



Newsletter

June 8, 2009

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2008/9 Bulletin #3

To our OAIRP Members and Students

We have just come to the end of another busy term for your Board of Directors and would like to take this opportunity to report on our recent activities and other matters of interest to our membership.

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[Report on Activities and Action Plans](#)

Our report below will update you on our recent activities and action plans organized under our four key goals for the Association.

A. Advocacy

OSB Liaison - During the year, we have had a number of meetings with the Superintendent of Bankruptcy and with OSB staff in the Toronto and London offices to discuss ongoing practice issues including WEPPA administration, Directive 12R and other CRA matters, licensing, OSB interventions and OSB's plans for the future. Our new Superintendent, James Callon, has shown himself to be very open and communicative with the OAIRP and we plan to continue to build this relationship.

CLUC - Our President, John Page, continues to be a valued member of the Commercial List Users Committee of the Ontario Superior Court of Justice. Our work this year included analysis and input on the proposed E-Filing pilot project, and continuing development and refinement of model orders with the CLUC model order subcommittee. As we previously reported, the subcommittee issued an updated CCAA Long-Form model order in November, 2008 and is continuing its discussions with the Insolvency Bar and other practitioners to finalize a Claims Bar model order and an updated Receivership order.

Legislative Reform - Like you, the OAIRP Board continues to be disappointed with the delay in the implementation of the BIA and CCAA improvements contained in the c.47 and c.36 bills. We are hopeful that a timeline for enactment can be re-established soon. In the meantime, your Association has provided detailed commentary directly to Human Resource and Social Development Canada on the draft WEPPA Regulations (which we are proud to report were noted in the Canada Gazette), and to CAIRP on the draft new BIA Regulations (which will accompany the enactment of c.47 and c.36) for inclusion in their submission.

Other Advocacy Activities - Members of the OAIRP Board participate in many CAIRP Committees, the CRA and Ministry of Finance liaison Committee and the Toronto Registrar's Court Committee, and have had discussions with regulators addressing the recent changes to the Public Accountants licensing regime. The OAIRP has also obtained a legal opinion regarding the practice of 407ETR in causing the non-renewal of Ontario Vehicle Licenses due to non-payment of toll fees and penalties. While we have had discussions with representatives of 407ETR, we have not been successful to date in convincing them that this practice should be discontinued for bankrupt individuals.

B. Communications

In addition to our frequent Newsletters and Bulletins, the OAIRP has now selected and engaged a new website architect to update the content and accessibility of the OAIRP site at www.oairp.com.

Our goal is to ensure that our members and students are aware of the Association's activities on their behalf and that the website will provide easy access to useful reference materials, links, and contacts.

C. Education and Networking

Over the years, the OAIRP has enjoyed a close and rewarding professional association with the Insolvency Law Section of the Ontario Bar Association. Representatives of the OAIRP Board are invited to join the monthly Section Executive Committee meetings to coordinate our activities and further our collective goals for our memberships. 2008/2009 was no exception. Together, we have again jointly developed the programming for the 2009 Commercial List User's Retreat to be held on June 10, 2009 (see Upcoming Events). In addition, the OAIRP jointly sponsored and presented at an OBA session on money laundering which was held in Toronto on March 5, 2009. Finally, we remind our members of the standing invitation to contribute articles to the Insolvency Law Section Newsletter (which is distributed free-of-charge to our members), and our arrangement whereby OAIRP/CAIRP members receive the OBA/CBA reduced registration rates for attendance at continuing legal education programs. Our special thanks to Section Chair, Alex MacFarlane, and Newsletter editor, Roger Jaipargas, for their continued support of our relationship.

We wish to remind OAIRP members of the availability of the three CAIRP Web Forums on WEPPA, Personal Insolvency and Commercial Insolvency which you can access free-of-charge at <http://webclients.captus.com/cairp/webforums>. The most recent Module 3 covers Commercial Insolvency and reviews the amendments in C.47/C.36 to the BIA and CCAA.

D. Board of Effectiveness

Your OAIRP Directors attended ten Board meetings over the course of the past year and we hope you will agree that we have actively addressed the four goals of the Association. Special thanks to the Association Executive, John Page, Sheldon Title, and Kathy Lenart for their energy in driving the

Board's effectiveness this year.

[Your 2009/2010 Board of Directors](#)

Name	Firm	City	Portfolio
John Page	A John Page Associates Inc.	Toronto	President, CLUC, CLUC Model Orders, OBA
Sheldon Title	Shimmerman Penn Title & Associates Inc.	Toronto	Vice-President, Treasurer, OBA Programs
Kathy Lenart	Taylor Leibow Inc.	Hamilton	Secretary
Gary Abrahamson	The Fuller Landau Group Inc.	Toronto	Director
Mica Arlette	PricewaterhouseCoopers Inc.	Toronto	Director
Patricia Robinson	Pat Robinson Inc.	Richmond Hill	Director
Joe Albert	MSI Spergel Inc.	North York	Website
Andre Bolduc	BDO Dunwoody Limited	Ottawa	CAIRP Small Practice
Paul Casey	Deloitte & Touche Inc.	Toronto	CAIRP, CLUC Model Orders, OBA
Jerry Gaertner	Soberman Inc.	Toronto	Director
Sharon Hamilton	Ernst & Young Inc.	Toronto	CLUC Model Orders; CLUC Efiling Pilot Project
Jonathan Krieger	Grant Thornton Limited	Toronto	CAIRP Corporate Practice Committee
Joseph Mathew	Mathew & Associates	Toronto	CAIRP Continuing Education
Alan Nackan	A Farber & Partners Inc.	Toronto	CLUC Model Orders
Stan Ruthen	KPMG Inc.	London	Regional Continuing Education
Mitchell Vininsky	RSM Richter Inc.	Toronto	CAIRP Continuing Education

We also acknowledge with the active participation of Norm Kondo as CAIRP Liaison and Neil Saxe of Heenan Blaikie, as OBA Liaison. We also take this opportunity to send our wishes to Neil for a prompt and full recovery and return to practice. We miss you Neil!

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[Harmonized Sales Tax and Impact on Trustee's Fees](#)

As you have no doubt heard, The Province of Ontario has announced plans to move forward with a Harmonized Sales Tax system which will replace the PST tax regime with a single sales tax which will combine PST with the Federal Goods and Services Tax. This act of harmonization will, at a stroke, add 8% to all of our billings. In most commercial situations the new HST, like the GST, will be reclaimable, making the tax, at worst, a potential cash flow issue. However, in the consumer environment, Trustees just became 8%

more expensive and therefore perhaps less accessible to individuals needing our help.

The OAIRP recommends that members assess the impact of the new HST on their practice at this time. Although implementation is set for July 1, 2010 it would seem that work done now will be subject to the new HST if that work is not invoiced before the implementation date. This raises questions today as to whether any retainer or pool of assets will be adequate to fully cover the new tax.

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Upcoming Events

Commercial List Users' Retreat	June 10, 2009	Richmond Hill Golf Club
INSOL International Eighth World Quadrennial Congress	June 21 – 24, 2009	Vancouver Convention Exhibition Centre
CAIRP Annual Conference	Aug 19 - 22, 2009	Deerhurst Resort, Huntsville

As you will see above, Ontario is the host Province for this year's CAIRP Annual Conference to be held at the Deerhurst Resort in Huntsville, a short but beautiful 2 ½ hour drive north from Toronto. The OAIRP is a lead sponsor of this event.

To help celebrate the 30th Anniversary of the CAIRP Annual Conference, the CAIRP has extended an invitation to our legal and other industry colleagues across the country to join CAIRP members at the Annual Conference for the first time. On behalf of the CAIRP Board, we encourage you to register for this event to hear an esteemed faculty of experts discuss a variety of salient topics, to participate in a series of stimulating, interactive breakout sessions, and to enjoy networking and social activities with colleagues, clients, family and friends.

We hope to see you in Huntsville, and wish you a safe and happy summer season until then.

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