5:278**
- Granting leave, nunc pro tunc, **5:282**
- Granting leave after bankrupt died, **5:287**
- Granting leave after bankrupt only has been discharged, **5:286**
- Grounds for lifting, **5:278**
- Income tax act demands, **5:325**
- Indebtedness incurred after bankruptcy, **5:306**
- Indebtedness incurred after filing of a proposal, **5:306**
- Indemnity agreements, **5:293**
- Insurance contracts, **5:293**
- Labour relations, **5:318**
 - claims for wages against directors, **5:318**

STAY OF PROCEEDINGS—Cont'd

- Labour relations, **5:318—Cont'd**
 - single employer application, **5:318**
 - unpaid contributions, **5:318**
- Lifting of, **5:278, 5:332**
- Limitation defence not relevant on application to lift a stay, **5:278**
- Maintenance, claim for, **5:302**
- Mechanics' liens, **5:307**
- Money claim and possessory claims by same creditor, **5:312**
- Motor vehicle accidents, **5:308**
- No necessity for knowledge of bankruptcy proceedings, **5:278**
- No stay between filing of application and making up a bankruptcy order, **5:280**
- Nothing to be gained by granting leave, **5:278**
- Notice of intention, **5:327**
 - termination of, **5:327**
- Notice or knowledge of stay be creditor unnecessary, **5:278**
- Other cases not requiring leave, **5:321**
- Other defendants not bankrupt, **5:291**
- Other legislation, **5:325**
- Possibility of inconsistent findings, **5:310**
- Practice, **5:279**
- Pre-hearing conference, permitting to continue, **5:291**
- Prejudice to creditors caused by stay, **5:332**
- Proceedings, missing of, **5:326**
- Proceedings taken without leave, **5:289**
- Property loaned to bankrupt, **5:294**
- Proposal, **5:278**
- Repossession claims, **5:320**
- Revendication, **5:320**
- Section 81.1 claims, **5:320**
- Secured creditors, **5:326**
 - bankruptcy, **5:330**
 - consumer proposals, **5:329**
 - filing of a proposal, **5:328**
 - notice of intention to make a proposal, **5:327**
- Set-off, **5:313, 5:315**
- Spousal support claims, **5:304**
- Stock exchange listing, **5:278**
- Successor employer applications, **5:318**
- Taking proceedings after discharge of trustee, **5:284**
- Taxing costs after bankruptcy, **5:281**

STAY OF PROCEEDINGS—Cont'd

- Third party claims, **5:316**
- Trust claims under mechanic liens, **5:307**
- Trustee consenting, **5:290**
- Trustee not objecting, **5:290**
- Varying judgment after bankruptcy, **5:281**
- Workers' compensation claims, **5:317**

STOCKBROKERS

- See SECURITIES FIRMS INSOLVENCIES

STOPPAGE IN TRANSITU

- Generally, **5:204**
- Exercising the right, **5:204**
- Similarity to 30 day goods in Quebec, **5:204**
- Termination of transit, **5:204**

STORER'S LIEN

- See WAREHOUSER'S LIEN
- Generally, **5:114**

STUDENT LOANS

- See DEBTS NOT RELEASED BY ORDER OF DISCHARGE

SUBORDINATION OF CLAIMS

- General subordination, **6:138**
- Secured creditor to unsecured creditor, **6:138**
- Under, PPSA, **5:127**

SUBROGATION

- See PROVABLE CLAIMS

SUBSTITUTED SERVICE

- See APPLICATIONS and SERVICE

SUBSTITUTED TRUSTEE

- Generally, **2:16, 2:18, 2:25, 2:124, 2:125, 2:192**
- Actions against, **10:6 to 10:12**
- Appointment of, by creditors, **2:21**
- Bankruptcy, change of trustee, **2:22**
- Books and records, delivery to, **2:124**
- Delivery of property to, **2:124**
- Discharge of former trustee, **2:25, 2:125**
- Duties of substituted trustee, **2:124**
- Former trustee to pass accounts, **2:124**
- No cause, **2:21**
- Obligation of substituted trustee to take over assets, **2:124**

SUBSTITUTED TRUSTEE—Cont'd

- Payment of fees and disbursements of former trustee, **2:124**
- Priority of, **2:124**
- Procedure to be followed upon appointment, **2:124, 2:192**
- Proposal change of trustee, **2:21**
- Removal by court, **2:22**
- Remuneration of, **2:181**
- Retention of funds by, **2:124**
- Special resolution needed, **2:16**
- Superintendent of Bankruptcy, notifying, **2:124**

SUMMARY ADMINISTRATION

- Generally, **3:187, 6:458, 6:459**
- Assets not exceeding \$ 10,000, **3:187, 6:458**
- Bond, **2:40, 6:458**
- Changing to ordinary administration, **6:458**
- Discharge of trustee, **2:190**
- Duty of trustee to take possession of assets, **6:458**
- Examination of bankrupt, **6:458**
- Fees and disbursements of trustee, **6:459, 16:112**
- Informing bankrupt of other alternatives, **6:459**
- Inspector in, **6:457, 6:458**
- Interim draws by the trustee, **6:459**
- Joint assignment, Superintendent of Bankruptcy Directive No. 2R, **6:458, 6:459**
- Notice of, **6:458**
- Payment of deficiency of fees after discharge, **6:459**
- Remuneration of trustee, **6:459**
- Security may be required, **2:40, 6:458**
- Single trust account, **2:66, 6:458**
- Taxation of trustee's remuneration, **6:460**
- Trustee exercising powers under s. 30, **6:458**
- Trustee's remuneration, calculation of, **6:460**
- Trust funds, **6:334 to 6:341**

SUMMARY CONVICTION

- See BANKRUPTCY OFFENCES

SUNDAY

- Time expiring on, **16:15**

INDEX

SUPERINTENDENT

- Generally, **2:2 to 2:6**
- Accelerated rent and levy, **6:328 to 6:333**
- Action against, **10:6 to 10:12**
- Address of offices, **2:41 to 2:45**
- Appeal by, **2:2**
- Approval of trustee's accounts, **2:2**
- Automatic discharge, notice of, **7:63**
- Bond to section 5(3)(c)
 - enforcement of section 5(3)(c), **2:2**
- Cancellation of trustee licence, **2:26**
- Commenting in trustee's final statement, **6:453**
- Conduct of trustees, investigation of, **2:16**
 - right to impartial hearing, **2:23**
- Conservatory measures, **2:23**
 - only Federal Court has jurisdiction, **2:23**
- Court sitting in bankruptcy, jurisdiction over, **2:23**
- Definition of, **1:55**
- Delegate, power to decide constitutional questions, **2:23**
- Delegation of powers, **2:19**
- Directives of, **2:2**
 - see Policy Statements
 - court not bound by, **2:2**
 - definition of, **16:1**
 - trustee bound by, **2:2**
- Discharge of bankrupt
 - notice of, **7:75**
- Discharge of trustee objections to, **2:198**
 - does not bar investigation, **2:23, 2:197**
- Division Office— definition of, **16:1**
- Duties and powers of, **2:2 to 2:12**
- Federal Court, jurisdiction over, **2:23**
- Final statement of receipt and disbursements section 152(5), **6:453**
- Former trustee, appeal against fees, **2:2**
- General supervisory function, **2:2**
- Inspection of books and records of estate section 26(3), **2:67, 2:68**
- Intervention by section 5(4), **16:23**
- Intervention in court proceedings, **2:3**
- Investigation by, **2:6, 2:23**
- Judicial review of, **2:2**
- Keeping of records, **2:7, 16:106**
- Levy, **6:425 to 6:429**
 - see LEVY

SUPERINTENDENT—Cont'd

- Licensing of trustees, **2:12**
 - cancellation of, **2:15**
- Monitoring program, **2:2**
- Notice by trustee completing estate, **16:36**
- Occupation rent and levy, **6:328 to 6:333**
- Policy statements of, **2:2**
 - see heading in vol 4, effect of
- Proposals and levy, **4:129**
- Records, keeping of, **2:7, 16:106**
- Remuneration of trustee, **2:183, 2:184**
- Report to Minister re trustees, **2:12**
- Request to trustee for information, not mandatory directive, **2:2**
- Search of records, **2:7**
- Search powers, **2:6**
- Seizing funds etc., **2:3**
- Seizure of records, **2:23**
- Service on, **16:19**
- Stand ards, **5:268, 7:118**
 - purpose of, **7:118**
- Statement of officers, copy sent to, **7:10**
- Trustee forwarding documents to, **2:71**
- Trustee violating Code of Ethics, **2:15**
- Unclaimed dividends, **6:456**
- Undistributed funds, **6:456**

SUPPLIER OF GOODS

- Right to repossess, **5:92, 5:193 to 5:203, 5:423 to 5:435**

SUPPORT

- Arrears at, **5:304, 6:110**
- Claim not released, **7:188**
- Costs apportioned by Family Court, **6:320, 7:188**
- Not provable claim, **7:188**
- Preferred claims, **6:320**
- Stay of proceedings, **5:304**

SUPREME COURT OF CANADA

- See also APPEALS
- Appeals to, **8:108**
- Decision, final and conclusive, **8:108**
- Leave necessary, **8:108**
- Stay of proceedings, **8:109**

SURETY

- See BONDS and PREFERENCES, GUARANTEE

SURPLUS FUNDS

- After distribution by trustee, **6:422**
- Assignment of, **6:422**
- Interest to be paid first, **6:421**
- Return of property to debtor, **2:70**
- Superintendent's levy not deducted, **6:89**

SURRENDER OF LEASE

- See LANDLORD and TENANT

TAKING IN PAYMENT, IN QUEBEC

- Generally, **6:206**

TARIFFS

- See section headed TARIFFS, and see also COSTS

TAXATION OF COSTS

- See COSTS

TAXES

- See also INCOME TAX
- Accelerated rent as, **6:334 to 6:341**
- Liability of trustee of tenant for, **6:326**
- Lien for, secured claim, **6:164**
- Municipal, **6:321 to 6:325**
- seizure for, **5:388**

TAX RETURNS

- Duty of trustee to file, **2:61**
- Period covered, **2:61**

TENDER

- See SALE OF ASSETS

TESTAMENTARY EXPENSES

- Payment of when debtor is deceased, **3:20**
- Priority for, **6:293**

THINGS IN ACTION

- See CHOSSES IN ACTION

THIRD PARTY AGREEMENTS AND GUARANTEES

- Procedure to be followed, Superintendent of Bankruptcy Directive No. 5R4, **2:179**

THIRTY-DAY GOODS

- See also UNPAID SELLER
- Generally, **5:193 to 5:203**
- Exercised in thirty days, **5:199**
- Extension of time for demand, **8:53**
- Personal Property Security Act, **5:141**
- Procedure for claiming, **5:200, 5:422**
- Proper law of content, **5:201**

THIRTY-DAY GOODS—Cont'd

- Proposals and, **5:202**
- Resolution of contract of sale for default, **5:203**
- Sales on credit, **5:196**
- Sales subject to a term, **5:196**
- Same condition, **5:197**
- Third party, goods passing into hands of, **5:198**
- Unpaid seller, right of, **5:193 to 5:203, 5:423 to 5:435**

THREE YEARS ELAPSING WITHOUT ESTATE BEING ADMINISTERED

- Generally, **2:121**
- Registrar, report to, **2:121**
- Superintendent monitoring, **2:120, 2:121**

TIME

- Abridgement of, **8:53**
- Computation of, **16:15**
- Extension of, **8:53**
- Falling on Sunday or non-judicial, **16:9 to 16:12**
- Less than 6 days, **16:13, 16:14**

TIMELY ADMINISTRATION

- Monitoring by Superintendent, **2:120**

TIME SHARE CONTRACTS

- Not leases, **5:100**
- Subordination of claim of shareholder, **5:100**

TRACING TRUST PROPERTY

- Generally, **5:32**
- Commingling of trust funds, **5:32**
- Mingling with bankrupt's money, **4:43 to 4:50**
- Misappropriated funds, **5:32**
- No application to debtor-creditor, **5:32**
- Proper court, **5:32**
- Rule in Clayton's case, **5:32**

TRADEMARKS

- Property of bankrupt, **5:235**

TRANSACTIONS IN GOOD FAITH WITH BANKRUPT

- Generally, **5:542**
- Invalid transactions, **5:542**
- Meaning of contract, dealing or transaction, **5:542**
- Protection of, **5:542**

TRANSACTIONS IN GOOD FAITH WITH BANKRUPT—Cont'd

Relation back of trustee's title, **5:542**

TRANSFER OF PROCEEDINGS

Generally, **8:46, 16:19**

Appeal from refusal, **8:46**

Convenience of administration, **8:46**

Only ground of jurisdiction section 187(2), **8:46**

Principal place of business, **8:46**

Procedure, **16:19**

Proceedings continued under another statute

 BIAproposal proceedings to, CCAAproceedings, **22:73**

 CCAproceedings to, BIAproceedings, **4:149**

Provincial rules no application, **8:46**

Record, transfer of, **8:46**

Residence, **8:46**

TRANSFERS AT UNDERVALUE

Generally, **5:485, 5:486**

TRAVELLING SALESPERSON

Preference of, **6:297 to 6:316**

TRIAL OF ISSUE

See **ISSUE**

TRUST ACCOUNT

Generally, **2:66**

Chartered bank, deposit in, **2:66**

Separate, **2:66**

Trust company, not acceptable, **2:66**

TRUST COMPANIES

Cannot act as proxy, **6:42 to 6:51**

Cannot be subject of application, **3:30**

"Corporation" does not include, **1:25**

TRUSTEES

Accepting appointment, **2:16**

Accountant, eligibility to act as, **2:15**

Accounts of, see **ACCOUNTS**

Acting anywhere, **2:51**

Acting as, when license suspended or restricted, **9:26**

Acting in emergency, **2:55**

Action against trustee, **2:128 to 2:136, 10:6 to 10:12**

Action by trustee, **2:90, 2:92**

 refusal to take, **2:138 to 2:168**

TRUSTEES—Cont'd

Admission of claims, **6:261 to 6:283**
see **ADMISSION OF CLAIMS**

Advertising by, Superintendent of Bankruptcy Directive No. 30R under Policy Statements, **2:36, 16:1**

After-acquired property, see **AFTER-ACQUIRED PROPERTY**

Agent of creditor, not, **2:36**

Appearing in person before registrar, **16:17**

Application for directions, **2:109 to 2:116**

Application for licence, **2:12**

Appointment

 generally, **2:16, 16:48**

 acceptance of, **2:16**

 acting for creditors' Committee, **3:128**

 attacking, **2:16**

 by court, **2:16**

 by meeting of creditors, **2:16, 6:13 to 6:23**

 by official receiver, **3:154**

 certificate of, **2:16, 16:49**

 new trustee, see **SUBSTITUTED TRUSTEE**

 non-resident, **2:41 to 2:45**

 proof of, **2:16**

 special resolution, see **SPECIAL RESOLUTION**

Assets, sale of, **2:75**

 see **SALE OF ASSETS**

Assisting in illegal or dishonest conduct, **16:47**

Attacking appointment of, **2:16**

 cannot be done collaterally, **2:16**

Auditor, conflict of interest, **2:15**

Bank account, Superintendent of Bankruptcy Directive No. 5R4, **2:66**

Bankruptcy offences, trustee's duties, **9:2, 9:30**

Bond of, see **BOND**

 refusal to file, **2:16**

Books and records, see **BOOKS and RECORDS**

Books of account, **2:67**

Borrowing money, see **BORROWING MONEY**

Bound by the Act, **2:36**

Calling in aid courts of other provinces, **2:51, 8:55**

Cancellation of license, **2:26**

TRUSTEES—Cont'd

Carrying on business, see CARRYING ON THE BUSINESS OF THE BANKRUPT

Caveat or caution, lodging, **5:389 to 5:397**

Chairperson of meeting of creditors section 105(2)
on proposal, **4:31**

Change of, see SUBSTITUTED TRUSTEE

Cheque by, **2:35, 2:66**

Code of ethics, **2:15, 16:47**

Complaints, sending Division Office, **16:47**

Compromising and settling debts, **2:94**
see COMPROMISING and SETTLING DEBTS

Conduct of, **2:15**
investigation of, by Superintendent, **2:16**
right to impartial hearing, **2:23**

Conduct of bankrupt, duty to investigate, **2:59**

Confidential information disclosure of, **16:47**

Conflict of interest, **2:15, 2:36**

Conflict of opinion with inspectors, **2:22, 6:65, 6:88**

Conservatory measures, **2:52**

Contempt of court, **2:39**

Corporate, **2:29**

Counselling by, see COUNSELLING SERVICES

Court orders, duty to obey, **2:39**

Court proceedings, see LEGAL PROCEEDINGS

Creditors, first meeting of, notice of Rule 108(1), **16:91**

Criminal proceedings, **9:30**
see BANKRUPTCY OFFENCES

Crown must deliver up property to, **2:41**

Definition of, **1:59**

Delay in administration, **2:121**

Delegation of duties and powers, **2:38**

Delegation of powers of Superintendent regarding trustees, **2:19**

Deposit of estate funds, **2:66**

Directions to, see DIRECTIONS OF COURT

TRUSTEES—Cont'd

Disallowance of claims by, see DISALLOWANCE OF CLAIMS

Disbursements of, **2:173**

Discharge of, **2:189 to 2:201**
see DISCHARGE OF TRUSTEE

Discharge of former trustee, **2:25, 2:125**

Disclaimer of property, **2:58**
of lease, **6:363 to 6:371**

Disposal of perishable property, **2:52**

Disposing of goods of third party, **5:409**

Disputing claims, see DISALLOWANCE OF CLAIMS

Distribution of property, **6:285 to 6:429**

Divesting of real and immovable property, **2:58**

Dividend, see DIVIDEND

Dividing property among creditors, **2:97**

Documents retention of, **16:46**

Duties and powers of, **2:36 to 2:107**
knowledge of, by trustee, **2:36**

Employing a solicitor, **2:92**
see SOLICITORS

Employment insurance, **2:69**

Engaging in business, **16:47**

Environmental damage, liability for, **2:28**

Estate books and records, **2:67**

Ethics, code of, **2:15, 16:47**

Examination of, **7:27, 7:30 to 7:49**

Expenses, **2:173**
see REMUNERATION OF TRUSTEE

False and misleading documents, **16:47**

Family law litigation, **2:91**

Fiduciary duty, **2:22**

Filing report under section 29, **2:72**

Filing returns, **2:61**

Final dividend sheet, see DIVIDEND

Final statement, see FINAL STATEMENT OF RECEIPTS and DISBURSEMENT

Forwarding documents to Superintendent, **2:71**

Honest and impartial conduct, **16:47**

Impartiality, necessity for, **2:36**

Improper sale of assets, **2:75, 2:128 to 2:136**

Income Tax Act, production of books and records pursuant to, **2:68**

Income tax returns, duty to file, **2:61**

INDEX

TRUSTEES—Cont'd

Incurring obligations after bankruptcy, and, **2:104**
see INCURRING OF OBLIGATIONS BY TRUSTEE
prior to bankruptcy, **2:104**
Injunction and liability for damages, **8:22**
Inspecting property held as security, **5:408**
Inspection of books and records, **2:67**
Inspectors, see INSPECTORS
authority from, **2:74**
conflict of opinion with, **6:89**
permission must be specific, **2:102**
Insurance, **2:65**
see FIRE INSURANCE and LIFE INSURANCE
Inventory, taking, see INVENTORY
Joint trustees, **2:20**
Judicial officer must deliver up possession, **2:41, 5:369 to 5:374**
Juror, ineligible to serve as, **2:36**
Keeping proper records, **2:67**
Knowledge of Act and Rules, **2:36**
Leased premises, right to occupy, **6:356**
Leasing property, see LANDLORD and TENANT
Legal advice, **2:54, 2:92**
Legal proceedings, see LEGAL PROCEEDINGS
Legal representative of bankrupt, **2:66**
Locks, replacing, **2:41**
Making returns, **2:61**
Meeting of creditors, attendance at, **6:2, 6:63**
Meeting of creditors calling, **6:4 to 6:10**
Meeting of inspectors, attendance at, **6:84**
Mortgage assets, **2:93**
Must be impartial and even-handed, **2:36**
Obligations incurred, **2:104 to 2:107**
Officer of the court, **2:36, 2:128 to 2:136**
Official name, **2:32**
Payment by, **2:66**
Payment of benefit to obtain business, **16:47**
Perishable goods, **2:52**
Permitting inspection of books and records, **2:67**
Person aggrieved by action, see ACTIONS AGAINST TRUSTEE

TRUSTEES—Cont'd

Personal liability for carrying on business, **2:104 to 2:107**
Personal liability for claims arising prior to bankruptcy or proposal, **2:30**
no protection from ongoing exposure, **2:30**
Pledging assets, **2:93**
Priority for advances, **2:107**
Professional engagement, meaning of, **16:47**
Proof of appointment, **2:16**
Property, taking possession of, **2:41 to 2:45**
disclaiming, **2:58**
may act anywhere, **2:51**
perishable, **2:52**
Proposals, see PROPOSALS
Public utilities, right to, **2:41 to 2:45**
Purchase of assets, **2:75, 16:47**
Re-appointment of, **2:201**
Receiver, powers as, **2:35, 2:36, 2:41 to 2:45**
Records, duty to keep, **2:67**
Re-direction of mail by, **2:122**
Refusal to take proceedings, **2:138 to 2:168**
see ACTIONS BY CREDITORS WHERE A TRUSTEE REFUSES TO TAKE PROCEEDINGS
Reimbursement of trustee, **2:170 to 2:187**
Relation back of title, **5:356, 5:542**
Removal for cause, **2:17, 2:22**
interested person, who is, **2:22**
no jurisdiction in Court of Appeal, **2:22**
Remuneration of, see REMUNERATION OF TRUSTEE
Reporting to creditors and inspectors, **2:70**
Reporting to Superintendent, **7:84**
Report on discharge, **7:83**
Representative of unsecured creditors, **2:36**
Requiring creditor to file claim, **6:446**
Resignation of, **2:18**
Responsibility for liabilities incurred prior to bankruptcy, **2:50**
Restriction of license, **2:26**
Retention of documents, **16:66**
Sale of assets, see SALE OF ASSETS
Soliciting business, **16:47**

TRUSTEES—Cont'd

- Solicitor must deliver up documents to, **2:48**
- Source deductions, liability for, **2:63**
- Statement of affairs, preparation of, see STATEMENT OF AFFAIRS
- Status of, **2:34**
- Substituted trustee, see SUBSTITUTED TRUSTEE
- Substitution of, **2:16, 16:49**
- Superintendent, cooperation with, **16:47**
- Superintendent, investigation by, **2:23**
- Telephone, right to, **2:50**
- Three years elapsing without estate being administered, **2:121**
 - Superintendent requiring, **2:121**
- Timely administration, **2:120**
- Timely performance of duties, **16:47**
- Trustee's bank account, **2:66**
- Trust property, see TRUST PROPERTY
- Undistributed funds, see UNDISTRIBUTED FUNDS
- Use of bankrupt's name, **2:41**
- Verifying statement of affairs, **2:56**
- Vesting of assets in, **5:357 to 5:366**
- Withdrawing funds, **2:66, 2:174**

TRUST PROPERTY

- Generally, **5:10 to 5:35**
- Appointment of representative counsel, **5:25**
- Bankrupt as trustee of, **5:10 to 5:20**
- Constructive
 - generally, **5:17**
 - entitlement of spouse on basis of constructive trust, **5:5**
 - no application to breach of contract, **5:17**
 - Personal Property Security Act, **5:129**
 - purchaser of goods unable to arrange financing, **5:17**
- Costs of proceedings with respect to, **5:23**
- Creditor using trust to try to obtain receivables from sale of goods, **5:473**
- Deemed, **5:27 to 5:29, 6:288**
 - see DEEMED TRUSTS
- Definition of, **5:10 to 5:20**
- Enhanced garnishment, **5:29**
- Express, **5:14**
- Fees of counsel, **5:23**

TRUST PROPERTY—Cont'd

- Implied, **5:15**
- Intent, certainty of, **5:11**
 - determined at time of settling property, **5:11**
- Intentions to hold exclusively for beneficiary, **5:11**
- Interest on, **5:19**
- Mechanics' lien, **5:35**
 - see MECHANICS' LIEN
- Mingling with bankrupt's money, **5:32**
- Misappropriation of, **7:195**
- Not subject to distribution by trustee, **5:10 to 5:20**
- Object, certainty of, **5:13**
 - class description of, **5:13**
- Personal liability of officer or director for breach of trust, **5:26**
- Practice, **5:25**
- Presumption of advancement, **5:16**
- Purchase money resulting trust, **5:16**
- Quebec, treatment of trust property, **5:21**
- Quistclose trust, **5:10 to 5:20**
- Remuneration of trustee for realizing and distributing, **5:22**
- Resulting, **5:16**
- Sale of goods, trust in, **5:20**
- Set-off, **5:18, 5:42**
- Solicitor, funds in possession of, **5:10 to 5:20**
- Spendthrift trust, **5:262**
- Statutory, **6:285 to 6:291**
- Stockbroker, **13:2 to 13:10**
- Subject matter, certainty of, **5:12**
- Tracing, **5:32**
 - see TRACING TRUST PROPERTY
- Trustee not required to take possession of it, **5:10 to 5:20**
- Waiver of, **5:24**

UNDISCHARGED BANKRUPT

- Liability for debts incurred after bankruptcy, **7:211**
- Liability for provable debt, **7:210**

UNDISTRIBUTED FUNDS

- Disposal of, **6:456**

UNEMPLOYMENT INSURANCE

- Generally, **6:389**
- Deemed trust for, **5:27 to 5:29**
- Priority of, **6:389, 6:391**

INDEX

UNINCORPORATED ASSOCIATION

“Person” includes, **1:45**

UNLIQUIDATED CLAIMS

See CONTINGENT CLAIMS

UNPAID SELLER

See also THIRTY-DAY GOODS

Generally, **5:193 to 5:203, 5:423 to 5:435**

Acquaculturists, **5:435**

Aggrieved supplier, **5:434**

Agreement to sell prior to bankruptcy,
5:430

Assignment of agreement, **5:439**

Calculation of time, **5:424**

Delivery to purchaser, **5:425**

Directions, **5:433**

Exception to equality rule, **5:423 to 5:435**

Extension of time, **5:424**

Farmers, **5:435**

Fishers, **5:435**

Goods must be identifiable, **5:428**

Goods must be in same state, **5:429**

Necessity for a sale, **5:425**

Not fully paid for, **5:431**

Physical possession, necessity for, **5:427**

Possession by warehouser, **5:427**

Priorities, **5:432**

Procedure, **5:424**

Proposal, effect on, **5:423 to 5:435**

Protection and restriction of certain rights,
5:440

Purchaser must be bankrupt or a receiver
appointed, **5:426**

Quebec, right of unpaid seller, **5:436**

Resale at arm's length, **5:430**

Right to take possession, **5:193 to 5:203,**
5:423 to 5:435

Sale of goods, **5:430**

Sale on credit, **5:423**

Thirty-day goods, see THIRTY-DAY
GOODS

UNREALIZED ASSETS

See BANKRUPT

UNSATISFIED EXECUTION

Act of bankruptcy, **3:50**

VARYING ORDERS

See REVIEWING, RESCINDING OR
VARYING ORDERS

VENDOR OF GOODS

Retaking possession, **5:92, 5:423 to 5:435**

VENDOR'S LIEN ON CHATTELS

Generally, **5:248**

VENDOR'S LIEN ON LAND

Generally, **5:249**

VESTING OF PROPERTY IN TRUSTEE

Generally, **5:357**

Assignment by debtor, **5:358**

Bankrupt, effect on, **5:364**

Bankrupt, no status to commence action,
5:364

Environmental liability, **5:363**

Retroactive order for, **5:365**

Secured creditors, **5:361**

Subject to Act, **5:360**

Time of vesting, **5:359**

Trust claims, **5:362**

Trustee takes subject to equities, **5:357**

VETERAN'S LAND ACT

Conditional discharge, **7:140**

Not property of bankrupt, **7:140**

Sale of, after bankruptcy, **7:140**

VOTING

See INSPECTORS, MEETINGS OF
CREDITORS, ORDINARY RESO-
LUTION, SPECIAL RESOLUTION

WAGE EARNER PROTECTION PROGRAM ACT

Administration, **28:8**

Amounts covered, **28:6**

Duties of trustees and receivers, **28:9**

Introduction, **28:3**

Meaning of “Wages,” **28:4**

Offences, **28:15**

Powers of the minister, **28:10**

Recovery of over-payments, **28:12**

Regulation power and review of the stat-
ute, **28:16**

WAGES

See also EARNINGS and PRIORITIES

Generally, **6:297 to 6:316**

WAREHOUSER'S LIEN

Generally, **5:114**

Arrest under, **7:63**

WAREHOUSER'S LIEN—Cont'd

- Distinguished from lessor, **5:114**
- Failure to attend examination, **7:53**
- No common law lien for warehouse or storage services, **5:114**
- Not a general lien, **5:114**
- Storer's lien, **5:114**

WARRANTS

- Generally, **8:60, 16:35**
- Cannot seize property or books and records of a third party, **8:60**
- Entry on premises to obtain records, **8:60**
- Execution by sheriff, **16:35**
- Search, **8:60**
- Seizure, **8:60**
 - form of, **8:60**
 - property must be clearly identified, **8:60**

WIFE OF BANKRUPT

- See **BANKRUPT, EVIDENCE, EXAMINATIONS**

WIFE OF BANKRUPT—Cont'd
APPLICATION and SPOUSE

WINDING-UP AND RESTRUCTURING ACT

- Generally, **10:5**
- Combined with other statutes, **23:96**
- When act does not apply, **23:95**

WITHDRAWAL OF APPLICATION

- See **APPLICATION FOR BANKRUPTCY OR CER**

WITNESSES

- See also **EXAMINATIONS, EVIDENCE**
- Generally, **16:27, 16:28 to 16:32, 16:34**

WORKER

- Application against, **3:21**
- Preference for wages, see **EARNINGS**

WORKERS' COMPENSATION

- Claims after November 30, 1992, **6:179**
- Secured claim, **6:297 to 6:316**
- Unsecured claim, **6:297 to 6:316**