

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 7½%
§ 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

- § 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 Annulling Bankruptcy Orders and Staying Bankruptcy
Orders—Annulling Bankruptcy Orders
- § 3:138 —Procedure for Annulling 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 Annulling 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 Annulling the Assignment
- § 3:166 Making a Second Assignment After an Order has been Made
Annulling 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

- § 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 Owning
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 <i>Income Tax Act</i>
§ 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

- § 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 Warehouser’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	<i>[Reserved]</i>
§ 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

- § 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 Owed 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 <i>Payments Act</i>
§ 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

- § 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

- § 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	<i>[Reserved]</i>
§ 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	Annulling 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 Annulling an Order of Discharge
§ 7:239	Setting Aside and Annulling 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 <i>Nunc Pro Tunc</i> or <i>De Bene Esse</i>
§ 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	<i>Ex parte</i> 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	—Annulling 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 22:96 *[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]
- § 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
- § 23:60 Criteria that Court Must Apply

TABLE OF CONTENTS

- § 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

Index