

proofs of claim, proxies, quorums and voting at meetings of creditors.

des preuves de réclamation, des procurations, du quorum et du droit de vote lors des assemblées des créanciers.

Policy

Politique

4. The trustee shall supply to all known creditors a proof of claim and a proxy in the prescribed form.

4. Le syndic doit fournir à tous les créanciers connus une preuve de réclamation et une procuration en la forme prescrite.

Information sheet to complete proofs of claim and a proxy form

Feuille de renseignements pour preuve de réclamation et procuration

5. Creditors may experience difficulty when completing a proof of claim and/or a proxy form. Where appropriate, instructions should be provided with each proof of claim form that explain in detail how to complete the proof of claim. A suggested format for the instructions is attached as Appendix A.

5. Les créanciers peuvent avoir de la difficulté à remplir une preuve de réclamation ou un formulaire de procuration. Le cas échéant, des consignes expliquant clairement comment remplir le document devraient être fournies avec chaque formulaire de preuve de réclamation. Une liste de consignes suggérées est jointe à l'annexe A.

Acceptability of proof of claim

Recevabilité des preuves de réclamation

6. In order for a proof of claim to be acceptable, it must be completed in the prescribed form and include all information required by sections 124–128 of the Act. Related jurisprudence on the matter should also be considered when dealing with the acceptability of a proof of claim.

6. Afin qu'une preuve de réclamation soit recevable, elle doit avoir été remplie en la forme prescrite et contenir toute l'information exigée aux article 124 à 128 de la Loi. Il faut également tenir compte de la jurisprudence pour déterminer la recevabilité des preuves de réclamation.

Review of proofs of claim

Examen des preuves de réclamation

7. The chair, at the first meeting of creditors, has the power to admit or reject a proof of claim for the purpose of voting. Prior to the time appointed for the meeting, the trustee shall review all proofs of claim and advise the chair if they are acceptable for the purpose of voting at a meeting of creditors. Often, proofs of claim are filed just prior to the time appointed for the meeting. In this circumstance, it is recommended that the chair open the meeting and then adjourn it for a brief

7. À la première assemblée des créanciers, le président est habilité, aux fins du vote, à admettre ou à rejeter une preuve de réclamation. Avant le moment fixé pour l'assemblée, le syndic doit examiner les preuves de réclamation et indiquer au président si elles sont recevables pour les fins du vote à l'assemblée des créanciers. Les preuves de réclamation sont souvent déposées immédiatement avant le moment fixé pour l'assemblée. En l'occurrence, il est recommandé que le président ouvre

CHECKLIST FOR PROOF OF CLAIM

This checklist is provided to assist you in preparing the proof of claim form and, if appropriate, the proxy form in a complete and accurate manner. Please check each requirement.

GENERAL

- The signature of a witness is required.
- The document must be signed by the individual completing the declaration.
- Provide the complete address where all notices or correspondence are to be forwarded along with your phone number, fax number and email address where appropriate.

Notes:

- It is permissible to file a proof of claim by fax or by other electronic means.
- A creditor may vote either in person or by proxy at any meeting of creditors if the proof of claim is filed with the trustee prior to the time appointed for the meeting.
- Quorum is established at a meeting of creditors by at least one creditor with a valid proof of claim being in attendance in person, or by any other mode of communication, subject to: the practicability and technological capability of the participants, creditors' preference to attend in person, and the chair's ability to validate the identity of participating creditors, or by proxy.
- A corporation may vote by an authorized agent or mandatary at meetings of creditors.
- In order for a duly authorized person to have a right to vote, they must be a creditor or be the holder of a properly executed proxy. The name of the creditor must appear in the proxy.
- A creditor who is participating in any distribution from an estate must have filed a proof of claim prior to the distribution being declared.
- In the case of an individual bankrupt, by checking the appropriate box or boxes at the bottom of the proof of claim form, you may request that the trustee advise you of any material change in the financial situation of the bankrupt or the amount the bankrupt is required to pay into the bankruptcy, and a copy of the trustee's report on the discharge of the bankrupt.

PARAGRAPH 1

- Creditor must state full and complete legal name of the individual, company or firm.
- If the individual completing the proof of claim is a representative of the creditor, the individual's position or title must be identified.

PARAGRAPH 3

- The amount owing must be set out in paragraph 3.
- A detailed statement of account must be attached to the proof of claim and marked “Schedule A” and must show the date, number and amount of all invoices or charges, together with the date, number and amount of all credits or payments. The amount on the statement of account must correspond to the amount indicated on the proof of claim.

PARAGRAPH 4

Notes:

- Paragraph A applies to *ordinary unsecured claims*. In addition to recording the amount of the claim, please indicate whether the claim has a priority pursuant to section 136 of the Act.
- Paragraph B applies to *lessor claims* in a commercial proposal. Please ensure that the claim applies to a commercial proposal and, if so, include the full particulars of the claim.
- Paragraph C applies to *secured claims*. Please indicate the dollar value of the security and attach copies of the security document. In addition, please attach copies of the security registration documents, where appropriate.
- Paragraph D applies to *inventory claims of farmers, fishermen and aquaculturists*. Please note that such claims apply only to inventory supplied from farmers, fishermen and aquaculturists within 15 (fifteen) days of the date of bankruptcy. In addition, please attach copies of any applicable sales agreements and delivery slips.
- Paragraph E applies to *claims by wage earners*. Please note that such claims apply only for unpaid wages owed upon the bankruptcy of an employer or when the employer becomes subject to a receivership.
- Paragraph F applies to *claims by employees for unpaid amounts regarding pension plans*. Please note that such claims apply only to unremitted pension contributions outstanding when the sponsoring employer becomes bankrupt or is subject to a receivership.
- Paragraph G applies to *claims against directors*. Please note that such claims apply only to directors of corporations that have filed a commercial proposal to creditors that includes a compromise of statutory claims against directors.
- Paragraph H applies to *claims of customers of a bankrupt securities firm*. Please ensure that the claim of the customer is for net equity and, if so, include the full particulars of the claim, including the calculations upon which the claim is based.

PARAGRAPH 5

- All claimants must indicate whether or not they are related to the debtor, as defined in section 4 of the Act, or dealt with the debtor in a non-arm’s-length manner.