



OAIRP Bulletin

Issue #9
May 2014

OAIRP Report on Toronto Court Issues April 2014

The OAIRP wishes to bring to your attention the following issues. Pat Robinson on behalf of the Board has compiled the following report. We are circulating this information, which will be of particular interest to Toronto-based trustees:

1. Third Quarter Calendar and Summerittings in the Toronto Bankruptcy Court

Matters have been booked to the end of June. The Court is booking matters for July and August. As of July 1, 2014 there will be two Registrars sitting, with Master Wiebe added. There will be coverage by one or both Registrars for virtually the entire summer so no disruptions are anticipated. Although this has not been confirmed, the exception may be during the Registrars' attendance at the Annual CAIRP Conference in August. Motions in writing and motions scheduled as special appointments are within the expected service guidelines.

2. 9:30 a.m. Scheduling Appointments with the Registrars

9:30 a.m. Scheduling Appointments are available with Master Jean via telephone. No substantive matters will be dealt with during these Scheduling Appointments. Expect these appointments to last approximately 10 to 15 minutes. Not many Trustees have been making use of these appointments to avoid having to appear in person.

3. Compliance with Court Document Filing

Trustees are still not providing materials that are in conformity with the Court documents provisions of the *Rules of Civil Procedure*. Common complaints are that documentation is being presented to the Court held together by alligator clips and rubber bands, with no backing sheets, no covers, and Orders not stapled. Also, reports are being signed by someone other than the Trustee. In some cases the Court boxes and Court files have to be retrieved in an attempt to locate documents

contained inside, to review the discharge application.

4. **Appearance in Court by Trustee**

The Trustee must appear in Court as it is the Trustee who is afforded that right to appear as a Court officer, not their Administrators. The Administrator with better knowledge of the file can accompany the Trustee.

5. **Appearance by Master Jean at October 2014 OAIRP Morning Education Session**

OAIRP is planning an education session on October 16, 2014 (details still to be announced). This will focus on best practices and other information relating to the Toronto Bankruptcy Court. Master Jean has kindly agreed to be the speaker at that session and will discuss topics that will be useful and of interest to the Trustee community.

6. **Recommendation of Trustee on Bankrupt's Application for Discharge**

Trustees are still not making specific recommendations for the Court to consider when seeking a bankrupt's discharge. It is insufficient for a Trustee to state in the Supplementary Report that the bankrupt should receive a "conditional discharge". The Court is looking for specific recommendations e.g. "*The bankrupt be discharged subject to paying the Trustee \$2,000 for unpaid surplus income and a suspension of 6 months to run concurrently with the condition*".

7. **Bankrupt's Discharge Hearings for 3 & more times bankrupt**

The Court files for the previous bankruptcies are required to be produced for the discharge hearing of the current bankruptcy. If the prior file cannot be found or is not available, a detailed explanation as to the steps taken to obtain the file should be given in the Trustee's Report. Trustees should also provide the bankruptcy files of second time bankrupts, where there are alleged failures to fulfill duties, CRA or credit card issues.

8. **Model Orders**

Model Orders are in use in B.C. and Alberta. Pat Robinson agreed to contact the various Provincial CAIRP Boards to obtain copies and discuss their use of the Model Orders. These Orders will be discussed further at the next Registrars Court Committee meeting on September 23, 2014.

9. **OSB Bankruptcy Statistics**

The number of new insolvency matters across Canada has decreased again in 2014 as compared to last year. Ontario has the largest number of consumer proposals. There are a large number of oppositions by Trustees on Bankrupt Discharges before the Court for unpaid surplus income, which indicate a minor

issue under section 173.

10. Daily e-mail with Court list

With immediate effect (May 2, 2014), the daily e-mail distribution of Court Lists will cease. The Daily Court list may now be accessed on a new website at www.ontariocourtdates.ca.

Regards,
Allan

Ontario Association of Insolvency and Restructuring Professionals

c/o Allan Nackan, CPA, CA, CIRP

Tel: 416-496-3732

Email: anackan@farberfinancial.com

Farber Financial Group

150 York Street, Suite 1600

Toronto, Ontario, M5H 3S5

| [forward to a friend](#)

Copyright © 2014 OAIRP, All rights reserved.

[unsubscribe from this list](#) | [update subscription preferences](#)