

File No: BK20-01-05447
Estate No.: 21-2487620

THE QUEEN'S BENCH
Winnipeg Centre
In Bankruptcy and Insolvency

IN THE MATTER OF THE PROPOSAL OF
ASSUNTA DALIDA CRUZ
(of the City of Winnipeg, in the Province of Manitoba)

THE HONOURABLE MR. JUSTICE)
JAMES G. EDMOND)

Thursday, April 30, 2020

THE SUPERINTENDENT OF BANKRUPTCY

Moving party

and

ASSUNTA DALIDA CRUZ

Debtor

and

BDO CANADA LIMITED

Licensed Insolvency Trustee

ORDER

ATTORNEY GENERAL OF CANADA

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THIS MOTION, 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 call on April 30, 2020, at the Law Courts Complex, 408 York Avenue, Winnipeg, Manitoba.

UPON READING the Notice of Motion herein, the Affidavit of the Superintendent of Bankruptcy, Elisabeth Lang, affirmed on April 28, 2020, the Affidavit of André Bolduc, Licensed Insolvency Trustee (“**LIT**”), Senior Vice President in the Ottawa Financial Recovery Service Office of BDO Canada Limited (“**BDO**”) and Executive Board Member of the Canadian Association of Insolvency and Restructuring Professionals, affirmed on April 28, 2020;

AND UPON READING the Order pronounced by Chief Justice Geoffrey B. Morawetz of the Ontario Superior Court of Justice on April 27, 2020 in Ontario Court File Number: 31-2597721 (In the matter of the proposal of Stephen Francis Podgurski) (the “**Ontario Omnibus Order**”).

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 this application by motion and supporting material are hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

4. **THIS COURT ORDERS** that the requirement for a separate notice of motion and supporting affidavits to be filed in the Court file of each of the insolvency files in the Province of Manitoba affected by this Order is hereby dispensed with.

5. **THIS COURT ORDERS** that the requirement for notice of this notice of motion to any debtor, inspector, or creditor, within the bankruptcy and proposal estates administered in the Province of Manitoba, 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 of Monday, April 27, 2020, concurrently with the Ontario Omnibus Order.

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 BIGR, 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.

April 30, 2020

J.G.
Edmond, J.

Digitally signed by
J.G. Edmond, J.
Date: 2020.04.30
14:26:28 -05'00'

The Honourable Mr. Justice
James G. Edmond