

**From:** CAIRP <cairp\_acpir@cairp.ca>  
**Sent:** Thursday, November 18, 2021 10:32 AM  
**To:** Jovita Dsa  
**Subject:** CAIRP Newsletter: November 2021



## Chair's Message



This is my first message since my appointment as Chair on September 14, 2021. It is an honour to serve as your Chair and I am looking forward to working with the CAIRP Board of Directors and staff over the next two years. We were pleased to see over 400 members join the Annual General Meeting via videoconference. Since we met, the fall is off to a very busy start now that government officials are able to fully re-engage following the federal Cabinet appointments and I would like to bring you up to date on some of CAIRP's recent efforts and main points of focus.

The OSB requested comments from CAIRP on [the Discussion Paper on the Trustee Annual Report](#) during the summer. As part of its business priorities, the OSB is planning on implementing a Trustee Annual Report (TAR) to collect information on LIT business models and practices that will help inform the OSB's oversight activities. To provide feedback, CAIRP reached out and received responses from a cross section of members across the country representing consumer and corporate practices and small, medium and large sized firms. Based on the information received from the members polled, CAIRP responded that overall, CAIRP is supportive of the introduction of the TAR to strengthen the OSB's Compliance Framework and welcomes the OSB's intention to ensure that the implementation of the TAR will reduce duplicative information requests and LITs' administrative burden. Please see CAIRP's response to the Discussion Paper [here](#). CAIRP is currently following up with the OSB on two

areas identified in the Discussion Paper (Business Practices and Contacts, and Annual Reporting of contractual work) that required more clarification from the OSB as to their intent.

The amendments to the Wage Earner Protection Program Regulations were published by the government in the Canada Gazette and will be going into effect on November 20, 2021. The link to the publication can be found [here](#). The WEPP Subcommittee met to review the revised regulations and were of the view that while the requests formulated in CAIRP's submission of January 2021 on the draft regulations (accessible [here](#)) were not all incorporated in the revised regulations, overall, there appears to be an improvement over the current situation. They felt the revised regulations should provide more clarity and transparency regarding the situations where fees may be available to LITs for work performed pursuant to the WEPPA. The WEPP Subcommittee is working with government officials to review the areas which require clarification to help ensure the communications on the WEPPA changes are clear.

As you are aware, the OSB recently issued a notice to LITs advising they were seeking feedback by November 12, 2021 on proposed amendments to [Directive No. 6R3, Assessment Of An Individual Debtor](#), and [Directive No. 1R6, Counselling in Insolvency Matters](#), to allow assessments by videoconference and to make the provision of insolvency counselling by videoconference more accessible with the debtor's fully informed choice. Given the short timeline to provide comments, CAIRP consulted with the Consumer Practice Committee and Board of Directors which provides CAIRP with a cross section of views from members representing consumer and corporate practices and small, medium, and large sized firms.

Overall, CAIRP indicated it was supportive of the proposed amendments and the "Debtor's Choice" emphasis. CAIRP also indicated we are pleased to see that a number of our recommendations were incorporated in the proposed amendments. However, CAIRP advised that our members have raised concerns over the challenge in providing online services in parts of Canada due to connectivity issues. The CRTC, in its most recent broadband coverage and availability data, advises that only 45.6% of rural areas have access to broadband service that meets the Commission's target of 50 Mbps download, 10 Mbps upload, and unlimited data transfer capacity. CAIRP raised that it is important that this current reality in rural Canada, along with the fact that some debtors may have difficulty accessing the technology requirements for videoconferencing because they do not have the knowledge, the equipment or cannot afford the service, be considered as the OSB finalizes the proposed amendments. Our thanks to all involved for their quick responses and turnaround. CAIRP's submission to the OSB's *Consultation on Proposed Amendments to Directive No. 6R3, Assessment Of An Individual Debtor, and Directive No. 1R6, Counselling in Insolvency Matters* can be found [here](#).

Members will also recall that the OSB reminded LITs in the [October 22, 2021 Notice](#) that [Directive No. 28R, Non-Resident Office](#), [Directive No. 13R7, Trustee Licensing](#), and all rules surrounding LIT licence extensions to additional provinces and territories currently remain in effect. Superintendent Elisabeth Lang indicated, during her presentation just before the Annual General Meeting, that the OSB is studying the rules regarding the residency requirements as part of the regulatory renewal process, however no firm decision has yet been made regarding what the updated rules will be. Members are reminded that a directive remains in place unless and until it is repealed, or a replacement directive is issued. As such, members must adhere to current directives and regulations as outlined by the OSB.

On October 25th, 2021 the OSB issued a [Notice](#) to LITs advising that the Directive No. 8R19, *The Bankruptcy and Insolvency Act Forms*, and the Estate Information Summary (EIS) had been updated. Amendments to both are to be implemented upon the coming into force of Directive No. 8R19 on January 1, 2022. CAIRP received some questions from members including whether the Debtor has to sign the document whether they are providing the voluntary information or not which we raised them with the OSB. The OSB advised that it is only expecting the Debtor to sign

as an acknowledgement of consent to provide the information. Informed consent from the Debtor is required by the OSB to collect and transmit the information. The OSB undertook to address these points in their FAQs to make it clear the Debtor is only expected to sign once and only if they are providing information.

During recent discussions at the CRA/OSB/CAIRP Committee meeting, the CRA advised CAIRP of its position that in CCAA files, payments made by a monitor on account of employees' claims require deductions at source and remittances of the deducted amounts and levies. CAIRP is still addressing this issue with CRA, and we will report back to the members as new developments occur.

CAIRP's Professional Development Program including the National Webinar Series has been in high gear. Just a reminder to save the date for the 2022 Annual Review of Insolvency Law (ARIL) Virtual Conference scheduled for February 4, 2022. On the education front, CAIRP had 53 candidates recently write the CKE exam. The results have just been posted and this year we had a 70% pass rate. We want to extend our congratulations to those candidates who were successful and we encourage those who were not to continue their efforts. Fifty-one candidates are scheduled to take the CNIE exam on November 17 and 18th. I know you join me in wishing the candidates much success in their examinations.

We anticipate things will continue to be busy in the fall and winter with further consultations with the OSB and other government departments and we will keep you posted on key developments. I want to thank all of our volunteers on the CAIRP Committees and the CAIRP staff for their excellent work on our behalf. As always if you have any questions/concerns please don't hesitate to reach out and let us know at [info@cairp.ca](mailto:info@cairp.ca).

Stay safe and well.

Jean-Daniel Breton

## **MPD Audit for 2020-2021**

In November, CAIRP will begin its annual audit of Mandatory Professional Development (MPD) for the membership year starting April 1, 2020 and ending March 31, 2021.

As a reminder, Members are required to fulfill 20 hours of MPD annually, 7 hours of which must relate to attendance at an Approved Professional Development Program (APDP). Life Associates with LIT status are required to fulfill 10 hours of MPD annually, 3.5 hours of which must relate to attendance at an APDP. Attendance at all CAIRP National Webinar Series webinars qualifies as an APDP activity. Please review our [MPD Guidelines](#) for more information.

At this time, members and associates are not required to complete or submit any form. We only suggest that MPD hours are documented for easy access in the event that you are randomly selected for audit. Please note that newly admitted members are exempt from MPD requirements during their first full year of membership.

For additional information, please contact Anh Nguyen at [anh.nguyen@cairp.ca](mailto:anh.nguyen@cairp.ca).





## Education

Exam time is underway. On the Core Knowledge Exam (CKE) front, the exam was written on October 7<sup>th</sup> by 39 English and 14 French candidates. The results are now available on [CAIRP's website](#), and this year we had a 70% pass rate.

The Competency-based National Insolvency Examination (CNIE) will be written this week on November 17 and 18. Candidates wrapped up the tutorial in September and have been preparing for these important exams. They had access to a new resource this year - a practice scenario that compares an academic vs. a competency-based answer to an exam question. On the assessment front, the center will once again be virtual this year and will run from November 27 – December 1. We are expecting a total of 51 candidates to write the CNIE, and we wish them all a successful exam!

It has now been a year since we launched the on-demand exam version of the Insolvency Administrators course; previously the exam had been offered twice a year at a predetermined date. Examinations are on par with previous years, indicating that candidates are progressing through the course at a similar rate. We will continue to monitor the enrollment and flow-through rates.

If you have any staff or know anyone interested in pursuing the Practical Course in Insolvency Counseling (PCIC), registration is ongoing for the course and the next examination will be held February 17, 2022. This program is intended for individuals who intend to counsel debtors in trustees' office and credit counselling services. It is also a requirement for candidates in the CQP. The course and examination are available in English and French. If you know of anyone interested in the program, please direct them to our [website](#), or contact [Ben Lecointre](#), Education Programs Coordinator for CAIRP.

This time of year is a reminder of how the CQP could not operate without our amazing group of CIRP volunteers – thank you for all of your efforts! If you have been considering becoming involved as an education volunteer, or returning after a hiatus, please don't hesitate to reach out to any of the Education team members.



We are excited to announce that the 2022 Annual Review of Insolvency Law (ARIL) Virtual Conference is coming in the new year!

Please mark your calendars for February 4, 2022. Registration will open mid-November. Last year, almost 800 attendees participated in the first-ever ARIL Conference online. We plan to continue the evolution of the ARIL Conference in this virtual space, so please stay tuned as more information is released.

If you have any questions, please direct them to Natalie Alfano at [natalie.alfano@cairp.ca](mailto:natalie.alfano@cairp.ca) or Josephine Song at [Josephine.song@cairp.ca](mailto:Josephine.song@cairp.ca). We look forward to seeing you at the virtual conference!



## CAIRP National Webinar Series

Don't forget that our National Webinar Series offerings are still available on a rolling basis. If you haven't already done so, hop on a computer and get your webinar subscription today. All the webinars will be available until March 31, 2022. Please click [here](#) to view upcoming webinars.

Kindly note that each webinar counts towards one hour of Type 1 MPD. Attendance at CAIRP online events (e.g. webinars) can be counted as Approved Professional Development Program (Type I) activities by which members are expected to have 7 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.

**Ralph Neville** passed away peacefully after a brave fight with dementia on September 25, 2021. Ralph was an honorary CIRP. A former long-serving CICA representative on CAIRP's Executive Committee, in 1998 Ralph became the second recipient of the honorary membership. He was also a CAIRP INSOL board representative for a few years. To share your condolences with his family, please click [here](#).

**The Honourable Justice Glenn Hainey** passed away peacefully in his home surrounded by family on October 6, 2021. Justice Hainey joined Smith Lyons in 1981 and eventually became the leader of the Toronto litigation practice at Gowling Lafleur Henderson after the two firms merged. He was elected a bencher of the Law Society of Ontario in 2008. In 2010, he was appointed a judge of the Ontario Superior Court. Most recently, he was the Head of the Toronto Commercial List. To share your condolences with his family, please click [here](#).

**Bill Millar** passed away suddenly from a heart attack on October 1st. A former Chair of the National Insolvency Qualification Program (NIQP) Board of Directors (2009), Bill also worked for the OSB for 26 years. His last role before retiring in 2017 was the Assistant Superintendent, Outreach & Service Innovation at the OSB Vancouver office. He returned from retirement to work in the OSB's Special Investigations Unit. We will share more details when we have them.

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