

Stay up to date with the latest legislative and judicial changes

Canadian Commercial Reorganization: Preventing Bankruptcy

Richard H. McLaren, Professor of Law

This comprehensive looseleaf service will help you understand the *Bankruptcy and Insolvency Act* (BIA) and *Companies' Creditors Arrangement Act* (CCAA). Regular supplements keep you up to date on the latest legislative and judicial changes. No other resource contrasts the principles and case law from the BIA and CCAA so efficiently. Both Acts are included in full for easy reference.

Topics covered include:

- Evolution of reorganization legislation in Canada
- The application process
- Statutory requirements for eligibility to reorganize
- Creation of a reorganization plan
- Creditors' voting procedures
- Court approval and supervision of a reorganization plan
- Receivership under the BIA

Up-to-date information includes key decisions relevant to insolvency practice and substantial BIA and CCAA amendments now in force.

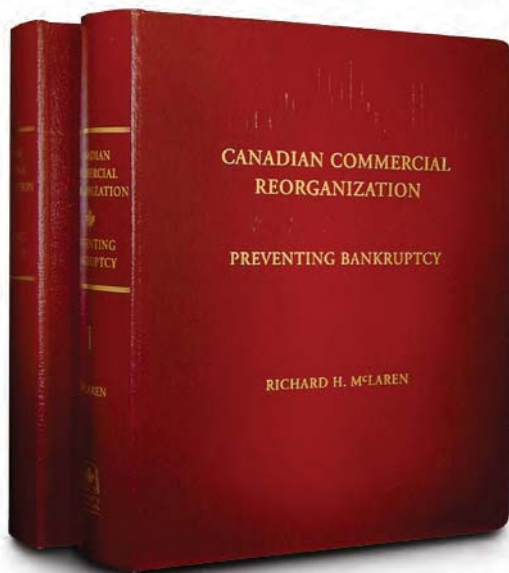


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Important and Recent Updates to Canadian Commercial Reorganization: Preventing Bankruptcy

- Asset Sales - The September 2009 amendments to the CCAA and the BIA included an express provision—s. 36 and s. 65.13 respectively—which provided the courts with jurisdiction to approve a sale or disposition of a debtor’s assets when the sale or disposition is outside the debtor’s ordinary course of business.

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Get expert insight on debtor-creditor law

Debt Litigation

Michael G. Tweedie

Debt Litigation is the first work to deal with default and summary judgments relating to debtor-creditor law and practice. This publication contains information on substantive, procedural and evidentiary law, normally only available from very diverse sources. It provides the latest legal citations and other supporting information, as well as annotations, commentary and practical advice to help point you in the right direction.

Debt Litigation includes:

- Discussion of the fiduciary duties of solicitors, including negligence and conflict of interest
- Information on spoliation of evidence and e-discovery
- Precedents for the confidentiality obligations of a law firm acting for a lender
- Various defences to debt prosecution
- Exploration of lender liability and the demands of confidentiality with respect to financial institutions
- Review of the effects of the *Personal Information Protection and Electronic Documents Act* (PIPEDA) on the banking industry
- Examination of conventional mortgages and guarantees

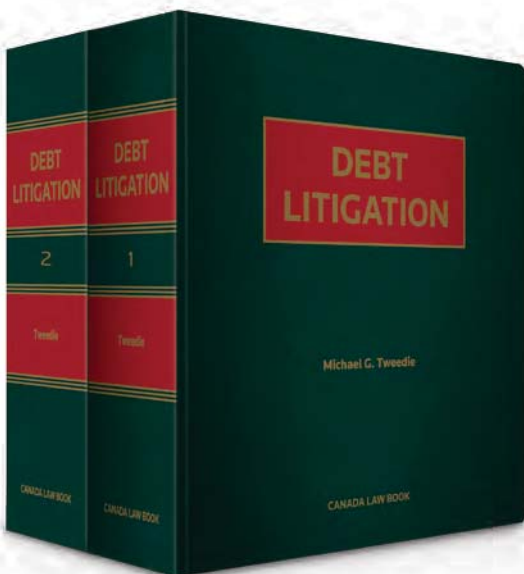


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Important and Recent Updates to Debt Litigation

- A new subsection has been added, Motion to Strike or Stay a Summary Judgment Motion [Section 4:20.17].
- Case Law: Default must be clearly established and the mortgage terms, which are a contract of adhesion, will normally be strictly construed against the interests of the mortgagee even without any apparent ambiguity. The difference between majuscule and miniscule initial letters in respect of a defined term may make the difference between currency and default: *Gonzalez v. Gonzalez* (2013), 227 A.C.W.S. (3d) 169 (B.C.S.C.) [Section 2:30].

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Get insight on the debt restructuring process

Debt Restructuring: Principles and Practice

John D. Honsberger, Q.C. and Verne W. DaRe

This is the authoritative work on reorganization and debt restructuring of insolvent, or near insolvent, commercial and financial institutions and farmers in Canada.

Inside you'll find critical discussion of the history, theory and purpose of the debt restructuring process. Also included are discussions of drafting and an interpretation of the *Bankruptcy and Insolvency Act* (BIA) and the *Companies' Creditors Arrangement Act* (CCAA). You'll find the detailed information that will give you insight into the entire debt restructuring process.

Topics covered include:

- Proposals under the BIA
- Arrangements under the CCAA
- Cross-border reorganizations
- Structuring a plan and pre-filing procedures
- Public relations
- Mediation between insolvent farmers and their creditors

This resource also includes a companion CD-ROM with templates allowing you to customize the forms.

Updates include:

- Legislative changes to the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act* made by *An Act to amend the Employment Insurance Act* and to make consequential amendments
- Completely revised index

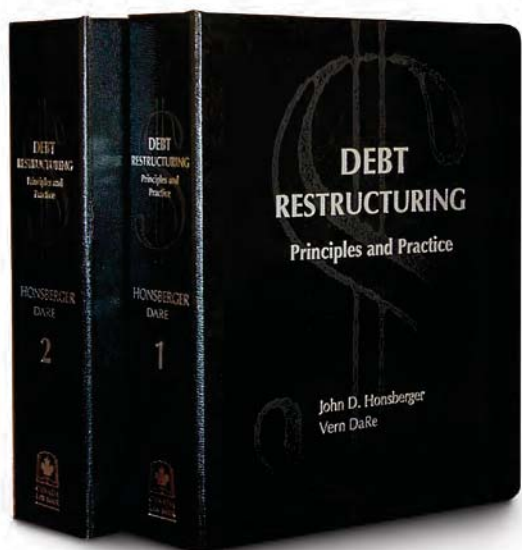


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Important and Recent Updates to Debt Restructuring : Principles and Practice

This release canvasses issues such as the jurisdiction of the court in making representation orders and the court's reaction to the gap in the legislative scheme contained in the Notice of Intention to Make Proposal provisions of the BIA. In addition, Release No. 41 updates the following chapters with recent case law and valuable commentary: Chapters 1 (Introduction to Debtor Reorganization and Debt Restructuring), 3 (Structuring a Plan and Prefiling Procedures), 8 (Proposals under the Bankruptcy and Insolvency Act), 9 (Arrangements under the Companies' Creditors Arrangement Act), and 12 (Mediation between Insolvent Farmers and their Creditors).

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Thorough coverage of statutory liens, deemed trusts, garnishment orders, and bankruptcy

Priority of Crown Claims in Insolvency

Francis L. Lamer, B. Comm., B.C.L., LL.B.

Resolving priorities between contractual personal property security transactions and statutory Crown security interests can be time-consuming. It means accessing numerous legislative provisions, reviewing conflicting case law, and balancing bankruptcy and insolvency law, *Bank Act* security and federal and provincial jurisdictions.

Now there is a time-saving resource that brings this information together in one convenient publication. **Priority of Crown Claims in Insolvency** gives you thorough coverage of statutory liens, deemed trusts, garnishment orders, bankruptcy, the *Bank Act*, and the *Income Tax Act*. And it covers all of Canada including Quebec.

Get the insight you need with:

- Thorough overview of the general principles applicable to the priority of statutory Crown claims
- The Rules governing statutory priorities including the impact of the *Bankruptcy and Insolvency Act* and the *Bank Act* on security interests and their interaction with provincial legislation
- In-depth analysis of Crown security interests, such as deemed statutory trusts, statutory liens, super priority and enhanced garnishment orders
- A convenient summary Table of Statutory Provisions that govern the creation and priority of security interests in federal and provincial law

About the Author

Francis L. Lamer, B.Comm., B.C.L., LL.B. began his career as a clerk for Mr. Justice Beetz and Mr. Justice Gonthier of the Supreme Court of Canada in 1989 before beginning his career as a commercial solicitor in 1990 and turning to commercial litigation in 1992. Mr. Lamer has appeared and represented clients before all levels of court including the Court of Appeal for British Columbia and the Supreme Court of Canada

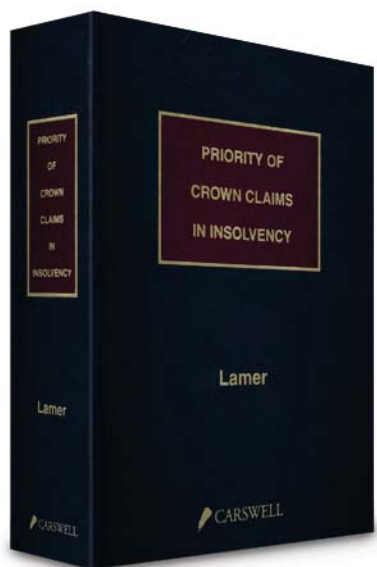


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Important and Recent Updates to Priority of Crown Claims in Insolvency

In order to ensure maximal currency, Priority of Crown Claims is updated four times per year. Release 2012-4 features updates to the legislation and Words and Phrases supplement.

This release updates the case digests and commentary of Chapters 2 (Deemed Statutory Trusts in Non-Bankruptcy Realizations), 3 (Statutory Liens and Enhanced Garnishment Orders in Non-Bankruptcy Realizations), 4 (Priority Disputes in Bankruptcy and under the Companies' Creditors Arrangement Act), 5 (Priority Disputes Involving Bank Act Security).

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The definitive resource on personal property security law

Secured Transactions in Personal Property in Canada, 3rd Edition

Richard H. McLaren, Professor of Law

Comprehensive coverage of ppsa law and practice

Find the most complete and current coverage of Personal Property Security Act (PPSA) matters in jurisdictions across Canada in **Secured Transactions in Personal Property in Canada, 3rd Edition**. This work is the definitive resource for all the commentary, legislation, case law and precedents you need to provide effective solutions for your client.

Giving your clients accurate advice on the PPSA means anticipating and reacting to the latest legislative developments and court decisions.

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- Complete analysis of the Ontario PPSA as well as the legislation in Alberta, British Columbia, Manitoba and Saskatchewan
- The full text of all personal property security legislation, regulations, forms and registration/ searching manuals
- Integrated treatment of the law by topic, highlighting the similarities and differences between the various provincial regimes
- An invaluable collection of transactional document precedents
- Table of concordance between the 2nd and 3rd editions

New in this edition

This edition has been fully consolidated. It contains significant improvements and updates to the chapters on Priorities, Conflicts, Searches, Investment Property and more. New chapters include Remedies, the History of the Act.

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About the Author

Richard H. McLaren, Professor of Law, joined the Faculty of Law at the University of Western Ontario in 1972 and was Associate Dean from 1979 to 1982. His principal teaching research interests are in the areas of Alternative Dispute Resolution, Contracts, Debtor-Creditor Rights, Bankruptcy and Insolvency, and Commercial and Business Law. He has written extensively on commercial law, including *Canadian Commercial Reorganizations: Avoiding Bankruptcy*, *The Annotated Ontario Personal Property Security Act*, and *Innovative Dispute Resolution: The Alternative*. He is the Editor of *Personal Property Security Act Cases (PPSAC)*.

Professor McLaren is the Canadian Co-Reporter and special consultant to the American Law Institute's project on Transnational Insolvency in the three NAFTA countries. He is one of three Canadian academics who are members of the Insolvency Institute of Canada and is the only one who is a member of the American Academy of Commercial Finance Lawyers. Professor McLaren has practical experience as a commercial lawyer and as a labour and commercial arbitrator.

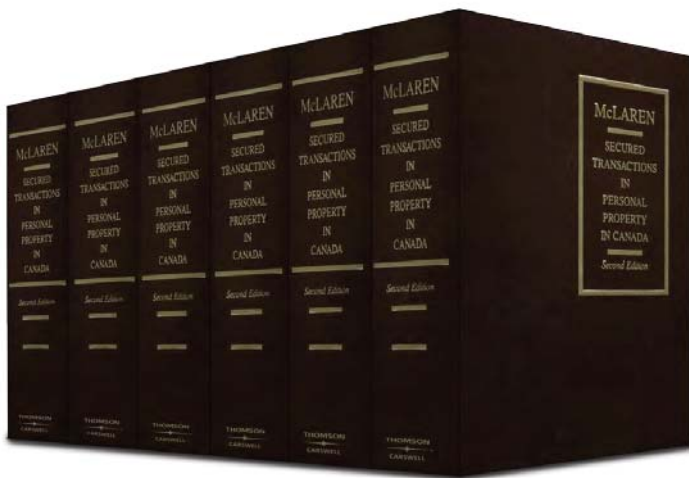


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