

From: CAIRP <cairp_acpir@cairp.ca>
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To: Jovita Dsa
Subject: CAIRP Newsletter: June 2021



Chair's Message



Summer is approaching, lockdowns are easing and, with the second dose of vaccines starting to be delivered, it appears we are getting close to the end of our COVID journey. Let's hope by fall we will back to our "new normal."

In my last message, I advised that CAIRP was fully engaged on its response to the OSB's *comprehensive review of directives and regulations under the Bankruptcy and Insolvency Act (BIA) and the Companies' Creditors Arrangement Act (CCAA)*. We are pleased to report that earlier today, CAIRP sent its submission to the Office of Superintendent of Bankruptcy in advance of the June 10, 2021 deadline. A copy of the submission can be found [here](#).

As reported earlier, CAIRP undertook a very comprehensive consultation process. At the outset, members were asked to provide any comments directly to CAIRP by April 23rd. The Consumer Practice Committee and its subcommittees, along with the Corporate Practice Committee, reviewed and finalized responses in their respective areas. The Provincial Presidents together with their Boards and Associations were engaged to review a series of questions emerging from the consultation as well as the draft responses to critical areas and they provided substantive input. Bilateral meetings were held with a number of practice leads as well as with former CAIRP Chairs. As part of a final review, the Executive Committee of the Board along with the Chairs of the Consumer and Corporate Practice Committees spent countless hours undertaking a thorough review for any additional comments and further changes. The final review and approval were conducted by CAIRP's Board of Directors. On

behalf of the CAIRP Board of Directors, I would like to thank all of our members who contributed their insights and volunteered countless hours to shape the CAIRP submission. We can't thank you enough for your volunteer efforts on behalf of the industry. CAIRP is looking forward to discussing its recommendations with the OSB in the weeks and months ahead.

We encourage you to register for the OSB-CAIRP Webinar which will be held on June 18, 2021 (in English) and on June 22, 2021 (in French) from 1-2 pm EDT. Last year, the sessions attracted over 800 attendees. OSB Superintendent Elisabeth Lang and I will be discussing the latest updates and there will be an opportunity for questions. You can submit questions ahead of time or during the live webinar. Following the webinar, we will officially launch the 2021-22 CAIRP National Webinar Series, which provides professional development for our members. Last year, over 70% of members registered for the series and it was highly rated. Further details are provided below.

Members may be aware of the John Trevor Eyton case, which was scheduled for appeal in Ontario this past month. CAIRP applied for intervenor status in this matter, however our application was denied. The issue to be decided was *whether a debt that is barred by s.4 of the Limitations Act, 2002, may nevertheless be provided in bankruptcy if the debt has been included by the debtor in the schedule of claims attached to his proposal or bankruptcy or otherwise by reason of the fact that the debt is barred but not extinguished*. Justice Dunphy denied the appeal and provided his reasons for the decision, which can be found [here](#). Justice Dunphy's decision implies that the Temple decision is undermined. The key paragraph is as follows: *[22] I have carefully reviewed the Temple case which is the only jurisprudence cited by the appellant that casts significant doubt upon the interpretation I have outlined above. However, I concur with the Learned Master that Newbould J.'s comments were ultimately obiter in that case because he also found that the claim in question was not in fact statute-barred. His views are of course entitled to deference but the issues in that case were different and I am unable to agree with his analysis for the reasons outlined here*. Given the Eyton decision, we are working with CAIRP's Consumer Practice Committee and the OSB to provide guidance to our members. We will keep you posted.

CAIRP has also applied to intervene in the matter of Pierre Nolet v. Procureur General Du Canada. The primary issue involves an interpretation of CRA's allocation of pre and post proposal tax debt resulting from the filing of a provisional tax return in consumer proposals. I am looking forward to seeing you all virtually on June 18th and June 22nd at the OSB-CAIRP Webinar and providing you with further updates.

Chairingly Yours,
Mark

Find a CIRP Member Profile Update

Earlier this year, we introduced several enhancements to CAIRP's [Find a CIRP](#) service, giving our members the ability to build their profiles and promote their services to the public. We want to thank those of you who took the time to update your profiles while renewing your membership. For those of you who haven't had a chance to update your profile yet, we strongly encourage you to add as many details as possible, **and in particular your photo**, which will help to increase engagement with your profile. For our part, CAIRP will be actively promoting the Find a CIRP service once our members have updated their profiles.

We have created a [member profile template](#) that you can refer to while building your profile. Please note that this template is for demonstration purposes only and will give you an idea of what your profile could like if you fill in all the information. If you choose not to enter certain fields, those fields will not show up on your profile. We will be adding "CAIRP Activities" feature in the coming months to highlight the great work being done by our volunteers for the association. If you have any questions about updating your Find a CIRP profile, please reach out to [Anh Nguyen](#).



Education

The 2021 CNIE tutorial is in full swing. The tutorial runs from May to September to provide ample time for candidate preparation. Weekly virtual sessions are scheduled, covering technical content. The virtual exam preparation sessions will begin in July. Similar to the 2020 virtual tutorial, candidates also have access to pre-recorded sessions, study groups and a discussion board monitored by CIRPs. New for 2021, is a session with recent graduates where successful CNIE writers share their study strategies and answer questions from current candidates. The next offering for the PCIC exam is scheduled for June 23rd with 32 registered writers.



CAIRP National Webinar Series

We are excited to be launching the 2021-2022 National Webinar Series that will officially begin in June with the “OSB & CAIRP Update” webinars in both English and French. The free “OSB & CAIRP Update” webinar will be presented in English on June 18th from 1 pm - 2 pm EDT and the French session will take place on June 22nd from 1 pm – 2 pm EDT. Click [here](#) to register for the English session, and [here](#) to register for the French.

Following this, CAIRP will be releasing both live and on-demand original webinars throughout the summer months going into the fall, so make sure to stay up to date. Given that all in-person events are cancelled for the rest of 2021, CAIRP members are reminded that attendance at CAIRP online events can be counted as Approved Professional Development Program (Type I)

activities for which members are expected to have seven hours of professional development by fiscal year ending March 31, 2022.

In Memoriam

On behalf of CAIRP, we extend our deepest condolences to the family and friends of the below CAIRP members who have recently passed away.

Lawford Harris, founder of Harris & Partners Inc., passed away on April 6, 2021 at home. Lawford was well known and regarded in the insolvency community at a local, provincial and national level. To share your condolences with his family, please click [here](#).

Claude B. Gingras, founder of Ginsberg, Gingras & Associates, passed away on April 26, 2021. Claude was a recognized leader in the insolvency community and with CAIRP and was also involved with numerous non-profit organizations in Ontario. To share your condolences with his family, please click [here](#).

Frank Zielski passed away on April 27, 2021 at home. Frank spent over 50 years in the profession not only as an LIT, but also a retired RCMP, who investigated bankruptcy offences. To share your condolences with his family, please click [here](#).

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