

17TH ANNUAL REVIEW OF INSOLVENCY LAW CONFERENCE

FEBRUARY 7, 2020
VANCOUVER, BRITISH COLUMBIA

CONFERENCE CO-CHAIRS

Madam Justice Shelley Fitzpatrick
British Columbia Supreme Court

Michelle Grant
PricewaterhouseCoopers LLP, Vancouver (IIC)

Tevia Jeffries
Dentons Canada LLP, Vancouver (IIC)

ARIL CO-EDITORS

Mr. Justice Blair Nixon
Alberta Court of Queen's Bench

Professor Jill Corraini
Business Law Camosun College, Victoria

ARIL AT-A-GLANCE

(see inside for more details)

OPENING RECEPTION SPONSORED BY CAIRP:

Thursday, February 6, 2020, 6:00pm – 7:00pm
JW Marriott Parq, 39 Smithe Street, Vancouver

ARIL CONFERENCE:

Friday, February 7, 2020, 7:00am – 5:15pm
JW Marriott Parq, 39 Smithe Street, Vancouver
www.aril.ca

ACCOMMODATIONS:

JW Marriott Parq, 39 Smithe Street, Vancouver
& The DOUGLAS Parq, 45 Smithe Street,
Vancouver
Room Rates: \$234 + applicable taxes and fees

REGISTRATION: Click [HERE](#) to register

THANK YOU TO OUR GENEROUS SPONSORS

SUSTAINING SPONSOR



GOLD SPONSORS



SILVER SPONSORS



BRONZE SPONSORS



AGENDA

THURSDAY, FEBRUARY 6, 2020

6:00 – 7:00pm **Opening Reception** sponsored by CAIRP: JW Marriott Parq, 39 Smithe Street, Vancouver

FRIDAY, FEBRUARY 7, 2020

7:00 – 8:00am **Breakfast and Registration**

8:00am **Welcome**

Conference Co-Chair Michelle Grant, PricewaterhouseCoopers LLP, Vancouver (IIC)

8:05 – 8:50am **Dr. Janis Sarra Opening Plenary: Bad Moon Rising – New Dawn Ahead? Climate Change and Solvency Risk**

Dr. Janis Sarra, University of British Columbia, Peter Allard School of Law, Vancouver (IIC), *Bad Moon Rising – New Dawn Ahead? Climate Change and Solvency Risk*

Andrew Chisolm, Expert Panel on Sustainable Finance, Toronto

Superintendent Jeremy Rudin, Office of the Superintendent of Financial Institutions, Ottawa

Moderator: **Linc Rogers**, Blake, Cassels & Graydon LLP, Toronto (IIC)

9:00 – 9:40am **Concurrent Panels**

Insolvency and Family Law – Can They Coexist Fairly?

Panel A

Michael Myers, Papazian Heisey Myers, Toronto, *A Tale of Two Statutes: Balancing the Interests of Spouses and Other Creditors at the Crossroads of the Family Law Act and the Bankruptcy and Insolvency Act – A Zero Sum Game?*, co-authored with Michael Krygier-Baum, Papazian Heisey Myers, Toronto

Commentator: **Jennifer McCracken**, BDO Canada Limited, Vancouver

JIN and Coca-COMI: Cross-Border Protocols and Working Together

Panel B

James Reid, Blake, Cassels & Graydon, Calgary, *Let's Work Together: Application of the Joint Insolvency Network Guidelines Around the World and in Canada* co-authored with Ryan Adlington, Deloitte LLP, Calgary

Mark Russell, KSG Attorneys, George Town, *A Model of Disharmony: What is the Relevant Date to Determine COMI Under the Model Law on Cross-Border Insolvency?*

Commentator: **Monique Sassi**, Cassels Brock & Blackwell LLP, Toronto

All Eyes on the Resource Industry: The Implications of Third Eye v. Dianor

Panel C

Carole Hunter, DLA Piper (Canada) LLP, Calgary

Tushara Weerasooriya McMillan LLP, Toronto

Steve Weisz, Brauti Thorning LLP, Toronto (IIC)

Trust me - The Addition of the Duty of Good Faith to Insolvency Legislation

Panel D

Tracey Henry, Wright Henry LLP, Toronto, *CCAA Duty of Good Faith: Notice Obligations to Union Stakeholders* co-authored with Danielle Stampley, Wright Henry LLP, Toronto, and Alex St. John, Wright Henry LLP, Toronto

Commentator: **Natasha MacParland**, Davies Ward Phillips & Vineberg LLP, Toronto (IIC)

AGENDA

9:50 – 10:30am	Concurrent Panels
Panel E	<p>The Imperishable Asset? Understanding Real Estate Insolvencies</p> <p>Robyn Gurofsky, Borden Ladner Gervais LLP, Calgary (IIC), <i>The Walton CCAA Proceedings: How the Increased Flexibility in the CCAA Can Facilitate Real Estate Restructurings</i> co-authored with Josef Kruger, Borden Ladner Gervais LLP, Calgary (IIC), Chris Simard, Bennett Jones LLP, Calgary, and Alexis Teasdale, Bennett Jones LLP, Calgary</p> <p>David Ullmann, Blaney McMurtry LLP, Toronto, <i>Giving 110%: Examining the Fairness of Paying Interest Penalties to Real Property Lenders in an Insolvency</i> co-authored with Jessica Wuthmann, Blaney McMurtry LLP, Toronto</p> <p>Commentator: Jonathan Kreiger, Grant Thornton Limited, Toronto (IIC)</p> <p>Moderator: Neil Narfason, Walton Global Investments Ltd., Calgary (IIC)</p>
Panel F	<p>A Partial Fix: 2019 Amendments and Registered DSPs</p> <p>Dr. Anna Lund, University of Alberta, Faculty of Law, Edmonton, <i>A Partial Fix: The 2019 Amendments to the Bankruptcy and Insolvency Act and Registered Disability Savings Plans</i></p> <p>Commentator: Ian Penney, Janes & Noseworthy Limited, St. John's</p>
Panel G	<p>Oh Won't You (Extend the) Stay, Just a Little Bit Longer: Long CCAA Stay Extensions</p> <p>Tevia Jeffries, Dentons Canada LLP, Vancouver (IIC), <i>Oh Won't You (Extend the) Stay Just a Little Bit Longer?</i> co-authored with Cindy Chen, Summer Student, Dentons Canada LLP, Vancouver</p> <p>Commentator: Kathryn Esaw, Aird & Berlis LLP, Toronto</p>
Panel H	<p>2020 - A (Cyber) Space Odyssey - Technology Asset Realizations in the New World</p> <p>Vanessa Allen, MNP Ltd., Calgary, <i>Asset Realizations in the New World: Maximizing the Value of Technology and Cannabis Assets in Insolvency Proceedings</i> co-authored with Dean Hutchison, MLT Aikins, Calgary</p> <p>Commentators: Todd Martin, Alvarez & Marsal, Vancouver (IIC)</p> <p>Vincent Yip, McCarthy Tétrault LLP, Vancouver</p>
Panel I	<p>Up in Smoke: The Participation of Social Stakeholders in CCAA Proceedings</p> <p>Dr. Virginia Torrie, University of Manitoba, Faculty of Law, Winnipeg, <i>The Participation of Social Stakeholders in CCAA Proceedings</i> co-authored with Vern DaRe, Fogler, Rubinoff LLP, Toronto</p> <p>Commentators: Alexander Bayus, Gowling WLG, Toronto</p> <p>Brian Empey, Goodmans LLP, Toronto (IIC)</p>
10:30 – 10:50am	Networking Break Sponsored by Global Restructuring and Insolvency Professionals (GRIP)
10:50 – 11:30am	Concurrent Panels
Panel J	<p>Can Fresh Start Compete with Policies Under BIA Section 178?</p> <p><i>Student Loans – How the Bankruptcy Provisions Could Benefit from Additional Parliamentary Review</i></p> <p>Commentators: Chantal Gingras, Ginsberg, Gingras & Associates, Ottawa</p> <p>Professor Micheline Gleixner, University of Moncton, Faculty of Law, Moncton</p>

AGENDA

Panel K	<p>From Sea to Shining Sea: Tensions Between a National Practice, Local Practitioners, and Filing Jurisdiction</p> <p>Guy Martel, Stikeman Elliott LLP, Montreal (IIC)</p> <p>Peter Rubin, Blake, Cassels & Graydon LLP, Vancouver (IIC)</p> <p>Toni Vanderlaan, FTI Consulting Canada, Toronto</p> <p>Marc Wasserman, Osler, Hoskin & Harcourt LLP, Toronto (IIC)</p>
Panel L	<p>Reversal of Fortune: The Rise of Creditor Driven CCAAs</p> <p>Arad Mojtahedi, Norton Rose Fulbright Canada LLP, Montreal, <i>In Search of a Purpose: The Rise of Super Monitors & Creditor-Driven CCAAs</i> co-authored with Luc Morin, Norton Rose Fulbright LLP, Montreal</p> <p>Noah Zucker, McCarthy Tétrault LLP, Montreal, <i>Creditor Activism in CCAA Proceedings: Beyond the Vote</i> co-authored with Gabriel Faure, McCarthy Tétrault, Montreal and Jocelyn Perreault, McCarthy Tétrault LLP, Montreal (IIC)</p> <p>Commentator: Kyla Mahar, Miller Thomson LLP, Toronto</p>
Panel M	<p>A Taxing Issue - Deemed Trusts and the GST/HST</p> <p>Sam Babe, Aird & Berlis LLP, Toronto, <i>Provincial Deemed Trusts 30 Years After British Columbia v. Henfrey Samson Belair Ltd.</i></p> <p>Maurice Chiasson, Stewart McKelvey, Halifax (IIC), <i>Deemed Trusts and the GST - Lessons for Secured Creditors</i></p> <p>Commentator: Diane Winters, Department of Justice, Toronto (IIC)</p>
Panel N	<p>To Supply or Not Supply that is the Question? - The Post-Filing Creditors Dilemma</p> <p>James Foran, Deloitte LLP, Halifax</p> <p>Lisa Hiebert, Borden Ladner Gervais LLP, Vancouver</p> <p>Ari Sorek, Dentons Canada LLP, Montreal</p>
11:40 - 12:20pm	Concurrent Panels
Panel O	<p>LILA (Low Income/Low Asset) Debtors - Is Streamlining the Process a Realistic Approach?</p> <p>André Bolduc, BDO Canada Limited, Ottawa</p> <p>Elisabeth Lang, Office of the Superintendent of Bankruptcy, Ottawa</p> <p>Richard Schwartz, Tapper Cuddy LLP, Winnipeg</p> <p>Moderator: Guylaine Houle, Pierre Roy & Associés</p>
Panel P	<p>Sitting in Judgement - Practical Advice for Claims Adjudication</p> <p>Scott Boucher, Norton Rose Fulbright Canada LLP, Vancouver, <i>Sitting in Judgment - Practical Advice for Trustee and Lawyers in the Claims Adjudication Process</i> and Craig Munro, FTI Consulting Canada, Vancouver (IIC) co-authored with Nathan Jones, Norton Rose Fulbright LLP, Vancouver</p> <p>Commentator: JJ Burnell, MLT Aikins LLP, Winnipeg</p>
Panel Q	<p>In the Wake of Redwater: the Final Chapter and Aftermath</p> <p>Tom Cumming, Gowling WLG, Calgary, <i>The Intersection of Regulatory and Insolvency Law: Redwater's Final Chapter and the Aftermath</i> co-authored with Jeffrey Oliver, Cassels Brock & Blackwell LLP, Calgary (IIC), and Caireen Hanert, Gowling WLG, Calgary</p> <p>Commentators: Alex Corbett, ATB Financial, Calgary</p> <p>Neil Honess, KPMG, Calgary</p>

AGENDA

Panel R	<p>Is It Really a Material Adverse Change?</p> <p>Michelle Grant, PricewaterhouseCoopers Inc. LLP, Vancouver (IIC), <i>Is it Really a Material Adverse Change?</i></p> <p>Commentators: Dylan Chochla, Fasken LLP, Toronto</p> <p>Denis Ferland, Davies Ward Phillips & Vineberg LLP, Montreal (IIC)</p>
12:20 – 1:15pm	Networking Lunch
1:20 – 2:05pm	<p>The Honourable Donald Brenner Memorial Keynote</p> <p>Introduction by Conference Co-Chair Madam Justice Shelley Fitzpatrick</p>
2:10 – 2:50pm	Concurrent Panels
Panel S	<p>How Many Ways Can You Slice a Pie? A Look into Professional Fees and Who is Entitled to a Charge</p> <p>Katie Mak, Clark Wilson LLP, Vancouver, <i>To Canwest and Beyond: A Look at Priority Charges Securing Professional Fees</i> co-authored with Claire Wheldon, PricewaterhouseCoopers LLP, Vancouver</p> <p>Commentators: Mario Forte, Goldman Sloan Nash & Haber LLP, Toronto (IIC)</p> <p>Peter Reardon, McMillan LLP, Vancouver (IIC)</p>
Panel T	<p>Surplus Income in Insolvency Proceedings – A Difficult Concept to Accept!</p> <p>Professor Stephanie Ben-Ishai, Osgoode Hall Law School, Toronto (IIC)</p> <p>Colleen Craig, C.E. Craig & Associates Inc., Victoria</p> <p>Daniel Charrette, Office of the Superintendent of Bankruptcy, Ottawa</p>
Panel U	<p>This Buzz is For You, Cannabis Across the 49th Parallel</p> <p>Cindy Cheuk, Dentons Canada LLP, Vancouver</p> <p>Elaine Carey, FTI Consulting, Los Angeles</p> <p>Michael McTaggart, PricewaterhouseCoopers LLP, Toronto</p> <p>Oren Bitan, Buchalter, Los Angeles</p> <p>Moderator: Madam Justice Mary Jo Heston, U.S. Bankruptcy Court, Western District of Washington, Washington</p>
Panel V	<p>Creditors, Choose Your Weapon: Protecting Creditors from Opportunistic Debtors</p> <p>Associate Professor Jassmine Girgis, University of Calgary, Faculty of Law, Calgary, <i>An Oppression Remedy v Fraudulent Conveyance Legislation: Which Legislative Scheme Better Protects Creditors from Opportunistic Debtors?</i></p> <p>Commentators: Joe Healey, Ernst & Young Inc., Winnipeg (IIC)</p> <p>Rebecca Morse, Farris, Vancouver</p>
Panel W	<p>Building a Mystery - Investigations and Realizing on Foreign Assets</p> <p>Gregory Azeff, Miller Thomson LLP, Toronto</p> <p>Kyle Plunkett, Aird & Berlis LLP, Toronto</p>
2:55 – 3:35pm	Concurrent Panels
Panel X	<p>Herding Cats - Lessons from the Quadriga case on Representative Counsel and Creditors' Committees</p> <p>Gavin MacDonald, Cox & Palmer, Halifax (IIC), <i>Representative Counsel & Creditors' Committees: Lessons from the Quadriga Case</i> co-authored with Gregory Azeff, Miller Thomson LLP, Toronto</p> <p>Commentator: Brendan O'Neil, Goodmans LLP, Toronto (IIC)</p>

AGENDA

Panel Y	Canada North: Deemed Trust v. Priming Charges Randal Van de Mosselaer , Osler Hoskin & Harcourt LLP, Calgary Mary Buttery , Cassels Brock & Blackwell LLP, Vancouver (IIC) Kelly Bourassa , Blake, Cassels & Graydon LLP, Calgary (IIC)
Panel Z	A Fraud on Bankruptcy: Do We Still Need the Anti-Deprivation Rule? Aditya Badami , Norton Rose Fulbright LLP, London, <i>Canada's Tired Anti-Deprivation Rule: Capital Steel Inc v Chandos Construction Ltd</i> co-authored with Meghan Parker, Norton Rose Fulbright LLP, Calgary Commentator: Chris Simard , Bennett Jones LLP, Calgary (IIC)
Panel AA	Yikes We've Only Got 10 days and Other Changes Coming From the 2019 Amendments Phillipe Bélanger , McCarthy Tétrault, Montreal (IIC) Paul Darby , PricewaterhouseCoopers LLP, Calgary (IIC) Kibben Jackson , Fasken LLP, Vancouver (IIC)
3:40 - 4:25pm	Closing Plenary Judicial Panel
4:25 - 4:30pm	Closing Thank You Conference Co-Chair Tevia Jeffries, Dentons Canada LLP, Vancouver (IIC)
4:30 - 5:15pm	Closing Reception JW Marriott Parq, 39 Smithe Street, Vancouver

CONFERENCE INFORMATION

Registration: https://cairp.ca/cgi/page.cgi/_evtcal.html?evt=278

Fees:

General Registrant: \$975 (plus applicable taxes)

Judges, Articling Students, Full-time Academics: \$225 (plus applicable taxes)

Sorry, no refunds permitted, only substitutions.

Reservations: JW Marriott Parq, 39 Smithe Street, Vancouver & The DOUGLAS Parq, 45 Smithe Street, Vancouver

Online: <https://book.passkey.com/go/17thARILConference>

Phone: Call 1.888. 236.2427.

Callers must identify themselves as being with ARIL 2020 in order to qualify for group rate.

Room Rates: Standard Guest Room: \$234 + applicable taxes and fees

We are offering two hotel options for conference attendees, based on availability. The JW Marriott Parq & The DOUGLAS are connected and both are available for conference attendees at the same price. The two hotels share the same reservation database which promises a seamless experience for guests at either property.

The cut-off to receive the conference room rate is **January 14, 2020**. After this date, the conference room rate will no longer be available and reservations are subject to availability.

Group rate will be extended three (3) days pre and post conference, based on availability.

All reservations must be accompanied by a first night room deposit OR guaranteed with a major credit card.

For more information about the conference, please contact Natalie Alfano at 647.560.5449 or natalie.alfano@cairp.ca

2020 Planning Committee

Michelle Grant, PricewaterhouseCoopers LLP, Vancouver (IIC)

Madam Justice Shelley Fitzpatrick, British Columbia Supreme Court

Guylaine Houle, Pierre Roy & Associés, Montreal

Tevia Jeffries, Dentons Canada LLP, Vancouver (IIC)

Linc Rogers, Blake, Cassels & Graydon, Toronto (IIC)

Sara Scott, Stewart McKelvey LLP, Halifax