

**23<sup>rd</sup> Annual Review of Insolvency Law Conference, Toronto**

**February 6, 2026**

**Cases Involving the Wage Earner Protection Program Act (WEPPA) and Reverse Vesting Orders (RVOs)**

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| <b>Proceeding</b>  | <b>Court</b>   | <b>Termination Structure</b> | <b>Reverse Vesting Order</b>  | <b>Position of Service Canada</b> | <b>Judicial Ruling</b> |
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| <p><i>Re Myra Falls Mine Ltd</i><br/>(CCAA; Vancouver S-238572)</p> <p>CCAA Initial Order:<br/>December 18, 2023</p> | <p>Supreme<br/>Court of<br/>British<br/>Columbia</p> |                              | <p>[21] As of the Closing Time, Residual Co. shall be a company to which the CCAA applies and Residual Co. shall be added as Petitioner in these CCAA Proceedings...<br/>(10 July 2025) Vancouver S-238572 (BCSC)</p> <p>[3] Following the closing of the Transactions and delivery of the Monitor's Certificate as completed by the RVO, the Monitor is hereby authorized and directed to make an assignment into bankruptcy of Residual Co...<br/>(24 September 2025) Vancouver S-238572 (BCSC)</p> |                                   |                        |

| Proceeding  | Court  | Termination Structure  | Reverse Vesting Order  | Position of Service Canada  | Judicial Ruling  |
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| <p><i>HealthHub Patient Engagement Solutions Inc.</i> (NOI Proposal; Halifax No 46157)</p> <p>NOI Filing: June 28, 2025</p> | <p>Nova Scotia Supreme Court &amp; Court of Appeal</p> | <p>ResidualCo to be deemed the former employer of approximately 23 employees of the debtor who were terminated between the commencement of the NOI proceedings and the closing of the RVO Transaction.</p>   | <p>[33] THIS COURT ORDERS that pursuant to section 5(5) of [WEPPA], Residual Co. meets the criteria prescribed by section 3.2 of the [WEPP Regulations] and Residual Co.'s employees are individuals who may apply for [WEPP].<br/>(19 December 2025) Halifax No 46157 (NSSC)</p>  | <p>Appeal grounds:</p> <p>"[t]he Learned Application Judge exceeded the Court's jurisdiction by issuing an order that created alternate facts by deemed Residual Co. to be the former employer"</p> <p>"[t]he Learned Application Judge erred in fact and law by considering that Residual Co. is the former employer of any former employees of HealthHub Patient Engagement Solutions Inc."<br/>(Notice of Appeal, December 29, 2025)</p>                                   |  |
| <p><i>Re Synaptive Medical Inc</i> (CCAA; Toronto CV-25-00739279-00CL)</p> <p>CCAA Initial Order: March 19, 2025</p>        | <p>Ontario Superior Court of Justice</p>               | <p>The debtor terminated 48 employees prior to the RVO. It then exited CCAA protection following the RVO transaction. It is seeking an order declaring it and/or ResidualCo meets the criteria of 3.2 of the <i>WEPP Regulations</i> and 5(5) of <i>WEPPA</i>.</p> | <p>[21] THIS COURT ORDERS that, as of the Effective Time: (a) ResidualCo shall be a company to which the CCAA applies; and (b) ResidualCo shall be added as an Applicant in these CCAA Proceeding..."<br/>(18 June 2025) Toronto CV-25-00739279-00CL (ONSC)</p> <p>ResidualCo was assigned into bankruptcy on September 3, 2025.</p> | <p>"In this matter, Synaptive Medical Inc...does not meet the statutory requirements under s. 3.2 [of the <i>WEPP Regulations</i>] because all of its employees earning income in Canada were not terminated. As for [ResidualCo], it is not the 'former employer', such that this Court has no authority under <i>WEPPA</i> s. 5(5) to determine whether ResidualCo. meets the requirements in s. 3.2."<br/>(Factum of the Attorney General of Canada, October 29, 2025)</p> | <p>Court adjourned motion until QCCA releases decision in <i>Arrangement relatif à Valeo Pharma inc.</i></p> |

| Proceeding   | Court                                   | Termination Structure  | Reverse Vesting Order   | Position of Service Canada  | Judicial Ruling  |
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| <p><i>Cleo Energy Corp (Re)</i><br/>(NOI Proposal &amp; Receivership; Calgary B301 163430)</p> <p>NOI Filing: December 8, 2024</p> <p>Receivership: June 2, 2025</p> | <p>Court of King's Bench of Alberta</p> | <p>The debtor terminated employees, who then received WEPPA. Following that, the receiver recommended an RVO transaction. The Attorney General of Canada submitted that the RVO transaction would retroactively disentitle the employees to WEPP benefits.</p> | <p><u>RVO Denied:</u><br/>Liabilities related to unpaid wages of the former employees would be transferred to ResidualCo., and Cleo Energy Corp. would emerge from the receivership proceedings.<br/>(2025 ABKB 621)</p> <p><u>RVO Subsequently Granted</u></p> <p>Liabilities related to unpaid wages of former employees no longer transferred to ResidualCo.<br/>(14 November 2025) Calgary B301 163430 (ABKB)</p> | <p><u>First RVO Approval Motion</u><br/>[40] Employment Canada appeared at the application to advise the Court of potential adverse consequences of the RVO for former employees. Employment Canada, however, maintained that it was not taking a position on the appropriateness of the RVO.</p> <p>[41] Employment Canada advised the Court that pursuant to the Wage Earner Protection Payment Act, S.C. 2005, c. 47 (“WEPPA”) former employees of Cleo who had received payments pursuant to WEPP could have their payments clawed back if the RVO is approved.<br/>(2025 ABKB 621)</p> | <p><u>First RVO Approval Motion</u><br/>[46] I agree [with Service Canada]. WEPP exists to protect employees from the adverse consequences of the insolvency of their employer. Terminated employees have no control over how insolvency and restructuring transactions are structured after their termination. Terminated employees who have received WEPPs payment and have no inkling of the possibility of a clawback may have used the money to pay for groceries or rent. A choice to clawback payments made to terminated employees of an insolvent corporation because of subsequent events beyond their control would be to the immense discredit of the Minister and, I would hope, be swiftly reversed by the Canada Industrial Relations Board or the Federal Court of Appeal.<br/>(2025 ABKB 621)</p> |

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| <p><i>Arrangement relatif à Lion Electric Company</i> (CCAA; Terrebonne 700-11-022385-241)</p> <p>CCAA Initial Order: December 18, 2024</p> | <p>Superior Court of Québec</p> | <p>Employees transferred to ResidualCo and subsequently terminated.</p> | <p>[59] ORDERS and DECLARES that any employee of the Lion Entities that is required to be transferred to NewCo for their employment to be immediately thereafter terminated by NewCo prior to the Closing Date in accordance with the Subscription Agreement, shall, in accordance with the Subscription Agreement, be transferred prior to the Closing Date to, and be deemed to have been employed solely by, NewCo at the time of termination of their employment and to have been terminated solely by NewCo...</p> <p>(6 June 2025) Terrebonne 700-11-022385-241 (QCCS)</p> | <p>WEPP order opposed by the Attorney General of Canada which argued that the debtor company is attempting to create a legal fiction where ResidualCo is the former employer of the terminated employees.</p> | <p>[23] ORDONNE la réouverture des débats afin d'entendre les parties sur la question de suspendre le présent délibéré jusqu'à ce que la Cour d'appel rende jugement dans le dossier <i>Attorney General of Canada c. Valeo Pharma inc.</i> (500-09-031382-252) devant être entendu au cours de la semaine du 29 septembre 2025.</p> <p>...</p> <p>[23] ORDERS the proceedings be suspended until the Court of Appeal renders its judgment in the case of <i>Attorney General of Canada c. Valeo Pharma inc.</i> (500-09-031382-252), which is to be heard during the week of September 29, 2025.</p> <p>(4 July 2025) Terrebonne 700-11-022385-241 (QCCS)</p> |

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| <p><i>Arrangement relatif à Valeo Pharma inc</i> (CCAA; Montreal 500-11-064718-246 &amp; 500-09-031382-252)</p> <p>CCAA Initial Order: October 1, 2024</p> | <p>Superior Court of Québec &amp; Court of Appeal of Québec</p> | <p>Instead of debtor terminating 34 employees, their contracts were assigned to ResidualCo, who would then terminate them. ResidualCo met the prescribed criteria of 3.2 of the <i>WEPPA Regulations</i>, and 5(5) of <i>WEPPA</i> was met.</p> | <p>[14] Much of the value provided by the Xediton transaction is generated through the reverse vesting structure. Through the share purchase, Xediton acquires many of Valeo’s existing supply and distribution contracts. Xediton also acquires Valeo’s licenses, permits and authorizations that are necessary to operate in a highly regulated pharmaceutical industry. Finally, Xediton may benefit from Valeo’s carry-forward tax losses and tax attributes. None of these assets could have been transferred under a traditional asset sale.</p> <p>...</p> <p>[21] Since the Xediton transaction maximizes recovery for creditors, maintains Valeo’s business operations, and does not unfairly prejudice any group of stakeholders, the Court is of the opinion that the transaction should be approved. (2025 QCCS 580)</p> | <p><u>Attorney General of Canada Seeks Leave to Appeal</u></p> <p>[6] The AGC objected. It argued that [the RVO] g[a]ve rise to a "structured legal fiction" where non-retained employees are transferred to an empty shell company, ResidualCo, which is not their true employer, to be subsequently terminated, for the sole purpose of creating "alternate facts" to anchor the declarations sought in the [RVO], thereby circumventing the objectives of the <i>WEPPA</i> program. (2025 QCCA 483)</p> | <p><u>Leave to Appeal Granted</u></p> <p>[11] In my view, leave to appeal should be granted as all four criteria are met and it is in the interest of justice that the appeal be heard.</p> <p>[12] Firstly, RVOs, generally, are a relatively recent innovation in insolvency proceedings. The extent of a supervising court’s powers in an RVO context remains a question of debate. Issues dealing with employee claims in insolvency proceedings generally, and in RVOs in particular, are significant to the practice of insolvency. More specifically, the correct interpretation of <i>WEPPA</i> and <i>WEPP Regulations</i> is highly relevant for insolvency practitioners.</p> <p>[13] Secondly, the applicant explains that the order, if it is left to stand, may result in a \$560,000 payment to non-retained employees. Hence, the question is of significance to the proceedings.</p> <p>[14] Thirdly, the appeal is <i>prima facie</i> meritorious. In the present case, the applicant argues that the first instance judge adopted a statutory interpretation of s. 5 <i>WEPPA</i> and the <i>WEPP Regulations</i> which is contrary to the wording and the regime’s objectives. Without deciding on the merits of the applicant’s position, I am satisfied that this</p> |
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| Proceeding | Court | Termination Structure | Reverse Vesting Order | Position of Service Canada | Judicial Ruling   |
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|            |       |                       |                       |                            | <p>aspect of the test is met. The case presents itself differently than in <i>Arrangement relatif à Former Gestion Inc.</i>, where leave was refused. In that case, all employees were transferred, and the formulation of the declaratory conclusion in the contested order was different.</p> <p>[15] Finally, the appeal does not unduly hinder the progress of the file, since the ARVO is executory notwithstanding appeal and the applicant is not asking that it be stayed during the appeal. Indeed, closing occurred on the day the ARVO was rendered, and the non-retained employees have been transferred to ResidualCo and their employment terminated.<br/>(2025 QCCA 483)</p> <p><u>Appeal Decision under Reserve</u></p> |

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| <p><i>Taiga Motors Corporation et Deloitte Restructuring Inc.</i> (CCAA; Montreal 500-11-064357-243)</p> <p>CCAA Initial Order: July 10, 2024</p> | <p>Superior Court of Québec</p> | <p>The debtor (now recapitalized and exited from the CCAA proceeding) was recognized as the former employer of 188 terminated employees who were transferred to ResidualCo. Despite that, the Court declared employees were individuals to whom WEPPA applied.</p> | <p>[25] Finally, the Court accepts the Monitor’s advice that the release sought by Taiga’s directors and officers is appropriate in the circumstances. According to the Monitor, Taiga’s directors and officers played an important role in the restructuring process, and acted in Taiga’s best interest, and that of all stakeholders, by attempting to preserve Taiga’s business as a going concern. Moreover, in the Monitor’s opinion, the requested releases form an important part of the RVO transaction, since Taiga’s directors and officers may be called upon to assist with the future conduct of the business. Their future participation could be compromised if they had concerns regarding potential liability for past actions. (2024 QCCS 4319)</p> <p>[7] DÉCLARE que conformément aux articles 5(5) de la Loi PPS, Taiga Motors Inc. est un ancien employeur qui satisfait au critère de l'article 3.2 du Règlement PPS et que tous les employés au Canada qui on été licenciés sont des individus à qui la Loi PPS s'applique;</p> <p>...</p> <p>[7] DELCARES that in accordance with section 5(5) of WEPPA, Taiga Motors Inc. is a former employer that meets the criteria of section 3.2 of the WEPP Regulations and that all employees in Canada who were</p> | <p>"Subsection 5(1) of [WEPPA] sets out the eligibility criteria to receive WEPP payments. Taiga Motors Inc. was subject to a reverse vesting order completed on October 30, 2024. As a result, your former employer is no longer subject of proceedings under the Companies' Creditors Arrangement Act and eligible wages are no longer owed to you by them as they were transferred to another company. It has therefore been determined that the eligibility criteria pursuant to subsection 5(1) of the WEPPA are not met."<br/>(Employee WEPP Denial Letter, May 12, 2025)</p> |  |
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| Proceeding  | Court                           | Termination Structure   | Reverse Vesting Order  | Position of Service Canada | Judicial Ruling  |
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|   |                                 |   | <p>terminated are individuals to whom <i>WEPPA</i> applies.<br/>(18 December 2024) Montreal 500-11-064357-243 (QCCS)</p>   |                            |  |
| <p><i>Syndic d'Intelgenx Corp</i> (CCAA; Montreal 500-11-064115-245)<br/>CCAA Initial Order:<br/>May 17, 2024</p> | <p>Superior Court of Québec</p> | <p>The Court found that the debtor being re-capitalized and leaving CCAA protection due to the RVO transaction was the former employer, not ResidualCo.</p> | <p>[40] ... As a result of the structure of the Transaction, the employment liabilities of the terminated employees will be transferred to New ParentCo, other than the KERP payments and vacation pay obligations.<br/>(2024 QCCS 3678)</p> |                            | <p><u>WEPP Order</u><br/>[42] In <i>In the Matter of the compromise or Arrangement of Juste Pour Rire (Just for Laughs)</i> group of companies, Justice David Collier held that the WEPPA applies to the former employees of insolvent corporations that are restructured under a reverse vesting order issued pursuant to the CCAA.</p> <p>[43] He explains that the WEPPA's stated purpose "to provide for payments to individuals in respect of wages owed to them by employers who are insolvent" must be interpreted to include former employees in this context because "in the case of both an asset sale and a reverse vesting order, employees who have lost their jobs have no solvent employer from whom they can claim lost wages". This is therefore precisely who the WEPPA is intended to protect.</p> <p>[44] The Court agrees with this reasoning.<br/>(2024 QCCS 3678)</p> |

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| <p><i>Arrangement relatif à Former Gestion Inc.</i> (CCAA; Montreal 500-11-063779-249 &amp; 500-09-031195-241)</p> <p>NOI Filing: March 5, 2024</p> <p>CCAA Initial Order: March 15, 2024</p> | <p>Superior Court of Québec &amp; Court of Appeal of Québec</p> | <p>The SISP resulted in a bifurcated sale: three entities selling pursuant to a vesting order (AVO), and twelve others by RVO.</p> <p>100 employees were terminated: 45 by an AVO entity, and 55 by five of the RVO entities.</p> <p>The AVO employees were entitled to WEPP. The RVO employees were not (the companies exited CCAA protection).</p> <p>The RVO Entities (<b>not ResidualCo</b>) were declared to meet the criteria of 3.2 of the WEPP Regulations, and the terminated individuals were declared individuals to whom WEPPA applies.</p> | <p>[15] Under the purchase and sale agreement approved by the Court on June 7, 2024, [the purchaser] purchased substantially all the assets, property and business undertaking of the three AVO Entities and the shares and certain assets of the twelve RVO Entities. The transaction provided for the transfer of certain assets and liabilities by the RVO Entities to a newly incorporated entity, 9517-3258 Québec Inc. (ResidualCo). (2024 QCCS 3645)</p> | <p><u>WEPP Order</u></p> <p>[13] On behalf of [Employment Social Development Canada], the Attorney General of Canada (AGC) opposes the amended WEPPA application on three grounds, arguing that: (i) the request for retroactive relief is an unwarranted attempt to rewrite the facts; (ii) the Court cannot render the declaratory relief without infringing upon the Minister’s jurisdiction to decide eligibility for payments under WEPPA; and (iii) since the RVO Entities have not wound down their operations, WEPPA does not apply to their former employees. (2024 QCCS 3645)</p> <p><u>Application for Leave to Appeal</u></p> <p>[12] In his application for leave to appeal, the AGC argues that Collier, J. erred:</p> <p>a. by failing to decline to rule on a matter under the exclusive jurisdiction of the Minister to determine WEPP eligibility, which is subject to review only by the CIRB and the Federal Court of Appeal. The Superior Court, therefore, infringed upon the Minister’s exclusive jurisdiction.</p> <p>b. subsidiarily, by determining that the relevant time to determine eligibility is when all of an insolvent entity’s</p> | <p><u>WEPP Order</u></p> <p>[37] DECLARES that pursuant to section 5(5) of WEPPA, Former Gestion Inc. and the RVO Entities as defined herein are former employers that meet the criteria prescribed by section 3.2 of the WEPP Regulations, and all their former employees in Canada who have been terminated are individuals to whom WEPPA applies; (2024 QCCS 3645)</p> <p><u>Application for Leave to Appeal</u></p> <p>[12] Collier, J. never concluded that one or more of the employees is <i>eligible</i> to receive a payment under the WEPPA. The only declaratory conclusion is reproduced above, and it obviously does not speak to eligibility. Further, the applicant has failed to convince me that it does so indirectly.</p> <p>[18] By declaring that the RVO Entities are former employers that meet the criteria prescribed by s. 3.2 of the <i>WEPP Regulations</i>, the judge stayed within the boundaries of the broad discretion conferred on him by law. Moreover, there is nothing wrong with the judge justifying his decision by using a time reference that is relevant to the specific realities of the case and pertinent for purposes of “determin[ing] whether the former employer is the former employer all of whose employees in Canada</p> |
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|            |       |                       |                       | <p>employees are terminated. The criteria used by the Superior Court to make this determination is flawed. The relevant time for determining when WEPPA applies is the moment at which all the conditions of eligibility are met.<br/>(2024 QCCA 1441)</p> | <p>have been terminated”, as s. 3.2 requires. Finally, since the judge came to this conclusion, it is quite evident that the terminated employees are individuals to whom the <i>WEPPA</i> applies. The judge’s words to that effect seem somewhat superfluous, and in making that statement, the judge did not decide the question of <i>eligibility</i>, neither generally nor individually.<br/>(2024 QCCA 1441)</p> |

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| <p><i>PaySlate Inc. (Re)</i> (NOI Proposal; Vancouver B220504)</p> <p>NOI Filing: December 5, 2022</p> | <p>Supreme Court of British Columbia</p> | <p>No ResidualCo, but a trust settled with a monetary payment from the debtor to pay various liabilities, including \$2,000 per 51 terminated employees for the WEPPA entitlement.</p> | <p>[8] Upon the delivery of the Proposal Trustee's Certificate, the Proposal Trustee shall be discharged, provided however that notwithstanding its discharge herein: (a) the Proposal Trustee shall continue to administer the Excluded Assets, Excluded Contracts, and the Excluded Liabilities vested in the Creditor Trust in accordance with the Trust Settlement and that, pursuant to subsection 5(5) of the <i>Wage Earner Protection Program Act</i>, S.C. 2005, c. 47 ("WEPPA"), the Creditor Trust is determined to be the employer of any former employees of PaySlate, and the employer meets the criteria prescribed by regulation. It is further determined that, pursuant to the criteria prescribed by section 3.2 of the <i>Wage Earner Protection Program Regulations</i>, SOR/2008-222, the employer is the former employer of all of those employees in Canada that have been terminated other than any retained to wind down its business operations, and are individuals to whom the WEPPA applies as of the date of this Order;"</p> <p>(25 October 2023), Vancouver B220504 (BCSC)</p> |                            | <p>[5] There is now an appropriate evidence-based rationale provided by the debtor with fulsome and most helpful information and analysis of value provided by the Proposal Trustee in its sixth and seventh reports. It establishes that the proposed consideration is appropriate or, as required by the <i>Bankruptcy and Insolvency Act</i>, R.S.C. 1985, c. B-3 [BIA], "reasonable and fair" in relation to the value of the business being acquired through the proposed RVO.</p> <p>[6] The administration and professional charges, cure costs, KERP charge, employee termination payments of \$2,000 each, per the <i>Wage Earner Protection Program Act</i>, S.C. 2005, c. 47, s. 1, and the debtor-in-possession ("DIP") financing will all be satisfied.</p> <p>(2023 BSCC 977)</p> |

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| <p><i>Re FIGR Brands, Inc.</i> (CCAA; Toronto CV-21-00655373-00CL)</p> <p>CCAA Initial Order: January 21, 2021</p> | <p>Ontario Superior Court of Justice</p> | <p>Debtors remaining in CCAA protection, and ResidualCo, met the 3.2 criteria in the <i>WEPP Regulations</i>, and the former employees were declared to be individuals to whom WEPPA applies.</p> | <p>[17] THIS COURT ORDERS that, from and after the Effective Time:</p> <p>...</p> <p>(c) any Person that prior to the Effective Time had a valid right or claim against the Purchased Entity under or in respect of any Excluded Contract or Excluded Liability (each an “Excluded Liability Claim”) shall no longer have such right or claim against the Purchased Entity but will have an equivalent Excluded Liability Claim against Residual Co. in respect of the Excluded Contract and Excluded Liability from and after the Effective Time in its place and stead, and nothing in this Order limits, lessens or extinguishes the Excluded Liability Claim of any Person as against Residual Co.; and</p> <p>...</p> <p>[18] THIS COURT ORDERS AND DECLARES that, as of the Effective Time:</p> <p>(a) ResidualCo shall be a company to which the CCAA applies; (10 June 2021), Toronto CV-21-00655373-00CL (ONSC)</p> |                            | <p><u>WEPP Order</u></p> <p>I agree with the Applicant that the provisions of WEPPA apply to this case, given the nature of the termination of employees, and the retainer of others to help with the wind-down or assumed by the Purchaser.</p> <p>The order [therefore] went ordering that FIGR Brands and their former employees met the criteria prescribed by section 3.2 of the WEPPA Regulation and the former employees are individuals to whom WEPPA applies. (4 February 2022), Toronto CV-21-00655373-00CL (Ont Sup Ct J [Comm List])</p> |

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| <p><i>Just Energy Group Inc et al v Morgan Stanley Capital Group Inc et al</i> (CCAA; Toronto CV-21-00658423-00CL)</p> <p>CCAA Initial Order: March 9, 2022</p> | <p>Ontario Superior Court of Justice</p> | <p>Employees terminated by debtor pre-RVO, but ResidualCo deemed to be their former employer.</p> | <p>[34] THIS COURT ORDERS that Residual Co. 1 shall be deemed to be the former employer of any former employees of the Just Energy Entities who were terminated between September 9, 2020 and the Effective Time whose claims against the Just Energy Entities are transferred to Residual Co. 1 pursuant to this Order, provided that such deeming: (i) shall be effective immediately after the Effective Time; and (ii) will solely be the for the purposes of termination pay and severance pay pursuant to the <i>Wage Earners Protection Program</i>.<br/>(3 November 2022), Toronto CV-21-00658423-00CL (ONSC)</p> |                            | <p>[67] ...It is appropriate that the RVO provides that all former employees of the Just Energy Entities be transferred to the Canadian Residual Cos. This will assist these former employees in relation to their entitlements under the <i>Wage Earner Protection Program Act</i>, S.C. 2005, c. 47, s. 1. Similar relief was granted in <i>Quest University (Re)</i>, which also involved a reverse vesting order. (2022 ONSC 6354)</p> |

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| <p><i>Comark Holdings Inc (Re)</i> (CCAA; Toronto CV-20-00642013-00CL)</p> <p>CCAA Initial Order: June 3, 2020</p> | <p>Ontario Superior Court of Justice</p> | <p>Over 150 employees terminated by debtor pre-RVO and had damages transferred to ResidualCo, which made an assignment in bankruptcy on August 20, 2021. Debtor emerges from CCAA proceedings. WEPP denied because (a) the former employer (debtor) was not bankrupt or subject to receivership, and (b) ResidualCo was not her former employer (although it owed the employee notice damages).</p> | <p>[16] THIS COURT ORDERS that, from and after the Effective Time: ...<br/>           (c) any Person that prior to the Effective Time had a valid right or claim against the Comark Entities under or in respect of any Excluded Contract or Excluded Liability (each an "Excluded Liability Claim") shall no longer have such right or claim against the Comark Entities but instead shall have such Excluded Liability Claim against ExcludedCo in respect of the Excluded Contract and Excluded Liability from and after the Effective Time in its place and stead, and nothing in this Order limits, lessens or extinguishes the Excluded Liability Claim of any Person as against Excluded Co;<br/>           ...<br/>           [17] THIS COURT ORDERS AND DECLARES that, as of the Effective Time and in the sequence set out in paragraph 5, above:<br/>           (a) ExcludedCo shall be a company to which the CCAA applies;<br/>           ...<br/> <b>BANKRUPTCY</b><br/>           21. THIS COURT ORDERS that, from and after the Effective Time:<br/>           (a) ExcludedCo is hereby authorized to make an assignment in bankruptcy pursuant to the BIA...<br/>           (13 July 2020) Toronto CV-20-00642913099CL (ONSC)</p> | <p><u>WEPP Applications Denied</u><br/>           [5] The Minister determined that [ExcludedCo] was not [the] former employer and that [the] former employer was not bankrupt or subject to a receivership. As a result, the Minister concluded that [the employee] was not eligible for a WEPP payment since [they] did not meet the requirement at section 5(b) of the <i>WEPP Act</i> [the former employer is bankrupt or subject to a receivership] ...<br/>           (<i>Chiang (Re)</i>, 2022 CIRB 1027)</p> |                 |