

# Quick Start





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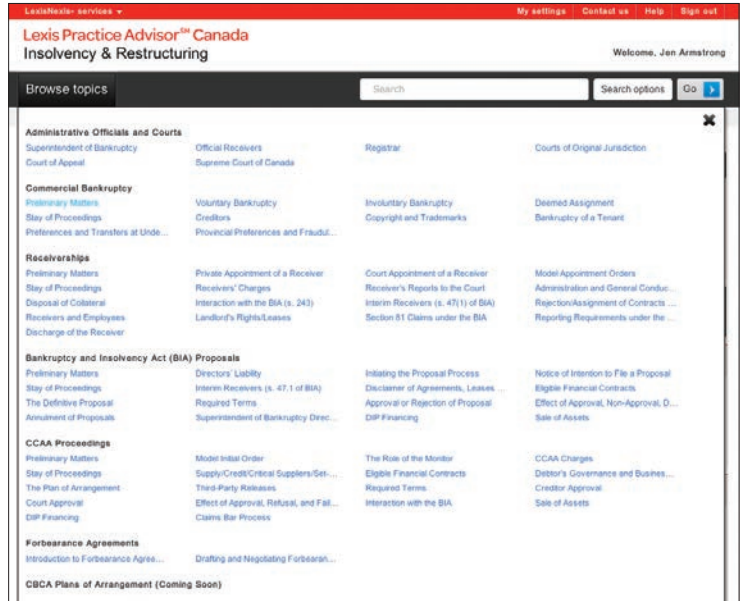
Lexis Practice Advisor Canada is a comprehensive resource that provides you with practical guidance on the topics, transactions and perspectives that are most critical to transactional lawyers.

This *Quick Start Guide* will familiarize you with some of the key features of the service and show you how it can help you simplify your routine, get up to speed on current practices and market trends, and give you a head start on drafting your transaction documents.

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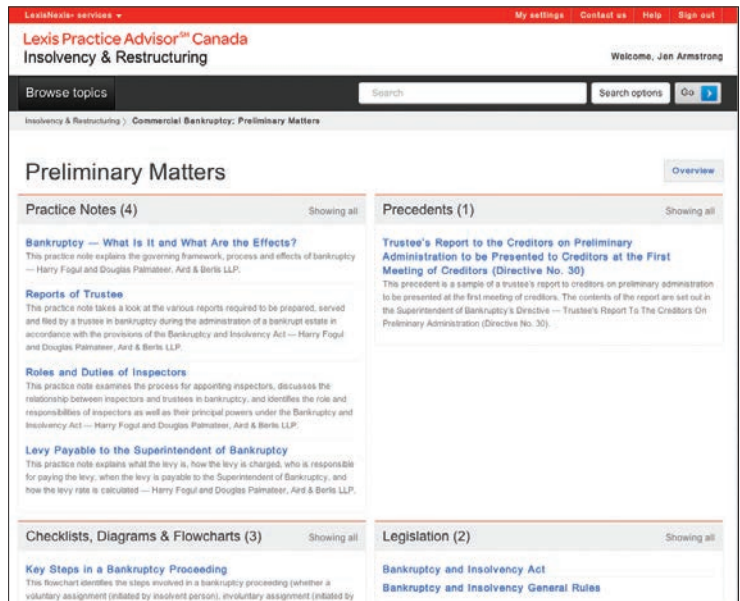
# 1 Browse Topics

The Browse Topics menu enables you to see the full scope of a practice area at a glance. The single view makes for an efficient starting point for a new matter that may require materials from across topics, ensuring all considerations are made at the beginning of the matter. The topics have been identified by an advisory board made up of experienced insolvency practitioners from leading insolvency firms in Canada, so you can trust that the topic you need will be available.



# 2 Synopsis Page

After selecting your topic within the Browse Topics menu, a comprehensive list of practical information and tools available for that specific area of interest is displayed. This information is neatly organized by document type (i.e., practice notes, precedents, checklists, tables and flowcharts, legislation, forms) for quick and easy reference.



### 3 Subtopic Overviews

Subtopic Overviews provide a concise and up-to-date summary of the information, documents and working materials contained within a given topic. Where applicable, they also provide an explanation of how the documents or information are related to each other. Subtopic Overviews are an excellent resource for lawyers who are unfamiliar with a particular topic or looking to dive into a new matter quickly.

The screenshot shows the Lexis Practice Advisor Canada interface. The main heading is "Bankruptcy — What Is It and What Are the Effects?". Below this, it lists the author "Harry Fogul and Douglas Palmateer, Aird & Berlis LLP" and the title "Statutory Framework Governing Bankruptcy". The text explains the legislative framework for Canada's bankruptcy and insolvency regime, mentioning the Constitution Act 1982 and the Bankruptcy and Insolvency Act R.S.C. 1985, c. B-3 (the "BIA"). It also lists related documents and further reading resources.

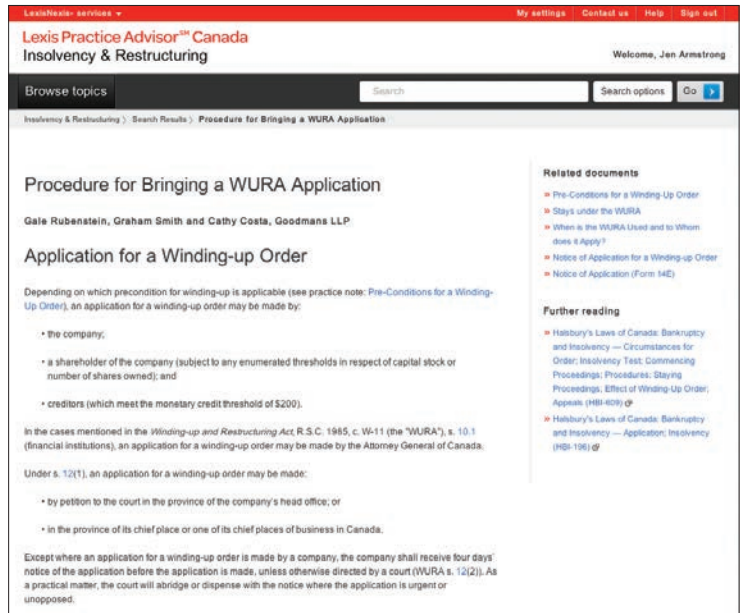
### 4 Mini-summaries

You can skim Mini-summaries to quickly identify the exact document and information you need to complete your task, as well as the specific author(s) of that document. Mini-summaries are available for each document type and can be viewed in the Synopsis Page as well as in the search results.

The screenshot shows the Lexis Practice Advisor Canada search results page. The search term "bankruptcy" has yielded 740 results. The results are listed in a numbered format, including "HBI-15 Annulment of bankruptcy order", "HBI-1 Involuntary and voluntary bankruptcies", "HBI-14 Bankruptcy orders", and "HBI-591 Application for bankruptcy order". Each result includes a snippet of the document's content and the author's name.

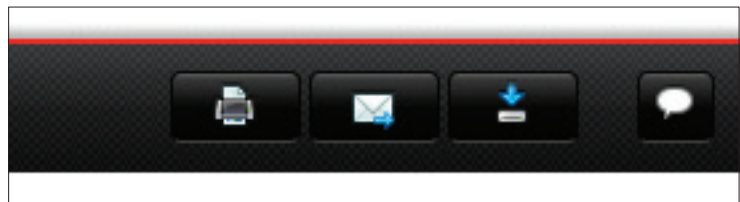
## 5 Practice Notes

Prepared by leading experts in the area, regularly updated Practice Notes keep you informed on how lawyers are evolving their practice and what practical issues you may face, along with suggestions for resolving these issues. The Practice Notes also provide links to related documents, further reading and web resources, enabling easy navigation to relevant additional information and saving you time.



## 6 Print / Email / Save

Using the icons in the bottom right hand corner of the screen, you can easily share your documents with your colleagues or clients by either printing or emailing them. You can also customize documents by downloading and editing them.



## 7 Checklists

Checklists expedite drafting and other tasks by walking you through the steps for a particular matter. The checklists and related documents provide advice and strategies for dealing with issues that may arise, ensuring relevant information is not overlooked and providing a roadmap for all colleagues involved in the matter. They save you from having to create your own checklists and ensure all steps have been completed and issues have been addressed.

The screenshot shows the Lexis Practice Advisor Canada website interface. The main content area is titled "Duties and Rights of a Bankrupt" by Harry Fogul and Douglas Palmateer, Aird & Berlis LLP. It lists 10 duties of a bankrupt under s. 158 of the Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3. The duties include reporting to the trustee, delivering credit cards, providing books and records, attending examinations, preparing a statement of affairs, assisting with asset inventory, disclosing property disposal, and attending creditor meetings. A sidebar on the right lists related documents such as "Examination of Bankrupt by Official Receiver" and "Statement of Affairs (Business Bankruptcy) - Proposal (Form 7b)".

## 8 Flowcharts and Tables

Flowcharts and Tables provide a visual explanation of how the many tasks involved within a matter should proceed or how the various attributes of a matter connect. A useful tool for engaging the client as well as a visual decision tree for the practitioner, Flowcharts provide easy-to-follow guidance, saving time and ensuring nothing is missed.

The screenshot shows the Lexis Practice Advisor Canada website interface. The main content area is titled "Key Steps in a Bankruptcy Proceeding" by Harry Fogul and Douglas Palmateer, Aird & Berlis LLP. It features a flowchart with three columns: "Voluntary Bankruptcy", "Involuntary Bankruptcy", and "Deemed Assignment". The flowchart details the steps from initial meetings and applications to the final court orders for bankruptcy or deemed assignment. A sidebar on the right lists related documents such as "Key Steps in a Bankruptcy Proceeding (with Timeliness and Procedural Requirements)" and "Bankruptcy - What is It and What Are the Effects".

## 9 Precedents

The collection of Precedents provides a diverse and extensive bank of templates to use. It contains links to drafting notes as well as alternative clauses and practice tips prepared by leading practitioners, which enables quick and easy instructions for customization and completion.

The screenshot shows the Lexis Practice Advisor Canada interface for the 'Model Approval and Vesting Order (Ontario)'. The page includes a search bar, navigation tabs, and a main content area with the following sections:

- Model Approval and Vesting Order (Ontario)**: Includes authors (Joseph Bellissimo and Eleonore Morris, Cassels Brock & Blackwell LLP and Leanne Williams and Grant Moffat, Thornton Groat Finnigan LLP) and a note that the document is based on Ontario practice and procedure.
- Important:** This document is based on the practice and procedure in Ontario. Its applicability to other jurisdictions may be limited by variations in local practice.
- Court File No. [number]**
- ONTARIO**
- SUPERIOR COURT OF JUSTICE**
- COMMERCIAL LIST**
- THE HONOURABLE [MFC/MADAME] JUSTICE [NAME]**
- [DAY], THE [NUMBER] DAY OF [MONTH], [YEAR]**
- BETWEEN:**
  - 1 [Name of Plaintiff]
  - Plaintiff
  - and-
  - 2 [Name of Defendant]

On the right side, there are three sections:

- Alternate format**: Includes links for 'Model Approval and Vesting Order (Ontario) WORD'.
- Related documents**: Includes links for 'Drafting note for this precedent', 'Model Approval and Vesting Order -- Purpose, Effect and Explanation of Key Terms', 'Model Approval and Vesting Order (British Columbia)', 'Report of the Receiver on Sale of Assets (Approval and Vesting Order)', 'Notice of Motion for Sale Approval and Vesting Order', and 'Agreement of Purchase and Sale'.
- Web links**: Includes links for 'Personal Information Protection and Electronic Documents Act (PIPEDA)', 'Personal Property Security Act (Ontario)', 'Bulk Sales Act (Ontario)', 'Bankruptcy and Insolvency Act', and 'Bankruptcy and Insolvency General Rules'.

## 10 Drafting Notes

Drafting Notes provide the background for each Precedent, guidance on its use, and alternative language where appropriate to ensure every angle is considered in the drafting process.

The screenshot shows the Lexis Practice Advisor Canada interface for the 'Model Approval and Vesting Order (Ontario) (drafting notes)'. The page includes a search bar, navigation tabs, and a main content area with the following sections:

- Model Approval and Vesting Order (Ontario) (drafting notes)**
- The Commercial List Users Committee**: A committee made up of members of the bench who sit on the Commercial List (a specialized court within the Ontario Superior Court of Justice), members of the bar who practice regularly before the Commercial List, representatives of professional accounting organizations, and representatives of the Court administration, has approved the form of this Model Approval and Vesting Order (Revised May 11, 2010). The Commercial List Users' Committee has established a Best Practices Subcommittee to collect ideas from users of the Commercial List to improve systems and processes in commercial and insolvency cases.
- Approval and Vesting Order**: A party seeking an approval and vesting order in an Ontario insolvency proceeding must use this form of Model Approval and Vesting Order. If the plaintiff seeks relief that differs from that provided for in this Order the plaintiff must identify the difference by providing a black line copy of the order sought as compared with the Model Approval and Vesting Order and be prepared to explain to the court the basis upon which it should grant relief on terms different from those contained in the Model Approval and Vesting Order.
- This Motion**: This model order assumes that the vendor is a court-appointed receiver and should be amended accordingly to accommodate different vendors. Definition of "Purchased Assets" should be the same as that set out in the Sale Agreement.
- On Reading**

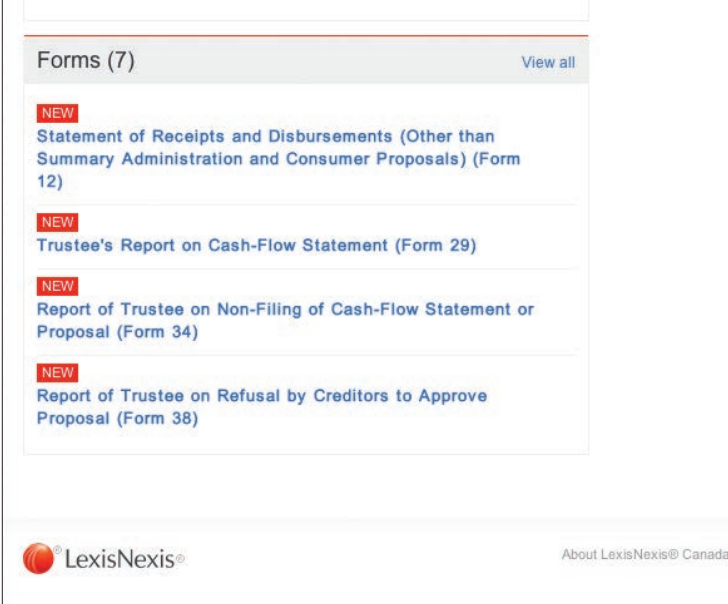
On the right side, there are two sections:

- Related documents**: Includes links for 'Precedent for this drafting note', 'Model Approval and Vesting Order -- Purpose, Effect and Explanation of Key Terms', 'Model Approval and Vesting Order (British Columbia)', 'Report of the Receiver on Sale of Assets (Approval and Vesting Order)', 'Notice of Motion for Sale Approval and Vesting Order', and 'Agreement of Purchase and Sale'.
- Drafting notes**: A pop-up window titled 'Drafting notes' containing the following text:
  - Model Approval and Vesting Order (Ontario) (drafting notes)**
  - Approval and Vesting Order**
  - A party seeking an approval and vesting order in an Ontario insolvency proceeding must use this form of Model Approval and Vesting Order. If the plaintiff seeks relief that differs from that provided for in this Order the plaintiff must identify the difference by providing a black line copy of the order sought as compared with the Model Approval and Vesting Order and be prepared to explain to the court the basis upon which it should grant relief on terms different from those contained in the Model Approval and Vesting Order.**



## 11 Forms

These prescribed government forms as fillable PDFs provide a quick way to complete the required fields, ensuring the latest version of the form is readily available and avoiding unnecessary delays or errors.



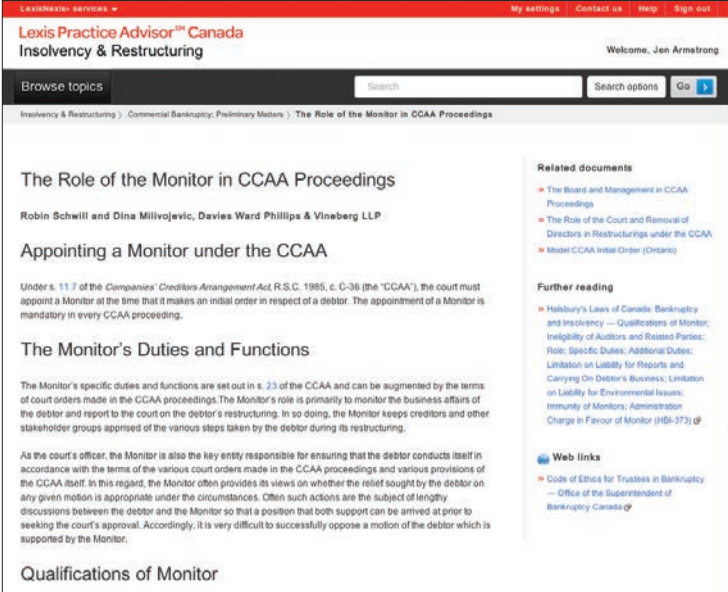
The screenshot shows a web page titled "Forms (7)" with a "View all" link. It lists three forms, each marked with a "NEW" tag in a red box:

- Statement of Receipts and Disbursements (Other than Summary Administration and Consumer Proposals) (Form 12)**
- Trustee's Report on Cash-Flow Statement (Form 29)**
- Report of Trustee on Non-Filing of Cash-Flow Statement or Proposal (Form 34)**
- Report of Trustee on Refusal by Creditors to Approve Proposal (Form 38)**

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## 12 Contextual Links

Contextual Links ensure that you have instant access to current and related information by providing access to all of this information in one location. The links are easily found within a document and at times within the related documents section, saving you time and helping you direct your activities.



The screenshot shows a Lexis Practice Advisor Canada article page. The article title is "The Role of the Monitor in CCAA Proceedings" by Robin Schwill and Dina Milivojevic, Davies Ward Phillips & Vineberg LLP. The article content includes sections on "Appointing a Monitor under the CCAA" and "The Monitor's Duties and Functions".

**Appointing a Monitor under the CCAA**

Under s. 11.7 of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36 (the "CCAA"), the court must appoint a Monitor at the time that it makes an initial order in respect of a debtor. The appointment of a Monitor is mandatory in every CCAA proceeding.

**The Monitor's Duties and Functions**

The Monitor's specific duties and functions are set out in s. 23 of the CCAA and can be augmented by the terms of court orders made in the CCAA proceedings. The Monitor's role is primarily to monitor the business affairs of the debtor and report to the court on the debtor's restructuring. In so doing, the Monitor keeps creditors and other stakeholder groups apprised of the various steps taken by the debtor during its restructuring.

As the court's officer, the Monitor is also the key entity responsible for ensuring that the debtor conducts itself in accordance with the terms of the various court orders made in the CCAA proceedings and various provisions of the CCAA itself. In this regard, the Monitor often provides its views on whether the relief sought by the debtor on any given motion is appropriate under the circumstances. Often such actions are the subject of lengthy discussions between the debtor and the Monitor so that a position that both support can be arrived at prior to seeking the court's approval. Accordingly, it is very difficult to successfully oppose a motion of the debtor which is supported by the Monitor.

**Qualifications of Monitor**

**Related documents**

- The Board and Management in CCAA Proceedings
- The Role of the Court and Removal of Directors in Restructurings under the CCAA
- Model CCAA Initial Order (Ontario)

**Further reading**

- Halsbury's Laws of Canada: Bankruptcy and Insolvency — Qualifications of Monitor; Ineligibility of Auditors and Related Parties; Role; Specific Duties; Additional Duties; Limitation on Liability for Reports and Carrying On Debtor's Business; Limitation on Liability for Environmental Issues; Immunity of Monitors; Administration Charge in Favour of Monitor (HBI-373)

**Web links**

- Code of Ethics for Trustees in Bankruptcy — Office of the Superintendent of Bankruptcy Canada

## Contact Information

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