

District of British Columbia  
Division No. 04 – Vernon  
Court No. VER-S-B56477  
Estate No. 11-2400936

**IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE CONSUMER PROPOSAL  
OF BARBARA ANN TOMA**

**ORDER**

	)	THE HONOURABLE	)	
BEFORE	)		)	APRIL 30, 2020
	)	JUSTICE FITZPATRICK	)	

**THIS APPLICATION**, made by the Superintendent of Bankruptcy (“Superintendent”), pursuant to paragraph 5(4)(a), subsections 66.31(1), 187(11) and 187(12) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c.B-3, as amended (“BIA”), was heard by teleconference on April 30, 2020, at the courthouse at 800 Smithe Street, Vancouver, British Columbia.

**UPON READING** the Notice of Application herein, the Affidavit of Elisabeth Lang, Superintendent, affirmed on April 27, 2020, the Affidavit of André Bolduc, Licensed Insolvency Trustee (“LIT”) with and Executive Board Member of the Canadian Association of Insolvency and Restructuring Professionals, affirmed on April 28, 2020.

**AND UPON HEARING** Christine Matthews, counsel to the Superintendent, and Bridget van Wyk, on behalf of the Canadian Association of Insolvency and Restructuring Professionals, and Barbara Ann Toma.

1. **THIS COURT ORDERS AND DECLARES** that for the purposes of this Order:
  - a. The “Period of the Emergency” shall be defined as the period of March 13, 2020, to June 30, 2020. For greater certainty, the start date and the end date are included in the Period of the Emergency.
  - b. The “Suspension Period” shall be defined as the period from April 27, 2020, to June 30, 2020. For greater certainty, the start date and the end date are included in the Suspension Period.
2. **THIS COURT ORDERS** that this Order shall apply to:
  - a. All “Active Commercial Proposals” (Division I proposals), which shall be defined as all the Division I proposals filed with the Office of the Superintendent of Bankruptcy (“OSB”) up to the end of the Period of the Emergency;

- b. All “Active Consumer Proposals” (Division II proposals), which shall be defined as all the Division II proposals filed with the OSB or revived pursuant to the BIA up to the end of the Period of the Emergency, but excluding the Division II proposals that were deemed annulled, annulled or that were fully performed on or before the date of this Order; and
  - c. All “Active Bankruptcy Files”, which shall be defined as all bankruptcies filed with the OSB, up to the end of the Period of the Emergency, but excluding the bankruptcies wherein the bankrupt had received his or her discharge on or before the date of this Order.
3. **THIS COURT ORDERS** that the time for service and filing of the Notice of Application and the Application Record herein are hereby abridged and validated so that this application is properly returnable today and hereby dispenses with further service thereof.
  4. **THIS COURT ORDERS** that the requirement for a separate Notice of Application and supporting Affidavits to be filed in the Court file of each of the insolvency files in the Province of British Columbia affected by this Order is hereby dispensed with.
  5. **THIS COURT ORDERS** that the requirement for notice of this Application to any debtor, inspector or creditor, within the bankruptcy and proposal estates administered in the Province of British Columbia, be and is hereby waived.
  6. **THIS COURT ORDERS** that the Superintendent of Bankruptcy shall publish this Order on the website of the OSB forthwith.
  7. **THIS COURT ORDERS** that this Order is effective as 12:01 a.m. Pacific Daylight Savings Time Monday April 27, 2020.

#### **Matters applicable to Active Commercial Proposals**

8. **THIS COURT ORDERS** that the time for holding the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 51 of the BIA, is to be extended by the time of the Suspension Period.

#### **Matters applicable to Active Consumer Proposals**

9. **THIS COURT ORDERS** that the time for holding the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 66.15 of the BIA, is to be extended by the time of the Suspension Period.
10. **THIS COURT ORDERS** that an Active Consumer Proposal shall not be deemed annulled pursuant to section 66.31 of the BIA unless the consumer debtor is in default of:
  - a. In the case when payments under the Active Consumer Proposal are to be made monthly or more frequently, the day on which the consumer debtor is in default for an amount that is equal to or more than the amount of three payments plus an

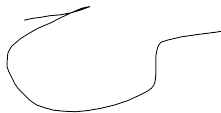
additional amount equivalent to up to three payments for defaults that occurred during the period of March 13, 2020, to December 31, 2020; or

- b. In the case when payments under the Active Consumer Proposal are to be made less frequently than monthly, the day that is three months after the day on which the consumer debtor is in default in respect of any payment except that for those payments due between March 13, 2020, to December 31, 2020, it shall be the day that is six months after the day on which the consumer debtor is in default.

**Matters applicable to Active Bankruptcy Files:**

11. **THIS COURT ORDERS** that the trustee's obligation to apply to court for a hearing during the Period of the Emergency, as provided by subsection 170.1(3) of the BIA, is to be extended by the time of the Suspension Period.
12. **THIS COURT ORDERS** that the time for the holding of the meeting of creditors that is to take place during the Period of the Emergency, as provided by section 102 of the BIA, is to be extended by the time of the Suspension Period.
13. **THIS COURT ORDERS** that the time for scheduling a mediation that is to take place during the Period of the Emergency, as provided by rule 105(4) and (10) of the Bankruptcy and Insolvency General Rules, is to be extended by the time of the Suspension Period.
14. **THIS COURT ORDERS** that any interested person may apply to the Court to terminate the relief provided herein in respect of any proceeding, on providing notice of the application to do so on five days notice to the trustee, the OSB, and any other person likely to be affected by the order sought.
15. **THIS COURT ORDERS** that the approval of Barbara Ann Toma and Bridget van Wyk as to the form of this order is waived.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



\_\_\_\_\_  
Signature of Christine Matthews

☐ party      ☒ Counsel for the  
Superintendent of Bankruptcy

By the Court

\_\_\_\_\_  
Registrar