

Index

Note:

The Acts and regulations are indexed as follows:

AD — *Absconding Debtors Act*, R.S.O. 1990, c. A.2
AP — *Assignments and Preferences Act*, R.S.O. 1990, c. A.33
AW — *Arthur Wishart Act (Franchise Disclosure)*, 2000, S.O. 2000, c. 3
B — *Bank Act*, S.C. 1991, c. 46
BI — *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3
BR — *Bankruptcy and Insolvency Rules*, C.R.C. 1978, c. 368
BS — *Bulk Sales Act*, R.S.O. 1990, c. B.14 (repealed)
BC — *Business Corporations Act*, R.S.O. 1990, c. B.16
CBC — *Canada Business Corporations Act*, R.S.C. 1985, c. C-44
CC — *Canada Corporations Act*, R.S.C. 1970, c. C-32 (repealed)
CPP — *Canada Pension Plan*, R.S.C. 1985, c. C-8
CS — *Canada Shipping Act, 2001*, S.C. 2001, c. 26
CT — *Commercial Tenancies Act*, R.S.O. 1990, c. L.7
CCA — *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36
C — *Construction Act*, R.S.O. 1990, c. C.30
CPA — *Consumer Protection Act*, R.S.O. 1990, c. C.31
CA — *Copyright Act*, R.S.C. 1985, c. C-42
CTA — *Corporations Tax Act*, R.S.O. 1990, c. C.40
CR — *Creditors' Relief Act*, R.S.O. 1990, c. C.45 (repealed)
CR — *Creditors' Relief Act, 2010*, S.O. 2010, c. 16, Sch. 4
DBN — *Depository Bills and Notes Act*, S.C. 1998, c. 13
EC — *Electronic Commerce Act, 2000*, S.O. 2000, c. 17
EHT — *Employer Health Tax Act*, R.S.O. 1990, c. E.11
EI — *Employment Insurance Act*, S.C. 1996, c. 23
ES — *Employment Standards Act, 2000*, S.O. 2000, c. 41
ET — *Excise Tax Act*, R.S.C. 1985, c. E-15
E — *Execution Act*, R.S.O. 1990, c. E.24
EFC — *Eligible Financial Contract General Rules*, SOR 2007-256, 257 and 258
FR — *Family Responsibility and Support Arrears Enforcement Act, 1996*, S.O. 1996, c. 31
FC — *Fraudulent Conveyances Act*, R.S.O. 1990, c. F.29
GAPD — *Garnishment, Attachment and Pension Diversion Act*, R.S.C. 1985, c. G-2
ITA — *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp.)
LP — *Limitation Periods*, O Reg 73/20
MLA — *Mercantile Law Amendment Act*, R.S.O. 1990, c. M.10
MTG — *Mortgages Act*, R.S.O. 1990, c. M.40
MUN — *Municipal Act, 2001*, S.O. 2001, c. 25
NI — *National Instrument* 62-103
ONHW — *Ontario New Home Warranties Plan Act*, R.S.O. 1990, c. O.31

OPD — *Orderly Payment of Debts Regulations*, C.R.C. 1978, c. 369
 PB — *Pension Benefits Act*, R.S.O. 1990, c. P.8
 PIPA — *Personal Information Protection and Electronic Documents Act*,
 S.C. 2000, c. 5
 PPS — *Personal Property Security Act*, R.S.O. 1990, c. P.10
 PAC — *Proceedings Against the Crown Act*, R.S.O. 1990, c. P.27
 RBSS — *Registration of Bank Special Security Regulations*, SOR/92-301
 RTA — *Retail Sales Tax Act*, R.S.O. 1990, c. R.31
 SA — *Securities Act*, R.S.O. 1990, c. S.5
 ST — *Securities Transfer Act, 2006*, S.O. 2006, c. 8
 SG — *Sale of Goods Act*, R.S.O. 1990, c. S.1
 W — *Wages Act*, R.S.O. 1990, c. W.1
 WU — *Winding-up and Restructuring Act*, R.S.C. 1985, c. W-11
 WSI — *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c. 16, Sch. A

References are to section numbers, unless preceded by “p.” which indicates pages of the text.

Absconding Debtors Act

absconding debtor —
 defined, AD 2
 liability of person paying debts to after notice, AD 14
 costs of first attachment, AD 13
 Creditors’ Relief Act option, AD 17
 inventory, cost of, AD 11
 livestock and perishable goods, sale of, AD 8
 order of attachment —
 affidavit and, AD 3
 certified copies of, AD 6
 property liable for, AD 7
 service of, AD 4
 term of validity, AD 5
 “property” defined, AD 1
 property in hands of bailiff, AD 9
 restoration of goods, AD 12
 right of purchaser to sue, AD 16
 sale of debts, AD 15
 sheriff —
 costs, AD 10
 duties of, AD 18

Administration of estates

claims provable, BI 121-3
 counselling services, BI 157.1
 creditors meetings —
 during administration, BI 103
 first, BI 102
 notice of, BI 104

INDEX

Administration of estates — *cont'd*

creditors meetings — *cont'd*

procedure at —

chairman, BI 105

evidence of proceedings, BI 114

quorum, BI 106

voting, BI 107-13, 115-15.1

dividends, BI 148-54

fees and disbursement of trustee, BI 156-156.1

inspectors, BI 116-20

proof of claims —

determination and disallowance of, BI 135

generally, BI 124-6

secured creditors, BI 127-33

scheme of distribution —

interest payable, BI 143

landlords' rights, BI 146

levy, BI 147

partnerships, BI 142

payable rateably, BI 141

postponements, BI 137-140.1

priority of claims, BI 136

proceeds of motor vehicle liability insurance, BI 145

surplus, BI 144

summary, BI 155

Arthur Wishart Act (Franchise Disclosure), 2000

franchisors obligation to disclose, AW 5

Assignments and Preferences Act

accounts, accessibility of, AP 29

amendment by judge, AP 15

application of Act, exceptions to, AP 5

assets, retention in Ontario, AP 28

assignee —

appointment of substituted, AP 10

remuneration of, AP 34, 35

residence of, AP 6

rights of, AP 11

assignments —

attachments, precedence over, AP 13

disputation of, AP 27

for benefit of creditors, AP 5

forms of, AP 7

publishing notice of, AP 16-19

registering, AP 16-19

subject to Act, AP 8

Assignments and Preferences Act — *cont'd*

- claims —
 - contestation of, AP 26
 - Crown waiver of, AP 14
 - proof of, AP 25
- court application, AP 33(2)
- Crown waiver of claims, AP 14
- distribution of money, AP 33
- dividends, AP 31, 32
- examinations, AP 37-40
- inspectors —
 - appointment of, AP 21
 - remuneration of, AP 36
- “judge” defined, AP 1
- meeting of creditors, AP 20, 22-4
- nullities, AP 3, 4
- priority of claims, AP 9
- proceeds of fraudulently transferred property, AP 12
- set-off, AP 30
- unjust preferences, AP 4

Bank, *see also* Bank Act

- deposit of money in, CR 26, WU 44-7
- Registration of Bank Special Security Regulations. *See* Registration of Bank Special Security Regulations

Bank Act

- adjustment of index, effect of, B 427(8)
- assignment of rights by bank, B 428(14)
- definitions, B 427(5)
- goods manufactured from articles pledged, B 428(12)
- loans to certain borrowers and security, B 427(1)
- notice of intention, B 427(4)
- perishable agricultural products, priority of money owing for, B 427(7)
- power of bank to take possession, B 427(3)
- priority of bank’s claim —
 - exception to, B 428(2)
 - fishing vessels, security on, B 428(5), (6)
 - generally, B 428(1)
 - registration against land in certain cases, B 428(3), (4)
 - sale of goods on non-payment of debt, B 428(7)-(10)
- Registration of Bank Special Security Regulations. *See* Registration of Bank Special Security Regulations
- regulations, B 427(6)
- rights and powers vested by delivery of document, B 427(2)
- seized property, duty to act expeditiously re, B 428(11)
- subrogation of security, B 428(13)

INDEX

Bankruptcy, *see also* Bankrupts; Bankruptcy and Insolvency Act; Bankruptcy Rules

- acts of, BI 42
- assignments, BI 49
- consumer proposals. *See* Consumer proposals
- courts and procedure —
 - appeals —
 - court of appeal, BI 193
 - stay of proceedings, BI 195, 196
 - Supreme Court of Canada, BI 194
 - authority —
 - death of bankrupt or witness, BI 191
 - evidence, BI 190
 - generally, BI 187
 - search warrants, BI 189
 - jurisdiction —
 - appointment of officers, BI 184
 - assignment of judges to bankruptcy work, BI 185
 - courts vested with, BI 183
 - Minister's appointment, BI 186
 - legal costs, BI 197
 - registrar, powers of, BI 192
- interim receiver —
 - appointment of, BI 46(1), 47(1), 47.1(1)
 - directions to, BI 47(2), 47.1(2)
 - fees and expenses of, BI 47.2
 - powers of, BI 46(2)
- application for, BI 43-5
- proposals. *See* Proposals

Bankruptcy and Insolvency Act, *see also* Administration of estates; Bankrupts;

- Bankruptcy
 - Bankruptcy Rules. *See* Bankruptcy Rules
 - bankrupts. *See* Bankrupts
 - banks, rights of, BI 212
 - courts and procedure. *See* Bankruptcy
 - Crown, binding on, BI 4.1
 - debts, orderly payment of —
 - application of Part X, BI 218, 242
 - audit of proceedings, BI 241
 - consolidation order —
 - adding creditors after order, BI 231
 - appeal, BI 239
 - application for, BI 219-23
 - assignment of debtor's property, BI 230
 - assignment or bankruptcy order, BI 237
 - contents of, BI 225
 - employees, no dismissal of, BI 239.1
 - enforcement of order in default of debtor, BI 233

Bankruptcy and Insolvency Act — *cont'd*

- debts — *cont'd*
 - consolidation order — *cont'd*
 - issue of, BI 224, 226
 - moneys paid into court, disposition of, BI 235
 - procedure, BI 236
 - process stayed by, BI 229
 - public utilities, no discontinuance of, BI 239.2
 - re-examination of debtor, BI 234
 - review of, BI 227
 - secured claims, BI 232
 - terms imposed on debtor, BI 228
 - definitions, BI 217
 - regulations made under Part, BI 240
- definitions, BI 2-4
- environmental matters, liability for, BI 14.06(2)-(3)
- General Rules made under, BI 209, 214
- good faith, BI 4.2
- international insolvencies
 - claims in foreign currency, BI 215.1
 - commencement or continuation of proceedings, BI 274
 - court powers, BI 272, 284
 - credit for recovery in other jurisdictions, BI 283
 - definitions, BI 268
 - foreign proceeding appeal, BI 281
 - foreign representative —
 - application for, BI 279
 - obligations of, BI 276
 - status, BI 280
 - multiple proceedings, BI 277-78
 - presumption of insolvency, BI 282
 - recognition of foreign proceedings, BI 269-76
- Intellectual Property —
 - Disclaimer or Resiliation, BI 72.1(2), BI 246.1(2)
 - Sale or Disposition, BI 72.1(1), BI 246.1(1)
- offences under —
 - bankruptcy offences, BI 198
 - corporations, by, BI 204
 - facts of being undischarged, failure to disclose, BI 199
 - false claim, BI 201
 - miscellaneous, BI 202
 - proper books of account, failure to keep, BI 200
 - prosecution for, BI 207, 208
 - punishment for, BI 204.1-205
 - removal of bankrupt's property without notice, BI 203
 - report of, BI 206
 - trustee's licence, re, BI 203.1, 203.2

INDEX

Bankruptcy and Insolvency Act — *cont'd*

- official receivers, BI 12
- Orderly Payment of Debts Regulations. *See* Orderly Payment of Debts Regulations
- proposals. *See* Proposals
- provincial law, application of, BI 72
- priority of claims, BI 60
- public records, BI 11.1
- receiver —
 - application to court for directions, BI 249, 250
 - court appointment of, BI 243
 - defence available, BI 252
 - defined, BI 243(2)
 - failure to carry out duty, BI 248
 - fees and disbursements, BI 243(6), (7)
 - good faith of, BI 247
 - notice to Superintendent, BI 245
 - protection of, BI 251
 - statement by, BI 246
- review by Parliament, BI 285
- secured creditors —
 - defence available, BI 252
 - failure to carry out duty, BI 248
 - notice of intention to enforce security, BI 244
- securities firm. *See* Securities firm bankruptcies
- security for unpaid amounts represcribed pensions plan, BI 81.5, 81.6
- Superintendent —
 - action against, BI 215
 - appointment of, BI 5(1)
 - directives of, BI 5(1)
 - division office, BI 2.2
 - duties of, BI 5(3)
 - employees, appointment of by, BI 9
 - investigations by, BI 6, 10
 - powers of, BI 5(4)
 - reporting offences by, BI 11
 - supervision, extent of, BI 5(2)
- trustees —
 - Annual Fees, BI 13.2(2)
 - appointment and substitution of, BI 14-14.07
 - conduct of, BI 13.3-13.6
 - corporations as, BI 14.08-14.1
 - discharge of, BI 40
 - duties and powers of —
 - appeal to court against trustee, BI 37
 - application to court for directions, BI 34
 - books to be kept, BI 26
 - borrowing, BI 31

Bankruptcy and Insolvency Act — *cont'd*

trustees — *cont'd*

duties and powers of — *cont'd*

- business, not obligation to carry on, BI 32
- conservatory measures of, BI 18
- delivery of property to, BI 17
- divesting of property, BI 20
- documents forwarded to Superintendent, BI 28
- expiration of licence, on, BI 29
- former trustee, BI 36
- inspection of records, BI 23
- inspectors, with permission of, BI 30
- insuring property, BI 24
- legal advice to trustee, BI 19
- possession of bankrupt's property, BI 16(3)
- receiver, trustee as, BI 16(4)
- redirection of mail, BI 35
- refusal to act, BI 38
- reimbursement, BI 33
- reports, BI 27
- returns, BI 22
- security furnished by trustee, BI 16
- statement of affairs, BI 21
- trust account of, BI 25
- liability of, BI 14.06
- licensing of, BI 13-13.2, 14.01
- official name for proceedings, BI 15
- remuneration of, BI 39
- status of, BI 15.1

Winding-up Act not applicable, BI 213

Bankruptcy and Insolvency Rules, *see also* Bankruptcy; Bankruptcy and Insolvency Act; Bankrupts

appeals —

- court of appeal, to, BR 31, 32
- registrar's decisions, from, BR 30

assignments, BR 85-8

books, records and documents, BR 68

consumer proposals, BR 96-103, 129

contributories, BR 104

costs and taxation —

- generally, BR 18-26
- tariff of, BR Sch. Part I

court business, rules re, BR 29

court proceedings, BR 9, 10

creditors —

- meetings of, BR 108-10
- secured, BR 124-7

Bankruptcy and Insolvency Rules — *cont'd*

- Crown's security, BR 111
- definitions, BR 1
- discharge of bankrupts, BR 118-21
- dividend, notice of, BR 112
- documents, form and notice of, BR 2-8
- examinations, BR 115-17
- fees —
 - court officers, of, BR 27, 28, Sch. Part II
 - miscellaneous, BR 131-7
 - trustees, of, BR 128
- goods and services tax credit, BR 59
- interim receiver, BR 77-82
- levy, rate of, BR 123
- mediation, BR 105
- motions, BR 11-13
- notice of disallowance or valuation, BR 113
- official receiver, BR 33
- order for payment, BR 106
- partnerships, bankrupt, BR 114
- proposals —
 - consumer proposals, BR 96-103, 129
 - generally, BR 89-95
- public records, BR 122
- bankruptcy order —
 - generally, BR 83, 84
 - application for, BR 69-76
- search and seizure, BR 15-17
- secured creditors and receivers, BR 124-7
- settlements and preferences, BR 107
- summary administration, BR 128, 130
- taxation of accounts, BR 60-7
- trustees —
 - appointment and substitution of, BR 54
 - code of ethics for, BR 34-53
 - disbursements scale, BR Sch. Part III
 - discharge of, BR 60-7
 - duties of, BR 55-7
 - fees and disbursements in summary administration, BR 128
 - remuneration of, BR 58
- witnesses and depositions, BR 14

Bankruptcy order

- generally, BR 77-80
- application for, BR 66-74

Bankrupts, *see also* Bankruptcy; Bankruptcy and Insolvency Act; Bankruptcy Rules
arrest of, BI 168

Bankrupts — *cont'd*

- assignment of book debts, BI 68.1(2)
- assignment of wages, BI 68.1(1)
- discharge of —
 - annulment by court, BI 180, 181
 - assets deemed 50 cents in dollar, BI 174
 - automatic, BI 168.1-68.2
 - court certificates, BI 175
 - court powers re, BI 172
 - debts not released, BI 178
 - duty of bankrupt on conditional discharge, BI 176
 - facts for which discharge may be refused, BI 173
 - generally, BI 169
 - opposition of, BI 170.1
 - partner or co-trustee not released, BI 179
 - personal income tax debtors, BI 172.1
 - stay on issue of order, BI 182
 - trustee's recommendation, BI 170.1
 - trustee's report, BI 170, 171
- duties of —
 - corporations, BI 159
 - examination of —
 - admission of debt, BI 165
 - failure to attend, BI 166
 - official receiver, by, BI 161
 - requirement to answer questions, BI 167
 - trustee, by, BI 163, 164
 - generally, BI 158
 - imprisoned bankrupt, BI 160
- property of —
 - agreements —
 - assignment, BI 84.1
 - eligible financial contracts, BI 84.2(7)-(8), EFC 2
 - lease, BI 84.2(2)
 - public utility, BI 84.2(2)
 - termination or amendment of, BI 84.2
 - author, BI 83
 - bank account, BI 78
 - bankruptcy orders —
 - precedence of, BI 70
 - registration of, BI 74
 - claims by others, BI 81
 - contributory shareholders, BI 77
 - copyright, BI 83
 - farmers, fishermen and aquaculturalists, BI 81.2
 - generally, BI 67-8
 - liability of trustee, re, BI 80

Bankrupts — *cont'd*

- property of — *cont'd*
 - partnership, BI 85
 - patented articles, BI 82
 - purchaser in good faith, BI 73, 75
 - removal from province, BI 76
 - sale by trustee, BI 84
 - set-off, application of, BI 97(3)
 - status of Crown claims, BI 86
 - statutory Crown securities, BI 87
 - surplus income, BI 68
 - unpaid supplier's goods, BI 81.1
 - vests in trustee, BI 71
- void and voidable transactions —
 - assignment of book debts, BI 98.1
 - dividends and redemption of shares, BI 101
 - preferences, BI 95
 - protected transactions, BI 97
 - recovery of proceeds, BI 98
 - transfers at undervalue, BI 96
 - undischarged bankrupt, with, BI 99
- stay of proceedings —
 - application of provisions, BI 69.4, 69.41
 - bankruptcies, BI 69.3
 - consumer proposals, BI 69.2
 - directors, BI 69.31
 - division I proposals, BI 69.1
 - no stay of statutory powers, BI 69.42
 - notice of intention, BI 69
 - regulatory bodies, BI 69.6
 - provincial legislation and, BI 69.5

Business Corporations Act (Ontario)

- application of, BC 2(1)
- articles, amendment of, BC 168, 186(2)
- compulsory acquisitions, BC 188
- “contributory” defined, BC 191
- court ordered winding-up —
 - application for, BC 208
 - application for direction, BC 229
 - circumstances, BC 207
 - commencement of, BC 213
 - consequences of winding-up, BC 221
 - costs and expenses of, BC 212, 222
 - deposit of money, BC 227
 - discharge and distribution, BC 217
 - disposal of records, BC 236
 - dissolution, order for, BC 218

Business Corporations Act (Ontario) — *cont'd*

- court ordered winding-up — *cont'd*
 - examinations, BC 230
 - liability of contributory, BC 225, 226
 - liquidator —
 - appointment of, BC 210
 - powers of, BC 223
 - removal of, BC 211
 - power of court, BC 209
 - proceedings, BC 214
 - proceedings against corporation, BC 216
 - proceedings by shareholders, BC 231
 - proving claim, BC 228
 - shareholder meetings, BC 215
 - stay of proceedings, BC 233
 - unknown creditor, BC 234
 - unknown shareholder, BC 235
- derivative actions, BC 246
- directors' liability re employee wages, BC 131
- disclosure of register of individuals with significant control, BC 140.3
- dissolution —
 - proceedings after, BC 242
 - articles of, BC 238
 - authorization for, BC 237
 - cancellation, BC 240
 - certificate of, BC 239
 - forfeiture of undisposed property, BC 244
 - notice of, BC 241
 - order for, BC 241(4)
 - revival, BC 241(9)-(14)
 - revocation, BC 241(5)-(8)
 - shareholders' liability to creditors, BC 243
- reorganization, BC 186
- voluntary winding-up —
 - cease of business, BC 198
 - commencement of, BC 197
 - inspectors, BC 194
 - liquidator —
 - account of winding-up, BC 205
 - appointment of, BC 193(2)
 - powers of, BC 202-204
 - removal of, BC 196
 - vacancy, BC 195
 - list of contributories and calls, BC 200
 - meetings of corporation, BC 201
 - proceedings against corporation, BC 199
 - publication of notice, BC 193(4)

INDEX

Business Corporations Act (Ontario) — *cont'd*

- voluntary winding-up — *cont'd*
- special resolution re, BC 193

Canada Business Corporations Act

- actions, maintenance of, CBC 226
- application for supervision, CBC 215
- application of Part XVIII, CBC 208
- court —
 - application to, CBC 216
 - powers of, CBC 217
- court-defined, CBC 207
- custody of records, CBC 225
- directors' liability re wages, CBC 119
- dissolution of corporation —
- examination, CBC 266
 - generally, CBC 210
- information available to public, CBC 21.303
- information not to be made available, CBC 266.1
- inquiries, CBC 237
- liquidation and dissolution —
 - cessation of business and powers, CBC 219
 - costs of CBC 223
 - director, by, CBC 212
 - effects of order of, CBC 218
 - final accounts, CBC 223(2), (3)
 - final order, CBC 223(5), (6)
 - grounds for, CBC 213, 214
 - proposal of, CBC 211
 - right to distribution in money, CBC 224
- liquidator —
 - appointment of, CBC 220
 - duties of, CBC 221
 - powers of, CBC 222
- property vesting in Crown, CBC 228(1)
- provision of information by director, CBC 21.301, 21.302
- register, CBC 21.1
- regulations, CBC 261
- revival of corporation, CBC 209, 228(2)
- security transfer —
 - endorsement and delivery, CBC 66, 68
- sending of information to director, CBC 21.21
- trustee, CBC 227
 - compliance with trust indenture CBC 86-89
 - conflict of interest, CBC 83
 - duty of care, CBC 91
 - list of security holders, CBC 85
 - no exculpation, CBC 93

Canada Business Corporations Act — *cont'd*

- trustee — *cont'd*
 - notice of default, CBC 90
 - qualification, CBC 84
 - unknown claimants, CBC 227

Canada Pension Plan

- unremitted deductions —
- trust for Crown, CPP 23

Canada Shipping Act, 2001

- mortgage not affected by bankruptcy, CS 70
- transmission of interest of mortgagee, CS 72

Commercial Tenancies Act

- distress sale, procedure, CT 53
- election to surrender, CT 39
- exempt goods, CT 31
- landlord's lien, CT 38
- right of entry under statute, CT 20

Companies' Creditors Arrangement Act

- application of Act, CCA 3
- arrangements. *See* compromises
- Bankruptcy and Insolvency Act —
 - application of, CCA 36.1
 - continuation of proceedings, CCA 11.6
- compromises —
 - application of BIA, CCA 36.1
 - claims, CCA 19-20
 - classes of creditors, CCA 22-22.1
 - court directions re, CCA 7
 - directors, claims against, CCA 5.1
 - meeting of creditors, CCA 4-5
 - sanction by court, CCA 6
 - restrictions, CCA 6(3)-(6)
- courts, jurisdiction of —
 - appeals —
 - court of appeal, CCA 14
 - leave to, CCA 13
 - Supreme Court of Canada, CCA 15
 - applications —
 - form of, CCA 10
 - jurisdiction to receive, CCA 9
 - publication ban, CCA 10(3)
 - order of court of one province, CCA 16
 - orders —
 - assignment of agreements, CCA 11.3
 - critical suppliers, re, CCA 11.4

Companies' Creditors Arrangement Act — *cont'd*

- courts, jurisdiction of — *cont'd*
 - orders — *cont'd*
 - disclosure of financial information, CCA 11.9
 - eligible financial contracts, re, CCA 11.1
 - environmental liability, CCA 11.8(3)-(9)
 - interim financing, CCA 11.2
 - power to make, CCA 11
 - relief reasonably necessary, CCA 11.001
 - removal of directors, CCA 11.5
 - security over property, re, CCA 11.2, 11.4(3), 11.51, 11.52
 - stay of proceedings —
 - application for, CCA 11.02
 - Crown rights, against, CCA 11.08-11.09
 - directors, action against, CCA 11.03
 - regulatory bodies, effect on, CCA 11.1
 - restrictions, CCA 11.04-11.07
 - relationship between courts, CCA 17
- cross-border insolvencies. *See* international insolvencies
- Crown —
 - deemed trusts, CCA 37
 - status of claims by, CCA 18.4
 - statutory Crown securities, CCA 39
 - stay of proceedings, CCA 11.09
- definitions, CCA 2
- international insolvencies —
 - claims in foreign currency, CCA 43
 - commencement or continuation of proceedings, CCA 51
 - court powers, CCA 61, 49
 - credit for recovery in other jurisdictions, CCA 60
 - definitions, CCA 45
 - foreign proceeding appeal, CCA 58
 - foreign representative —
 - application for, CCA 56
 - obligations of, CCA 53
 - status, CCA 57
 - multiple proceedings, CCA 54-55
 - presumption of insolvency, CCA 59
 - recognition of foreign proceedings, CCA 46-52
- monitor —
 - appointment of, CCA 11.7
 - assistance by debtor, CCA 35
 - duties and functions, CCA 23(1)
 - liability of, CCA 23(2)
 - obligations, CCA 25
 - rights, CCA 24

Companies' Creditors Arrangement Act — *cont'd*

- property of debtor —
 - agreements —
 - disclaimer of, CCA 32
 - eligible financial contract, CCA 34(7), EFC 2
 - lease, CCA 34(2)
 - public utility, CCA 34(3)
 - termination or amendment of, CCA 34
 - assets, disposition of, CCA 36
 - collective agreements, CCA 33
- review by Parliament, CCA 63
- scope of Act, CCA 8
- set-off, application of, CCA 21
- Superintendent of Bankruptcy, CCA 26-31
- Winding-up Act, application of, CCA 41

Compromises *See* Companies' Creditors Arrangement Act
Construction Act

- adjudication (interim) —
 - adjudicator, C 13.9
 - adjudicator fee, C 13.10
 - amounts payable, C 13.19
- authority, —
 - duties and powers, C 13.3
 - minister as interim authority, C 13.4
 - nominating authority, C 13.2
- availability, C 13.5
- conduct, C 13.12
- consolidated adjudications, C 13.8
- costs, C 13.16
- definitions, C 13.1
- determination, C 13.13
- determination, effect of, C 13.15
- documents, C 13.11
- enforcement by court, C 13.20
- frivolous / vexatious, C 13.17
- immunity, C 13.21
- immunity, testimonial, C 13.22
- judicial review, C 13.18
- response to notice, C 13.11.1
- notice, C 13.7
- procedure, C 13.6
- surety bonds, application to, C 13.23
- termination, C 13.14
- application of act —
 - alternative financing / procurement arrangement, C 1.1

INDEX

Construction Act — *cont'd*

- appeals —
 - Divisional Court, C 71
- stated case, C 70
- appointment of trustee, C 68
- certification —
 - rules governing, C 32
 - subcontract, re, C 33
- claim —
 - court —
 - jurisdiction of, C 51, 52
 - procedure, C 50
 - judgment or report —
 - orders, C 62
 - personal, C 63
 - proceeds, C 64, 65
 - reference, C 58
- contracts —
 - conformity of with Act, C 5
 - declaration of substantial performance, C 32
 - performance of, C 2
- costs, C 86
- cross-examination on claim, C 40
- Crown, binding of, C 3
- Courts of Justice Act*, Construction Act prevails, C 87.2
- definitions, C 1
- documents, C 87
- Financial Administration Act*, C 87.1
- holdback —
 - basic, C 22
 - owner's personal liability, C 23
- payments —
 - annual payment, C 26.1
 - basic holdback, C 26
 - default of contract performance, C 30
 - direct, C 28
 - discharge, extent of, C 29
 - finishing work holdback, C 27
 - ninety per cent, C 24
 - non-payment, C 27.1
 - phased payment, C 26.2
 - subcontract certified complete, C 25
- information, right to, C 39
- lien —
 - charge, as, C 21
 - court declaration of expiration, C 45
 - court, powers of, C 47

Construction Act — *cont'd*

lien — *cont'd*

- creation of, C 14, 15
- Crown's interest, C 16
- discharge of —
 - general, C 42
 - general power of court re, C 47
 - irrevocability of, C 48
 - registration of, C 49
 - release, by, C 41
- exaggerated claim for, C 35
- expiry of, C 31
- false claim for, C 35
- general, C 20
- joint or common interests, C 18
- leasehold interest, C 19
- limitation on value of, C 17
- minor errors and irregularities re, C 6
- perfected —
 - court declaration of expiration, C 46
 - discharge of, C 41
 - expiry of, C 37, 38
 - method of, C 36
- postponement of, C 43
- preservation of, C 34
- vacation of, C 44

priorities —

- assignment of lien rights, C 73
- class of lien holder, C 79, 80
- continuation of general lien, C 74
- default, C 72
- effect of taking security, C 75
- executions, over, C 77
- insolvency, C 85
- insurance proceeds, C 83
- lien claimant deemed purchaser, C 76
- mortgages, over, C 78
- sale proceeds, C 84
- subordination of general lien claim, C 82
- worker's, C 81

prompt payment —

- holdback requirements, C 6.2
- interest on late payments, C 6.9
- payment deadlines —
 - contractor to subcontractor, C 6.5
 - owner to contractor, C 6.4
 - subcontractor to contractor, C 6.6

INDEX

Construction Act — *cont'd*

- prompt payment — *cont'd*
 - proper invoice, definition, C 6.1
 - proper invoice, giving of, C 6.3
 - non-payment, reasons, C 6.7
 - wages, no effect on, C 6.8
- regulations under, C 88
- surety bonds —
 - application of interim adjudication, C 13.23
 - public contracts, C 85.1
 - rights of action, C 85.2
- trusts —
 - breach by corporation, C 13
 - contractor/subcontractor's, C 8
 - duties re trust funds, C 8.1
 - owner's, C 7
 - payment discharging, C 10
 - trust funds —
 - reduction of, C 11
 - set-off by trustee, C 12
 - vendor's, C 9
- waiver of rights, C 4

Consumer proposals

- administrator —
 - accounts of, BI 66.38
 - certificate of, BI 66.29
 - duties of, BI 66.14
 - filing of proposal, BI 66.13
 - payments to, BI 66.26
- agreements, effect on —
 - eligible financial contract, BI 66.34(7)-(9)
 - public utility, BI 66.34(6)
 - termination or amendment of, BI 66.34
- amendment to, BI 66.37
- annulment of, BI 66.3-66.32
- application of BIA, BI 66.4
- application to court, BI 66.22-66.24
- assignment —
 - debts, of, BI 66.35(2)-(4)
 - wages, of, BI 66.35(1)
- bankrupt consumer debtor, BI 66.4(2)
- Bankruptcy Rules re, *see* Bankruptcy Rules
- commencement of proceedings, BI 66.13(1)
- creditors, BI 66.15-66.17
- deemed acceptance of, BI 66.18
- definitions, BI 66.11
- dismissal of employee, BI 66.36

Consumer proposals — *cont'd*

- generally, BI 66.12
- inspectors, appointment of, BI 66.21
- notification, BI 66.27
- periodic payments, BI 66.251
- stay of proceedings, BI 69.2
- time for determining claims, BI 66.28
- voting on, BI 66.19
- withdrawal of, BI 66.25

Consumer Protection Act

- direct agreements, cancellation, CPA 43
- future performance contracts, CPA 22, 23

Copyright Act

- assignment or license void, CA 57(3)

Corporations Tax Act

- lien on real property, CTA 99

COVID-19

- court orders, p. 266
 - limitation periods, p. 266
- notices to the profession, p. 255
 - Office of the Superintendent of Bankruptcy Canada: Notice, p. 261
 - Ontario Superior Court: consolidated notice, p. 256
 - Supreme Court of Canada: electronic filing portal, p. 255

Creditors. *See* Administration of estates; Bankruptcy and Insolvency Act; Bankruptcy Rules; Companies' Creditors Arrangement Act; Consumer proposals; Creditors' Relief Act; Proposals; Winding-up of corporation

Creditors' Relief Act, 2010

- Absconding Debtor's Act, priority of costs, CR 6
- appeals, CR 16
- certificate proof of claim, CR 21
- costs —
 - claimant's, CR 8
 - priority of, Absconding Debtor's Act, CR 7
 - Small Claims Court bailiff, CR 10(3)
- court decision, effect of, CR 13
- Courts of Justice Act, application of, CR 19
- creditors, priority among, CR 2(1)
 - exceptions —
 - Crown as execution creditor, CR 2(5)-(6)
 - Small Claims Court, CR 2(2)
 - Small Claims Court executioners, CR 10(4)
 - support or maintenance orders, CR 2(3)-(4), (7)
- Crown, priority for, CR 2(5)-(6)
- definitions, CR 1

INDEX

Creditors' Relief Act, 2010 — *cont'd*

- deposit of money in bank, CR 15
- executions —
 - equality of, CR 4(7)
 - expiration of, CR 4(8)
 - mortgages and, CR 14
 - payment to sheriff, CR 8
 - receivers and, CR 9
 - withdrawal, effect of, CR 6
- forms, CR 20
- garnishment —
 - attachment for benefit of all creditors, CR 3(1)
 - creditors sharing in payment, CR 3(6)-(7)
 - payment, effect of, CR 6
 - payment to sheriff, CR 3(2)
 - payment into specified courts, CR 3(3)-(4)
- interpleader proceedings —
 - carriage of proceedings, CR 5(2)
 - creditors rights, CR 5(1)
 - filing executions, CR 5(3)
- judge —
 - decisions, effect of, CR 13
 - evidence of proceedings before, CR 18
 - powers of, CR 17
- money made by receiver, CR 9
- mortgages and execution, CR 14
- objections, CR 12
- payment of debt, executions —
 - creditors' right to share in, CR 4(2), (4)-(7)
 - effect of, CR 6
 - recording, CR 4(1)
 - sheriff to, CR 8
- payment of debt, garnishments —
 - creditors' right to share in, CR 3(5)-(6), 4(2), (4)-(7)
 - effect of, CR 6
 - recording, CR 4(1)
 - sheriff to, CR 3(2)
 - specified court, into, CR 3(3)-(4)
- receivers, CR 9
- record of payment —
 - public inspection, CR 4(9)
 - sheriff to record, CR 4(1), (3)-(4)
- sheriff —
 - distribution by where amount insufficient, CR 11
 - recording receipt of money, CR 4(1), (3)-(4)
- Small Claims Court bailiff, personal property held by, CR 10
- support orders, priority for, CR 2(3)

Creditors' Relief Act, 2010 — *cont'd*

withdrawal of execution, effect of, CR 6

Cross-border insolvencies. *See* Companies' Creditors Arrangement Act

Crown, *see also* Proceedings Against The Crown Act

Bankruptcy and Insolvency Act binding, BI 4.1

Construction Act —

binding, C 3

interest under, C 16

fees payable to, CR 41

liability for garnishment, CAPD 3, 7, 9

Personal Property Security Act, application to, PPS 3

property vesting in, CBC 228(1)

trusts for, CPP 23(3), ITA 227(4), (5)

waiver of claims by, AP 14

Crown corporations

execution against, GAPD 28

pension garnishment, GAPD 14

Debts, orderly payment of. *See* Bankruptcy and Insolvency Act; Orderly Payment of Debts Regulations

Depository Bills and Notes Act

Bills of Exchange Act, inapplicability, DBN 6

clearing house —

transactions —

effect, DBN 8(1), (2)

law applicable, DBN 8(3)

possession, DBN 8(4)

depository bill, definition, DBN 2, 4

depository note, definition, DBN 2, 5

signature validity, DBN 7

Electronic Commerce Act

original document requirement, EC 8

signature, endorsement, and seal requirements, EC 11

Employer Health Tax Act

liability of receivers, EHT 19

liens, EHT 23

returns by trustee in bankruptcy, EHT 5(7)

Employment Insurance Act

extension of trust, EI 86(2.1)

trustee in bankruptcy, EI 86(6)

write-off of amounts wrongly paid, EI 153.1306

Employment Standards Act, 2000

liens on personal and real property, ES 125.3

priority of claims, ES 14

INDEX

Employment Standards Act, 2000 — *cont'd*

vacation pay, ES 40

Excise Tax Act

bankrupt, liability of under Act, ET 265(1)
directors of corporation, liability of, ET 323
garnishment, ET 317
tax debtor, payment to, ET 317
trustee in bankruptcy, liability of under Act, ET 265(1)

Execution Act

annexation, jurisdiction of sheriff on, E 34
contingent interest, liability for execution, E 29
definitions, E 1
definitions re ss. 14, 15, 16 and 19, E 1
executor, enforcement of execution against, E 32
exemptions from seizure —
 selection of personal property by execution debtor, E 5
 disputes re, E 8
 listed chattels, E 2
 money derived from sale of, E 4
 rules concerning, E 7
 sale and refund re amounts, E 3
lands —
 liability of to execution, E 13
 sale of, E 9
mortgage, enforcement of, E 25
mortgagor, sale of interest of, E 28
partner, execution against, E 31
security interests in personal property in execution, E 27
seizure —
 equitable interests, E 16
 expiration of, E 26
 goods claimed by third parties, E 22
 money and securities for money, E 19
 mortgagee interest, of, E 23
 notice to mortgagor, E 24
 private company shares, E 15
 rights under patent of invention, E 17
 shares and dividends, E 14
writ of execution —
 when writs are binding, E 10
 binding lands, E 11
writ of possession, E 21
writ of seizure and sale, E 20

Family Responsibility and Support Arrears Enforcement Act, 1996

amounts included and priority, FR 43(2), (3)
effective period of notice of lien, FR 43(4)

Family Responsibility and Support Arrears Enforcement Act, 1996 — *cont'd*

- errors in documents, FR 43(7)
- registration of documents, FR 43(6)
- registration under P.P.S.A., FR 43(1)
- rights under Bankruptcy and Insolvency Act, FR 43(8)
- secured party, FR 43(5)

Franchisor's obligation to disclose, AW 5
Fraudulent Conveyances Act

- conveyances made revocable, FC 7
- definitions, FC 1
- void conveyances —
 - against creditors, FC 2-4
 - against purchasers, FC 5, 6
- voluntary conveyance, validity of, FC 8

Garnishment, *see also* Garnishment, Attachment and Pension Diversion Act

- Excise Tax Act, ET 317
- Proceedings Against the Crown Act, PAC 22
- Wages Act, W 7
- winding-up of corporation, WU 115

Garnishment, Attachment and Pension Diversion Act

- Canadian Forces, garnishment within, GAPD 15
- Crown —
 - execution against, no, GAPD 28
 - garnishment of, GAPD 3
 - service, bound by, GAPD 6
- Crown corporations, garnishment of, GAPD 14
- definitions, GAPD 2, 4, 16, 32
- departments, garnishment of —
 - Crown bound by service, GAPD 6
- definitions, GAPD 4
 - documents, service of on Crown, GAPD 7
 - garnishee summons —
 - method of response to, GAPD 11
 - moneys bound by service of, GAPD 8
 - time period for Crown's response to, GAPD 10
 - information, access to, GAPD 13
 - regulations, GAPD 12
 - salaries, remuneration, of, GAPD 5
- designation of minister, GAPD 40.2
- employees, prohibition against actions against, GAPD 30
- Ethics Commissioner, Office of. *See* Parliament, garnishment of, *infra*
- House of Commons. *See* Parliament, garnishment of, *infra*
- inconsistency between federal and provincial law, GAPD 27
- interpretation, GAPD 2, 32
- Library of Parliament. *See* Parliament, garnishment of, *infra*

Garnishment, Attachment and Pension Diversion Act — *cont'd*

- Parliament, garnishment of —
 - definitions, GAPD 16
 - execution, no, GAPD 26
 - garnishee summons —
 - method of response to, GAPD 23
 - moneys bound by service of, GAPD 21
 - time period for response to, GAPD 22
 - information, access to, GAPD 25
 - regulations, GAPD 24
 - salaries, remuneration, of, GAPD 17
 - service —
 - binding nature of, GAPD 18
 - method of, GAPD 19(2)
 - place of, GAPD 19(1)
 - registered mail, by, GAPD 19(3)
 - pension benefits, diversion of —
 - amount of —
 - arrears owing, GAPD 40.1
 - lump sum pension benefit —
 - lump sum and periodic payment order, and, GAPD 40
 - periodic payment order, and, GAPD 39
 - periodic pension benefit —
 - lump sum and periodic payment order, and, GAPD 38
 - lump sum order, and, GAPD 37
 - rules governing, GAPD 36
 - application for diversion, GAPD 33
 - application of Part II, GAPD 31
 - benefits not immediately payable, where —
 - application for support order, GAPD 35.1
 - effect of order, GAPD 35.2
 - information, provision of, GAPD 35.3
 - provincial enforcement service, application by, GAPD 35.4
 - conditions for, GAPD 35
 - death of recipient, GAPD 44
 - definitions, GAPD 32
 - errors in amounts paid, GAPD 42
 - information, access to, GAPD 47
 - minimal diversion, GAPD 43
 - notification of recipient, GAPD 34
 - offence, GAPD 45
 - regulations, GAPD 46
 - variation application, GAPD 41
- Priority, Crown, GAPD 27.2
- regulations, GAPD 12, 24, 29, 46
- Senate. *See* Parliament, garnishment of, *supra*
- Senate Ethics Officer, Office of. *See* Parliament, garnishment of, *supra*

Garnishment, Attachment and Pension Diversion Act — *cont'd*
short title, GAPD 1

Holdback. *See* Construction Act

Income Tax Act

- bad debts, ITA 50(1)
- bankruptcies rules, re —
 - corporation, ITA 128(1)
 - Crown trust, ITA 227(4)
- definitions, ITA 128(3)
- individual, ITA 128(2)
- tax debtor, payment to, ITA 224 (1.2)

Insolvency. *See* Bankruptcy and Insolvency Act; International insolvencies

Insurance companies, restructuring of

- application of part, WU 159.1
- assets and funds —
 - transfer to foreign liquidator, WU 165
 - transfer to liquidator, WU 164
- claims —
 - computation of, WU 163
 - mortgages or liens, WU 172
 - priority for payment of, WU 161
- definitions, WU 159
- notice of proceedings, publication of, WU 171
- partial payment or reinsurance, WU 162.1
- protection of assets order, WU 160
- policies —
 - modification of, WU 162.2
 - transfer and reinsurance of, WU 162
- policyholder as creditor, WU 168(2)
- report to Superintendent, WU 170
- right of action preserved, WU 167
- statement of claimants and creditors —
 - filing in office of Superintendent, WU 168
 - notice of filing, WU 169
 - preparation by liquidator, WU 166

International insolvencies. *See* Bankruptcy and Insolvency Act; Companies's Creditors Arrangement Act

Land

- Bank Act registration against, B 428(3), (4)
- fraudulent conveyance of. *See* Fraudulent Conveyances Act
- liability of to execution, E 13
- liens on —
 - re public utilities, PU 31(1), (2)
 - re taxes, on, MUN 319, 349, 351, 375

INDEX

Land — *cont'd*

- sale of, E 9
- writ of execution against, E 10, 11

Liens, *see also* Construction Act

- documents, WU 121
- Employer Health Tax Act, EHT 23
- land, on —
 - re public utilities, PU 31(1), (2)
 - re taxes, on, MUN 351
- landlord's CT 38
- Personal Property Security Act, PPS 31
- real property, on, CTA 99
- unpaid seller's, SG 41
- winding-up of corporation, WU 86
- Workplace Safety and Insurance Act, 1997, WSI 145, 146

Liquidator

- banks, winding-up, WU 155, 156
- Business Corporations Act (Ont.), under —
 - appointment of, BC 210
 - powers of, BC 223
 - removal of, BC 211
- Canada Business Corporations Act, under —
 - appointment of, CBC 220
 - duties of, CBC 221
 - powers of, CBC 222
- corporations, winding-up —
 - depositing money in bank, WU 44-7
 - discharge of, WU 49
 - generally, WU 23
 - option of liquidator re secured claims, WU 79
 - powers and duties of, WU 33-40
 - production of pass-book by, WU 69, 70, 150
 - remuneration of WU 42
- insurance companies, winding-up, WU 162, 164-6
- voluntary winding-up, under —
 - account of winding-up, BC 205
 - appointment of, BC 193(2)
 - powers of, BC 202-204
 - removal of, BC 196
 - vacancy, BC 195

Livestock and perishable goods, sale of, AD 8

Mercantile Law Amendment Act

- advances, priority of, MLA 12
- assignment —
 - right to sureties paying principal debt to, MLA 2

Mercantile Law Amendment Act — *cont'd*

- assignment — *cont'd*
 - warehouse receipts, MLA 8
- bills of lading, MLA 7
- contract stipulations, MLA 15
- covenants —
 - enforceable by one or more persons, MLA 6
 - joint, MLA 5
- definitions, MLA 1
- goods in pledge, MLA 10, 11
- joint contracts, MLA 4
- part performance, MLA 16
- sale of goods on non-payment of debt, MLA 13
- securities held on joint account, MLA 3
- warehouse receipts —
 - as collateral security, assignment of, MLA 8
 - given by owner who is storer, MLA 9
 - goods manufactured from articles pledged, MLA 10, 11
 - transfer of for crude petroleum, MLA 14

Mortgages, *see also* Mortgages Act

- chattel, PPS 77
- construction lien priority, C 78
- enforcement of, E 25
- seizure of money secured by, E 23

Mortgages Act

- application of Part V
- building mortgage, MTG 21
- covenants to be implied, MTG 7-9
- default under mortgage —
 - payment of principle, MTG 17
 - powers incident to mortgages, MTG 24
 - relief after action commenced, MTG 23
 - belief before action commenced, MTG 22
- definitions, MTG 1
- distrain, limitation on right to, MTG 15
- distress, exemption from liability, MTG 14
- equity of redemption, release of without merger of debt, MTG 10
- executors of mortgagee, powers of, MTG 11
- insurance money, application of, MTG 6
- mortgagee —
 - cannot be found, MTG 12
 - obligation to transfer, MTG 2
 - personal judgment, right to recover, MTG 20
 - rental residential premises. *See* rental residential premises
 - surviving, MTG 12(2)

INDEX

Mortgages Act — *cont'd*

- mortgagor —
 - action for possession of land, MTG 5
 - right to copy of mortgage, MTG 4
 - right to inspect title deeds, MTG 3
- notice of sale of goods and chattels, MTG 16
- order for discharge of mortgage, MTG 12
- paying off mortgage (lower rate provision), MTG 19
- power of sale —
 - application of purchase money, MTG 27
 - conveyance to purchaser, MTG 28
 - exercising —
 - general provisions, MTG 42, 43
 - notice of, MTG 31-8
 - transition provision, MTG 40
 - without notice, MTG 39
 - foreign corporate property, MTG 27.1
 - incident to mortgage after default, MTG 24
 - notice before sale, MTG 26
 - receipt for purchase money, MTG 25
 - right to title deeds, MTG 29
- power to insure, MTG 24
- purchase for value without notice defence, MTG 13
- rental residential premises —
 - application of Part V, 46
- mortgagee —
 - interference by, MTG 51
 - rights after default, MTG 50
- payment of rent by tenant, MTG 49
- person deemed to be landlord, MTG 47
- possession, MTG 48
- right to show single family home, MTG 55
- service of documents, MTG 57
- single family home, MTG 45
- tenancy —
 - application to set aside, MTG 52
 - tenant's rights reserved, MTG 54
 - tenant's rights reserved, MTG 56
- right to redeem after 5 years, MTG 18

Municipal Act, 2001

- taxes —
 - special lien on land, MUN 349(3)

National Instrument 62-103

- pledges —
 - de minimus pledge relief, NI 8.2
 - insider reporting relief, NI 8.3

National Instrument 62-103 — *cont'd*

- pledges — *cont'd*
- relief, NI 8.1

Ontario New Home Warranties Plan Act

- compensation, ONHW 14

Orderly Payment of Debts Regulations

- costs, OPD 24, 25
- court, OPD 27
- dividends, OPD 23.1
- duties of clerk, OPD 19-22
- forms, OPD 26
- generally, OPD 3-18.1
- miscellaneous, OPD 28-31

Parliament. *See* Garnishment, Attachment and Pension Diversion Act

Pension Benefits Act

- exemption from execution, PB 66
- lien for payment out of guarantee fund, PB 86
- trust property, PB 57

Pensions. *See* Canada Pension Plan Act; Pension Benefits Act; Garnishment Attachment and Pension Diversion Act

Perishable goods

- priority of money owing for, B 427(7)
- sale of, AD 8, SG 7, 8

Personal Information Protection and Electronic Documents Act

- personal information —
 - disclosure by organization, PIPA 7(3)(5)
 - use by organization, PIPA 7(2)(4)

Personal Property Security Act

- application of Act —
 - Bulk Sales Act sales, PPS 83
 - chattel mortgages etc. under prior law, PPS 77
 - corporation securities, PPS 78, 79
 - Crown, to, PPS 3
 - generally, PPS 2, 76
 - non-application, PPS 4
 - old forms, use of, PPS 82
 - prior law —
 - inspection of documents, PPS 80
 - priorities, PPS 81
- branch offices, PPS Reg. 910
- collateral —
 - care of, PPS 17
 - transfer of, PPS 48

Personal Property Security Act — *cont'd*

- conflict of laws —
 - deemed perfection, PPS 8(2)
 - goods brought into province, PPS 6
 - location of collateral, PPS 5
 - location of debtor, PPS 7
 - procedural and substantive issues, PPS 8(1)
- conflict with other Acts, PPS 73
- Corporation Securities Registration Act, application to, PPS 78, 79
- court orders and directions, PPS 67
- definitions, PPS 1
- destruction of books or information, PPS 71
- extension of time, PPS 70
- fees under, O. Reg. 345/97
- financing statement —
 - content of, PPS 3
 - registration of, PPS 45, 49
- limitations on remedies, PPS 74.2
- negotiable instruments, PPS 29
- notices —
 - knowledge of, PPS 69
 - reinstatement date, PPS 1(3)
 - service of, PPS 68
- perfection —
 - continuity of, PPS 21
 - control by electronic chattel paper, PPS 22.2
 - goods held by bailee, PPS 26
 - goods returned or repossessed, PPS 27
 - possession, by, PPS 22
 - proceeds, of, PPS 25
 - registration, by, PPS 23
 - requirements of, PPS 19
 - temporary, PPS 24
 - transactions in ordinary course of business, PPS 28
- person obligated on account or chattel paper, PPS 40
- powers of Minister, PPS 73.1
- principles of law and equity, application of, PPS 72
- priorities —
 - accessions, PPS 35
 - commingled goods, PPS 37
 - crops, PPS 32
 - fixtures, PPS 34
 - general rule, PPS 30, O. Reg. 356/03, s. 1
 - liens for materials and services, PPS 31
 - purchase-money security interests, PPS 33, O. Reg. 356/03, s. 2
 - real property payments, PPS 36
 - subordination, PPS 38

Personal Property Security Act — *cont'd*

- registration —
 - amendments, PPS 49
 - Assurance Fund, PPS 44
 - branches, PPS 42, Reg. 910
 - certificate of registrar, PPS 43
 - change of debtor's name, PPS 48(3)
 - collateral, classification of, PPS 46(2.1)
 - consumer goods requirement, PPS 57, O. Reg. 356/03, s. 3
 - discharge/partial discharge of —
 - demand for, PPS 56
 - method of, PPS 55
 - effect of, PPS 46(5)
 - electronic, PPS 46(2)
 - errors, effect of, PPS 46(4)
 - errors or omissions —
 - deemed likely to be misled by, PPS 46.2
 - deemed not likely to be misled by, PPS 46.1
 - no limitation, PPS 46.3
 - financing change statement. *See* financing change statement, *supra*
 - financing statement. *See* financing statement, *supra*
 - form of, PPS 46
 - period, PPS 51
 - renewal of, PPS 52
 - system, inability to operate, PPS O. Reg. 356/03
 - transfer of debtor's interest, PPS 48(4)
 - used vehicle information package, PPS 43.1
- regulations, power to make, PPS 74, PPS 74.1
- rights and remedies —
 - collateral —
 - disposal of, PPS 63
 - redemption of, PPS 66
 - collection rights of secured party, PPS 61
 - consumer goods, compulsory disposition of PPS 65
 - debtor, of, PPS 59
 - possession upon default, PPS 62
 - receiver, appointment of, PPS 60
 - secured party, of, PPS 59
 - surplus, distribution of, PPS 64
- rights of debtor, alienation of, PPS 39
- security agreements —
 - acceleration provisions, PPS 16
 - after-acquired property, PPS 12
 - assignment of, PPS 47
 - attachment requirement, PPS 11
 - delivery of copy, PPS 10
 - effectiveness of, PPS 9

INDEX

Personal Property Security Act — *cont'd*

- security agreements — *cont'd*
 - future advances, PPS 13
 - notice of in Land Registry Office, PPS 54
 - seller's warranties, PPS 15
 - subordination of, PPS 50
- statements of account, PPS 18
- unperfected security interests, PPS 20
- vexatious registration, PPS 66.1

Power of sale. See Mortgages Act

Priorities. See Construction Act; Personal Property Security Act; Retail Sales Tax Act

Proceedings Against the Crown Act (repealed)

- Acts not affected by, PAC 2(1)
- conflict between Acts, PAC 23
- default judgment, PAC 18
- defences, PAC 17
- definitions, PAC 1
- designation of Crown in proceeding, PAC 9
- discovery, PAC 8
- execution against Crown, PAC 21
- garnishment, PAC 22
- in rem* proceedings, PAC 19
- indemnity and contribution, application of law re, PAC 6
- injunction or specific performance, PAC 14
- interest on judgment debt, PAC 20
- interpleader, PAC 12
- liability in tort, Crown's, PAC 5
- limits of scope of Act, PAC 2(2)
- notice of claim, PAC 7
- payment by Crown, PAC 22
- recovery of property, order for, PAC 15
- right to sue —
 - Crown, PAC 3
 - Crown corporation, PAC 4
- service, PAC 10
- set-off and counterclaim, PAC 16
- trial without jury, PAC 11

Proposals

- agreements, disclaiming of, BI 65.11
- BIA, application of, BI 66(1)
- CCAA, effect of, BI 65.22(2)
- collective bargaining, BI 65.12
- commercial lease, disclaiming of, BI 65.2-65.22
- conditional on purchase of new securities, BI 65
- consumer. *See* Consumer proposals

Proposals — *cont'd*

court approval of, BI 58-61
 court orders —
 interim financing, BI 50.6
 removal of directors, BI 64
 security over property, BI 64.1, 64.2
 creditors —
 equity claims, BI 54.1
 inspectors, appointment of, BI 55
 meeting of, BI 51-53
 supervision of debtor's affairs, BI 55
 voting by, BI 54-54.1
 default in performance of, BI 62.1-63
 disposition of assets, restrictions, BI 65.13
 eligible financial contracts, BI 65.1(7)-(9)
 filing of, BI 62
 generally, BI 50
 miscellaneous limitations, BI 65.1
 notice of intention, 50.4
 refusal of by creditors, BI 57
 secured claim, BI 50.1-50.3
 trustee, appointment of new, BI 57.1
 trustee's certificate, BI 65.3
 trustee's help to prepare, BI 50.5
 void and voidable transactions, BI 101.1

Real property. *See* Land

Receiver, *see also* Bankruptcy and Insolvency Act; Bankruptcy Rules

Creditors' Relief Act, CR 24
 Employer Health Tax Act, EHT 19
 Personal Property Security Act, PPS 60

Registration of Bank Special Security Regulations

definitions, RBSS 2
 form of security for loans or advances, RBSS 9
 notice of intention, form of, RBSS 9
 payment of fees, RBSS 10
 system of registration, RBSS 3-7

Retail Sales Tax Act

assignment of book debts, RST 22(19)
 definitions, RST 22(9)
 Minister's advice re indebtedness, RST 22(8)
 Minister's certificate, RST 22(5)-(8)
 notice, RST 22(6)
 priorities, RST 22(5)
 tax money trust, RST 22(1)
 trust for money collected, RST 22(1)-(4)

Sale of Goods Act

- actions for breach of contract —
 - breach of warranty, for, SG 51
 - non-acceptance, for, SG 48
 - non-delivery, for, SG 49
 - preservation of other rights of buyer, SG 52
 - price, for, SG 47
 - specific performance, SG 50
- auction sales, SG 56
- common law and law merchant, application of, SG 57
- definitions, SG 1
- effects of contract —
 - goods must be ascertained, SG 17
 - market overt, law as to inapplicable, SG 23
 - possession after sale, SG 25
 - property passes where intended to pass, SG 18
 - reservation of right of disposal, SG 20
 - risk passes with property, SG 21
 - rules for ascertaining intention to pass goods, SG 19
 - sale by person other than owner, SG 22
 - voidable title, sale under, SG 24
- enforceability of rights, SG 55
- formation of contract —
 - capacity, SG 3
 - condition treated as warranty, SG 12
 - goods, SG 6
 - how made, SG 4
 - implied —
 - conditions and warranties, SG 13
 - conditions as to quality or fitness, SG 15
 - perished/perishing goods, SG 7, 8
 - price, SG 9
 - sale and agreement to sell, SG 2
 - sale by description, SG 14
 - sale by sample, SG 16
 - time stipulation, SG 11
 - valuation agreement, SG 10
- implied sale and conditions, exclusion of, SG 53
- performance of contract —
 - acceptance of goods
 - deemed, SG 34
 - refusal, SG 35
 - delivery —
 - carrier, to, SG 31
 - elsewhere than place of sale, SG 32
 - instalments, by, SG 30
 - neglect or refusal to take, SG 36

Sale of Goods Act — *cont'd*

- performance of contract — *cont'd*
 - delivery — *cont'd*
 - rules re, SG 28
 - wrong quantity, SG 29
 - duties of seller and buyer, SG 26
 - payment and delivery concurrent, SG 27
 - rights of buyer re examination, SG 33
- reasonable time, SG 54
- unpaid seller —
 - contract of sale, effect on, SG 46
 - defined, SG 37
 - lien, SG 39, 41
 - part delivery, SG 40
 - right of stoppage in transit, SG 42-4
 - rights of, SG 38
 - subsale or pledge by buyer, effect of, SG 45

Sales tax. *See* Retail Sales Tax Act

Secured creditors

- Bankruptcy rules, re, BR 113.1-113.6
- compromises, CCA 5
- defences available, BI 252
- failure to carry out duty, BI 248
- notice of intention to enforce security, BI 244
- proof of claims, BI 127-33

Securities Act

- trade, definition, SA 1

Securities firm bankruptcies

- accounting of trustee, BI 266
- application of provisions, BI 254
- conflicts, BI 255
- customer name securities, determination of, BI 260
- deferred customers, BI 258
- definitions, BI 253
- distribution of estate, BI 261-5
- applications, BI 256
- statement of customer account, BI 257
- trustee powers, BI 259

Securities Transfer Act, 2006

- clearing agency rules, ST 7
- Crown, application to, ST 8
- definitions under, ST 1(1)
- existing proceedings, ST 9
- financial asset, meaning of, ST 1(2)
- good faith, obligation of, ST 4

INDEX

Securities Transfer Act, 2006 — *cont'd*

- interpretation limited to, ST 1(3)
- issue and issuer —
 - enforcement of security —
 - completion of security certificate, ST 63
 - issuer's lien, ST 66
 - issuer's restriction on transfer, effect of, ST 62
 - lack of genuineness of certificated security, ST 58
 - other defences, ST 59
 - overissue, ST 67
 - right to cancel contract, ST 60
 - rights and duties of issuer re registered owners, ST 64
 - staleness as notice of defect or defence, ST 61
 - unauthorized signature, ST 57
 - warranties by person signing security certificate, ST 65
 - terms of security —
 - certificated security, ST 56
 - uncertificated security, ST 56
- law and equity, principles of, ST 6
- notice, ST 3
- registration of transfer of security —
 - assurances re endorsement or instruction, ST 87
 - demand that issuer not register —
 - duty of issuer re, ST 89
 - effectiveness of, ST 88(2)
 - liability of issuer re, ST 90
 - right to, ST 88(1)
 - duty of issuer re, ST 86(1)
 - failure to register, liability for, ST 86(2)
 - lost, destroyed or wrongfully taken security certificate —
 - obligation of authenticating trustee, transfer agent etc. re, ST 94
 - obligation to notify issuer of, ST 93
 - presentation of certificate after replacement of, ST 92(2)
 - replacement of, ST 92(1)
 - signature guarantees and other requisites for —
 - guarantee may not be condition to registration of transfer, ST 83
 - liability of guarantor, endorser and originator, ST 84
 - purchaser's right to, ST 85
 - warranties by guarantor of endorser's signature, ST 79
 - warranties by guarantor of signature of originator of instruction, ST 80
 - warranties by special guarantor of signature of originator of instruction, ST 81
 - warranty re rightfulness of transfer by guarantor, ST 82
 - wrongful, liability for, ST 91
- securities and other financial assets, general matters re —
 - acquisition of financial assets or interests, ST 17

Securities Transfer Act, 2006 — *cont'd*

securities and other financial assets, general matters re — *cont'd*

adverse claims, notice of —

delay, ST 20

registration of financing statement, ST 22

statement on security certificate, ST 21

transfer, notice of, ST 19

what constitutes, ST 18

classification of obligations and interests —

bill of exchange or promissory note, ST 13

clearing house option, ST 15

depository bill or depository note, ST 14

futures contract, ST 16

mutual fund security, ST 11

partnership or limited liability company, interest in, ST 12

share, equity interest, ST 10

conflict of laws —

adverse claim, governing law for, ST 46

enforceability of security, law governing, ST 44(4)

issuer may specify law of another jurisdiction, ST 44(3)

issuer's jurisdiction, meaning of, ST 44(5)

other matters re securities, law governing, ST 44(2)

securities intermediary's jurisdiction, matters governed by law of, ST 45(1)

securities intermediary's jurisdiction, meaning of, ST 45(2), (3)

validity of security, law governing, ST 44(1)

control of financial assets —

agreement re control of security entitlement, ST 28

agreement re control of uncertificated security, ST 27

purchaser's control of certificated security, ST 23

purchaser's control of security entitlement, ST 25

purchaser's control of uncertificated security, ST 24

securities intermediary's control of security entitlement, ST 26

endorsements, instructions and entitlement orders —

change of circumstances, not made ineffective by, ST 32(2)

date effectiveness determined, ST 32(1)

effectiveness of, ST 29

effectiveness of remains, ST 31

effectiveness of when made by representative, ST 30

enforceability of contracts, ST 52

rules of evidence re certificated security, ST 53

securities intermediary's liability to adverse claimant, ST 54

securities intermediary as purchaser for value, ST 55

seizure —

governing law for, ST 47

interest in certificated security, of, ST 48

interest in security entitlement, of, ST 50

interest in uncertificated security, of, ST 49

Securities Transfer Act, 2006 — *cont'd*

- securities and other financial assets, general matters re — *cont'd*
 - seizure — *cont'd*
 - notice of to secured party, ST 51
 - warranties applicable to direct holdings —
 - agent delivering certificated security, warranties by, ST 38
 - broker's warranties, ST 40
 - endorsement of security certificate, warranties on, ST 35
 - instruction re uncertificated security, warranties on, ST 36
 - presentation of security certificate, warranties on, ST 37
 - redelivery of security certificate, warranties on, ST 39
 - transfer of certificated security, warranties on, ST 33
 - transfer of uncertificated security, warranties on, ST 34
 - warranties applicable to indirect holdings —
 - entitlement order, warranties on, ST 41
 - securities intermediary's warranties, ST 43
 - security credited to securities account, warranties on, ST 42
- security entitlements —
 - acquisition of, ST 95
 - adverse claim, protection of entitlement holders from, ST 96
 - adverse claim, rights of purchaser re, ST 104
 - duties of securities intermediary —
 - actions prohibited by law, ST 103(3)
 - commercially reasonable standard, ST 103(4)
 - comply with other statute etc., to, ST 103(1)
 - comply with entitlement order, to, ST 101
 - entitlement holder's direction, re, ST 102
 - exercise rights, to, ST 100
 - financial asset, re, ST 98
 - limits on, ST 103(2)
 - payments and distributions, re, ST 99
 - priority of creditor, ST 105(2), (3)
 - priority of entitlement holders to financial asset, ST 105(1)
 - property interest of entitlement holders in financial asset —
 - enforcement of against purchaser, ST 97(4)
 - enforcement of against security intermediary, ST 97(3)
 - extent of, ST 97(1)
 - proportionate interest, ST 97(2)
 - protection of purchaser for value, ST 97(7)
 - recovery by entitlement holder, ST 97(6)
 - recovery by trustee or liquidator, ST 97(5)
- transfer of certificated and uncertificated securities —
 - delivery of security —
 - certificated security, of, ST 68(1)
 - protected purchaser, ST 70
 - rights of purchaser, ST 69
 - uncertificated security, of, ST 68(2)

Securities Transfer Act, 2006 — *cont'd*

- transfer of certificated and uncertificated securities — *cont'd*
 - endorsements —
 - adverse claim, notice of on, ST 75
 - blank, in, ST 71(2)
 - completion of instruction, ST 77
 - conversion from blank to special, ST 71(4)
 - form of, ST 71(1)
 - missing, ST 74
 - obligations of endorser, ST 76
 - obligations of person originating instruction, ST 78
 - part of security certificate, of, ST 72
 - special, ST 71(3)
 - transfer of security, when constitutes, ST 73
 - registration of. *See* registration of transfer of security, *supra*
 - valid security, meaning of, ST 2
 - variation of by agreement, ST 5

Stay of proceedings

- appeals, BI 195, 196
- bankruptcies, BI 69.3
- consumer proposals, BI 69.2
- court ordered winding-up, BC 233
- division I proposals, BI 69.1
- notice of intention, BI 69
- regulatory bodies, BI 69.6

Superintendent of Bankruptcy. *See* Bankruptcy and Insolvency Act; Companies' Creditors Arrangement Act

Trust

- construction lien. *See* Construction Act
- Crown, for. *See* Crown
- unemployment deductions, UI 57(2), (3)

Trustee

- Bankruptcy Rules re —
 - appointment of, BR 55
 - duties of, BR 56-62
 - licensing of, BR 54.1, 54.2
 - remuneration of, BR 63
- Bulk Sales Act, BS 9, 10, 14
- Canada Business Corporations Act, CBC 82
- Construction Act, C 12, 68
- Excise Tax Act, ET 265(1)
- in bankruptcy. *See* Bankruptcy and Insolvency Act
- proposals, BI 50.5, 65.3
- returns by, EHT 5(7)

INDEX

Wages Act

- assignment of wages, W 7(8), (9)
- distribution of estates, W 6
- garnishment, W 7
- priority of wages —
 - administration of estates, W 5
 - assignment for benefit of creditors, W 2
 - attachment, W 4
 - execution creditors, W 3
- wages, defined, W 1

Warehouse receipts. *See* Mercantile Law Amendment Act

Winding-up and Restructuring Act

- application of Act, WU 6
- application of Part II, WU 150
- application of Part III, WU 159.1
- corporations. *See* Winding-up of corporations
- deemed insolvency, WU 3
- definitions, WU 2
- exempt corporations, WU 7
- limitation of Parts of Act, WU 9

Winding-up of corporation, *see also* Business Corporations Act (Ontario); Winding-up Act

annual returns, failure to file, CC 131(11.1) (repealed)

- appeals —
 - court of appeal, WU 104
 - dismissal of, WU 106
 - generally, WU 103
 - practice on, WU 105
 - Supreme Court of Canada, WU 107
 - authorized foreign banks, WU 150-158.3
- assets, distribution of, WU 93-5
- claims. *See* creditors
- commencement of, WU 5
- contributories —
 - calls on, WU 59, 60
 - classes distinguished, WU 51
 - court order re, WU 61
 - handing over money and books, WU 57
 - heirs, adding to list, WU 52
 - liability as debt, WU 55
 - list of, WU 50
 - payment by, WU 58
 - rights of, WU 62
 - shareholder liability, WU 53, 54
- court discharging function of liquidator, WU 48-9

Winding-up of corporation — *cont'd*

- creditors —
 - claims —
 - contestation of, WU 87-92
 - generally, WU 71-7
 - meetings of, WU 63-8
 - secured. *See* secured claims
 - dividend sheet, WU 85
 - effect of order, WU 19-22.1
 - eligible financial contract, WU 22.1, EFC 2
 - evidence, WU 146-150
 - fraudulent preferences, WU 96-102
 - grounds*, CC 5.6 (repealed)
 - inspectors —
 - appointment of WU 41
 - remuneration of, WU 43
 - insurance companies. *See* Insurance companies
 - liens, WU 86
 - liquidators —
 - appointment of, WU 23-32
 - discharge of, WU 49
 - powers and duties of, WU 33-40
 - remuneration of WU 42
 - notice in lieu of annual report*, CC 131(12) (repealed)
 - offences and punishments, WU 140-45
 - order re —
 - adjournment of proceedings, WU 15
 - applications for, WU 11, 12
 - cases where order may be made, WU 10, 10.1
 - duty of corporation, WU 15
 - power of court, WU 13, 16
 - procedure —
 - arrest of absconding contributory, WU 117
 - attachment and garnishment, WU 115
 - courts, generally, WU 126-128
 - courts may refer matters, WU 111
 - describing liquidators, WU 108
 - discovery, WU 114
 - examination by court, WU 118-120, 122
 - inspection of books and papers, WU 123
 - lien on documents, WU 121
 - liquidator subject to summary jurisdiction, WU 134
 - misapplying of money, 124
 - notice, dispensing with, WU 125
 - order deemed judgment, WU 113
 - pleadings, WU 129, 130
 - remedies obtained by summary order, WU 135

INDEX

Winding-up of corporation — *cont'd*

- procedure — *cont'd*
 - service out of jurisdiction, WU 112
 - similarity to ordinary suit, WU 109
 - single judge, WU 110
 - solicitors, WU 133
 - witnesses, WU 116
- rules, regulations and forms, WU 136, 137
- secured claims —
 - authority to retain, WU 84
 - authorized foreign bank, WU 81.1
 - duty of creditor, WU 78
 - mortgage or charge, WU 82
 - negotiable instruments, WU 81
 - option of liquidator re, WU 79
 - ranking of, WU 80
 - subsequent claims, WU 83
- staying proceedings, WU 17, 18
- unclaimed deposit, WU 138, 139

Workplace Safety and Insurance Act, 1997

- lien, WSI 145
- successor employers, obligations of, WSI 146