

Table of Contents

PART I. THE BANKRUPTCY AND INSOLVENCY ACT

CHAPTER 1. GENERAL; SHORT TITLE (S. 1)

I. GENERAL

§ 1:1 Amendment history

II. SHORT TITLE (S. 1)

§ 1:2 [Section 1]

§ 1:3 Introduction to the *Bankruptcy and Insolvency Act*

§ 1:4 Purposes of Bankruptcy and Insolvency Legislation

§ 1:5 History of the *Bankruptcy and Insolvency Act*

§ 1:6 —Extraordinary Measures due to the COVID-19 Pandemic

§ 1:7 General Approach to the Act

§ 1:8 Interpretation of Bankruptcy and Insolvency Legislation

§ 1:9 Effect of Bankruptcy on Status of an Individual

§ 1:10 Provincial Legislation Dealing With Insolvency

§ 1:11 Constitutionality of the *Bankruptcy and Insolvency Act*

§ 1:12 Attacks on Constitutional Validity of Particular Provisions of
the *Bankruptcy and Insolvency Act*

III. INTERPRETATION (SS. 2-4.1)

A. SECTIONS 2 TO 2.2

§ 1:13 [Sections 2 to 2.2]

§ 1:14 Generally

§ 1:15 “Affidavit”

§ 1:16 “Aircraft Objects”

§ 1:17 “Application”

§ 1:18 “Assignment”

§ 1:19 “Bank”

§ 1:20 “Bankrupt”

§ 1:21 “Bargaining Agent”

§ 1:22 “Claim Provable in Bankruptcy”

§ 1:23 “Collective Agreement”

§ 1:24 “Common-law Partner” and “Common-law Partnerships”

§ 1:25 “Corporation”

§ 1:26 “Court”

§ 1:27 “Creditor”

- § 1:28 “Current Assets”
- § 1:29 “Date of Initial Bankruptcy Event”—Generally
- § 1:30 —Assignments
- § 1:31 —Proposals
- § 1:32 —Bankruptcy Orders and Date of Initial Bankruptcy Event
- § 1:33 “Debtor”
- § 1:34 “Director”
- § 1:35 “Eligible Financial Contract”
- § 1:36 “Equity Claim”
- § 1:37 “Equity Interest”
- § 1:38 “Executing Officer”
- § 1:39 “Financial Collateral”
- § 1:40 “Income Trust”
- § 1:41 “Insolvent Person”
- § 1:42 “Locality of a Debtor”
- § 1:43 “Minister”
- § 1:44 “Net Termination Value”
- § 1:45 “Person”
- § 1:46 “Property”
- § 1:47 “Proposal”
- § 1:48 “Public Utility”
- § 1:49 “Resolution” or “Ordinary Resolution”
- § 1:50 “Secured Creditor”
- § 1:51 “Settlement”
- § 1:52 “Shareholder”
- § 1:53 “Sheriff”
- § 1:54 “Special Resolution”
- § 1:55 “Superintendent”
- § 1:56 “Time of the Bankruptcy”
- § 1:57 “Title Transfer Credit Support Agreement”
- § 1:58 “Transfer at Undervalue”
- § 1:59 “Trustee or Licensed Trustee”
- § 1:60 Date of Bankruptcy
- § 1:61 Designation of Beneficiary
- § 1:62 Forwarding Documents to the Superintendent

B. SECTIONS 3 TO 4.2

- § 1:63 [Sections 3 to 4.2]
- § 1:64 Reviewable Transaction
- § 1:65 Definition of “Entity”
- § 1:66 Related Persons
- § 1:67 Provisions of Act Bind the Crown
- § 1:68 Requirement to Act in Good Faith

CHAPTER 2. PART I ADMINISTRATIVE OFFICIALS

I. SECTIONS 5 TO 9

- § 2:1 [Sections 5 to 9]

TABLE OF CONTENTS

- § 2:2 Superintendent of Bankruptcy
- § 2:3 Intervention of Superintendent of Bankruptcy in Court Proceedings
- § 2:4 *[Reserved]*

II. SECTIONS 10 TO 11.1

- § 2:5 [Sections 10 to 11.1]
- § 2:6 Investigations by Superintendent of Bankruptcy
- § 2:7 Keeping of Records by the Superintendent

III. SECTION 12

- § 2:8 [Section 12]
- § 2:9 Official Receivers
- § 2:10 *[Reserved]*

IV. SECTIONS 13 TO 13.6

- § 2:11 [Sections 13 to 13.6]
- § 2:12 Licensing of Trustees
- § 2:13 Multi-jurisdictional Licences
- § 2:14 Trustee's Bond
- § 2:15 Conduct of Trustees
- § 2:16 Realization of Assets by a Trustee in Bankruptcy

V. SECTIONS 14 TO 14.1

- § 2:17 [Sections 14 to 14.1]
- § 2:18 Appointment and Substitution of Trustees—Generally
- § 2:19 —Delegation of Powers of Superintendent regarding Trustees
- § 2:20 —Original Appointment of Trustee
- § 2:21 —Appointment of Substitute Trustee by a Meeting of Creditors
- § 2:22 —Removal of Trustee by the Court and Appointment of a Substitute
- § 2:23 —Cancellation and Suspension of Trustee's Licence by Superintendent of Bankruptcy
- § 2:24 —Suspension of Trustee's Licence
- § 2:25 Discharge of Former Trustee where Substitute Trustee Appointed
- § 2:26 Judicial Review of Decisions of Superintendent With Respect to Trustee's Licence
- § 2:27 Liability of Trustee or Receiver
- § 2:28 Liability of Trustee or Receiver for Environmental Damage
- § 2:29 Appointment of a Corporation as Trustee
- § 2:30 Personal Liability of Trustee or Receiver for Claims Arising Prior to Bankruptcy, Proposal or Receivership Where the Trustee or Receiver has Carried on the Debtor's Business

VI. SECTION 15

- § 2:31 [Section 15]

§ 2:32 Official Name of Trustee

VII. SECTION 15.1

§ 2:33 [Section 15.1]

§ 2:34 Status of Trustee

VIII. SECTIONS 16 TO 29

§ 2:35 [Sections 16 to 29]

§ 2:36 Duties and Powers of Trustees—Generally

§ 2:37 —Trustee’s Right to Privileged Communications

§ 2:38 Delegation of Duties and Powers by Trustees and Administrators

§ 2:39 Duty of Trustee to Obey Court Orders

§ 2:40 Trustee’s Bond

§ 2:41 Obtaining Possession of Property of the Bankrupt—Taking Possession of the Property

§ 2:42 —Procedure for Obtaining Possession of Books, Documents and Property of the Bankrupt

§ 2:43 —Obtaining Property of Bankrupt in Possession of a Bank

§ 2:44 —Trustee in Possession of Books and Documents of a Third Party

§ 2:45 —Making an Inventory

§ 2:46 Trustee as a Receiver

§ 2:47 —Taking Possession of Books of Account

§ 2:48 Solicitor’s Lien on Documents of the Bankrupt

§ 2:49 Solicitor’s Lien on Property of the Bankrupt

§ 2:50 Responsibility of Trustee for Liabilities Incurred Prior to Bankruptcy

§ 2:51 Right of Trustee to Act Anywhere for Recovery of Property of the Bankrupt

§ 2:52 Conservatory Measures and Disposal of Perishable Goods

§ 2:53 Carrying on the Business of the Bankrupt Prior to the First Meeting of Creditors

§ 2:54 Obtaining Legal Services Prior to the First Meeting of Creditors

§ 2:55 Obtaining Legal Advice and Instituting Legal Proceedings in an Emergency

§ 2:56 Verifying the Bankrupt’s Statement of Affairs

§ 2:57 Sale of Assets Prior to the First Meeting of Creditors

§ 2:58 Disclaimer of Property

§ 2:59 Investigate the Conduct of the Bankrupt

§ 2:60 Initiating Criminal Proceedings

§ 2:61 Duty of Trustee to File Returns

§ 2:62 Inspection of Estate Records by Authorized Persons

§ 2:63 Obligation of Trustee for Source Deductions

§ 2:64 Production and Discovery of the Bankrupt’s Books, Records and Documents

§ 2:65 Insuring Assets

TABLE OF CONTENTS

- § 2:66 Trustee's Bank Account
- § 2:67 Estate Books and Records
- § 2:68 Production of Books and Records of the Trustee Pursuant to Section 231.2 of the *Income Tax Act*
- § 2:69 Employment Insurance
- § 2:70 Obtaining Statement from the Trustee
- § 2:71 Forwarding Documents to the Superintendent
- § 2:72 Filing of Report by Trustee Under Section 29

IX. SECTION 30

- § 2:73 [Section 30]
- § 2:74 Powers of Trustee Conferred by Section 30
- § 2:75 Sale of Assets
- § 2:76 —Generally
- § 2:77 —Approval of Inspectors
- § 2:78 —Sale by Private Contract
- § 2:79 —Sale for a Consideration Other Than a Fixed Price
- § 2:80 —Sale for a Consideration other than Cash
- § 2:81 —Sale for a Sum of Money Payable in the Future
- § 2:82 —Sale by Tender
- § 2:83 —Sale by Auction
- § 2:84 —Subject Matter of the Sale
- § 2:85 —To Whom Can the Trustee Sell?
- § 2:86 —Attacking Sales by Trustees
- § 2:87 —Appeals from Orders Directing Sale of Assets
- § 2:88 Leasing Property of the Bankrupt
- § 2:89 Carrying on the Business of the Bankrupt
- § 2:90 Legal Proceedings
- § 2:91 Matrimonial Litigation
- § 2:92 Employ a Solicitor or Agent
- § 2:93 Incurring Obligations, Borrowing Money and Giving Security
- § 2:94 Compromise and Settle Debts Owing to the Bankrupt
- § 2:95 Compromising Claims Made By or Against the Estate
- § 2:96 Court Approval of Settlement of Claims
- § 2:97 Dividing Property Among Creditors
- § 2:98 Retaining and Surrendering Leases
- § 2:99 Employing the Bankrupt
- § 2:100 Sale of Assets to Inspectors
- § 2:101 Sale of Assets to Trustee or Estate Solicitor
- § 2:102 Permission Must Be Specific

X. SECTIONS 31 TO 33

- § 2:103 [Sections 31 to 33]
- § 2:104 Borrowing Money and Incurring Obligations Prior to Appointment of Inspectors
- § 2:105 Giving Security Under Section 427 of the *Bank Act*
- § 2:106 Trustee Protecting Itself Against Liability for Debts and

Liabilities Incurred in Carrying on the Business of the
Bankrupt

§ 2:107 Sale of Assets to Reimburse Trustee

XI. SECTIONS 34 TO 36

§ 2:108 [Sections 34 to 36]

§ 2:109 Application for Directions—Generally

§ 2:110 —Who May Hear the Application

§ 2:111 —Matters That Have Been Determined on Applications for
Directions

§ 2:112 —Secured Creditors

§ 2:113 —Trust Funds

§ 2:114 —Costs

§ 2:115 —Effect of Court Order Made on an Application for
Directions

§ 2:116 —Appeal from an Order on an Application for Directions

§ 2:117 Application for Directions by Trustee Under a Proposal

§ 2:118 Application for Directions by Interim Receiver

§ 2:119 Application By Bankrupt For Directions

§ 2:120 Timely Administration of Bankrupt Estates

§ 2:121 Three Years Elapsing Without Estate Being Administered

§ 2:122 Redirection of Mail

§ 2:123 *[Reserved]*

§ 2:124 Procedure to be Followed by Substituted Trustee

§ 2:125 Discharge of Former Trustee

§ 2:126 *[Reserved]*

XII. SECTION 37

§ 2:127 [Section 37]

§ 2:128 Actions Against the Trustee—Generally

§ 2:129 —Relationship Between Section 37 and Section 215

§ 2:130 —Act or Decision by the Trustee

§ 2:131 —Court Approval or Approval of Inspectors No Bar to Section
37 Application

§ 2:132 —Who May Bring the Application

§ 2:133 —Time for Bringing the Application

§ 2:134 —When Will the Court Exercise the Powers Given by Section
37?

§ 2:135 —Remedies that Can be Granted

§ 2:136 —Costs of the Application

XIII. SECTION 38

§ 2:137 [Section 38]

§ 2:138 Actions by Creditors Where a Trustee Refuses to Take
Proceedings

§ 2:139 Proceedings Prior to Applying for an Order Under Section 38

§ 2:140 Formalities—Generally

TABLE OF CONTENTS

§ 2:141	—Who may Bring an Application
§ 2:142	—Need to Establish a Prima Facie Case
§ 2:143	—Refusal or Neglect of Trustee to Take a Proceeding for the Benefit of the Bankrupt Estate
§ 2:144	—Need to Consult Inspectors
§ 2:145	—Effect of Discharge of Trustee or Bankrupt
§ 2:146	—Creditor Taking Proceedings Without Obtaining an Order Under Section 38
§ 2:147	—Material in Support of the Application and Service of the Material
§ 2:148	—Right of Proposed Defendant to Oppose the Making of the Order
§ 2:149	—Right of Defendant to Counterclaim and to add the Trustee as a Party
§ 2:150	—Consent of Trustee to the Making of the Order
§ 2:151	—Identification of the Action to be Taken by the Creditor
§ 2:152	—Notice to Creditors of the Making of the Order
§ 2:153	—Method of Taking Proceedings After Obtaining Order Under Section 38
§ 2:154	Jurisdiction of the Registrar
§ 2:155	Terms and Conditions in the Order
§ 2:156	Parties
§ 2:157	Security for Costs
§ 2:158	Assignment of Trustee’s Title
§ 2:159	Effect of Making of a Proposal After Making of a Section 38 Order
§ 2:160	Scope of Proceedings
§ 2:161	Interest
§ 2:162	Costs
§ 2:163	Distribution of Proceeds of a Section 38 Proceeding
§ 2:164	Who is Entitled to the Benefit of a Section 38 Action
§ 2:165	Right of Defendant to Challenge an Order Under Section 38
§ 2:166	Appeal from Order Granting Leave Under Section 38
§ 2:167	Trustee Deciding to Take Proceedings
§ 2:168	Dismissal for Want of Prosecution

XIV. SECTION 39

§ 2:169	[Section 39]
§ 2:170	Remuneration of Trustee Generally
§ 2:171	Calculation of Compensation
§ 2:172	Remuneration Exceeding 7 ¹ / ₂ %
§ 2:173	Trustee’s Disbursements
§ 2:174	Consultation Fees in Non-Business Bankruptcies
§ 2:175	Payment of Trustee’s Remuneration
§ 2:176	Charge On Assets for Trustee’s Costs
§ 2:177	Interim Draws on Account of Trustee’s Remuneration
§ 2:178	Remuneration Where the Trustee Has Carried on the Debtor’s Business
§ 2:179	Third Party Deposits and Guarantees

- § 2:180 Trustee's Remuneration in Proposals
- § 2:181 Payment of Trustee's Remuneration Where There Have Been Successive Trustees
- § 2:182 Attacking the Remuneration of the Trustee
- § 2:183 Superintendent's Comments on Trustee's Remuneration
- § 2:184 Superintendent's Review of Trustee's Charges
- § 2:185 Trustee's Remuneration and Secured Creditors
- § 2:186 Summary Administration
- § 2:187 Remuneration of Interim Receiver

XV. SECTIONS 40, 41

- § 2:188 [Sections 40, 41]
- § 2:189 The Procedure to be Followed by the Trustee in Obtaining Its Discharge in an Ordinary Administration
- § 2:190 The Procedure to be Followed by the Trustee in Obtaining Its Discharge in a Summary Administration
- § 2:191 Discharge of Former Trustee Where Substitute Appointed
- § 2:192 Procedure to be Followed by Former Trustee in Obtaining Discharge Where a Substitute Trustee has been Appointed
- § 2:193 Return of Property to the Debtor
- § 2:194 Discharge of Trustee Where Administration Complete
- § 2:195 Proceedings Against Bankrupt Where Trustee Has Been Discharged
- § 2:196 Proceedings in Respect of After-acquired Property Where the Trustee Has Been Discharged
- § 2:197 Objections to Discharge of Trustee
- § 2:198 Objections to Discharge of Trustee by Superintendent of Bankruptcy
- § 2:199 Revoking Discharge of Trustee
- § 2:200 Authority of Trustee After Discharge
- § 2:201 Reappointment of Trustee

CHAPTER 3. PART II BANKRUPTCY ORDERS AND ASSIGNMENTS

I. SECTIONS 42 TO 45

- § 3:1 [Sections 42 to 45]
- § 3:2 Who May File an Application—Generally
- § 3:3 —Family Support Claims
- § 3:4 —Assignee of a Debt
- § 3:5 —Banks
- § 3:6 —Trust Companies
- § 3:7 —Endorser of a Bill of Exchange
- § 3:8 —Foreign Creditors and Corporations Incorporated in Other Provinces and Applications Based on Foreign Judgments
- § 3:9 —Infants
- § 3:10 —Judgment Creditors
- § 3:11 —Partnerships

TABLE OF CONTENTS

§ 3:12	—Receivers
§ 3:13	—Secured Creditors
§ 3:14	—Shareholders
§ 3:15	—Former Directors
§ 3:16	—Strangers
§ 3:17	—Trustee in Bankruptcy
§ 3:18	Place for Filing the Application for a Bankruptcy Order
§ 3:19	Who May Be Subject of an Application for a Bankruptcy Order—Debtor
§ 3:20	—Deceased Debtor
§ 3:21	—Wage Earners
§ 3:22	—Farmers, Fishers and Tillers of Soil
§ 3:23	—Church Corporations
§ 3:24	—Foreign Corporations
§ 3:25	—Debtor Carrying on Business in Some Other Name
§ 3:26	—Partnerships
§ 3:27	—Limited Partnerships
§ 3:28	—Sole Proprietorships
§ 3:29	—Co-operatives
§ 3:30	—Banks, Trust Companies, and Insurance Companies
§ 3:31	—Income Trusts
§ 3:32	—Infants
§ 3:33	—Mentally Incompetent
§ 3:34	—Foreigners
§ 3:35	—Drawing Aside the Corporate Veil
§ 3:36	Substituting or Adding a Creditor as Applicant Creditor, Consolidating Applications and the Filing of Two Applications
§ 3:37	—Substituting and Adding a Creditor as Applicant Creditor
§ 3:38	—Consolidating Applications
§ 3:39	—Filing Two Applications
§ 3:40	—Filing of a Second Application by the Same Applicant Creditor
§ 3:41	Formalities
§ 3:42	Affidavit Verifying Applications for Bankruptcy Order—Generally
§ 3:43	—Affidavits of Verification by Corporations
§ 3:44	—Affidavit of Verification Where the Applicant Creditor is an Individual
§ 3:45	—Cross-examination on Affidavit of Verification
§ 3:46	Debt of \$1,000
§ 3:47	Burden of Proof on Applicant
§ 3:48	Acts of Bankruptcy—Generally
§ 3:49	Act of Bankruptcy Occurring Within Six Months
§ 3:50	Particular Acts of Bankruptcy
§ 3:51	—What Constitutes Ceasing to Meet Liabilities
§ 3:52	—What Does Not Constitute Ceasing to Meet Liabilities
§ 3:53	—Failure to Pay One Creditor
§ 3:54	Validity of Other Assignments

ANNOTATED BANKRUPTCY AND INSOLVENCY ACT

- § 3:55 Withdrawing or Dismissing an Application for a Bankruptcy Order
- § 3:56 Conflict Between Assignment and Application for a Bankruptcy Order
- § 3:57 Conflict Between Applications for Bankruptcy Order
- § 3:58 Application Filed for an Improper Purpose
- § 3:59 Disputed Applications for a Bankruptcy Order
- §§ 3:60 to 3:61 *[Reserved]*
- § 3:62 Advancing Funds to the Debtor to Pay Costs of Defending Application
- § 3:63 Payment of Money to a Solicitor to Defend an Application
- § 3:64 Examination of Debtor in Aid of Application
- § 3:65 Cross Examination of Applicant on Affidavit of Verification
- § 3:66 Examination of a Witness by the Debtor Prior to the Hearing of the Application
- § 3:67 Jurisdiction of the Registrar to Hear a Contested Application
- § 3:68 Adjournment of Applications
- § 3:69 Hearing of a Disputed Application
- § 3:70 Able to Pay Debts
- § 3:71 Debt in Excess of \$1,000 Not Clearly Proved
- § 3:72 *Bona Fide* Dispute to the Debt on Which the Application is Based
- § 3:73 No *Bona Fide* Dispute as to the Debt on Which the Application is Based
- § 3:74 Act of Bankruptcy
- § 3:75 Voluntary Liquidation
- § 3:76 Receiver by way of Equitable Execution
- § 3:77 Commencement of Proceedings in the Ordinary Civil Courts Before or After the Filing of an Application
- § 3:78 Agreement by Applicant Creditor to Compromise Debt
- § 3:79 Agreement by Applicant Creditor Not to File an Application
- § 3:80 Delay in Proceeding with the Application
- § 3:81 Costs of Disputed Application
- § 3:82 Discretion of Court to Refuse to Make Bankruptcy Order—Generally
- § 3:83 —Debtor Continuing to Carry on Business
- § 3:84 —Loss of Potential Asset if Debtor Put into Bankruptcy
- § 3:85 —Nothing to be Gained by Bankruptcy
- § 3:86 —No Assets
- § 3:87 —Improper Conduct
- § 3:88 Staying Applications
- § 3:89 —Stay of Proceedings Where Application is Disputed—Generally
- § 3:90 —Stay of Proceedings—Imposition of Terms
- § 3:91 —Refusal of a Stay Even Though the Applicant Creditor’s Debt is Disputed
- § 3:92 —Withdrawal or Dismissal of an Application After a Stay
- § 3:93 —Recommencement of Bankruptcy Proceedings After a Stay
- § 3:94 —Stay of Proceedings for Other Sufficient Cause—Generally

TABLE OF CONTENTS

- § 3:95 —Stay for a Limited Time
- § 3:96 —Refusal of a Stay
- § 3:97 —Stay of Proceedings Because of Pending Criminal Proceedings
- § 3:98 —Stay of Application by Reason of the Filing of a Proposal
- § 3:99 —Staying Bankruptcy Orders
- § 3:100 Security for Costs Where Application is Disputed
- § 3:101 Preservation of Property Pending Hearing of a Disputed Application

II. SECTIONS 46 TO 47.2

- § 3:102 [Sections 46 to 47.2]
- § 3:103 Appointment of Interim Receiver After the Filing of an Application—Generally
 - § 3:104 —Constitutionality
 - § 3:105 —Discretion to Appoint
 - § 3:106 —Situations in Which an Interim Receiver has been Appointed
 - § 3:107 —Powers and Duties of an Interim Receiver
 - § 3:108 —Liability of an Interim Receiver
 - § 3:109 —Right of Debtor to Use Assets After Appointment of Interim Receiver
 - § 3:110 —Advances by Interim Receiver to Solicitor for the Debtor to Defend the Application
 - § 3:111 —Application for Directions by Interim Receiver
 - § 3:112 Remedy for Failure of Debtor to Comply with Interim Receiving Order
 - § 3:113 *[Reserved]*
 - § 3:114 Setting Aside, Varying and Appealing from Orders of the Registrar Appointing Interim Receivers
 - § 3:115 Appeals from Order of Judge Appointing an Interim Receiver
 - § 3:116 Fees and Disbursements of the Interim Receiver
 - § 3:117 Discharge of an Interim Receiver
 - § 3:118 Undertaking as to Damages
 - § 3:119 Appointment of Interim Receiver When Notice Given Under Section 244(1)
 - § 3:120 Interim Receivers in Proposals
 - § 3:121 Bankruptcy Orders—Generally
 - § 3:122 —Form of the Order
 - § 3:123 —Time When the Order is Effective
 - § 3:124 —Effect of a Bankruptcy Order
 - § 3:125 —Bankruptcy Order Against a Partnership
 - § 3:126 —Unopposed Applications
 - § 3:127 —Consent to a Bankruptcy Order
 - § 3:128 —Appointment of Trustee
 - § 3:129 —Legal Costs
 - § 3:130 —Trustee’s Fees and Expenses
 - § 3:131 *[Reserved]*
 - § 3:132 Immediate Bankruptcy Orders

- § 3:133 Appeals from Bankruptcy Orders and from the Refusal to Make Bankruptcy Orders, and Reviewing, Rescinding and Varying Bankruptcy Orders
- §§ 3:134 to 3:135 *[Reserved]*
- § 3:136 Reviewing, Rescinding or Varying Bankruptcy Orders
- § 3:137 Annuling Bankruptcy Orders and Staying Bankruptcy Orders—Annuling Bankruptcy Orders
- § 3:138 —Procedure for Annuling a Bankruptcy or Staying a Bankruptcy Order
- §§ 3:139 to 3:140 *[Reserved]*
- § 3:141 Damages for Improper Presentation of An Application

III. SECTION 48

- § 3:142 [Section 48]
- § 3:143 *Companies' Creditors Arrangement Act* and Exclusions for Fishing, Farming and Income Less Than \$2,500 Per Year
- § 3:144 *[Reserved]*

IV. SECTION 49

- § 3:145 [Section 49]
- § 3:146 Assignments in Bankruptcy—Generally
- § 3:147 Validity of Other Assignments
- § 3:148 Formalities of Filing An Assignment
- § 3:149 —Ordinary Administration
- § 3:150 — —Partnerships
- § 3:151 — —Joint Assignments
- § 3:152 — —Corporations
- § 3:153 —Summary Administration
- § 3:154 Appointment of Trustee by Official Receiver
- § 3:155 Place for Filing the Assignment
- § 3:156 Transfer of Proceedings Under Assignment to Another Bankruptcy District or Division
- § 3:157 Effective Date
- § 3:158 Conflict Between Assignment and Application
- § 3:159 Mistakes in Assignment
- § 3:160 Cancellation of Assignment by Official Receiver
- § 3:161 Annuling the Assignment—Generally
- § 3:162 —Cases Where the Court has Annulled an Assignment
- § 3:163 —Cases Where the Court has Refused to Annul an Assignment
- § 3:164 Effect of Order of Annulment
- § 3:165 Procedure for Annuling the Assignment
- § 3:166 Making a Second Assignment After an Order has been Made Annuling an Earlier Assignment
- § 3:167 Who May Assign—Generally
- § 3:168 — —Not a Bankrupt
- § 3:169 — —Reside, Carry on Business or Have Property in Canada
- § 3:170 — —Debts of \$1,000

TABLE OF CONTENTS

§ 3:171	—Persons Who Have Made Assignments
§ 3:172	— —Debtors Without Assets
§ 3:173	— —Partnerships
§ 3:174	— —Corporations
§ 3:175	— —Wage Earners
§ 3:176	— —Farmers
§ 3:177	— —Infants
§ 3:178	— —Mental Incompetents
§ 3:179	— —Personal Representatives of Deceased
§ 3:180	— —Liquidators
§ 3:181	— —Receivers
§ 3:182	— —Monitor Under the Companies' Creditors Arrangement Act
§ 3:183	<i>[Reserved]</i>
§ 3:184	Effect of Filing An Assignment
§ 3:185	Legal Costs for Preparing and Filing an Assignment
§ 3:186	Second Assignment Where Bankrupt is Undischarged
§ 3:187	Summary Administration

CHAPTER 4. PART III PROPOSALS

I. DIVISION I GENERAL SCHEME FOR PROPOSALS

A. SECTIONS 50 TO 66

§ 4:1	[Sections 50 to 66]
§ 4:2	Proposals Generally
§ 4:3	Proposals to Secured Creditors
§ 4:4	Notice of Intention
§ 4:5	Extension of Time to Make a Proposal
§ 4:6	Termination of Notice of Intention and Stay
§ 4:7	Effect of Filing a Notice of Intention
§ 4:8	Informal Proposals
§ 4:9	Proposal by an Insolvent Person
§ 4:10	Interim Financing during Proposal Proceedings
§ 4:11	Terms of Proposal—Generally
§ 4:12	—Statutory Terms That Must be Included in a Proposal
§ 4:13	Subordination of Equity Claims
§ 4:14	Payment of Wage Claims in Proposal
§ 4:15	Priority for Pension Claims in Proposal
§ 4:16	Protection of Section 178 Claims in a Proposal
§ 4:17	Statutory Terms that May be Included in a Proposal
§ 4:18	—Claims Against Directors
§ 4:19	Statutory Terms That May be Excluded in a Proposal
§ 4:20	Terms Must be Definite
§ 4:21	Issuance of Promissory Notes
§ 4:22	Issuance of Shares
§ 4:23	Purchase of Shares, Payment or Contribution by Creditors
§ 4:24	Postponement or Withdrawal of Claims

ANNOTATED BANKRUPTCY AND INSOLVENCY ACT

- § 4:25 Release of Claims Against Third Parties
- § 4:26 Creditors Waiving Right to Challenge Security of a Creditor
- § 4:27 Vesting of Assets in Trustee
- § 4:28 Proposal Giving Nothing More to Creditors Than Would be Received in a Bankruptcy
- § 4:29 Payment in Foreign Currency
- § 4:30 Illegal Terms
- § 4:31 Procedure for Filing a Notice of Intention or Proposal
- § 4:32 Preparation of Cash-Flow Statement
- § 4:33 Removal of Directors During Proposal Proceedings
- § 4:34 Indemnification of Directors During Proposal Proceedings
- § 4:35 Priority Charges relating to Participation in Proposal Proceedings
- § 4:36 Proposal Where Part of Debtor's Business is Located in a Foreign Jurisdiction
- § 4:37 Proposal by a Partnership
- § 4:38 Joint Proposal by Several Affiliated Companies
- § 4:39 Proposal by a Receiver, a Liquidator or a Trustee of the Estate of a Bankrupt
- § 4:40 Proposals and Inspectors
- § 4:41 —Illegal Agreement with Inspectors to Approve a Proposal
- § 4:42 —Appointment of Inspectors in a Proposal
- § 4:43 Guarantors of Proposals and Security for Payments Under Proposals—Generally
- § 4:44 —Meaning of Guarantee
- § 4:45 —What Claims are Covered by a Guarantee
- § 4:46 —Secret Agreement with Guarantor
- § 4:47 —Effect of Alteration in a Proposal on a Guarantee
- § 4:48 —Failure of Debtor to Carry Out Arrangement with Guarantor
- § 4:49 —Effect of Annulment of Proposal on a Guarantee
- § 4:50 —Proceedings to Enforce a Guarantee
- § 4:51 Withdrawal of Proposal, Security or Guarantee
- § 4:52 Termination of a Proposal by the Court Before the Meeting of Creditors
- § 4:53 Claims of Creditors Arising After Proposal
- § 4:54 Deferring Claims
- § 4:55 Stay of Proceedings
- § 4:56 Secured Creditors Where a Proposal has been Made to Unsecured Creditors Only
- § 4:57 Effect of Creditors Refusing to Accept Proposal
- § 4:58 Voting on Proposals—Generally
- § 4:59 —Voting Letters
- § 4:60 —Voting at the Meeting of Creditors
- § 4:61 —Who May Vote
- § 4:62 —Voting by Secured Creditors
- § 4:63 —Voting by Creditors with Contingent or Unliquidated Claims
- § 4:64 Alterations and Amendments of Proposals—Generally

TABLE OF CONTENTS

§ 4:65	—Alterations and Amendments at Meetings of Creditors
§ 4:66	—Voting Letters
§ 4:67	—Practice Where a Proposal is Amended at a Meeting of Creditors
§ 4:68	—Power of Court to Make Alterations and Amendments
§ 4:69	—Power of Court to Amend a Proposal that has been Approved by the Court
§ 4:70	Examination of Debtor or Other Persons in Connection with a Proposal
§ 4:71	Approval of Proposals by the Court—Generally
§ 4:72	—Procedure for Obtaining Court Approval
§ 4:73	—Who May Make Application for Approval
§ 4:74	—Report of the Trustee
§ 4:75	—Judicial Officer Who May Hear the Application for Approval
§ 4:76	—Objections By Creditors
§ 4:77	—Examinations Under Section 163(2) by Objecting Creditors
§ 4:78	—Onus of Proof
§ 4:79	Conditions that Must be Met Before the Court Will Approve a Proposal—Generally
§ 4:80	—Terms are Reasonable
§ 4:81	—Calculated to Benefit the General Body of Creditors
§ 4:82	—Good Faith
§ 4:83	—Terms that Must be Contained in a Proposal in Order for It to be Approved by the Court
§ 4:84	Effect of Acceptance of Proposal by Creditors
§ 4:85	Cases in Which the Court has Refused to Approve a Proposal
§ 4:86	Effect of Facts Under Section 173 on Applications for Approval
§ 4:87	Effect of Commission of Offences Under Sections 198 to 200 on an Application for Approval
§ 4:88	Effect of Appeal From Disallowance of Claim by the Trustee
§ 4:89	Amending Proposal on Application for Approval
§ 4:90	Effect of Court Approval of Proposal by an Insolvent Person
§ 4:91	Costs
§ 4:92	Effect of Approval of Proposal After Bankruptcy
§ 4:93	Appeals From Orders Approving or Refusing to Approve Proposals
§ 4:94	Distribution by Trustee Under Proposal
§ 4:95	Creditors Bound by a Proposal that has been Accepted by Creditors and Approved by the Court—Generally
§ 4:96	—Unsecured Creditors Not Filing a Claim
§ 4:97	—Secured Creditor with an Unsecured Claim
§ 4:98	—Creditor’s Claims Coming Within Section 178
§ 4:99	—Preferred Creditors
§ 4:100	—Crown Claims
§ 4:101	—Fines and Costs Imposed by a Professional Body
§ 4:102	Release of Persons Other Than the Debtor by Acceptance of a Proposal by Creditors and Approval by the Court—Generally

- § 4:103 —Release of Sureties
- § 4:104 —Release of Co-Debtors
- § 4:105 Right of Set-Off by Creditors
- § 4:106 Time for Determining Claims of Creditors, Proofs of Claim
and Disallowance of Claims—Generally
- § 4:107 —Claims of Creditors Under Continuing Contracts
- § 4:108 —Interest
- § 4:109 —Claims Payable in Foreign Currency
- § 4:110 —Disallowance of Claims
- § 4:111 Provision for Termination Because of Proposal
- § 4:112 Provision for Acceleration of Payment Or Other Remedy
Because of Filing of Notice of Intention or Proposal
- § 4:113 Effect of Proposal on Public Utilities
- § 4:114 Effect of Proposal on Eligible Financial Contracts
- § 4:115 Effect of Proposal on Executory Contracts
- § 4:116 Effect of Proposal on Collective Bargaining
- § 4:117 Selling Assets during the Proposal Proceeding
- § 4:118 Disputed Claims in Proposals
- § 4:119 Disallowance of Secured Claims by Trustee Under a Proposal
- § 4:120 Effect on Leases of Real Property
- § 4:121 Effect of Proposal on Crown Claims for Amounts Owing
Pursuant to Section 224(1.2) of the *Income Tax Act* and
Similar Provincial Legislation
- § 4:122 Effect of a Proposal on Income Tax of Debtors and Creditors
- § 4:123 Proposals and Liability for Goods and Services Tax
- § 4:124 The Making of a Second Proposal Where a Proposal is in
Force
- § 4:125 Secret Agreements with Creditors
- §§ 4:126 to 4:128 [*Reserved*]
- § 4:129 Superintendent's Levy in a Proposal
- § 4:130 Annulling a Proposal—Generally
- § 4:131 —When is There Default Under a Proposal?
- § 4:132 —Remedying a Default
- § 4:133 —Who Can Bring an Application to Annul a Proposal
- § 4:134 —Procedure on the Application
- § 4:135 —Who Can Make an Order of Annulment
- § 4:136 —The Annulment Order
- § 4:137 —Procedure After Making of Order of Annulment
- § 4:138 —Effect of Annulling a Proposal
- § 4:139 Assignment or Bankruptcy Order Where Proposal in Force
- § 4:140 Claims of Creditors Where the Debtor Goes into Bankruptcy
After Making a Proposal
- § 4:141 Proposal Performed in Full
- § 4:142 Provisions of *Bankruptcy and Insolvency Act* Applicable to
Proposals—Generally
- § 4:143 —Provisions of the Act that are Applicable to Proposals
- § 4:144 —Provisions of the Act that are not Applicable to Proposals
- § 4:145 Preferences and Fraudulent Transactions
- § 4:146 Application for Directions by Trustee Under a Proposal

TABLE OF CONTENTS

- § 4:147 Trustee's Remuneration in Proposals
- § 4:148 Costs in a Proposal
- § 4:149 *Companies' Creditors Arrangement Act*
- § 4:150 *Farm Debt Mediation Act*

II. DIVISION II CONSUMER PROPOSALS

A. SECTIONS 66.11 TO 66.4

- § 4:151 [Sections 66.11 to 66.4]
- § 4:152 Consumer Proposals Generally
- § 4:153 Who May Make a Consumer Proposal
- § 4:154 Terms of Consumer Proposal
- § 4:155 Procedure For Making a Consumer Proposal
- § 4:156 Consumer Proposals and Secured Creditors
- § 4:157 Voting on Consumer Proposals
- § 4:158 Approval by Court of Consumer Proposals
- § 4:159 Creditors Bound by Consumer Proposals
- § 4:160 Provision for Termination Because of Insolvency
- § 4:161 Provision for Acceleration of Payment Because of Insolvency
- § 4:162 Effect of Consumer Proposal on Public Utilities
- § 4:163 Amendment of a Consumer Proposal
- § 4:164 Annulment of a Consumer Proposal
- § 4:165 Revival of a Consumer Proposal
- § 4:166 Filing an Assignment in Bankruptcy After Filing a Consumer Proposal
- § 4:167 Protection for Debtors Who have Made Consumer Proposals
- § 4:168 Termination of Eligible Financial Contracts in a Consumer Proposal
- § 4:169 Completion of a Consumer Proposal
- § 4:170 Fees That can be Charged for Administering a Consumer Proposal
- § 4:171 Taxation of Administrator's Accounts

CHAPTER 5. PART IV PROPERTY OF THE BANKRUPT

I. SECTIONS 67 TO 68.1

- § 5:1 [Sections 67 to 68.1]
- § 5:2 General Considerations Regarding Property
- § 5:3 Meaning of Property
- § 5:4 Preservation of Property
- § 5:5 Effect of Family Law Acts and Matrimonial Property
- § 5:6 —Division of Property Under Family Law Legislation
- § 5:7 —Partition and Sale of Property Jointly Owned by Husband and Wife
- § 5:8 —Equity of Exoneration
- § 5:9 —Restraining Order against Spouse Dealing with Assets
- § 5:10 Trust Property—Generally

- § 5:11 —Certainty of Intent
- § 5:12 —Certainty of Subject Matter
- § 5:13 —Certainty of Object
- § 5:14 —Express Trusts
- § 5:15 —Implied Trusts
- § 5:16 —Resulting Trusts
- § 5:17 —Constructive Trusts
- § 5:18 —Set-off against Trust Funds
- § 5:19 —Interest Received on Trust Funds after Date of Bankruptcy
- § 5:20 —Attempt to Create Trust in Sale of Goods
- § 5:21 The Treatment of Trust Property in Québec
- § 5:22 Remuneration of a Trustee in Bankruptcy for Receiving and
Distributing Trust Funds
- § 5:23 —Costs of Legal Proceedings with Respect to Trust Funds
- § 5:24 Waiver of Trust Claims
- § 5:25 Practice Dealing with Trust Property
- § 5:26 Corporate Liability for Breach of Trust
- § 5:27 Deemed Trusts—Generally
- § 5:28 —Deemed Trusts under the Excise Tax Act
- § 5:29 —Enhanced Garnishment
- § 5:30 Joint and Several Liability of Directors for Tax Debt Arising
from Unremitted Source Deductions
- § 5:31 Deemed Trusts Created by Provincial Legislation but not
Held in Trust for Her Majesty
- § 5:32 Tracing Trust Property
- § 5:33 Common Law Tracing
- § 5:34 Trust Property in the Insolvency of Securities Firms
- § 5:35 Trust Fund Provisions of Mechanics' and Construction Lien
Acts
- § 5:36 —Constitutionality of Trust Provisions of Lien Statutes
- § 5:37 —Jurisdiction of the Bankruptcy Court with Respect to Trust
Funds
- § 5:38 —Generally
- § 5:39 Moneys that are not Trust Funds
- § 5:40 Who are Beneficiaries of the Trust?
- § 5:41 Claims for Rental of Equipment
- § 5:42 Set-Off against Trust Funds
- § 5:43 Solicitor's Lien
- § 5:44 Distribution of Trust Funds by Trustee in Bankruptcy
- § 5:45 Interest on the Trust Funds
- § 5:46 Levy of Superintendent of Bankruptcy
- § 5:47 Effect of Assignments by Bankrupt of Proceeds of Contract
- § 5:48 Effect of Demand Under Section 224(1.2) of the *Income Tax
Act*
- § 5:49 Payment of Trust Money to a Person who Knows or Ought to
Have Known of the Existence of the Trust
- § 5:50 Payments by an Owner Pursuant to a Certificate
- § 5:51 Payments of Trust Moneys in the Ordinary Course of
Business

TABLE OF CONTENTS

§ 5:52	Payment of Trust Moneys by a Fraudulent Preference
§ 5:53	Right to Reimbursement
§ 5:54	Liability of Directors and Officers of Bankrupt for Breach of Trust or Misuse of Trust Funds
§ 5:55	Fees of Trustee for Distributing Trust Funds
§ 5:56	Legal Costs
§ 5:57	Property Exempt from Execution or Seizure
§ 5:58	—Property Exempt from Execution or Seizure under Federal Law
§ 5:59	—Value in Excess of Limit Allowed by Provincial Law
§ 5:60	—Settlements and Exempt Property
§ 5:61	—Fraudulent Transactions and Exempt Property
§ 5:62	—Use of Exempt Property to Purchase Exempt Property
§ 5:63	—Use of Exempt Property to Purchase Non-Exempt Property
§ 5:64	—Transfer of Exempt Property to a Third Party Prior to Bankruptcy
§ 5:65	—Sale of Exempt Property—Right of Trustee to Proceeds
§ 5:66	—Self-Settlement Made in Order to Claim Exemption
§ 5:67	—Transfer of Exempt Property Within Three Months of Bankruptcy
§ 5:68	—Claiming the Exemption
§ 5:69	—Effect of Death of Bankrupt on Exempt Property
§ 5:70	—Partnership Property
§ 5:71	—Jointly Owned Property
§ 5:72	—Pension Plan, Superannuation Benefits and RRSPs
§ 5:73	—Real Estate and Homesteads
§ 5:74	—Goods and Chattels
§ 5:75	—Tools and Chattels Used in the Bankrupt’s Business, Profession or Calling
§ 5:76	—Wages Earned after Bankruptcy
§ 5:77	—Miscellaneous Property Exempt From Execution
§ 5:78	—Waiver of the Exemption
§ 5:79	Goods and Services Tax Credit Payments
§ 5:80	Goods and Services Tax (GST) and Québec Service Tax (QST) Collection and Remittance
§ 5:81	Heating Expenses Tax Credit
§ 5:82	Bankrupt Acting as Agent
§ 5:83	Goods Delivered on Approval
§ 5:84	Goods Delivered on Sale or Return
§ 5:85	Goods Delivered Under Conditional Sales Agreement
§ 5:86	Goods on Consignment in Possession of Bankrupt—Generally
§ 5:87	—Onus of Proof
§ 5:88	—What are the Essentials for a Consignment Agreement
§ 5:89	—Consignment Distinguished from Delivery on Sale or Return
§ 5:90	—Remedies of Consignor When the Consignee Goes into Bankruptcy
§ 5:91	—Procedure for Claiming Consignment Goods
§ 5:92	Right of Vendor of Goods to Retake Possession

ANNOTATED BANKRUPTCY AND INSOLVENCY ACT

- § 5:93 Trustee Relying on Statute of Frauds
- § 5:94 Fixtures—Generally
- § 5:95 —Bankruptcy of an Owner of Land
- § 5:96 —Bankruptcy of a Tenant
- § 5:97 Licences
- § 5:98 Medical and Dental Records
- § 5:99 Rents
- § 5:100 Time Share Contracts
- § 5:101 Franchising Agreement
- § 5:102 E-Commerce Insolvencies
- § 5:103 Property Passing on Sale of Goods
- § 5:104 Lay-Aways
- § 5:105 Floating Charge Debenture
- §§ 5:106 to 5:113 [*Reserved*]
- § 5:114 Warehouse’s Lien and Storer’s Lien
- § 5:115 Repairer’s Lien
- § 5:116 Shipper’s Lien
- § 5:117 Bulk Sales
- § 5:118 Invalid Bills of Sale and Chattel Mortgages
- § 5:119 Ship’s Mortgage
- § 5:120 *Personal Property Security Act*
- § 5:121 —Constitutional Validity of the Personal Property Security Act
- § 5:122 —Trustee’s Right to Attack Personal Property Security Act Security for Defects
- § 5:123 —Application of Rule in Ex parte James
- § 5:124 —Application of Doctrine of Equitable Charge or Mortgage
- § 5:125 —Doctrine of Equitable Subordination
- § 5:126 —Application of Doctrine of Equitable Estoppel
- § 5:127 —Subordination of Security Interests
- § 5:128 —Actual Notice
- § 5:129 —Unjust Enrichment
- § 5:130 —Subrogation
- § 5:131 —Procedure for Attacking Security Interest that Trustee Alleges is Unperfected
- § 5:132 —Trustee’s Rights not Limited to Those Possessed by the Bankrupt
- § 5:133 —Chattels Exempt From Seizure
- § 5:134 —Right to Obtain Information Concerning a Security Agreement
- § 5:135 —Necessity for Trustee to Show that Assets are Assets of the Bankrupt
- § 5:136 —Bankrupt Co-owner of a Chattel
- § 5:137 —Effective Date of Vesting of Trustee’s Interest
- § 5:138 —Necessity for a Security Agreement
- § 5:139 —Necessity for a Security Interest
- § 5:140 —Conflict of Laws
- § 5:141 —Choice of Law Agreements
- § 5:142 —Unpaid Seller’s Right of Revendication

TABLE OF CONTENTS

- § 5:143 —Security Interests of the Crown
- § 5:144 —Lien Given by Statute or Rule of Law
- § 5:145 —Rights of Buyers and Sellers under Sale of Goods Acts
- § 5:146 —Buyer in the Ordinary Course of Business
- § 5:147 —Transfer of an Interest or Claim under a Policy of Insurance
- § 5:148 —Creation or Transfer of an Interest in Wages
- § 5:149 —Building Materials Affixed to Realty
- § 5:150 —Fixtures
- § 5:151 —Consignment Agreements
- § 5:152 —Leases
- § 5:153 —Leases—Accessions
- § 5:154 —Marine Mortgages
- § 5:155 —Security Under Section 427 of the Bank Act
- § 5:156 —Assignment of Wages
- § 5:157 —Security Interest Arising from an Assignment of an Interest in Real Estate
- § 5:158 —Security Interest Arising from Creation of an Interest in Real Property
- § 5:159 —Security Interest Arising from an Assignment of Book Debts
- § 5:160 —Licences
- § 5:161 —Pledge of Shares in a Corporation
- § 5:162 —Floating Charges
- § 5:163 —Attachment of a Security Interest
- § 5:164 —Perfection by Possession
- § 5:165 —Priority as a Result of Obtaining Control Through Legal Process
- § 5:166 —Perfection by Registration
- § 5:167 —Effect of Registration of a Discharge
- § 5:168 —Registration of a General Financing Statement on Inventory
- § 5:169 —Registration of a Financing Statement where a Security Interest has Not Been Perfected by Registration and the Secured Party has Assigned Its Interest
- § 5:170 —Purchase-Money Security Interest
- § 5:171 —Proceeds of Sale of Collateral
- § 5:172 —Renewal of Registration
- § 5:173 —Power of Court to Relieve Against Irregularities
- § 5:174 —Errors in Name of Debtor or Other Particulars of Debtor in Financing Statement
- § 5:175 —Errors in Security Agreements
- § 5:176 —Errors in Description of Chattels in Financing Statement
- § 5:177 —Errors in Financing Change Statement
- § 5:178 —Rights and Remedies on Default
- § 5:179 —Extension of Time for Compliance with Statutory Provisions
- § 5:180 Property in the Hands of a Solicitor
- § 5:181 Benefit Conferred on Director of a Corporation

- § 5:182 Property Acquired by Breach of Fiduciary Duty
- § 5:183 Misappropriation of Property of the Bankrupt
- § 5:184 Use of Oppression Remedy to Recover Property of the Bankrupt
- § 5:185 Goods Sold to a Non-Existent Purchaser
- § 5:186 Money in Court
- § 5:187 Bail and Money Paid by Way of Compensation or Restitution in Criminal Proceedings
- § 5:188 Pension and Superannuation Benefits
- § 5:189 Rule in Ex parte James—Generally
- § 5:190 —Cases Where the Rule has Been Applied
- § 5:191 —Cases in Which the Rule has not Been Applied
- § 5:192 Equitable Fraud
- § 5:193 Province of Québec and Resolution of a Contract of Sale for Default by the Buyer—Generally
- § 5:194 —Rights of Revendication in Québec
- § 5:195 —Rights of Resolution in Québec
- § 5:196 —Sale Was Not Made With a Term
- § 5:197 —Property is Still Entire and in the Same Condition
- § 5:198 —Goods Have Not Passed Into the Hands of a Third Person
- § 5:199 —Right Must Be Exercised Within 30 Days
- § 5:200 —Procedure for Claiming Property
- § 5:201 —Proper Law of the Contract
- § 5:202 —Proposals and 30-Day Goods
- § 5:203 —Resolution of a Contract of Sale for Default
- § 5:204 Seller’s Right of Stoppage *in Transitu*
- § 5:205 Real Property—Real Property Vesting in Trustee in Bankruptcy
- § 5:206 —Equitable Mortgages
- § 5:207 —Defective Legal Mortgage
- § 5:208 Leases
- § 5:209 Joint Tenancy—Generally
- § 5:210 —Joint Tenancy of Real Property
- § 5:211 —Joint Tenancy of Personal Property
- § 5:212 —Tenancy in Common Resulting From Severance of Joint Tenancy of Real Estate
- § 5:213 —Accounting between Co-tenants of Real Property
- § 5:214 —Exemption from Seizure of Joint Property
- § 5:215 Dower and Homestead Rights—Generally
- § 5:216 —Bankrupt Sole Owner of Property
- § 5:217 —Bankrupt has Inchoate Right to Dower
- § 5:218 —Joint Ownership
- § 5:219 Income under a Will or Trust
- § 5:220 Demutualization of Life Insurance Companies
- § 5:221 Life Insurance—Insurance Policy in which the Bankrupt is the Insured—Generally
- § 5:222 —Insurance Policy on Bankrupt’s Life Payable to the Estate of the Bankrupt

TABLE OF CONTENTS

§ 5:223 —Change of Beneficiary by Trustee in Policy on Bankrupt's Life

§ 5:224 —Insurance Policy Exempt from Seizure

§ 5:225 —Attacking Change of Beneficiary by Bankrupt as a Settlement

§ 5:226 —Insurance Policy in which the Bankrupt is a Beneficiary

§ 5:227 —Assignment of Life Insurance Policies by the Debtor Prior to the Date of Bankruptcy

§ 5:228 Annuities

§ 5:229 Income Averaging Annuity

§ 5:230 Deferred Profit Sharing Plan

§ 5:231 Fire Insurance on Property of Debtor

§ 5:232 Liability and Disability Insurance

§ 5:233 Powers Exercisable by Bankrupt

§ 5:234 Goodwill

§ 5:235 Patents, Trademarks, Copyright and Intellectual Property

§ 5:236 Registered Retirement Savings Plans and Registered Disability Savings Plans

§§ 5:237 to 5:246 *[Reserved]*

§ 5:247 Registered Education Savings Plan

§ 5:248 Vendor's Lien on Chattels

§ 5:249 Vendor's Lien on Land

§ 5:250 Choses in Action

§ 5:251 Shares in a Corporation

§ 5:252 Contractual Rights

§ 5:253 Claims under a Collective Bargaining Agreement in Bankruptcy

§ 5:254 Income Tax Refunds

§ 5:255 Goods and Services Tax Refunds and Payments Received by the Trustee for GST

§ 5:256 Child Tax Benefit

§ 5:257 Disability Tax Credit

§ 5:258 Family Orders and Agreements Enforcement Assistance Act

§ 5:259 Assignment of Choses in Action

§ 5:260 Judgments

§ 5:261 Statute of Limitations with Respect to Claims by the Trustee

§ 5:262 Provision for Forfeiture or Divesting of Title or the Giving of an Advantage to a Creditor in Event of Bankruptcy

§ 5:263 Letters of Credit

§ 5:264 Foreign Bankruptcies and Canadian Assets

§ 5:265 Attaching Earnings of Bankrupt

§ 5:266 —Generally

§ 5:267 —What Constitutes Total Income

§ 5:268 —Procedure for Determining Surplus Income

§ 5:269 —What Amount Should be Ordered by the Court

§ 5:270 —On Whom Should a Court Order under Section 68 be Served

§ 5:271 —Use of Powers of Court to Attach Earnings of Bankrupt

§ 5:272 —Related Persons

- § 5:273 —Proceedings by a Creditor Under Section 68
- § 5:274 —Failure to Comply with a Court Order Made Pursuant to Section 68
- § 5:275 Effect of Bankruptcy on Assignments of Wages and Book Debts and Professional Fees
- § 5:276 Money Owing to the Bankrupt for Services Rendered Prior to the Date of Bankruptcy

II. SECTIONS 69 TO 69.6

- § 5:277 [Sections 69 to 69.6]
- § 5:278 Stay of Proceedings: Unsecured Creditors
- § 5:279 —Practice
- § 5:280 When is the Stay Effective?
- § 5:281 Delivering Judgment or Taxing Costs after Bankruptcy
- § 5:282 Granting of Leave *Nunc Pro Tunc*
- § 5:283 Amending Order Granting Leave
- § 5:284 Taking of Proceedings Without Leave Once Trustee Discharged
- § 5:285 Granting Leave after Discharge of Bankrupt and Trustee
- § 5:286 Granting Leave Where the Bankrupt Only has been Discharged
- § 5:287 Granting Leave Where the Bankrupt has Died
- § 5:288 Effect of Granting Leave
- § 5:289 Proceedings Taken Without Leave
- § 5:290 Trustee Consenting to or Not Objecting to Leave Being Given
- § 5:291 Action Brought against Other Defendants who are Not Bankrupt
- § 5:292 Adding Defendants who are Not Bankrupt to the Proceedings as a Condition of Granting Leave
- § 5:293 Action Brought to Recover under a Contract of Insurance or Indemnity
- § 5:294 Action to Recover Property Loaned to the Bankrupt
- § 5:295 Assignment in Bankruptcy Made to Avoid Liability On Judgment
- § 5:296 Claims Disallowed by the Trustee
- § 5:297 Complex Actions
- § 5:298 Contingent or Unliquidated Claims
- § 5:299 Contempt Proceedings
- § 5:300 Criminal Proceedings
- § 5:301 Damage Actions
- § 5:302 Debts Not Released By Bankruptcy
- § 5:303 Debts Released by Bankruptcy
- § 5:304 Claims for Spousal or Child Support
- § 5:305 Actions under Family Law Statutes
- § 5:306 Indebtedness Incurred after Bankruptcy or the Filing of a Proposal
- § 5:307 Mechanics' Liens and Trust Claims Under Mechanics' Liens Acts
- § 5:308 Motor Vehicle Accidents

TABLE OF CONTENTS

- § 5:309 Permitting Examination of Debtor in Proceedings to Enforce A Judgment
- § 5:310 Possibility of Inconsistent Findings
- § 5:311 Actions *in Rem*
- § 5:312 Money Claim and Possessory Claim by Same Creditor
- § 5:313 Set-off By Creditor of Benefit Accruing after Bankruptcy or after the Making of a Proposal
- § 5:314 Counterclaims
- § 5:315 Set-off
- § 5:316 Third Party Claims
- § 5:317 Workers' Compensation Claims
- § 5:318 Labour Relations Cases
- § 5:319 Income Tax
- § 5:320 Revendication and Re-possessing Goods under Section 81.1
- § 5:321 Other Cases Where Leave is not Required
- § 5:322 Appeals from Orders Granting Leave
- § 5:323 Effect of Appeal to the Court of Appeal from a Discharge of the Bankrupt Where a Stay Order under s. 69.3 is in Effect
- § 5:324 Foreign Court and Deference to a Stay
- § 5:325 Stay of Proceedings: Demand under Section 224(1.2) of the *Income Tax Act* and Similar Provincial Legislation and under Provisions of the Canada Pension Plan or the *Employment Insurance Act* that refer to Section 224(1.2) of the *Income Tax Act* and Similar Provincial Legislation
- § 5:326 Stay of Proceedings: Secured Creditors
- § 5:327 —Notice of Intention to Make a Proposal
- § 5:328 —Filing a Proposal
- § 5:329 —Consumer Proposals and Bankruptcy
- § 5:330 —Bankruptcy
- § 5:331 Stay of Actions and Proceedings against Directors
- § 5:332 Lifting the Stay
- § 5:333 Aircraft Objects

III. SECTIONS 70 TO 84.2

- § 5:334 [Sections 70 to 84.2]
- § 5:335 Precedence Over Attachments, Garnishments, Executions, Etc.
- § 5:336 —Constitutionality of Section 70(1)
- § 5:337 —Conveyances by a Trustee in Bankruptcy
- § 5:338 —Proposals
- § 5:339 —Secured Creditors
- § 5:340 —Change in Priorities by Reason of Section 70(1)
- § 5:341 —Mortgages and Priority of Executions in Bankruptcy
- § 5:342 —Judgment Creditors
- § 5:343 —Garnishees and Demands under the Income Tax Act
- § 5:344 —Demands under the Excise Tax Act
- § 5:345 —Charging Orders
- § 5:346 —Payment of Money Into Court
- § 5:347 Costs of First Execution Creditor—Generally

- § 5:348 —First Execution Creditor
- § 5:349 —What Constitutes Costs
- § 5:350 —Critical Date for Determining Whether a Creditor can
Claim Priority
- § 5:351 —Necessity for a Seizure
- § 5:352 —Priority between Secured Creditors and First Execution
Creditors
- § 5:353 —Protecting the Priority
- § 5:354 —Payment of Claim of First Execution Creditor Where the
Executing Officer has Sold the Property of the Debtor
- § 5:355 Position of Married Women
- § 5:356 Date from Which Pre-commencement Transactions can be
Renewed
- § 5:357 Property Vesting in Trustee—Generally
- § 5:358 —Assignment by Debtor and Vesting of Property
- § 5:359 —Time When Vesting Occurs
- § 5:360 —Subject to the Act
- § 5:361 —Secured Creditors
- § 5:362 —Trust Claims
- § 5:363 —Environmental Liability and Vesting
- § 5:364 —Action or Proceeding by Bankrupt With Respect to
Property Vested in the Trustee
- § 5:365 —Making of a Retroactive Order With Respect to Vesting
- § 5:366 —Right to Use Intellectual Property
- § 5:367 Provincial Statutes Relating to Property and Civil Rights
- § 5:368 Bankruptcy Orders, Assignments or Other Documents
Affected by Provincial Legislation
- § 5:369 Seizure and Sale by Executing Officer or Other Officer of Any
Court—Generally
- § 5:370 —Proposals and Executing Officers' Seizures
- § 5:371 —Seizure by the Executing Officer
- § 5:372 —Sale of Debtor's Property by the Executing Officer
- § 5:373 —Distribution of Proceeds of Sale by the Executing Officer
- § 5:374 —Delivery of Property of Debtor by Executing Officer or
Other Person to the Trustee
- § 5:375 Seizure for Rent or Taxes Prior to the Filing of an
Assignment or the Making of a Bankruptcy Order—
Generally
- § 5:376 —Proposals and Seizure for Rent or Taxes
- § 5:377 —Landlord or Municipality Not a Secured Creditor
- § 5:378 —The Effective Date For Section 73(4)
- § 5:379 —Production of a True Copy
- § 5:380 —To Whom Should the True Copy be Produced
- § 5:381 —Delivery of Property to the Trustee
- § 5:382 —Costs of Distress
- § 5:383 —Sale of Property Prior to Production of True Copy of
Assignment or Bankruptcy Order
- § 5:384 —Seizure of Property of Third Parties
- § 5:385 —Seizure under Attornment Clause in a Mortgage

TABLE OF CONTENTS

- § 5:386 —Irregular Distress
- § 5:387 —Illegal Distress
- § 5:388 —Seizure for Taxes
- § 5:389 Registration of Bankruptcy Order or Assignment—Generally
- § 5:390 —Procedure for Registration
- § 5:391 —Reason for Registration
- § 5:392 —Removal of Encumbrances
- § 5:393 —Appointment of a Substituted Trustee
- § 5:394 —Trustee Transferring Title
- § 5:395 —Expunging Registration of Assignment or Bankruptcy Order
- § 5:396 —Effect of Non-Registration of Assignment or Bankruptcy Order
- § 5:397 —Necessity for Registration of a Security
- § 5:398 Removal of Property of Bankrupt Out of Province
- § 5:399 Liability of Shareholders of Bankrupt Corporation as Contributories—Generally
- § 5:400 —Rights of Trustee against a Contributory
- § 5:401 —Necessity for Allotment of Shares or Acceptance of Subscription for Shares
- § 5:402 —Amount Unpaid
- § 5:403 —Transfer of Unpaid Share Prior to Bankruptcy
- § 5:404 —Cancellation of Subscription
- § 5:405 —Procedure for Asserting a Claim against a Contributory
- § 5:406 Corporation Purchasing Its Own Shares or Impairing Its Capital
- § 5:407 Duty of Banks
- § 5:408 Right of Trustee to Inspect Property Held as Security
- § 5:409 Trustee Seizing or Disposing of Property Not Owned by Bankrupt
- § 5:410 Claims to Property in Possession of Bankrupt
- § 5:411 —Owner of Property Making Claims under Section 81(1)
- § 5:412 —Necessity for the Bankrupt to have Possession of the Property
- § 5:413 —Necessity for the Claimant to Establish a Proprietary Claim
- § 5:414 —Trustee Electing to Admit or Dispute Claim to Property
- § 5:415 —Onus of Proof
- § 5:416 —Appeals from Notices of Dispute
- § 5:417 —Effect of Section 81(1) on Claims for Conversion
- § 5:418 —Thirty-Day Goods
- § 5:419 —Trustee Giving Notice to Creditor with Respect to Property in Possession of Bankrupt
- § 5:420 —Exclusive Jurisdiction of the Bankruptcy Court under Section 81
- § 5:421 —Criminal Offence for Removal of Property out of Possession of Trustee
- § 5:422 —Proposals
- § 5:423 Right of Unpaid Seller to Repossess Goods

- § 5:424 —Procedure
- § 5:425 —Delivery to the Purchaser
- § 5:426 —Purchaser is Bankrupt or a Receiver has been Appointed
- § 5:427 —Goods Must be in the Possession of a Purchaser, Trustee or Receiver
- § 5:428 —Goods Must be Identifiable
- § 5:429 —Goods Must be in the Same State
- § 5:430 —Goods have not been Resold at Arm's Length
- § 5:431 —Goods have not been Fully Paid For
- § 5:432 —Priorities
- § 5:433 —Motion for Directions
- § 5:434 —Aggrieved Supplier
- § 5:435 —Claims of Farmers, Fishers and Acquaculturists
- § 5:436 Right of Unpaid Seller under *Québec Civil Code*
- § 5:437 Priority for Wage and Related Compensation Claims
- § 5:438 Super-Priority for Pension Claims
- § 5:439 Assignment of Agreements
- § 5:440 Protection and Restriction of Certain Rights
- § 5:441 Patent or Copyright Assigned to Bankrupt
- § 5:442 Sales by Trustee Vesting Legal and Equitable Estate of Bankrupt

IV. SECTION 85

- § 5:443 [Section 85]
- § 5:444 Partnership Property

V. SECTIONS 86 TO 90

- § 5:445 [Sections 86 to 90]
- § 5:446 Crown Interests—Generally
- § 5:447 —Provincial Legislation Substantially Similar to Section 224(1.2) of the Income Tax Act
- § 5:448 —Government Bodies as Crown Agents
- § 5:449 —Trustee as Agent of the Crown

VI. SECTION 91

- § 5:450 [Section 91]
- § 5:451 Settlement of Property
- §§ 5:452 to 5:459 [Reserved]
- § 5:460 Fraudulent Conveyances—Generally
- § 5:461 —Intent to Defeat, Hinder, Delay or Defraud Creditors or Others
- § 5:462 —Burden of Proof
- § 5:463 —Conveyances without Consideration
- § 5:464 —Saving Provisions
- § 5:465 —Fraudulent Conveyances and Exempt Property
- § 5:466 —Effect of Finding a Transaction to be a Fraudulent Conveyance

TABLE OF CONTENTS

- § 5:467 —Practice
- § 5:468 —Costs
- § 5:469 Attacking Fraudulent Conveyances under Provincial Assignments and Preferences Acts, Fraudulent Preferences Acts and Similar Statutes
- § 5:470 Liability of Directors and Lawyers for Breach of Fiduciary Duty

VII. SECTION 94

- § 5:471 [Section 94]
- § 5:472 Avoidance of General Assignment of Book Debts Unless Registered
- § 5:473 Scope and Extent of Assignment of Book Debts
- §§ 5:474 to 5:480 *[Reserved]*
- § 5:481 Assignments Not Requiring Registration
- § 5:482 Equitable Assignments and Legal Assignments
- § 5:483 Assignments of Wages and Professional Fees

VIII. SECTIONS 95, 96

- § 5:484 [Sections 95, 96]
- § 5:485 Preferences and Transfers at Undervalue
- § 5:486 —Transfers at Undervalue, Generally
- § 5:487 —Fraudulent Preferences Generally
- § 5:488 Preferential Transactions Immune From Attack
- § 5:489 Transactions Covered by Section 95
- § 5:490 —Conveyance or Transfer of Property
- § 5:491 —Charge on Property
- § 5:492 —Payment Made
- § 5:493 —Obligation Incurred
- § 5:494 —Judicial Proceeding Taken or Suffered
- § 5:495 Debtor-Creditor Relationship
- § 5:496 Transaction Must Take Place Within Three Months or One Year before Bankruptcy
- § 5:497 Insolvency of Debtor
- § 5:498 —Unable to Meet Obligations Generally as They Become Due
- § 5:499 —Ceased Paying Current Obligations in the Ordinary Course of Business
- § 5:500 —Assets Insufficient to Pay Obligations
- § 5:501 —Relevant Date for Insolvency
- § 5:502 —Proof of Insolvency
- § 5:503 —Insolvency of a Member of a Partnership
- § 5:504 —Payment, Conveyance, etc. by an Agent of an Insolvent Person
- § 5:505 Preference in Fact
- § 5:506 With a View to Giving a Preference
- § 5:507 The Presumption
- § 5:508 Rebutting The Presumption
- § 5:509 —Generally

ANNOTATED BANKRUPTCY AND INSOLVENCY ACT

- § 5:510 —Ordinary Course of Business
- § 5:511 —Diligent Creditors
- § 5:512 Transactions Entered Into to Permit the Debtor to Remain in Business
- § 5:513 Payment, Etc., Made to Remedy a Wrongful Act
- § 5:514 *Bona Fide* Belief that Debtor under a Legal Obligation
- § 5:515 Security for Present Advance
- § 5:516 Security for Past Debt and Present Advance
- § 5:517 Binding Agreement to Make Payment or Give Security Made Prior to the Three-Month or One-Year Period
- § 5:518 Binding Agreement to Make Payment or Give Security Made in the Three-Month or One-Year Period
- § 5:519 Knowledge by Creditor of Insolvency of Debtor and Failure to Make Inquiries
- § 5:520 Knowledge by Debtor of Insolvency
- § 5:521 Refusal to Perform an Act Unless Creditor's Account is Paid or Security is Given
- § 5:522 Transfer of All of Debtor's Property to a Creditor
- § 5:523 Persons Related to the Bankrupt
- § 5:524 Failure to Call Corroborative Evidence
- § 5:525 No Reason to Prefer the Creditor
- § 5:526 Pressure Does Not Satisfy the Presumption
- § 5:527 Surety or Guarantor for Debt Due to Creditor
- § 5:528 Fraudulent Preference as an Act of Bankruptcy
- § 5:529 Provincial Legislation Dealing with Preferences—Generally
- § 5:530 —Insolvency
- § 5:531 —Debtor-Creditor Relationship
- § 5:532 —Proof of Intent
- § 5:533 —Saving Clauses
- § 5:534 Paulian Action
- § 5:535 Limitation Period for Attacking Fraudulent Preferences
- § 5:536 Interest on Money Received by Means of a Fraudulent Preference
- § 5:537 Judgment in Fraudulent Preference Cases
- § 5:538 Costs
- § 5:539 Procedure For Attacking Fraudulent Preferences
- § 5:540 Appeals in Fraudulent Preference Cases

IX. SECTION 97

- § 5:541 [Section 97]
- § 5:542 Protection of Transaction Made in Good Faith With Bankrupt
- § 5:543 Set-Off—Generally
- § 5:544 —Legal Set-Off
- § 5:545 —Assignees of Book Debts
- § 5:546 —Set-Off Against Receiver
- § 5:547 —Fraudulent Preferences and Set-Off
- § 5:548 —Banks
- § 5:549 —Proposals

TABLE OF CONTENTS

- § 5:550 —Application of Set-off in Bankruptcy
- § 5:551 —Equitable Set-Off
- § 5:552 —Contracting out of Right of Set-Off
- § 5:553 —The Rule in *Cherry v. Boulton*

X. SECTIONS 98, 98.1

- § 5:554 [Sections 98, 98.1]
- § 5:555 Recovery of Property from Transferee from Bankrupt—
Generally
- § 5:556 —Money or Other Proceeds Received under a Void or
Voidable Transaction
- § 5:557 —Transfer of Property to a Party Not Acting in Good Faith
for Adequate Valuable Consideration
- § 5:558 —Transfer to a Person Acting in Good Faith for Adequate
Valuable Consideration
- § 5:559 —Consideration Unsatisfied

XI. SECTION 99

- § 5:560 [Section 99]
- § 5:561 After-acquired Property
- § 5:562 Transactions in Good Faith and for Value in Respect of After-
acquired Property—Generally
- § 5:563 —Transaction between an Undischarged Bankrupt and a
Third Party
- § 5:564 —Transactions in Respect of After-acquired Property
- § 5:565 —In Good Faith
- § 5:566 —For Value
- § 5:567 —Completed Before Intervention by the Trustee
- § 5:568 —Estoppel and Section 99
- § 5:569 After-acquired Property that Does not Vest in the Trustee
- § 5:570 Personal Earnings after Bankruptcy
- § 5:571 Procedure for Seizing After-acquired Property where the
Trustee has been Discharged
- § 5:572 Procedure for Seizing After-acquired Property where the
Trustee has not been Discharged
- § 5:573 Protection of Banks
- § 5:574 Priority between First and Second Bankruptcy

XII. SECTION 100

- § 5:575 [Section 100]
- § 5:576 Reviewable Transactions
- §§ 5:577 to 5:585 *[Reserved]*

XIII. SECTION 101

- § 5:586 [Section 101]
- § 5:587 Payment of Dividend or Redemption of Shares within One
Year Preceding Bankruptcy

- § 5:588 Payment of Compensation, Incentives or Other Benefits to
Directors and Managers within One Year Preceding
Bankruptcy

XIV. SECTIONS 101.1, 101.2

- § 5:589 [Sections 101.1, 101.2]
§ 5:590 Transfers at Undervalue, Preferences and Proposals

CHAPTER 6. PART V ADMINISTRATION OF ESTATES

I. SECTIONS 102 TO 115.1

- § 6:1 [Sections 102 to 115.1]
§ 6:2 Meetings of Creditors, Generally
§ 6:3 Check-List of Steps to be Followed Prior to and at First
Meeting of Creditors
§ 6:4 Procedure Prior to the First Meeting of Creditors—Generally
§ 6:5 —Notice to Creditors of the First Meeting
§ 6:6 —Advertising the Meeting
§ 6:7 —Time for Holding the Meeting
§ 6:8 —Adjournment of the Meeting
§ 6:9 —Place for Holding the First Meeting
§ 6:10 —Reconvening the First Meeting
§ 6:11 Notice to Creditors of Meeting Subsequent to First Meeting
§ 6:12 Order of Holding of Meeting of Creditors where One Bankrupt
Company Indebted to Another Bankrupt Company
§ 6:13 Procedure at the First Meeting of Creditors—Generally
§ 6:14 —Partnership Bankruptcies
§ 6:15 —Attendance of Bankrupt at First Meeting of Creditors
§ 6:16 —Considering the Affairs of the Bankrupt
§ 6:17 —Affirming Appointment of the Trustee or Appointing a
Substitute
§ 6:18 —Appointment of Inspectors
§ 6:19 —Directions by Creditors to the Trustee
§ 6:20 —Chair of the Meeting
§ 6:21 —Quorum
§ 6:22 —Minutes of the Meeting
§ 6:23 —Voting at the Meeting
§ 6:24 Requirements for Proof of Claim—Generally
§ 6:25 —Formalities
§ 6:26 —Who May Make the Proof of Claim
§ 6:27 —Street Address
§ 6:28 —Statement of Account
§ 6:29 Time for Lodging Proofs of Claim
§ 6:30 Splitting of Claims
§ 6:31 Creditor with a Claim on a Bill or Promissory Note on Which
the Bankrupt is Secondarily Liable

TABLE OF CONTENTS

§ 6:32	Voting by Secured Creditors—Generally
§ 6:33	—Surrendering Security
§ 6:34	—Valuation of Security
§ 6:35	—Voting for Excess
§ 6:36	—Failure to Value
§ 6:37	Voting by Trustee
§ 6:38	Voting by Restricted Creditors
§ 6:39	—Restriction on Voting by Non-Arm’s Length Creditors
§ 6:40	—Restriction on Voting on Appointment of Trustee and Inspectors
§ 6:41	Voting by Creditors with Unliquidated and Contingent Claims
§ 6:42	Proxies—Generally
§ 6:43	—Corporations
§ 6:44	—Partnerships
§ 6:45	—Individuals
§ 6:46	—Power of Substitution
§ 6:47	—Who can be Named as Proxy
§ 6:48	—Limited Proxies
§ 6:49	—Time for Lodging with the Trustee
§ 6:50	—Blank Proxy
§ 6:51	—Power of Court to Excuse Defects in Proxies
§ 6:52	Calculation of Votes
§ 6:53	Appeals from Rulings of the Chair—Generally
§ 6:54	—Noting Objections
§ 6:55	—Time for Filing Notice of Appeal
§ 6:56	—Who May Appeal
§ 6:57	—Particulars of Grounds of Appeal
§ 6:58	—Notice to Creditors Whose Claims are Objected to
§ 6:59	—Approach of the Courts to Appeals from Rulings of the Chair
§ 6:60	—Jurisdiction of Registrar to Hear Appeals
§ 6:61	—Appeals from Decisions of the Judge on Rulings of the Chair
§ 6:62	—Costs of an Appeal from Rulings of the Chair
§ 6:63	Meetings of Creditors Other Than the First Meeting
§ 6:64	Interlocutory or Permanent Orders

II. SECTIONS 116 TO 120

§ 6:65	[Sections 116 to 120]
§ 6:66	Inspectors Generally
§ 6:67	Power of Court
§ 6:68	Appointment and Removal of Inspectors
§ 6:69	—Eligible Persons
§ 6:70	—Ineligible Persons
§ 6:71	—Necessity to be a Creditor
§ 6:72	—Secured Creditors
§ 6:73	—Limited Companies
§ 6:74	—Interim Inspectors
§ 6:75	—Delegating the Power to Appoint
§ 6:76	—Vacancy in the Board of Inspectors

- § 6:77 —Appointment of Inspectors by a Special Meeting of Creditors
- § 6:78 —Revoking Appointment of Inspectors
- § 6:79 —Resignation of Inspectors
- § 6:80 —Defect or Irregularity in the Appointment of Inspectors
- § 6:81 —Partnerships
- § 6:82 —Application for Directions
- § 6:83 —Appeal from Rulings of Chair on Appointment of Inspectors
- § 6:84 Meetings of Inspectors
- § 6:85 Powers and Duties of Inspectors
- § 6:86 Sale of Assets to Inspector
- § 6:87 Appeal from Decisions and Actions of Inspectors
- § 6:88 Conflict Between Creditors and Inspectors
- § 6:89 Conflict Between Trustee and Inspectors
- § 6:90 Inspectors and After-acquired Property
- § 6:91 Actions against Inspectors
- § 6:92 Inspector Obtaining an Advantage or Benefit
- § 6:93 Remuneration of Inspectors—Generally
- § 6:94 —Remuneration for Special Services
- § 6:95 Examinations Under Section 163
- § 6:96 Proposals and Inspectors
- § 6:97 Inspectors' and Solicitors' Costs

III. SECTIONS 121 TO 123

- § 6:98 [Sections 121 to 123]
- § 6:99 Claims Provable—Generally
- § 6:100 —Meaning of “Debt”
- § 6:101 —Meaning of “Liability”
- § 6:102 —Debt or Liability Must be Due by the Bankrupt
- § 6:103 —Debt Must be Recoverable by Legal Process
- § 6:104 —The Day on which the Bankrupt Becomes Bankrupt
- § 6:105 —Events Occurring after Bankruptcy Affecting the Amount of a Claim
- § 6:106 —Obligation Incurred before the Day on which the Bankrupt Becomes Bankrupt
- § 6:107 —Obligations Incurred after the Day on which the Bankrupt Becomes Bankrupt
- § 6:108 —Claims Not Disclosed by the Bankrupt
- § 6:109 —Netting of Claims
- § 6:110 —Claims for Spousal and Child Support
- § 6:111 —Shareholders
- § 6:112 —Guarantors
- § 6:113 —Proof by a Person that has Contributed Capital to a Bankrupt's Business
- § 6:114 —Money Advanced as Equity to the Bankrupt
- § 6:115 —Claims against Real Property
- § 6:116 —Subrogation of Claims
- § 6:117 —Filing a Claim as Ordinary, Preferred and Secured Creditor
- § 6:118 —Liability to a Public Officer or Authority

TABLE OF CONTENTS

- § 6:119 —Claims for Costs
- § 6:120 — —Plaintiff's Costs
- § 6:121 — —Defendant's Costs
- § 6:122 —Income Tax Claims
- § 6:123 —Discounts
- § 6:124 Contingent or Unliquidated Claims—Generally
- § 6:125 —Contingent Claims
- § 6:126 —Guarantors and Sureties
- § 6:127 —Unliquidated Claims
- § 6:128 —Unliquidated Damages for Breach of Employment Contract
- § 6:129 —Contingent or Unliquidated Claim Too Uncertain or Incapable of Validation
- § 6:130 —Valuation of the Claim
- § 6:131 —Valuation of Claims under Equipment Rental Agreements
- § 6:132 —Unliquidated Claim Crystallized in a Judgment
- § 6:133 Proofs of Claim where Payment Guaranteed by Guarantor or Surety
- § 6:134 Debt Payable in a Foreign Currency
- § 6:135 Claims Based on Foreign Judgments
- § 6:136 Claims for Spousal and Child Support
- § 6:137 Debts Payable at a Future Time
- § 6:138 Subordination of Claims
- § 6:139 Claims of Creditors under Proposal after Bankruptcy
- § 6:140 Interest on Claims of Creditors
- § 6:141 Proof in Respect of Distinct Contracts
- § 6:142 Provable Claims and Statute of Limitations

IV. SECTIONS 124 TO 126

- § 6:143 [Sections 124 to 126]
- § 6:144 Necessity for Filing Proof of Claim—Generally
- § 6:145 —Withdrawal of a Claim
- § 6:146 —Amendment of a Claim
- § 6:147 —Effect of Filing a Claim with Respect to Claims against Third Parties
- § 6:148 —Effect of Filing a Claim against an Agent
- § 6:149 —Filing of a Second Proof of Claim
- § 6:150 —Filing of a Claim in Different Classes
- § 6:151 Form of Proof of Claim
- § 6:152 Who May Make Proof of Claim
- § 6:153 Contents of Proof of Claim
- § 6:154 False Statements or Misrepresentation in Proof of Claim
- § 6:155 Rule against Double Proof
- § 6:156 Right of Creditor to Examine Proofs of Claims of Others
- § 6:157 Proofs of Claims for Wages

V. SECTIONS 127 TO 134

- § 6:158 [Sections 127 to 134]
- § 6:159 General Position of Secured Creditors

- §§ 6:160 to 6:161 *[Reserved]*
- § 6:162 Secured Creditors Improving Priorities by Bankruptcy
- § 6:163 Priority of Secured Claims *Inter Se*
- § 6:164 Who is a Secured Creditor?
- § 6:165 —Guarantors
- § 6:166 —Joint Debt
- § 6:167 —Letter of Credit
- § 6:168 —Lienholders
- § 6:169 —Maintenance and Support
- § 6:170 —Cattle Breeder’s Lien
- § 6:171 —Livery Stable Keeper’s Lien
- § 6:172 —Maritime Liens
- § 6:173 —Mechanics’ and Construction Lien Holders
- § 6:174 —Municipality’s Lien for Unpaid Taxes
- § 6:175 —Negotiable Instrument Holder
- § 6:176 —Real Estate Agent
- § 6:177 —Ship Owner’s Lien
- § 6:178 —Airport Authorities and Air Navigation Services
- § 6:179 Claims of Workers’ Compensation Boards
- § 6:180 Realizing Security
- § 6:181 Postponing Rights of Realization
- § 6:182 Doctrine of Equitable Subordination
- § 6:183 Secured Creditors, Statutory Trust and Statutory Liens
- § 6:184 Surrendering Security to the Trustee
- § 6:185 —Implied Surrender
- § 6:186 Right of Trustee to Inspect Security
- § 6:187 Valuing Security—Generally
- § 6:188 —Time for Filing Proof of Security
- § 6:189 —Method of Making Valuation
- § 6:190 —Guarantees
- § 6:191 Requiring Trustee to Elect—Generally
- § 6:192 —Extending the One-Month Period
- § 6:193 —Failure by Trustee to Elect
- § 6:194 Failure to File Proof of Security or to Value Security
- § 6:195 Dissatisfaction with Valuation
- § 6:196 Requiring Secured Creditors to File Proof of Security
- § 6:197 Redeeming Security
- § 6:198 Amending Valuation and Withdrawal of a Claim by a Secured Creditor—Generally
- § 6:199 —Time for Making Amendment
- § 6:200 —Amendment Allowed
- § 6:201 —Amendment Refused
- § 6:202 —Imposition of Terms where Amendment is Allowed
- § 6:203 —Withdrawal of a Claim by a Secured Creditor
- § 6:204 Attacking Security
- § 6:205 Determining the Amount Owing to a Secured Creditor
- § 6:206 Taking in Payment
- § 6:207 Security Instruments in Movable Property In Québec

TABLE OF CONTENTS

§ 6:208	Obtaining Leave to Proceed in Mortgage Actions
§ 6:209	Marshalling—Generally
§ 6:210	—Conditions Precedent to Marshalling
§ 6:211	—Single Debtor
§ 6:212	—The Two Funds Must be at the Disposal of the Debtor
§ 6:213	—The Two Funds Must be in Existence When Marshalling is Claimed
§ 6:214	—Marshalling in Personal Property Cases
§ 6:215	Consolidation of Mortgage Security
§ 6:216	Appropriation of Payments by Secured Creditors
§ 6:217	Merger of a Secured Claim With a Judgment
§ 6:218	Mixing of Funds of Secured and Unsecured Creditors
§ 6:219	Unsecured Creditors Having Encumbrance against a Secured Asset
§ 6:220	Special Security Under Sections 426 and 427 of the <i>Bank Act</i>
§ 6:221	Section 426 Security
§ 6:222	Section 427 Security—Generally
§ 6:223	—Procedure for Obtaining Section 427 Security
§ 6:224	—Present Advance or Written Promise to Give Security
§ 6:225	—Dealing by the Borrower with Property Covered by Section 427 Security
§ 6:226	—Cancellation and Release of Section 427 Security
§ 6:227	—Necessity for the Borrower to be the Owner of the Property
§ 6:228	—Property Covered by Security under Sections 427(1) (a) and (b)
§ 6:229	—Accounts Receivable
§ 6:230	—After-acquired Property
§ 6:231	—Loans to Farmers
§ 6:232	—Claims of a Grower or Producer of Agricultural Products
§ 6:233	—Loans to Fishers
§ 6:234	—Taking Possession of Section 427 Security for Default
§ 6:235	—Realization of Section 427 Security
§ 6:236	—Set-off and Section 427 Security
§ 6:237	—Ownership Rights of a Bank Holding Section 427 Security
§ 6:238	—Priority of Section 427 Security
§ 6:239	—Priority with respect to Growing Crops
§ 6:240	—Priority of Section 427 Security with respect to Cattle
§ 6:241	—Unpaid Seller of Goods with Rights of Repossession
§ 6:242	—Invalid Section 427 Security cannot be Claimed as a Security in Some Other Form
§ 6:243	—Judgment Where a Bank Sells under Invalid Security
§ 6:244	—Fraud on Creditors by the Use of Section 427 Security
§ 6:245	—Companies’ Creditors Arrangement Act and Section 427 Security
§ 6:246	Dividends to Secured Creditors
§ 6:247	Settlement of Claims of Secured Creditors
§ 6:248	Secured Creditor Relying on Security
§ 6:249	Equity of Redemption in Security
§ 6:250	Superintendent of Bankruptcy’s Levy on Secured Claims

- § 6:251 Voting by Secured Creditors
- § 6:252 Proposals and Secured Creditors
- § 6:253 Secured Claims in Partnership Bankruptcies
- § 6:254 Interest and Other Charges on Secured Claims
- § 6:255 —Proposals
- § 6:256 Costs on Secured Claims
- § 6:257 Secured Creditors and Statute of Limitations
- § 6:258 Trustee Surrendering Security to Secured Creditors
- § 6:259 Trustee Claiming against Secured Creditor for Fees and Expenses Incurred in Conserving Assets

VI. SECTION 135

- § 6:260 [Section 135]
- § 6:261 Duty of Trustee to Examine Proof of Claim and Proof of Security
- § 6:262 Evidence in Support of Proof of Claim or Proof of Security
- § 6:263 Disallowance of Claims and Security in Proposals
- § 6:264 Admission of Proofs of Claim and Proofs of Security
- § 6:265 Contingent and Unliquidated Claims
- § 6:266 Disallowance of Claims or Security by Trustee—Generally
- § 6:267 —Time for Serving Notice of Disallowance
- § 6:268 —Disallowing a Claim without Serving a Notice of Disallowance
- § 6:269 —Trustee Must Act Equitably in Disallowing a Claim or Security
- § 6:270 —Effect of Disallowance
- § 6:271 Disallowance of Claim by a Creditor
- § 6:272 Disallowance of Secured Claims
- § 6:273 Appeal from Disallowance or Determination—Generally
- § 6:274 —Procedure for Appealing
- § 6:275 —Time for Appealing
- § 6:276 —Extending Time for Appealing
- § 6:277 —Asserting a Set-off or Counterclaim on Appeal from Disallowance
- § 6:278 —New Ground Raised on Appeal
- § 6:279 —Appeals from Disallowance of Crown Claims
- § 6:280 —Costs of Appeal from Disallowance
- § 6:281 —Security for Costs of Appeal from Disallowance
- § 6:282 —Effect of Appeal
- § 6:283 Power of Court to Expunge or Reduce A Proof of Claim or Proof of Security

VII. SECTIONS 136 TO 147

- § 6:284 [Sections 136 to 147]
- § 6:285 Priority of Claims, Generally
- § 6:286 —Proceeds Realized from the Property of the Bankrupt
- § 6:287 —Secured Creditors
- § 6:288 —Deemed Trusts

TABLE OF CONTENTS

- § 6:289 —Priority of Payment
- § 6:290 —Disputed Claims to Priority
- § 6:291 —Time for Payment of Preferred Claims
- § 6:292 Priority Under the Canadian *Payments Act*
- § 6:293 Funeral and Testamentary Expenses
- § 6:294 Costs of Administration
- § 6:295 Priority of Levy Payable to the Superintendent of
Bankruptcy
- § 6:296 Priority of Pension Related Claims
- § 6:297 Claims of Wage-Earners for Arrears of Wages—Generally
- § 6:298 —Who is Entitled to Preference
- § 6:299 — —Exclusive Employment
- § 6:300 — —Degree of Control
- § 6:301 — —Intermittent Nature of Employment
- § 6:302 — —Fixed Salary
- § 6:303 —For What is the Preference Given
- § 6:304 — —Wages, Salaries, Commissions or Compensation
- § 6:305 — —Services Rendered
- § 6:306 — —Six Months Immediately Preceding Bankruptcy
- § 6:307 — —\$2,000 and \$1,000 for Disbursements of a Travelling
Salesperson
- § 6:308 — —Claim for Balance Owing
- § 6:309 —Assignment of Wage Claims and Subrogation
- § 6:310 —Relatives of the Bankrupt
- § 6:311 —Directors and Officers of Limited Companies
- § 6:312 —Liability of Trustee for Pension Plan Benefits
- § 6:313 —Filing for Proofs of Claim for Wages
- § 6:314 —Appropriating Payments Made For Wages
- § 6:315 —Section 427 of the Bank Act and Wages
- § 6:316 —Disallowance of Claims for Wages
- § 6:317 Personal Liability of Directors and Officers for Unpaid
Wages, Termination, Severance and Vacation Pay
- § 6:318 Director Indemnification
- § 6:319 Claims for Wrongful Dismissal
- § 6:320 Spousal and Child Support
- § 6:321 Municipal Taxes—Generally
- § 6:322 —Secured Claim
- § 6:323 —Within Two Years Immediately Preceding Bankruptcy
- § 6:324 —Not Exceeding the Value of the Interest of the Bankrupt in
the Property In Respect of which the Taxes were Imposed
- § 6:325 —Declaration of Value by Trustee
- § 6:326 Liability of Trustee of Tenant for Taxes
- § 6:327 Claims of Landlord—Generally
- § 6:328 Occupation Rent—Generally
- § 6:329 —Actual Occupation
- § 6:330 —Liability of Trustee for Occupation Rent
- § 6:331 —Liability of Interim Receiver for Occupation Rent
- § 6:332 —Calculation of Occupation Rent
- § 6:333 —Procedure for Obtaining Payment of Occupation Rent

ANNOTATED BANKRUPTCY AND INSOLVENCY ACT

- § 6:334 Preferred Claim of Landlord for Arrears of Rent and Accelerated Rent—Generally
- § 6:335 —Arrears of Rent for Three Months Immediately Preceding Bankruptcy
- § 6:336 —Accelerated Rent
- § 6:337 — —Generally
- § 6:338 — —Entitled Thereto under the Lease
- § 6:339 — —Proposals
- § 6:340 —Liability of Interim Receiver for Occupation Rent
- § 6:341 —Realization from Property on the Premises under Lease
- § 6:342 Payment of Taxes and Other Charges as a Preferred Claim in the Bankruptcy of a Tenant
- § 6:343 Forfeiture of Term Before Bankruptcy
- § 6:344 Prepaid Rent
- § 6:345 Sale of a Lease that Does Not Permit Assignment Without Leave—Generally
- § 6:346 —Landlord Wrongfully Depriving Trustee of Opportunity to Assign a Lease
- § 6:347 —Secured Creditors Holding Security on a Lease
- § 6:348 —Trustee’s Liability for Rent after Assigning a Lease
- § 6:349 —Assigning Leases
- §§ 6:350 to 6:353 *[Reserved]*
- § 6:354 Sale of Lease that Permits Assignment Without Leave
- § 6:355 Sub-Lessees
- § 6:356 Right of Trustee to Let Purchaser of Assets Occupy the Leased Premises
- § 6:357 Distress Before Bankruptcy
- § 6:358 Distress after Bankruptcy
- § 6:359 Distress on Goods of a Third Party
- § 6:360 Observance of Covenants by the Trustee
- § 6:361 Payment of Rent as Preference
- § 6:362 Monthly Tenancy
- § 6:363 Disclaimer and Surrender of Lease by the Trustee—Generally
- § 6:364 —Meaning of Disclaimer and Surrender
- § 6:365 —What constitutes a Surrender or Disclaimer
- § 6:366 —What Does Not Constitute a Surrender or Disclaimer
- § 6:367 —Time for Delivering Disclaimer or Making a Surrender
- § 6:368 —Effect of the Trustee Entering into Possession
- § 6:369 —Approval of Inspectors
- § 6:370 —Effect of Surrender or Disclaimer
- § 6:371 —Termination of a Lease by an Interim Receiver
- § 6:372 Damages Claimed by Landlord for Unexpired Portion of Lease after Surrender or Disclaimer of Lease by Trustee
- § 6:373 Power of Trustee to Enter into a Lease
- § 6:374 Second Bankruptcy and Occupation Rent
- § 6:375 Liability of Guarantor and Enforcement of Security for Obligations under Lease Where Tenant Becomes Bankrupt
- § 6:376 —Guarantees

TABLE OF CONTENTS

- § 6:377 —Agreement by Third Party to Enter into a New Lease with the Landlord
- § 6:378 —Indemnifiers
- § 6:379 —Letters of Credit
- § 6:380 —Security Agreements
- § 6:381 —Promissory Notes
- § 6:382 —Lease of Chattels
- § 6:383 Liability of Original Tenant where Assignee of Lease Goes into Bankruptcy
- § 6:384 Liability for Damages to Leased Premises
- § 6:385 Priority between Chattel Mortgages, Debentures and Landlord
- § 6:386 Proposals and Rights of Landlord
- § 6:387 Bankruptcy of a Landlord
- § 6:388 Costs of First Seizing Creditor
- § 6:389 Claims of Workers' Compensation Boards, Unemployment Insurance Commission and Income Tax Department for Employees' Tax Deductions
- § 6:390 Claims Resulting from Injuries to Employees of Bankrupt
- § 6:391 Claims of the Crown
- § 6:392 Claims for Amounts Owing for Public Utilities
- § 6:393 Payment of Preferred Claims as soon as Funds Available
- § 6:394 Claim of Preferred Creditor Restricted by Section 136
- § 6:395 Postponement or Restriction of Claims of Creditors under Sections 137, 138 and 140—Generally
- § 6:396 —Reviewable Transactions
- § 6:397 —Deferment of Claims of Spouse or Former Spouse
- § 6:398 —Preferred Claims for Wages of Relatives
- § 6:399 —Preferred Claims for Wages by Officers and Directors
- § 6:400 Postponement of Equity Claims
- § 6:401 Postponement of Claims of Silent Partners
- § 6:402 Postponement of Claims—Equitable Subordination
- § 6:403 Claims Generally Payable Rateably
- § 6:404 Partnership: Joint and Separate Property—Generally
- § 6:405 —No Joint Estate
- § 6:406 —Limited Partnerships
- § 6:407 —Effect of Bankruptcy of a Partnership
- § 6:408 —Effect of Bankruptcy of a Partner
- § 6:409 —Effect of Dissolution of Partnership Prior to Bankruptcy
- § 6:410 —Partner Deemed to be a Partner after Dissolution
- § 6:411 —Dissolution of a Partnership that Prejudices Creditors
- § 6:412 —Separate Creditors
- § 6:413 —Not All Partners Bankrupt
- § 6:414 —What Property is Joint and What is Separate?
- § 6:415 —Joint and Separate Assets Inextricably Intertwined
- § 6:416 —What is a Joint Debt and What is a Separate Debt?
- § 6:417 —Proof Against Joint and Separate Estates
- § 6:418 —Amount Owing to a Partner

ANNOTATED BANKRUPTCY AND INSOLVENCY ACT

- § 6:419 —Claim of Joint Estate against Separate Estate and by Separate Estate against Joint Estate
- § 6:420 —Administration of Bankrupt Estates of Partners
- § 6:421 Interest from Date of Bankruptcy
- § 6:422 Bankrupt Entitled to Surplus
- § 6:423 Right to Proceeds of Automobile Insurance
- § 6:424 Right to Proceeds of Insurance Other Than Motor Vehicle Accident Insurance
- § 6:425 Levy Payable to Superintendent—Generally
- § 6:426 —Payment of Unsecured and Preferred Claims
- § 6:427 —Secured Creditors
- § 6:428 —Payment of Trust Funds
- § 6:429 —Failure to Deduct Levy

VIII. SECTIONS 148 TO 154

- § 6:430 [Sections 148 to 154]
- § 6:431 Payment of Dividends—Generally
- § 6:432 Approval of Inspectors of Dividends
- § 6:433 Attachment of a Dividend
- § 6:434 Assignment of a Dividend
- § 6:435 Guarantee Wide Enough to Include a Dividend
- § 6:436 Right of Trustee to Withhold Dividend or Make Deduction from Dividend
- § 6:437 Payment of Dividend by Interim Receiver
- § 6:438 Dispute about Person Entitled to the Dividend
- § 6:439 Dispute about the Validity of a Claim
- § 6:440 Dispute about the Priority of a Claim
- § 6:441 Guarantors and Dividends
- § 6:442 Dividend Received in a Foreign Bankruptcy
- § 6:443 Dividends where Two Bankrupt Estates have Claims against Each Other
- § 6:444 Overpayment of a Dividend
- § 6:445 Effect of Accepting Payment of a Dividend
- § 6:446 Trustee Notifying Creditor to File Claim—Generally
- § 6:447 —Extending the Time for Filing a Proof of Claim
- § 6:448 —Tax Claims
- § 6:449 —Income Tax Claims
- § 6:450 Creditor Proving Claim before Distribution but after Declaration of a Dividend
- § 6:451 Interim Dividends
- § 6:452 Final Dividend Sheet
- § 6:453 Trustee's Final Statement of Receipts and Disbursements
- § 6:454 Contesting the Final Dividend Sheet and Final Statement of Receipts and Disbursements
- § 6:455 Dividends in Joint and Separate Properties
- § 6:456 Unclaimed Dividends and Undistributed Funds

IX. SECTIONS 155 TO 157

- § 6:457 [Sections 155 to 157]

TABLE OF CONTENTS

- § 6:458 Summary Administration
- § 6:459 Trustee's Fees in Summary Administration
- § 6:460 Taxation of Trustee's Remuneration in Summary Administration

CHAPTER 7. PART VI BANKRUPTS

I. SECTION 157.1

- § 7:1 [Section 157.1]
- § 7:2 Counselling Services
- § 7:3 Fees for Counselling Services

II. SECTIONS 158 TO 160

- § 7:4 [Sections 158 to 160]
- § 7:5 Duties of the Bankrupt—Generally
- § 7:6 —Discover and Deliver Property under Possession or Control, Section 158(a)
 - § 7:7 —Deliver Credit Cards, Section 158(a.1)
 - § 7:8 —Deliver Books, Records and Documents, Section 158(b)
 - § 7:9 —Attend for Examination, Section 158(c)
 - § 7:10 —Prepare and Submit Statement of Affairs, Section 158(d)
 - § 7:11 —Make or Give Assistance to Trustee in Making Inventory of Assets, Section 158(e)
 - § 7:12 —Disclose Property Disposed of in Year Prior, Section 158(f)
 - § 7:13 —Disclose Property Disposed of by Gift or Settlement in Five Years Prior, Section 158(g)
 - § 7:14 —Attend first Meeting of Creditors, Section 158(h)
 - § 7:15 —Attend Other Meetings, Section 158(i)
 - § 7:16 —Submit to Other Examinations as Required, Section 158(j)
 - § 7:17 —Aid in Realization of Property, Section 158(k)
 - § 7:18 —Execute Requisite Powers of Attorney, Transfers and Instruments, Section 158(l)
 - § 7:19 —Examine Correctness of Claims Filed, Section 158(m)
 - § 7:20 —Disclose False Claims to Trustee, Section 158(n)
 - § 7:21 —Inform Trustee of any Material Change in Financial Situation, Section 158(n.1)
 - § 7:22 —Comply with Requirements of the Rules, Trustee and Court, Section 158(o)
 - § 7:23 —Keep Trustee Advised of Address, Section 158(p)
- § 7:24 Performance of Duties by an Officer of a Corporation and Examination of an Officer by the Official Receiver
- § 7:25 Failure to Perform Duties Imposed by Section 158
- § 7:26 Court Authority if Bankrupt Imprisoned

III. SECTIONS 161 TO 167

- § 7:27 [Sections 161 to 167]
- § 7:28 Official Receiver's Examination

- § 7:29 Investigations by the Official Receiver
- § 7:30 Examination by Trustee under Section 163(1)—Generally
- § 7:31 —Who May be Examined
- § 7:32 ——Solicitor and Client
- § 7:33 ——Spouse or Domestic Partner of the Bankrupt
- § 7:34 ——Executor of Deceased Bankrupt
- § 7:35 ——Accountants and Auditors
- § 7:36 ——Financial Institutions
- § 7:37 ——Confidential Information of the Crown
- § 7:38 ——Discharged Bankrupts
- § 7:39 —Scope of Examination under Section 163(1)
- § 7:40 —Production of Documents on a Section 163(1) Examination
- § 7:41 —Examination under Section 163(1) Where Civil Proceedings are Contemplated or are in Progress
- § 7:42 —Examinations under Section 163(1) Where Criminal Proceedings are Contemplated or are in Progress
- § 7:43 —Second Examination under Section 163(1) and Re-attendance to Answer Undertakings
- § 7:44 Examination of Trustee, Bankrupt or Inspector by Creditor or Other Interested Persons—Generally
- § 7:45 —Who May Apply for the Examination
- § 7:46 —Who May be Examined
- § 7:47 —What Material Must be Adduced to Obtain an Order for Examination of Trustee
- § 7:48 —Scope of the Examination under Section 163(2)
- § 7:49 —Production of Documents on an Examination under Section 163(2)
- § 7:50 Matters Common to Examinations under Section 163(1) and Section 163(2)
- § 7:51 Who May Appear on Examinations under Section 163(1) and Section 163(2)
- § 7:52 Procedural Requirements for Examinations under Section 163(1) and Section 163(2)
- § 7:53 Failure to Attend for Examination
- § 7:54 Refusal to Answer Questions
- § 7:55 Use of Examination
- § 7:56 *[Reserved]*
- § 7:57 Obtaining Possession of Property and Documents of Bankrupt
- § 7:58 Admission of Indebtedness to the Bankrupt
- § 7:59 Admission of Possession of Property of the Bankrupt
- § 7:60 Answers Tending to Criminate
- § 7:61 Sealing Orders

IV. SECTION 168

- § 7:62 [Section 168]
- § 7:63 Arrest of Bankrupts

V. SECTIONS 168.1-182

- § 7:64 [Sections 168.1-182]

TABLE OF CONTENTS

§ 7:65	Automatic Discharge—Generally
§ 7:66	—Notice of Opposition by Superintendent of Bankruptcy
§ 7:67	Discharge of Bankrupt prior to Nine-Month Period
§ 7:68	Discharge Generally
§ 7:69	—General Principles
§ 7:70	—Applications Where Debtor is in Bankruptcy for the First Time
§ 7:71	—Applications Where Debtor has been Bankrupt on a Previous Occasion
§ 7:72	Automatic Discharge for Second Time Bankrupt
§ 7:73	Second Bankruptcy Where No Discharge Obtained in the First Bankruptcy
§ 7:74	Procedure for Discharge Where the Trustee Makes a Recommendation for Payments under Section 170.1
§ 7:75	Procedure on Discharge
§ 7:76	Trustee’s Report to the Court—Generally
§ 7:77	—Approval of Inspectors
§ 7:78	—Time for Filing the Report
§ 7:79	—Effect of the Report
§ 7:80	—Contestation of the Report by the Bankrupt
§ 7:81	—Creditors Contesting or Supplementing the Trustee’s Report
§ 7:82	—Filing of Supplementary Report By Trustee
§ 7:83	Superintendent of Bankruptcy’s Report to the Court
§ 7:84	Trustee’s Report to the Superintendent
§ 7:85	Objections by Creditors to Discharge—Generally
§ 7:86	—Who May Object
§ 7:87	—Unsecured Creditors Who Have not Proved a Claim
§ 7:88	—Unsecured Creditors With Non-Provable Claims
§ 7:89	—Unsecured Creditors Whose Claims are Statute Barred
§ 7:90	—Foreign Creditors with Unsecured Claims
§ 7:91	—Secured Creditors
§ 7:92	—Unsecured Creditors With Contingent Claims
§ 7:93	—Notice of Opposition
§ 7:94	—Notice Supplementing the Trustee’s Report
§ 7:95	—Contesting the Trustee’s Report by Creditors Opposing the Discharge
§ 7:96	—Grounds of Opposition
§ 7:97	—Cross-Examination by Opposing Creditors of the Bankrupt
§ 7:98	—Representation of Objecting Creditors in Court Hearing
§ 7:99	—Cross-Examination of Bankrupt at Court Hearing
§ 7:100	—Agreement by Creditors Not to Oppose Discharge
§ 7:101	—Costs Where Creditors are Opposing Discharge
§ 7:102	Objections by Trustee to Discharge
§ 7:103	Mandatory Mediation
§ 7:104	Power of Court to Grant, Refuse or Suspend Discharge or Grant Conditional Discharge—Generally
§ 7:105	—No Facts Proved under Section 173(1)
§ 7:106	—Facts Proved under Section 173(1)

ANNOTATED BANKRUPTCY AND INSOLVENCY ACT

- § 7:107 —Suspending Discharge and Making Conditional Orders Concurrently
- § 7:108 —Matters to be Considered on Applications for Discharge
- § 7:109 Discharge Refused—Generally
- § 7:110 —Cases Where a Discharge has been Refused
- § 7:111 —Application for Discharge After a Discharge has been Refused
- § 7:112 Discharge Granted—Generally
- § 7:113 —Cases Where a Discharge has been Granted
- § 7:114 Suspension of Discharge—Generally
- § 7:115 —Cases in Which Discharge has been Suspended
- § 7:116 Conditional Discharge—Generally
- § 7:117 —When Should Conditional Orders for Payment be Made?
- § 7:118 —Superintendent of Bankruptcy’s Standards
- § 7:119 —To Whom Payment Made
- § 7:120 —How the Order Should be Paid
- § 7:121 —Consent to Judgment
- § 7:122 —Length of Time for Which Payments Should be Ordered
- § 7:123 —Distribution of Proceeds of a Conditional Order
- § 7:124 —Conditional Order to Perform Such Acts or Comply With Other Terms
- § 7:125 —Failure of Bankrupt to Comply With a Conditional Order
- § 7:126 —Conditional Order to Transfer Property to the Trustee
- § 7:127 —When is a Conditional Order Complete
- § 7:128 —No Significant Benefit to Ordinary Creditors from a Conditional Order
- § 7:129 —Assets Exempt From Seizure
- § 7:130 —Credit Card Debts
- § 7:131 —Failure to Remit Part of Earnings to Trustee and Conditional Order For Payment Out of Future Earnings
- § 7:132 —Income Tax Arrears
- § 7:133 —Bankrupts with Significant Income Tax Debts
- § 7:134 —Bankruptcy to Avoid Payment of a Judgment
- § 7:135 —Bankruptcy to Avoid Payment of a Motor Vehicle Judgment
- § 7:136 —Partners
- § 7:137 —Professional Persons
- § 7:138 —Spouse or Domestic Partner’s Income
- § 7:139 —Student Loans
- § 7:140 —Veterans’ Land Act Property
- § 7:141 —Misrepresentation under Prairie Grain Advance Payments Act
- § 7:142 Conditional Discharge Because of Possibility of Inheritance
- § 7:143 Modifying Conditional Orders of Discharge—Generally
- § 7:144 —Relevant Matters on an Application under Section 172(3)
- § 7:145 —Principles to be Applied in Making a Modification
- § 7:146 —Application under Section 187(5) as an Alternative to an Application under Section 172(3)
- § 7:147 —Modifying a Conditional Order Where the Formal Order of the Court has not Been Taken Out

TABLE OF CONTENTS

- § 7:148 Facts for Which a Discharge may be Refused, Suspended or Granted Conditionally—Generally
- § 7:149 Assets not of a Value Equal to 50 Cents on the Dollar
- § 7:150 —Onus of Proof
- § 7:151 —Appropriate Date for Determining the Value of the Assets
- § 7:152 —Circumstances for Which the Bankrupt Cannot Justly be Held Responsible
- § 7:153 —Circumstances for Which the Bankrupt Can Justly be Held Responsible
- § 7:154 Omitting to Keep Proper Books—Generally
- § 7:155 —What are Proper Books
- § 7:156 —Time for Which Books Must be Kept
- § 7:157 —No Need to Keep Books
- § 7:158 Continuing to Trade
- § 7:159 Failure to Account for Deficiency of Assets
- § 7:160 Rash and Hazardous Speculations, Unjustifiable Extravagance of Living, Gambling and Culpable Neglect of Business Affairs
- § 7:161 —Rash and Hazardous Speculations
- § 7:162 —Unjustifiable Extravagance in Living
- § 7:163 —Gambling
- § 7:164 —Culpable Neglect of Business Affairs
- § 7:165 Frivolous or Vexatious Defence
- § 7:166 Frivolous or Vexatious Action
- § 7:167 Undue Preference
- § 7:168 Incurring Liabilities for the Purpose of Making Assets Equal to 50 cents on the Dollar
- § 7:169 Prior Bankruptcy or Proposal—Generally
- § 7:170 —Effect of a Second Bankruptcy or Proposal
- § 7:171 —Effect of Third or More Bankruptcies or Proposals
- § 7:172 Fraud and Fraudulent Breach of Trust—Generally
- § 7:173 —Fraudulent Breach of Trust
- § 7:174 —Fraud
- § 7:175 —Determination on an Application for Discharge where the Bankrupt is Guilty of Fraud
- § 7:176 [*Reserved*]
- § 7:177 Commission of an Offence
- § 7:178 Failure to Comply with a Requirement to Pay under Section 68
- § 7:179 Choosing Bankruptcy Rather Than a Proposal
- § 7:180 Failure to Perform Duties
- § 7:181 Carrying out of Duties After Conditional Discharge
- § 7:182 Appellate Review of Orders of Discharge
- § 7:183 Certificate that the Bankruptcy Caused by Misfortune
- § 7:184 Marriage Settlement Made to Defeat Creditors
- § 7:185 Debts not Released by an Order of Discharge—Generally
- § 7:186 —Fine, Penalty or Restitution Order
- § 7:187 —Damages for Bodily Harm or Sexual Assault
- § 7:188 —Alimony Maintenance and Support Orders

- §§ 7:189 to 7:190 *[Reserved]*
- § 7:191 Debts not Released by an Order of Discharge—Debt or Liability Arising out of Fraud, Embezzlement, Misappropriation or Defalcation While Acting in a Fiduciary Capacity—Generally
- § 7:192 — —While Acting in a Fiduciary Capacity
- § 7:193 — —Arising out of Fraud
- § 7:194 — —Embezzlement
- § 7:195 — —Misappropriation
- § 7:196 — —Defalcation
- § 7:197 —Debt or Liability for Obtaining Property or Services by False Pretences or Fraudulent Misrepresentation
- § 7:198 — —Generally
- § 7:199 — —Determination on Application for Discharge Whether a Claim Comes Within Section 178(1)(e)
- § 7:200 — —Procedure
- § 7:201 — —Proof That a Debt or Liability Falls Within Section 178(1)(e)
- § 7:202 — —Only Part of the Property Obtained by False Pretences or Fraudulent Misrepresentation
- § 7:203 — —Fraudulent Misrepresentation
- § 7:204 — —False Pretences
- § 7:205 — —Necessaries of Life
- § 7:206 — —Failure to Disclose the Name of a Creditor
- § 7:207 — —Student Loans
- § 7:208 *[Reserved]*
- § 7:209 Jurisdiction of Registrar to Deal with Discharges
- § 7:210 Liability of an Undischarged Bankrupt for a Provable Debt and Reaffirmation Agreements
- § 7:211 Liability of Undischarged Bankrupt for Debts Incurred After Date of Bankruptcy
- § 7:212 Effect of Order of Discharge—Generally
- § 7:213 —Effective Date of Order of Discharge
- § 7:214 —Provable Claims
- § 7:215 —Undisclosed Claims of Creditors
- § 7:216 —Discharged Bankrupt Incurring Liability for, or Making Payment of a Provable Debt that has been Released by an Order of Discharge
- § 7:217 —Effect of Discharge on Claims of Secured Creditors
- § 7:218 —Effect of Order of Discharge on Trustee’s Rights
- § 7:219 —Effect of Order of Discharge on Right to Operate a Motor Vehicle
- § 7:220 —Effect of Discharge on Judgment Obtained After the Date of Bankruptcy
- § 7:221 —Effect of Order of Discharge on Property of Bankrupt
- § 7:222 —Acquisition of Assets by Bankrupt after Discharge
- § 7:223 —Effect of Order of Discharge on Status of the Bankrupt
- § 7:224 —Effect of Order of Discharge on Liability of Transferee of Property from Bankrupt for Income Tax Owing by Bankrupt
- § 7:225 Effect of Foreign Discharge

TABLE OF CONTENTS

- § 7:226 Release of Persons Other than the Bankrupt as a Result of Order of Discharge—Generally
- § 7:227 —Sureties and Guarantors
- § 7:228 —Endorser or Co-Maker of a Promissory Note
- § 7:229 —Co-defendant in an Action
- § 7:230 —Partners
- § 7:231 —Persons Jointly Bound With the Bankrupt
- § 7:232 Annuling Orders of Discharge—Generally
- § 7:233 —Reviewing, Varying or Rescinding an Order of Discharge under Section 187(5) on Grounds Other Than Those set out in Section 180(1) and (2)
- § 7:234 —Failure by the Bankrupt to Perform Duties
- § 7:235 —Fraud
- § 7:236 —Effect of Order of Annulment on Things Done Prior to the Making of the Order
- § 7:237 —Practice
- § 7:238 —Rescinding an Order Annuling an Order of Discharge
- § 7:239 Setting Aside and Annuling Bankruptcy Orders and Assignments
- § 7:240 Effect of Order of Discharge on Writs of Execution and Writs of Seizure and Sale—Generally
- § 7:241 —Procedure
- § 7:242 —Form of Order
- § 7:243 Issuing of Order of Discharge

CHAPTER 8. PART VII COURTS AND PROCEDURE

I. SECTIONS 183-186

- § 8:1 [Sections 183-186]
- § 8:2 Jurisdiction Generally
- § 8:3 Jurisdiction of Judge Sitting in Bankruptcy
- § 8:4 Statutory Interpretation, Gap-Filling and Inherent Jurisdiction of the Court
- § 8:5 Equitable Jurisdiction of the Court Sitting in Bankruptcy
- § 8:6 Power to Make Declaratory Judgments
- § 8:7 Power to Consolidate Bankrupt Estates
- § 8:8 Conflict Between Ordinary Civil Courts and Courts Sitting in Bankruptcy—Generally
- § 8:9 —Proceedings to Determine Whether or Not a Person is a Creditor or the Rights and Obligations of a Creditor
- § 8:10 —Proceedings to Obtain a Remedy Granted by Federal or Provincial Legislation
- § 8:11 —Proceedings to Determine Title to Property
- § 8:12 —Proceedings Against Strangers to the Bankruptcy
- § 8:13 —Proceedings by a Stranger to the Bankruptcy
- § 8:14 —Proceedings in the Ordinary Courts Raising Bankruptcy Issues

- § 8:15 —Proceedings Against the Trustee
- § 8:16 —Concurrent Jurisdiction of Courts Sitting in Bankruptcy and Ordinary Civil Courts
- § 8:17 —Exclusive Jurisdiction of the Court Sitting in Bankruptcy
- § 8:18 —Transferring Proceedings that Have Been Improperly Brought in the Court Sitting in Bankruptcy to the Ordinary Civil Courts
- § 8:19 —Transferring Proceedings that Have Been Improperly Brought in the Ordinary Courts to the Court Sitting in Bankruptcy
- § 8:20 Procedure for Exercising Jurisdiction of the Court
- § 8:21 Jurisdiction of Court Where Assets in Dispute are Not Claimed by the Trustee or Not Vested in the Trustee
- § 8:22 Granting Injunctions
- § 8:23 Granting Specific Performance
- § 8:24 Rules of Evidence
- § 8:25 Jurisdiction With Respect to Foreign Bankruptcies
- § 8:26 Jurisdiction of Court With Respect to Letters of Request
- § 8:27 Jurisdiction in Admiralty Proceedings
- § 8:28 Jurisdiction of Court Sitting in Bankruptcy to Determine Rights as Between Creditors
- § 8:29 *Forum Non Conveniens*
- § 8:30 Jurisdiction of Courts of Appeal and the Supreme Court of Canada
- § 8:31 Jurisdiction of the Registrar

II. SECTIONS 187-191

- § 8:32 [Sections 187-191]
- § 8:33 Court Seal and Jurisdiction
- § 8:34 Restraining Courts in Execution of Powers
- § 8:35 Sitting in Chambers
- § 8:36 Periodical Sitting in Bankruptcy of the Court
- § 8:37 Power of Court to Review, Rescind or Vary an Order—Generally
- § 8:38 —Material to be Used on the Application
- § 8:39 —Who Can Hear the Application
- § 8:40 —Interlocutory and Final Orders
- § 8:41 —Appeals and Applications under Section 187(5)
- § 8:42 —Rescinding a Bankruptcy Order
- § 8:43 —Varying or Rescinding Orders Discharging Bankrupt
- § 8:44 —Other Orders
- § 8:45 Enforcing Orders of the Court
- § 8:46 Transfer of Proceedings to Another Bankruptcy District or Division
- § 8:47 Directing Trial of an Issue
- § 8:48 Power of Court to Relieve Against Formal Defects and Irregularities
- § 8:49 —Generally

TABLE OF CONTENTS

- § 8:50 —Defects that Have Been Excused by the Court under Section 187(9)
- § 8:51 —Defects that the Court Has Refused to Excuse under Section 187(9)
- § 8:52 Proceedings Taken or Carried on in the Wrong Court
- § 8:53 Extension of Time
- § 8:54 Dispensing with Duties Imposed on the Trustee
- § 8:55 Courts Acting in Aid of Each Other
- § 8:56 —Enforcing Orders in Another Province
- § 8:57 —Courts Acting in Aid of Each Other
- § 8:58 —Calling in Aid Foreign Bankruptcy Courts and Foreign Courts Calling in Aid Canadian Courts
- § 8:59 —Enforcement of Warrants
- § 8:60 Warrant Directing Seizure or Search
- § 8:61 Admission of Documents
- § 8:62 Evidence of Deceased Bankrupt or Deceased Spouse or Common-Law Partner of Bankrupt

III. SECTION 192

- § 8:63 [Section 192]
- § 8:64 Registrar Generally
- § 8:65 Powers of Deputy Registrar
- § 8:66 Unopposed Applications and Bankruptcy Orders
- § 8:67 Holding Examinations
- § 8:68 Granting Orders of Discharge
- § 8:69 Approving Proposals that are not Opposed
- § 8:70 Setting Aside a Proposal
- § 8:71 Making Interim Orders in Cases of Urgency
- § 8:72 Unopposed and *Ex Parte* Applications
- § 8:73 Summoning and Examining the Bankrupt and Others
- § 8:74 Disputes Concerning Proofs of Claim
- § 8:75 Taxation of Costs and Passing Accounts
- § 8:76 Consent Orders
- § 8:77 Matters Relating to Practice and Procedure
- § 8:78 Settling and Signing Orders
- § 8:79 Administrative Duties
- § 8:80 Appeals from Disallowance of Claims by the Trustee
- § 8:81 Matters that the Registrar Cannot Hear
- § 8:82 Appeals from the Registrar
- § 8:83 Power of Registrar to Give Title to Immovable Property
- § 8:84 Judge Hearing Matters within Jurisdiction of Registrar

IV. SECTIONS 193-196

- § 8:85 [Sections 193-196]
- § 8:86 Appeals Generally
- § 8:87 Future Rights
- § 8:88 The Order or Decision is likely to Affect Other Cases of a Similar Nature

- § 8:89 Property Involved Exceeds \$10,000
- § 8:90 Appeals from Orders Granting or Refusing Discharge of Bankrupt
- § 8:91 Appeals by Leave of a Judge of the Court of Appeal
- § 8:92 Appeal Moot
- § 8:93 Right of Appeal Denied
- § 8:94 Appeal on Application for Directions
- § 8:95 Appeal from Refusal to Approve Proposal
- § 8:96 Effect of Appeal
- § 8:97 Conservation of Assets While Appeal Pending
- § 8:98 Security for Costs of Appeal
- § 8:99 Time for Filing Notice of Appeal and Extension of Time
- § 8:100 Perfecting Appeal
- § 8:101 Quashing Appeals
- § 8:102 Intervention in Appeals
- § 8:103 Settlement of an Appeal
- § 8:104 Reinstating an Appeal that has been Dismissed as Abandoned
- § 8:105 Reviewing, Varying or Rescinding an Order as an Alternative to an Appeal
- § 8:106 Appeal by Bankrupt from Judgment Given Prior to Date of Bankruptcy
- § 8:107 Taxation of Costs in Appeals in Bankruptcy Matters
- § 8:108 Leave to Appeal to the Supreme Court of Canada
- § 8:109 Stay of Proceedings Where an Appeal is Pending in the Supreme Court of Canada

V. SECTION 197

- § 8:110 [Section 197]
- § 8:111 Discretion as to Costs
- § 8:112 Method of Taxation
- § 8:113 Form of the Bill of Costs
- § 8:114 Personal Liability of the Trustee for Costs
- § 8:115 Personal Liability of Solicitor for Costs
- § 8:116 Authorization in Writing of Legal Services
- § 8:117 The Tariff
- § 8:118 Quantum of Fees Where Tariff not Applicable
- § 8:119 Costs of Appeals
- § 8:120 Priority of Payment of Legal Costs
- § 8:121 Restriction on Amount
- § 8:122 Solicitor and Client Costs
- § 8:123 Legal Costs Preceding the Assignment or Application and in Connection with the Assignment or Application
- § 8:124 Legal Costs Incurred after the Assignment or Bankruptcy Order and Prior to the Appointment of Inspectors
- § 8:125 Legal Costs of Bankrupt after Assignment or Bankruptcy Order
- § 8:126 Costs Awarded Against a Trustee
- § 8:127 Costs Allowed Against Persons Not Parties to a proceeding

TABLE OF CONTENTS

§ 8:128	Approval by Inspectors
§ 8:129	Method of Payment
§ 8:130	Security for Costs
§ 8:131	Security for Costs of Appeals
§ 8:132	Payment of Costs Out of Assets Claimed by Trustee
§ 8:133	Costs in a Proposal
§ 8:134	Costs on Application for Discharge
§ 8:135	Costs Not Allowed
§ 8:136	Trustee Adopting Liability for Legal Services
§ 8:137	Solicitor's Lien for Fees
§ 8:138	Necessity for Taxation
§ 8:139	Failure to Submit Bill for Taxation
§ 8:140	Costs Incurred in Another Province
§ 8:141	Taxation of Costs by the Registrar
§ 8:142	Right of Bankrupt to Attend on Taxation
§ 8:143	Taxation of Legal Costs of a Receiver
§ 8:144	Liability of Crown for Costs
§ 8:145	Set-Off of Costs
§ 8:146	Appeals from Taxation

CHAPTER 9. PART VIII OFFENCES

I. SECTIONS 198-208

§ 9:1	[Sections 198-208]
§ 9:2	Offences Generally
§ 9:3	Section 198
§ 9:4	—Fraudulent Disposition of Property, Section 198(1)(a)
§ 9:5	—Refuses or Neglects to Answer Fully and Truthfully, Section 198(1)(b)
§ 9:6	—Makes a False Entry or Knowingly Makes a Material Omission in Statement or Accounting, Section 198(1)(c)
§ 9:7	—Conceals, Destroys, Falsifies or Omits Documents, Section 198(1)(d)
§ 9:8	—Obtains Credit or Property by False Representation, Section 198(1)(e)
§ 9:9	—Fraudulently Conceals or Removes Property, Section 198(1)(f)
§ 9:10	—Hypothecates, Pawns, Pledges or Disposes of Property Obtained on Credit, Section 198(1)(g)
§ 9:11	Failure to Comply with Court Order under Section 68 or Duties under Section 158, Section 198(2)
§ 9:12	Effect of Bankruptcy Offences on Discharge of Bankrupt
§ 9:13	Effect of Bankruptcy Offences on Proposals
§ 9:14	Undischarged Bankrupt Engaging in Business or Obtaining Credit—Generally
§ 9:15	—Engaging in Business
§ 9:16	—Obtains Credit
§ 9:17	Trustee Receiving Remuneration Beyond Remuneration Payable Out of the Bankrupt Estate

- § 9:18 Failure of Person who has been Previously Bankrupt or has
Previously Made a Proposal to Keep Proper Books
- § 9:19 False Claims by a Creditor
- § 9:20 Inspectors Obtaining Improper Fees
- § 9:21 Bankrupt Obtaining a Benefit or Advantage
- § 9:22 Trustee or Other Persons Failing to Perform Duties
- § 9:23 Failure to Comply with the Act or Rules
- § 9:24 Failure to Comply with Subpoena, Request or Summons under
Section 14.02
- § 9:25 Removal of Property Out of Possession of Trustee
- § 9:26 Trustee Acting as Trustee when Licence Suspended or
Restricted
- § 9:27 Liability of an Officer, Director or Agent of a Corporation
- § 9:28 Community Service
- § 9:29 Compensation Order
- § 9:30 Procedure for Bankruptcy Prosecutions
- § 9:31 Extradition for Bankruptcy Offences
- § 9:32 Form of Information
- § 9:33 Time for Commencing Prosecution
- § 9:34 Withdrawal of Criminal Proceedings
- § 9:35 Examination of Debtor When Criminal Proceedings are
Pending
- § 9:36 Calling Solicitor for Bankrupt as a Witness in Criminal
Proceedings
- § 9:37 Documentary Evidence Obtained From the Bankrupt
- § 9:38 Bail
- § 9:39 Stay of Civil Proceedings Because of Pending Criminal
Proceedings

CHAPTER 10. PART IX MISCELLANEOUS PROVISIONS

I. SECTIONS 209-216

- § 10:1 [Sections 209-216]
- § 10:2 The Rules
- § 10:3 Registration of Notice in Canada Gazette
- § 10:4 Interference with Rights and Privileges of Banks
- § 10:5 *The Winding-Up and Restructuring Act*
- § 10:6 Actions Against Superintendent of Bankruptcy, Official
Receivers, Interim Receivers or Trustees—Generally
- § 10:7 —Relationship Between Sections 37 and 215
- § 10:8 —Who May Apply for Leave
- § 10:9 —Material Required on Application
- § 10:10 —Where Should the Application be Brought
- § 10:11 —Actions Against the Trustee for Tort
- § 10:12 —Actions Against the Trustee Where Leave is Unnecessary
- § 10:13 Jurisdiction of the Registrar to Hear an Application under
Section 215

TABLE OF CONTENTS

- § 10:14 Granting Leave *Nunc Pro Tunc* or *De Bene Esse*
- § 10:15 When Should Leave be Granted
- § 10:16 Appeals from Orders Granting Leave
- § 10:17 Appeals from Orders Dismissing Application for Order Granting Leave
- § 10:18 Claims in Foreign Currency
- § 10:19 Provisions of the Act Binding the Crown

CHAPTER 11. PART X ORDERLY PAYMENT OF DEBTS

I. SECTIONS 217-242

- § 11:1 [Sections 217-242]
- § 11:2 Orderly Payment of Debts

CHAPTER 12. PART XI SECURED CREDITORS AND RECEIVERS

I. SECTIONS 243-252

- § 12:1 [Sections 243-252]
- § 12:2 Secured Creditors and Receiver Generally
- § 12:3 Appointment of Receiver and Manager
- § 12:4 Effect of Bankruptcy on the Appointment of Receiver and Manager
- § 12:5 Effect of Appointment of a Receiver
- § 12:6 Relationship of Receiver and Directors
- § 12:7 Improper Appointment of Receiver
- § 12:8 Appeal from Order Appointing Receiver
- § 12:9 Notice of Intention to Enforce Security
- § 12:10 Furnishing Names of Creditors to the Receiver
- § 12:11 Receiver's Right to Possession of Assets and Documents of the Debtor
- § 12:12 Guarantors and Receivership
- § 12:13 Set-off Against Receiver
- § 12:14 Receiver's Statement on Commencement of Receivership
- § 12:15 Removal of Receiver
- § 12:16 Reports by Receiver
- § 12:17 Receiver's Final Report
- § 12:18 Duties and Powers of the Receiver
- § 12:19 Advance of Funds to Debtor to Defend Receivership Proceedings
- § 12:20 Sale of Assets by a Receiver and Manager
- § 12:21 Vesting Orders in Receivership with Respect to Real Estate
- § 12:22 Writ of Possession Against Tenant
- § 12:23 Money Paid into Court Prior to the Appointment of a Receiver
- § 12:24 Money Paid into Court Pursuant to Garnishee Order

- § 12:25 Powers of Court to Enforce Duties Imposed on Receiver
- § 12:26 Actions Against Receiver
- § 12:27 Actions Against Debtor Company
- § 12:28 Actions by Receiver
- § 12:29 Liability of Receiver for Expenses Incurred
- § 12:30 Liability of Receiver on Contracts and Borrowing
- § 12:31 Liability of Receiver and Manager for Amounts Owing for
Public Utilities Prior to its Appointment
- § 12:32 Liability of Receiver for Environmental Damage
- § 12:33 Liability of Court-Appointed Receiver for Business Taxes
- § 12:34 Personal Liability of Receiver for Claims Arising Prior to
Receivership Where the Receiver has Carried on the
Debtor's Business
- § 12:35 Priority Between Security Holders Where a Receiver is
Appointed
- § 12:36 Amount Owing for Workers' Compensation Prior to the
Appointment of a Receiver
- § 12:37 Liability of Receiver for Source Deductions
- § 12:38 Solicitor for Receiver
- § 12:39 Solicitor-and-Client Privilege of a Receiver
- § 12:40 Disobedience of Order Appointing a Receiver
- § 12:41 Liability of Receiver for Goods and Services Tax
- § 12:42 Liability of Receiver for Provincial and Federal Taxes
- § 12:43 Liability of Receiver for Deemed Trusts
- § 12:44 Liability of Receiver for Land Taxes
- § 12:45 Liability of Receiver for Occupation Rent
- § 12:46 Distress Against Goods in the Possession of a Receiver
- § 12:47 Liability of Receiver for Wages of Employees
- § 12:48 Receiver's Right to Rent
- § 12:49 Appeals from Orders with Respect to Actions of Receiver
- § 12:50 Taxation of Receiver's Accounts
- § 12:51 Priority of Receiver's Fees Over Secured Creditors
- § 12:52 Liability for Payment of Receiver's Fees
- § 12:53 Payment of Receiver's Fees
- § 12:54 Distribution by Receiver
- § 12:55 Directions to Receiver
- § 12:56 Conflict Between Order Under Part XI and Order of
Provincial Court or Security Agreement
- § 12:57 Saving Sections
- § 12:58 Foreign Receiverships and Receiverships in Other Provinces

CHAPTER 13. PART XII SECURITIES FIRM BANKRUPTCIES

I. SECTIONS 253-266

- § 13:1 [Sections 253-266]
- § 13:2 Securities Firms Insolvencies Generally
- § 13:3 Definition of Customer

TABLE OF CONTENTS

- § 13:4 Definition of Customer Name Securities
- § 13:5 Definition of Deferred Customer
- § 13:6 Definition of Net Equity
- § 13:7 Definition of Security
- § 13:8 Application for a Bankruptcy Order Against a Securities Firm
- § 13:9 Relationship Between Customer and Broker
- § 13:10 Customer Name Securities
- § 13:11 Distribution of the Securities Firm Estate
- § 13:12 Accounting of Trustee

CHAPTER 14. PART XIII CROSS-BORDER INSOLVENCIES

I. SECTIONS 267-284

- § 14:1 [Sections 267-284]
- § 14:2 International Insolvencies Generally
- § 14:3 Purpose of the Cross-Border Insolvency Provisions
- § 14:4 Definition of Foreign Court
- § 14:5 Definition of Foreign Main Proceeding
- § 14:6 Definition of Foreign Non-Main Proceeding
- § 14:7 Definition of Foreign Representative
- § 14:8 Application for Recognition of Foreign Proceeding
- § 14:9 Proof of Foreign Proceeding
- § 14:10 Recognition of Foreign Proceeding
- § 14:11 Effect of Recognition Order
- § 14:12 Right of Canadian Trustee to Claim Foreign Assets
- § 14:13 Stay of Proceedings
- § 14:14 Calling In Aid Foreign Courts
- § 14:15 Applications and Interim Receivers
- § 14:16 Proposals
- § 14:17 Examinations of Debtor or Other Persons
- § 14:18 Attornment to the Jurisdiction
- § 14:19 Discretionary Orders Made After Recognition Order
- § 14:20 Cooperation, Section 275
- § 14:21 Dividends and Property Received by a Creditor in a Foreign Proceeding
- § 14:22 Obligation to Inform Court of Any Substantial Change
- § 14:23 Multiple Proceedings
- § 14:24 Miscellaneous Cross-Border Provisions
- § 14:25 Conversion of Claims to Canadian Currency

CHAPTER 15. PART XIV REVIEW OF ACT

I. SECTION 285

- § 15:1 [Section 285]
- § 15:2 Review of the Act, Section 285

CHAPTER 16. BANKRUPTCY AND INSOLVENCY GENERAL RULES

- § 16:1 [Rules 1, 1.1 Interpretation]
- § 16:2 General
- § 16:3 Judge Sitting in Bankruptcy
- § 16:4 Registrar
- § 16:5 Taxing Officer
- § 16:6 [Rule 2 General]
- § 16:7 Forms
- § 16:8 [Rule 3]
- § 16:9 Application of Ordinary Procedure of the Court—Generally
- § 16:10 —Situations in Which the Ordinary Procedure of the Court
has Been Applied
- § 16:11 —Situations in Which the Practice in Bankruptcy and the
Ordinary Procedure of the Court have Both been Applied
- § 16:12 —Situations in which the Ordinary Procedure of the Court
has not been Applied
- § 16:13 [Rules 4 to 7]
- § 16:14 Time Period of Less Than Six Days
- § 16:15 Service of Documents
- § 16:16 *Ex parte* Applications
- § 16:17 [Rule 8 Appearance Before the Registrar or Court]
- § 16:18 No Requirement for Legal Representation
- § 16:19 [Rules 9 to 10 Court Proceedings]
- § 16:20 Meaning of “Proceedings”
- § 16:21 Title of Proceedings
- § 16:22 Filing of Documents
- § 16:23 [Rules 11 to 13 Motions]
- § 16:24 Applications to Court by Motion
- § 16:25 Applications for Adjournment
- § 16:26 Filing Affidavits and Notices of Motion
- § 16:27 [Rule 14 Witnesses and Depositions]
- § 16:28 Examination of Witnesses in Court Proceedings—Generally
- § 16:29 —Discovery Prior to Hearing of an Application
- § 16:30 —Examinations for Discovery
- § 16:31 —Cross-Examination on Affidavits
- § 16:32 —Examination on Pending Motion
- § 16:33 Examinations in Connection with Applications for
Bankruptcy Orders
- § 16:34 Evidence
- § 16:35 [Rules 15 to 17 Search, Seizure and Arrest]
- § 16:36 Search, Seizure and Arrest
- § 16:37 [Rules 18 to 26 Costs and Taxation]
- § 16:38 Costs and Taxation
- § 16:39 [Rules 27 to 29 Fees of Court Officers]
- § 16:40 Fees of Court Officers
- § 16:41 [Rule 30 Appeals from Decisions of the Registrar]
- § 16:42 Appeals from the Registrar

TABLE OF CONTENTS

§ 16:43 [Rules 31 to 32 Appeals to Court of Appeal]
 § 16:44 Appeals to the Court of Appeal
 § 16:45 [Rule 33 Official Receiver]
 § 16:46 —Official Receivers
 § 16:47 [Rules 34 to 53 Code of Ethics for Trustees]
 § 16:48 —Code of Ethics for Trustees
 § 16:49 [Rules 54 Appointment and Substitution of Trustees]
 § 16:50 [Rule 54 Appointment and Substitution of Trustees]—
 Evidence of Appointment of Trustee
 § 16:51 [Rules 55 to 57 Duties of Trustees]
 § 16:52 —Duties of Trustees
 § 16:53 [Rules 58, 58.1 Remuneration of Trustees]
 § 16:54 —Remuneration of Trustee
 § 16:55 [Rule 59 Prescribed Circumstances for Operation]
 § 16:56 —Goods and Services Tax Credit Payments
 § 16:57 [Rule 59.1 Prescribed Pension Plans for Operation]
 § 16:58 —Prescribed Pension Plans for Operation
 § 16:59 [Rule 59.2 Prescribed Plan for Operation]
 § 16:60 —Prescribed Plan for Operation
 § 16:61 [Rules 60 to 61 Taxation of Accounts and Discharge of
 Trustee]
 § 16:62 —Taxation of Accounts and Discharge of Trustee in
 Ordinary Administration
 § 16:63 [Rules 62 to 67 Summary Administration]
 § 16:64 —Summary Administration
 § 16:65 [Rule 68 Books, Records and Documents]
 § 16:66 —Retention of Documents
 § 16:67 [Rules 69 to 76 Application for Bankruptcy Order]
 § 16:68 —Applications for Bankruptcy Order
 § 16:69 [Rules 77 to 82 Interim Receiver]
 § 16:70 —Appointment of Interim Receivers
 § 16:71 —Taxation of Accounts of Interim Receiver and Discharge of
 Interim Receiver
 § 16:72 —Damages Arising from Appointment of an Interim
 Receiver
 § 16:73 [Rules 83 to 84 Bankruptcy Orders]
 § 16:74 —Bankruptcy Orders
 § 16:75 —Annuling Bankruptcy Orders
 § 16:76 [Rules 85 to 88 Assignments.]
 § 16:77 —Assignments
 § 16:78 [Rules 89 to 95 Proposals]
 § 16:79 —Approving Proposals in Division I
 § 16:80 —Correcting Errors or Omissions in Proposals in Division I
 § 16:81 [Rules 96 to 103.1 Consumer Proposals]
 § 16:82 —Taxation of Administrator’s Accounts
 § 16:83 [Rule 104 Contributories]
 § 16:84 —Contributories to Insolvent Corporations
 § 16:85 [Rule 105 Mediation.]
 § 16:86 —Mediation

- § 16:87 [Rule 106 Order for Payment.]
- § 16:88 —Order for Payment under Section 68
- § 16:89 [Rule 107 Preferences and Transfers at Undervalue]
- § 16:90 —Issuing a Certificate of Pending Litigation
- § 16:91 [Rules 108 to 110 Meetings of Creditors.]
- § 16:92 —Meetings of Creditors
- § 16:93 [Rule 111 Crown’s Security]
- § 16:94 —Crown’s Security
- § 16:95 [Rule 112 Notice of Dividend]
- § 16:96 —Allowance of Claims of Creditors
- § 16:97 [Rule 113 Notice of Disallowance or of Valuation]
- § 16:98 —Disallowing Claims
- § 16:99 [Rule 114 Bankrupt Partnerships]
- § 16:100 —Statement of Affairs of a Partnership
- § 16:101 [Rules 115 to 117 Examinations]
- § 16:102 —Examination of Bankrupts and Others
- § 16:103 [Rules 118 to 121.1 Discharge of Bankrupts]
- § 16:104 —Examination of Bankrupt on Discharge
- § 16:105 —Discharge of Bankrupts
- § 16:106 [Rule 122 Public Records]
- § 16:107 —Public Records
- § 16:108 [Rule 123 Rate of Levy]
- § 16:109 —Superintendent of Bankruptcy’s Levy
- § 16:110 [Rule 124 to 127 Secured Creditors and Receivers]
- § 16:111 —Secured Creditors and Receivers
- § 16:112 [Rule 128 Trustee’s Fees and Disbursements in Summary Administration]
- § 16:113 —Trustee’s Fees and Disbursements in Summary Administration
- § 16:114 [Rule 129 Administrator’s Fees and Expenses in a Consumer Proposal]
- § 16:115 —Administrator’s Fees and Expenses
- § 16:116 [Rule 130 Application of Summary Administration Provisions]
- § 16:117 —Application of Summary Administration Provisions
- § 16:118 [Rule 131 to 136.1 Miscellaneous Fees]
- § 16:119 —Miscellaneous Fees
- § 16:120 [Rule 137 Prescribed Date]
- § 16:121 —Prescribed Date
- § 16:122 [Rule 138 Notice Related to Foreign Proceeding]

CHAPTER 17. REGULATIONS AND TARIFFS

- § 17:1 Eligible Financial Contract General Rules (Bankruptcy and Insolvency Act)
- § 17:2 Orderly Payment of Debts Regulations

Appendix 17A. Schedules

Chapter 18. Forms

TABLE OF CONTENTS

**PART II. COMPANIES' CREDITORS
ARRANGEMENT ACT**

CHAPTER 19. GENERAL; SHORT TITLE (S. 1)

I. GENERAL

§ 19:1 Amendment history

II. SHORT TITLE (S. 1)

§ 19:2 [Section 1]

§ 19:3 Introduction to the *Companies' Creditors Arrangement Act*

§ 19:4 Purpose of the CCAA

CHAPTER 20. INTERPRETATION (SS. 2-3)

I. SECTION 2

§ 20:1 [Section 2]

§ 20:2 Interpretation of the CCAA

§ 20:3 "Aircraft Objects"

§ 20:4 "Bargaining Agent"

§ 20:5 "Bond"

§ 20:6 "Cash Flow Statement"

§ 20:7 "Claim"

§ 20:8 "Collective Agreement"

§ 20:9 "Company"

§ 20:10 "Court"

§ 20:11 "Debtor Company"

§ 20:12 "Director"

§ 20:13 "Eligible Financial Contract"

§ 20:14 "Equity Claim"

§ 20:15 "Equity Interest"

§ 20:16 "Financial Collateral"

§ 20:17 "Income Trust"

§ 20:18 "Initial Application"

§ 20:19 "Monitor"

§ 20:20 "Net Termination Value"

§ 20:21 "Secured Creditor"

§ 20:22 "Shareholder"

§ 20:23 "Superintendent of Bankruptcy"

§ 20:24 "Superintendent of Financial Institutions"

§ 20:25 "Title Transfer Credit Support Agreement"

§ 20:26 "Unsecured Creditor"

§ 20:27 Persons Related or Dealing at Arm's Length

II. SECTION 3

§ 20:28 [Section 3]

- § 20:29 Necessity for Claims Totalling Five Million Dollars
- § 20:30 Affiliated Companies
- § 20:31 Company Controlled by a Person or Two or More Companies
- § 20:32 Subsidiary

CHAPTER 21. PART I: COMPROMISES AND ARRANGEMENTS

I. SECTIONS 4-5

- § 21:1 [Sections 4-5]
- § 21:2 Compromises and Arrangements Generally
- § 21:3 Order Meeting of Creditors
- § 21:4 Order Meeting of Shareholders

II. SECTION 5.1

- § 21:5 [Section 5.1]
- § 21:6 Compromises of Claims Against Directors
- § 21:7 Claims that Cannot be Compromised
- § 21:8 Court Declaration where Compromise would not be Fair and Reasonable
- § 21:9 Where Directors have Resigned or have been Removed

III. SECTION 6

- § 21:10 [Section 6]
- § 21:11 Approval of the Plan by the Court—Generally
- § 21:12 Classifying Creditors
- § 21:13 Consolidation of Proceedings
- § 21:14 Meeting of Creditors to Consider the Plan
- § 21:15 Alteration or Modification of the Plan at the Creditors' Meeting
- § 21:16 Sanctioning of the Plan
- § 21:17 —Sanctioning of the Plan—Use of the Canada Business Corporations Act for Approving an Arrangement for a Group of Solvent and Insolvent Debtors
- § 21:18 Effect of Sanctioning the Plan by the Court
- § 21:19 Power of Court to Amend Plan When Making a Sanctioning Order
- § 21:20 Power of Court to Give Directions after Sanctioning the Plan
- § 21:21 Interpretation of the Plan by the Court
- § 21:22 Payment of Crown Claims
- § 21:23 —Remittances Due after Application for Initial Order
- § 21:24 Plan Where Company Subject to Bankruptcy or Winding-up Legislation
- § 21:25 Court Order that Constating Instrument be Amended
- § 21:26 Protection of Claims of Employees and Former Employees
- § 21:27 Protection of Pension Claims
- § 21:28 Treatment of Equity Claims

TABLE OF CONTENTS

§ 21:29 Court Approved Sale Process

IV. SECTION 7

§ 21:30 [Section 7]

§ 21:31 Alteration or Modification of the Plan

V. SECTION 8

§ 21:32 [Section 8]

§ 21:33 Conflict Between the *Act* and an Instrument

CHAPTER 22. PART II: JURISDICTION OF COURTS

I. SECTION 9 JURISDICTION OF THE COURT

§ 22:1 [Section 9 Jurisdiction of the Court]

§ 22:2 Jurisdiction of Courts

§ 22:3 —Sealing Orders

II. SECTION 10 COMMENCEMENT OF PROCEEDINGS

§ 22:4 [Section 10 Commencement of Proceedings]

§ 22:5 Commencement of Proceedings

§ 22:6 Materials to Accompany Application

§ 22:7 Court Order Prohibiting Release of Information where
Prejudice to Debtor Company

III. SECTIONS 11-11.11 STAY ORDERS AND LIFTING THE STAY

§ 22:8 [Sections 11-11.11 Stay Orders and Lifting the Stay]

§ 22:9 Stay of Proceedings, Generally

§ 22:10 Procedure for Obtaining a Stay Order

§ 22:11 Scope of Order under Initial Application

§ 22:12 Stay of Proceedings under *Bankruptcy and Insolvency Act* or
under the *Winding-up and Restructuring Act*

§ 22:13 Restraining Further Proceedings in any Action, Suit or
Proceeding

§ 22:14 Prohibiting Commencement of an Action, Suit or Proceeding

§ 22:15 Scope of Order under Subsequent Applications

§ 22:16 Stay on Actions against Directors

§ 22:17 Stay not Affect Action, Suit or Proceedings against Persons
Other than Debtor Company

§ 22:18 Monitor to Send Copy to Known Creditors

§ 22:19 Relationship of Stay Order with *Canadian Payments Act*

§ 22:20 Relationship of Stay Order with Security on Aircraft Objects

§ 22:21 Relationship of Stay Order with Performance of Duties by
Minister of Finance, Superintendent of Financial
Institutions or Canada Deposit Insurance Corporation

- § 22:22 Relationship of Stay Order with Powers under *Winding-up and Restructuring Act*
- § 22:23 Stay Orders and Crown Claims
- § 22:24 Regulatory Bodies can Continue to Investigate
- § 22:25 Key Employee Retention Plans and Key Employee Incentive Plans
- § 22:26 Labour Relations During Insolvency
- § 22:27 Stay Order After Approval of a Plan
- § 22:28 Thirty-Day Goods
- § 22:29 Disobedience of a Stay Order
- § 22:30 Application to Set Aside or Vary a Stay Order or Lifting a Stay
- § 22:31 Appeals from Stay Orders
- § 22:32 Eligible Financial Contracts
- § 22:33 Letters of Credit
- § 22:34 Suppliers of Goods and Services or Rental of Property to the Debtor
- § 22:35 Arrangement for Special Payment to Secured Creditors if Plan is Successful
- § 22:36 Lien Claims
- § 22:37 Equity Solicitation Prior to Consideration of the Plan by Creditors
- § 22:38 Jurisdiction to Stay Proceedings Against Third Parties

IV. SECTION 11.2 INTERIM FINANCING

- § 22:39 [Section 11.2 Interim Financing]
- § 22:40 Interim Financing, Generally
- § 22:41 Court May Order Priority Charge
- § 22:42 Litigation Funding Arrangements
- § 22:43 Criteria to be Applied by the Court

V. SECTIONS 11.3-11.31 ASSIGNMENT AND TERMINATION OF AGREEMENTS

- § 22:44 [Sections 11.3-11.31 Assignment and Termination of Agreements]
- § 22:45 Court may Assign Rights and Obligations of Company
- § 22:46 Criteria to Apply in Considering Proposed Assignment
- § 22:47 Exceptions to Court's Ability to Assign
- § 22:48 —Post-Commencement Agreements
- § 22:49 —Eligible Financial Contracts
- § 22:50 —Collective Bargaining Agreements
- § 22:51 Court not to Make Order unless Monetary Defaults will be Remedied

VI. SECTION 11.4 CROWN CLAIMS AND CRITICAL SUPPLIERS

- § 22:52 [Section 11.4 Crown Claims and Critical Suppliers]

TABLE OF CONTENTS

- § 22:53 Claims under the *Income Tax Act, Canada Pension Plan, Employment Insurance Act* and Similar Provincial Legislation
- § 22:54 Claims under the *Excise Tax Act*
- § 22:55 Critical Suppliers
- § 22:56 Payment to Unsecured Creditors Prior to Filing a Plan

VII. SECTIONS 11.5, 11.51 DIRECTORS

- § 22:57 [Sections 11.5, 11.51 Directors]
- § 22:58 Stay of Actions against Directors
- § 22:59 Exceptions to Stay where Directors Gave Guarantee
- § 22:60 Where Directors have Resigned
- § 22:61 Governance of the Insolvent Debtor Company and Director Obligations
- § 22:62 —Court Order Removing Directors
- § 22:63 Court May Fill Vacancy
- § 22:64 Court May Order Indemnification
- § 22:65 —Ranking of the Directors' Charge
- § 22:66 —Charge Not Apply Where Gross Negligence, Wilful Misconduct, Gross or Intentional Fault

VIII. SECTION 11.52 PROFESSIONAL FEES

- § 22:67 [Section 11.52 Professional Fees]
- § 22:68 Security or Priority Charge for Monitors' Fees
- § 22:69 Security or Priority Charge for Financial, Legal or Other Experts Engaged by Debtor Company
- § 22:70 Security or Priority Charge for Professional Fees Where Necessary for Effective Participation in Proceedings
- § 22:71 Court Can Determination Priority of Security or Charge

IX. SECTION 11.6 TRANSFERRING PROCEEDINGS

- § 22:72 [Section 11.6 Transferring Proceedings]
- § 22:73 Transferring Proceedings Under the *Bankruptcy and Insolvency Act* to the CCAA

X. SECTIONS 11.7-11.8 APPOINTMENT OF MONITOR OR OTHER PROFESSIONAL

- § 22:74 [Sections 11.7-11.8 Appointment of Monitor or Other Professional]
- § 22:75 Appointment of a Monitor
- § 22:76 Duties of the Monitor
- § 22:77 Limits on Who Can Act as Monitor
- § 22:78 Debtor Company to Provide Assistance
- § 22:79 Monitor Not Liable—Generally
- § 22:80 Monitors and Employee Claims
- § 22:81 Environmental Conditions or Damage
- § 22:82 Court Authority to Replace Monitor

- § 22:83 Limitation on What Ranks as a Cost of Administration
- § 22:84 Appointment of an Interim Receiver
- § 22:85 Appointment of a Restructuring Officer or Committee
- § 22:86 Disclosure of Economic Interest

XI. SECTION 12 FIXING DEADLINES

- § 22:87 [Section 12 Fixing Deadlines]
- § 22:88 Fixing Deadlines
- §§ 22:89 to 22:91 *[Reserved]*
- § 22:92 Claims of Creditors—Negotiation and Mediation of Claims
- §§ 22:93 to 22:96 *[Reserved]*
- § 22:97 Parallel CCAA Restructuring Negotiations and Sale Process

XII. SECTIONS 13-14 APPEAL

- § 22:98 [Sections 13-14 Appeal]
- § 22:99 Appeals—Leave to Appeal
- § 22:100 Criteria for Granting Leave
- § 22:101 Stay of CCAA Order Pending Appeal
- § 22:102 Hearing of Appeals

XIII. SECTION 15 APPEALS TO THE SUPREME COURT OF CANADA

- § 22:103 [Section 15 Appeals to the Supreme Court of Canada]
- § 22:104 Appeals to the Supreme Court of Canada

XIV. SECTION 16 EFFECT OF ORDER IN OTHER PROVINCES

- § 22:105 [Section 16 Effect of Order in Other Provinces]
- § 22:106 Effect of Order in Other Provinces

XV. SECTION 17 COURTS ACTING IN AID OF EACH OTHER

- § 22:107 [Section 17 Courts Acting in Aid of Each Other]
- § 22:108 Courts Acting in Aid of Each Other

XVI. SECTION 18 RULES

- § 22:109 [Section 18 Rules]
- § 22:110 Rules

XVII. SECTION 18.1 SET-OFF (PRE-AMENDMENTS)

- § 22:111 [Section 18.1 Set-Off (Pre-amendments)]
- § 22:112 Pre-2009 Amendments

XVIII. DUTY OF GOOD FAITH

- § 22:113 [Section 18.6 Duty of Good Faith]

TABLE OF CONTENTS

§ 22:114 Requirement to Act in Good Faith

CHAPTER 23. PART III: GENERAL

I. SECTION 19 CLAIMS

§ 23:1 [Section 19 Claims]
§ 23:2 Claims of Creditors
§ 23:3 —Claims Barring Procedure
§ 23:3.30 —Proof of claim
§ 23:3.50 —Negotiation and Mediation of Claims
§ 23:4 Claims that Cannot be Comprised under a Plan

II. SECTION 20

§ 23:5 [Section 20]
§ 23:6 Determination of Amount of Claims
§ 23:7 Debtor Right to Reserve Right to Contest Claim

III. SECTION 21 SET-OFF

§ 23:8 [Section 21 Set-Off]
§ 23:9 Set-Off
§ 23:10 CCAA Binds the Crown (Pre-amendments)

IV. SECTIONS 22-22.1 CLASSIFICATION OF CREDITORS

§ 23:11 [Sections 22-22.1 Classification of Creditors]
§ 23:12 Classification of Creditors
§ 23:13 Criteria for Determining Class
§ 23:14 Related Creditors
§ 23:15 Creditors Having Equity Claims

V. SECTIONS 23-25 MONITORS

§ 23:16 [Sections 23-25 Monitors]
§ 23:17 Monitor to Publish Orders
§ 23:18 Monitor to Review Company's Cash-Flow Statement
§ 23:19 Monitor to Investigate Company's Business and Affairs
§ 23:20 Report to Court
§ 23:21 Advise Creditors of Report to Court
§ 23:22 Monitor to File Prescribed Documents with Superintendent of Bankruptcy
§ 23:23 Levy to Superintendent of Bankruptcy
§ 23:24 Monitor to Attend Court Proceedings
§ 23:25 Monitor to Advise Court Where It Concludes *BIA* Proceedings would be More Beneficial to Creditors
§ 23:26 Monitor to Advise on Reasonableness and Fairness of Proposed Plan
§ 23:27 Creditor and Public Access to Information
§ 23:28 Carry out Functions that the Court May Direct

- § 23:29 Limits on Liability in Preparation of Report
- § 23:30 Monitor to Have Access to Company's Property, Records and Financial Data
- § 23:31 Monitor to Act Honestly and in Good Faith and in Compliance with Code of Ethics

VI. SECTIONS 26-31 POWERS DUTIES AND FUNCTIONS OF SUPERINTENDENT OF BANKRUPTCY

- § 23:32 [Sections 26-31 Powers Duties and Functions of Superintendent of Bankruptcy]
- § 23:33 Superintendent to Keep Records
- § 23:34 Superintendent May Apply to Court to Review Appointment or Conduct of Monitor
- § 23:35 —Superintendent May Intervene in Proceedings Relating to Conduct
- § 23:36 Superintendent to Receive and Keep Records of All Complaints Regarding Conduct of Monitor
- § 23:37 Superintendent May Investigate
- § 23:38 —Superintendent Access to Records and Other Information
- § 23:39 —Superintendent May Engage Professionals
- § 23:40 Superintendent Authority to Take Action Regarding Monitor in Specified Circumstances
- § 23:41 —Monitor to Receive Notice
- § 23:42 —Superintendent Authority to Issue Summons
- § 23:43 —Hearing Convened by Superintendent
- § 23:44 —Record of Proceedings
- § 23:45 —Written Decision within Three Months
- § 23:46 —Decision Deemed to be a Decision of a Federal Board or Tribunal
- § 23:47 Superintendent May Delegate Authority

VII. SECTION 32 AGREEMENTS

- § 23:48 [Section 32 Agreements]
- § 23:49 Disclaimer or Resiliation of Contracts
- § 23:50 —Notice Required
- § 23:51 —Court Approval Where Monitor Does Not Approve
- § 23:52 —Factors for Court to Consider
- § 23:53 Disclaimer or Resiliation Where Right to Intellectual Property
- § 23:54 Provable Claim by Party who Suffers a Loss in Relation to Disclaimer or Resiliation
- § 23:55 Company to Provide Reasons When Requested
- § 23:56 Debtor Cannot Disclaim Specified Contracts

VIII. SECTION 33 COLLECTIVE AGREEMENTS

- § 23:57 [Section 33 Collective Agreements]
- § 23:58 Collective Agreement Remains in Force
- § 23:59 Debtor Company May Give Notice to Bargain

TABLE OF CONTENTS

- § 23:60 Criteria that Court Must Apply
- § 23:61 Vote of Creditors Not to be Delayed
- § 23:62 Claims where Parties to Collective Agreement Agree to Revise
- § 23:63 Court Authority to Order Disclosure
- § 23:64 Parties to the Collective Agreement

IX. SECTION 34 LEASES

- § 23:65 [Section 34 Leases]
- § 23:66 Prohibition on Termination of Contract for Reason of Commencement of Proceedings
- § 23:67 Application to Leases
- § 23:68 Public Utilities
- § 23:69 Creditor Can Require Cash or Other Valuable Consideration
- § 23:70 Creditor Can Advance Further Credit
- § 23:71 Aircraft Objects
- § 23:72 Agreements Contrary to Provisions are of No Force or Effect
- § 23:73 Exceptions to Application of Provision

X. SECTIONS 35-36 OBLIGATIONS AND PROHIBITIONS

- § 23:74 [Sections 35-36 Obligations and Prohibitions]
- § 23:75 Debtor Company Obligated to Assist Monitor
- § 23:76 Debtor Company Must Comply with Duties under Section 158 *BIA*
- § 23:77 Court Approval of Sale of Assets
- § 23:78 —Prohibition on Selling Assets Outside Ordinary Course of Business Without Court Approval
- § 23:79 —Notice Required of Application to Court for Sale of Assets
- § 23:80 —Criteria the Court to Apply
- § 23:81 —Sale to Related Party
- § 23:82 —Court May Authorize Sale or Disposition Free and Clear of Security
- § 23:83 —Court to Authorize Only Where Satisfied Company Can and Will Make Specified Payments
- § 23:84 Sale of Assets after Approval of Plan by the Court
- § 23:85 —Right to Use Intellectual Property

XI. SECTION 36.1 PREFERENCES AND TRANSFERS AT UNDERVALUE

- § 23:86 [Section 36.1 Preferences and Transfers at Undervalue]
- § 23:87 Sections 38 and 95 to 101 of BIA Apply unless Plan Provides Otherwise
- § 23:88 Dates and Terms to be Applied

XII. SECTIONS 37-40 HER MAJESTY

- § 23:89 [Sections 37-40 Her Majesty]
- § 23:90 Deemed Trust Provisions

- § 23:91 Deemed Trust under the *Income Tax Act, Canada Pension Plan, Employment Insurance Act* and Similar Provincial Legislation
- § 23:92 Workers' Compensation Claims
- § 23:93 *Act* Binding on the Crown

XIII. SECTIONS 41-43 MISCELLANEOUS

- § 23:94 [Sections 41-43 Miscellaneous]
- § 23:95 Sections 65 and 66 of *Winding-up and Restructuring Act* Do Not Apply
- § 23:96 Provisions May Be Applied Together With Provisions of Other Statutes Authorizing Compromises or Arrangements between Company and Shareholders
- § 23:97 Conversion of Claims to Canadian Currency

CHAPTER 24. PART IV: CROSS-BORDER INSOLVENCIES

I. SECTIONS 44-61

- § 24:1 [Sections 44-61]
- § 24:2 Cross-Border Insolvencies Generally
- § 24:3 Purpose of the Cross-Border Insolvency Provisions
- § 24:4 Definition of "Foreign Court"
- § 24:5 Definition of "Foreign Main Proceeding"
- § 24:6 Definition of "Foreign Non-Main Proceeding"
- § 24:7 Definition of "Foreign Representative"
- § 24:8 Application for Recognition of Foreign Proceeding
- § 24:9 Proof of Foreign Proceeding
- § 24:10 Recognition of Foreign Proceeding
- § 24:11 Effect of Recognition Order
- § 24:12 Stay of Proceedings
- § 24:13 Call in Aid Foreign Courts
- § 24:14 Examinations of Debtor or Other Persons
- § 24:15 Attornment to the Jurisdiction
- § 24:16 Discretionary Orders Made After Recognition Order
- § 24:17 Cooperation
- § 24:18 Protocols
- § 24:19 Dividends and Property Received by a Creditor in a Foreign Proceeding
- § 24:20 Obligation to Inform Court of Any Substantial Change
- § 24:21 Multiple Proceedings
- § 24:22 Miscellaneous Cross-Border Provisions
- § 24:23 Guidelines Applicable to Court-to-Court Communications in Cross-Border Cases

CHAPTER 25. PART V: ADMINISTRATION

I. SECTIONS 62-63

- § 25:1 [Sections 62-63]

TABLE OF CONTENTS

- § 25:2 Regulations
- § 25:3 Review of the Act

CHAPTER 26. REGULATIONS

- § 26:1 Companies' Creditors Arrangement Regulations, SOR/2009-219
- § 26:2 Eligible Financial Contract Regulations (Companies' Creditors Arrangement Act)

PART III. RELATED LEGISLATION

CHAPTER 27. FARM DEBT MEDIATION ACT

- § 27:1 Amendment history
- § 27:2 [Sections 1-4 Interpretation and Administrators]
- § 27:3 —Introduction to The *Farm Debt Mediation Act*
- § 27:4 [Sections 5-8 Applications]
- § 27:5 —Applications
- § 27:6 —Qualification for Benefit of the *Farm Debt Mediation Act*
- § 27:7 [Section 9 Financial Review]
- § 27:8 —Financial Review
- § 27:9 [Sections 10, 11 Mediation]
- § 27:10 —Mediation
- § 27:11 [Sections 12-28 Stay of Proceedings]
- § 27:12 —Stay of Proceedings
- § 27:13 —Secured Creditors
- § 27:14 —Relationship of the *Farm Debt Mediation Act* and Other Legislation
- § 27:14.50 —Farm Debt Mediation Regulations
- § 27:15 Farm Debt Mediation Regulations, SOR/98-168
- § 27:16 Farm Debt Secured Creditors Notice Regulations

CHAPTER 28. WAGE EARNER PROTECTION PROGRAM ACT

- § 28:1 Amendment history
- § 28:2 [Sections 1-6]
- § 28:3 —Introduction to the Wage Earner Protection Program
- § 28:4 —Meaning of "Wages"
- § 28:5 [Section 7]
- § 28:6 —Amounts Covered by the WEPP
- § 28:7 [Sections 8-31.1]
- § 28:8 —Administration of the WEPP
- § 28:9 —Duties of Trustees and Receivers
- § 28:10 —Powers of the Minister
- § 28:11 [Sections 32-37]
- § 28:12 —Recovery of Over-Payments
- § 28:13 —Source of Funding and Priority
- § 28:14 [Sections 38-40]

§ 28:15 —Offences

§ 28:16 —Regulation Power and Review of the Statute

§ 28:17 [Sections 41-42]

APPENDIX

Appendix A. Directives and Circulars

Table of Cases

Index