



# Insolvency Institute of Canada

## ANNUAL CONFERENCE & GENERAL MEETING

Charlottetown, PEI | September 27 - 30, 2018



# DELTA PEI & PEI CONVENTION CENTRE



**DELTA PRINCE EDWARD BY MARRIOTT**  
18 Queen Street, Charlottetown, PEI C1A 4A1  
Tel: (902) 566-2222 Fax: (902) 566-2282  
Web: [www.marriott.com/hotels/travel/yygdp-delta-hotels-prince-edward/](http://www.marriott.com/hotels/travel/yygdp-delta-hotels-prince-edward/)

PRINCE EDWARD

**Offering upscale accommodations, the Delta Prince Edward by Marriott is located in the heart of downtown Charlottetown, with outstanding amenities, guestrooms with sweeping harbourfront views and welcoming Island hospitality. This 4.5 star hotel is walking distance to culinary delights, performing arts centres, the vibrant Victoria Row scene and just minutes to some of the best beaches in North America.**

As part of Canada's Food Island, inside you will find Water's Edge Resto Bar & Grill showcasing fresh, local cuisine and artisanal cocktails. During the summer months, visit Brakish, a local dockside seasonal eatery with a casual outdoor gathering spot overlooking the charming Peake's Wharf Historic Waterfront.

Get your workout in and find relaxation in the hotel's fitness centre with a well-equipped, spacious fitness room, cool off in the indoor swimming pool and relax in the sauna. Indulge in a pampering treatment at the full-service Cocoon Wellness Spa.

Check-in: 3:00 pm, Checkout: 12:00 pm

**Your accommodation** at the Delta Prince Edward by Marriott will be booked by the Institute staff, for arrival on Thursday, September 27, 2018 and departure on Sunday, September 30, 2018. Please note, the three (3) nights of accommodation are included in the conference registration fee. Guestrooms will be assigned according to the date on which the conference registration is paid; room preference is allotted on a first-come, first-served basis. Incidentals are not covered and are at the expense of each individual.

## **Planning to extend your stay?**

Planning to extend your stay? A limited number of guestrooms have been protected outside of the regular conference dates and the Delta Prince Edward by Marriott is extending IIC group rates for three days prior and three days following. Group rates are \$229 (Standard, single/double occupancy) or \$249 (Deluxe Water View, single/double occupancy) per night plus tax. Room type for additional days can be requested but not guaranteed and will be assigned on a first-come, first-served basis. Please indicate your requirements for additional accommodation on the Conference Registration Form and the reservations will be made, on your behalf, by the Institute staff.

# CONFERENCE PROGRAM\*

## THURSDAY, SEPTEMBER 27

3:00 pm – 5:00 pm	IIC Board of Directors' Meeting
4:00 pm – 5:30 pm	Judicial Forum (for invited judicial guests only)
6:00 pm	Welcome Reception & Dinner PEI Convention Centre

## FRIDAY, SEPTEMBER 28

7:30 am – 8:30 am	Breakfast
8:30 am – 8:45 am	Welcome & Opening Remarks
8:45 am – 9:45 am  AMERICAN BANKRUPTCY INSTITUTE	<b>Across the Border – An In-Depth Review of Issues in Cross-Border Mass Tort Restructurings</b> Moderator: <b>Brendan O'Neill</b> , Goodmans LLP Panelists: <b>Robert J. Keach</b> , Bernstein Shur, Business Restructuring and Insolvency Practice Group <b>Philippe Bélanger</b> , McCarthy Tétrault LLP
9:45 am – 10:05 am	Refreshment Break
10:05 am – 11:05 am	<b>Fault Line: What Your Clients Won't Tell You</b> <b>Natalie Doyle Oldfield</b> – Author, consultant on building client trust and loyalty
11:05 am – 12:05 pm	<b>Views from the Bench</b> Judges' Panel
12:05 pm – 1:35 pm	<b>Lunch &amp; Keynote: Effective Communication: Winning Body Language to Stand Out, Win Trust and Gain Credibility</b> <b>Mark Bowden</b> – Expert in body language, human behaviour and communication
1:35 pm – 2:35 pm	<b>Deemed Trusts: The New Minefield for Secured Creditors</b> Panelists: <b>Diane Winters</b> , Department of Justice <b>Harvey Chaiton</b> , Chaitons LLP <b>Anthony Tillman</b> , KPMG Inc. Author IIC Journal Paper: <i>Recent CRA/GST Priority Decisions</i>
2:35 pm – 3:50 pm	Journal Paper Topic Discussions Moderator: <b>Geoffrey Spencer</b> , McInnes Cooper <b>Beware the Civil Remedies Act</b> <b>Leanne Williams</b> , Thornton Grout Finnigan LLP <b>Mike Hanson</b> , BDO Canada Ltd. Authors IIC Journal Paper: <i>What's So Civil About the Civil Remedies Act?</i>
	<b>Inequitable Equity: When Your Debt is Re-Characterised</b> <b>Lance Williams</b> , Cassels Brock & Blackwell LLP <b>Al Hutchens</b> , Alvarez & Marsal Authors IIC Journal Paper: <i>Re-ordering Priorities – A Review of Recent Jurisprudence Regarding the Categorisation of Debt vs. Equity and Equitable Subordination</i>
	<b>Do We Have Symmetry?</b> <b>Louis Dumont</b> , Dentons Canada LLP <b>Michel Marleau</b> , Ernst & Young Inc. Authors IIC Journal Paper: <i>Compensation and Set-off in Insolvency Restructurings After Kitco: Are We Closer to Symmetry?</i>
3:50 pm – 4:05 pm	Refreshment Break
4:05 pm – 4:45 pm	<b>Across the Pond – An In-Depth Review of UK Restructuring Proceedings</b> Moderator: <b>Maurice Chiasson</b> Panelists: <b>Neil Golding / Adam Gallagher</b> , Freshfields Bruckhaus Deringer, London
4:45 pm – 5:00 pm	Wrap-Up
6:15 pm	Walk to Dine-Around Restaurants
6:20 pm – 10:00 pm	Dine-Around Receptions & Dinner

## SATURDAY, SEPTEMBER 29

7:00 am – 7:45 am	Breakfast
7:45 am – 8:45 am	Annual General Meeting
8:45 am – 8:50 am	Opening Remarks
8:50 am – 9:05 am	<b>Remarks from the Superintendent</b> Office of the Superintendent of Bankruptcy Canada
9:05 am – 9:20 am	<b>Thomson Reuters Presentation</b> Presenters: <a href="#">Mario Quiquero</a> , VP, Content and Operations <a href="#">Ken Murphy</a> , Project Development Manager
9:20 am – 9:50 am	<b>View from Special Loans</b> Moderator: <a href="#">Natasha MacParland</a> , Davies Ward Phillips & Vineberg LLP Panelists: <a href="#">D. William Kennedy</a> , National Bank of Canada <a href="#">Murray Sutherland</a> , Bank of Montreal <a href="#">Tania Litsos</a> , Royal Bank of Canada (TBD) <a href="#">Marshall Curtis</a> , HSBC Bank Canada (TBD)
9:50 am – 10:35 am	<b>Trust Me / Lien on Me</b> <i>Regional perspectives from across Canada when dealing with construction-related liens and trusts during insolvency situations.</i> Panelists: <a href="#">Bruce Taylor</a> , MLT Aikins LLP <a href="#">Jane Dietrich</a> , Cassels Brock & Blackwell LLP <a href="#">Pam Williams</a> , Cox & Palmer
10:35 am – 11:00 am	Refreshment Break
11:00 am – 12:00 pm	Concurrent Breakout Session – Journal Paper Topic Discussions A1: Moderator: <a href="#">Joe Healey</a> , Ernst & Young Inc. <b>The Certainty of Uncertainty in the Exercise of Discretion</b> <a href="#">Jeffrey Oliver</a> , Cassels Brock & Blackwell LLP Author IIC Journal Paper: <i>Statutory Discretion in the Wake of Redwater: Navigating Choppy Waters Without Sinking the Ship</i> , David Bish, Torys LLP, Author IIC Journal Paper: <i>In Search of the Limits of Judicial Discretion in Insolvency Law</i> A2: Moderator: <a href="#">Elizabeth Pillon</a> , Stikeman Elliott LLP <b>Protecting Vulnerable Stakeholders</b> <a href="#">Allan Nackan</a> , Farber Financial Group <a href="#">George Benchetrit</a> , Chaitons LLP Authors IIC Journal Paper: <i>Representation Orders in Insolvency Cases – Current and Future Practice</i> <b>Calling a Spade, a Spade</b> <a href="#">Robin Schwill</a> , Davies Ward Phillips & Vineberg LLP Author IIC Journal Paper: <i>Proposed Statutory Reform for Liquidating CCAAs: Plugging the Holes</i>
12:00 pm – 5:30 pm	Golf, Belvedere Golf Club (pre-registration required) or Recreational Activities & Tours (optional)
6:30 pm	Reception & Awards Dinner PEI Convention Centre
8:30 pm	Entertainment <i>Adam MacGregor Band</i>

## SUNDAY, SEPTEMBER 30

8:00 am – 10:00 am	Breakfast
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Friday, September 28



## Natalie Doyle Oldfield

Natalie is a trust authority, consultant, and keynote speaker who works with companies to grow their business and build client loyalty. A former Chief Marketing Officer, she is the author of *The Power of Trust: How Top Companies Build, Manage and Protect It*, and creator of the *Client Trust Index™* and the online program *Becoming a Trusted Advisor*. Natalie was named a 2017 *Top Thought Leader in Trust* by Trust Across America.

### Fault Line: What Your Clients Won't Tell You

Erosion of your client base, fewer client referrals, declining sales, and shrinking margins are not necessarily signs of a slowing market. They can be symptoms of low levels of client trust. Natalie inspires participants to create action plans that enable every person in your company to play their unique role in growing the business and improving client experiences. Audiences are given practical how-to's and are inspired to put new policies in place to improve business performance.

#### Using case studies, audiences learn:

- What clients are saying about you when you are not listening;
- The decision-making process that every client goes through before deciding to trust you;
- How to build strong client relationships built on the power of trust; and
- The power of promise – keeping your word.

Friday, September 28



# Mark Bowden

## Effective Communication: Winning Body Language to Stand Out, Win Trust, and Gain Credibility

Voted the #1 body language professional in the world, Mark Bowden is passionate about giving people the most influential and persuasive communication techniques to stand out, win trust, and build credibility every time they speak. Inspiring, energetic, engaging, and entirely entertaining, Mark's memorable talks not only educate, but have proven life changing for audiences, helping their businesses grow across all industries and sectors.

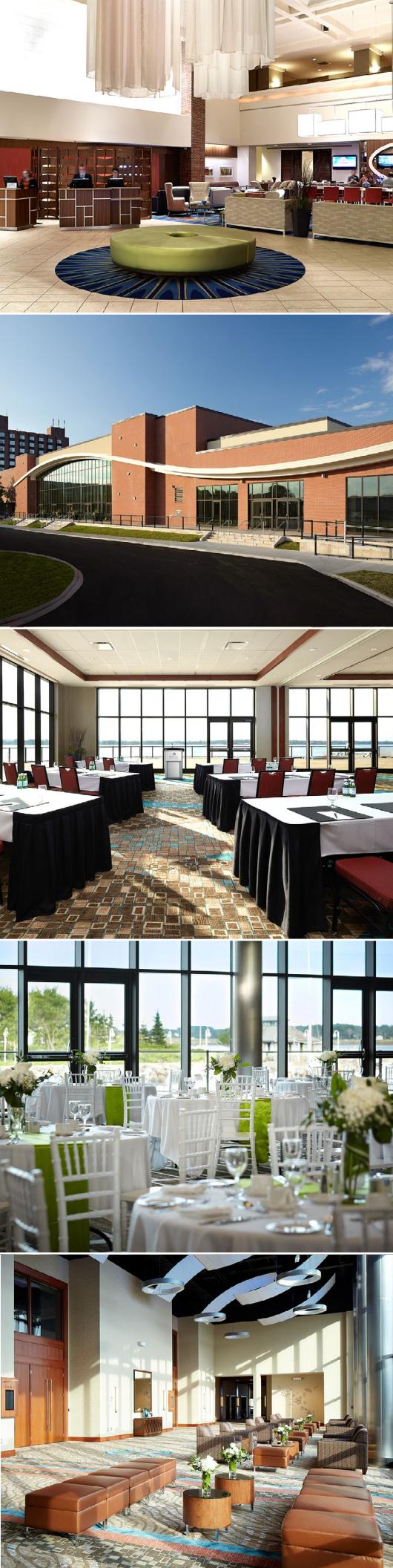
Mark's work has proved invaluable to business leaders and teams from Fortune 500 companies, politicians, and prime ministers of G7 powers. His highly acclaimed TEDx talk and YouTube Channel have reached millions of people, and he has presented to many of the coolest and most innovative organizations in the world, including for Shopify, Dell EMC, AMD, Viacom, RBC, Amex, Unilever, Daimler, Microsoft, Toyota, VW, Samsung, Johnson & Johnson, KPMG, GSK, Walmart, and Nestle. He also delivers presentation training for the #1 EMBA in the world with Schulich-Kellogg and is president of the National Communication Coach Association.

A go-to commentator for world media on the body language of leading politicians and public figures, Mark appears regularly on news and talk shows for CNN, CTV, CBC, and Global and has been quoted in *The Wall Street Journal*, *Washington Post*, and *GQ Magazine*.

In addition, Mark is the founder of TRUTHPLANE®, a communication training company that offers a unique methodology for anyone who must communicate with impact to an audience. He uses his unique system of cutting-edge and effective nonverbal communication techniques to instantly help audiences become more confident, collaborative, and credible in their communication – invaluable for anyone in leadership, sales, or teams.

A world-renowned body-language thought-leader, Mark's publications are the bestselling books, *Winning Body Language* — a “how-to guide” to using body language to stand out, win trust, and gain credibility when speaking; *Winning Body Language for Sales Professionals*; and *Tame the Primitive Brain: 28 Ways in 28 Days to Manage the Most Impulsive Behaviors at Work*. His fourth book is *Truth & Lies: What People are Really Thinking*. The book has been described by FBI interrogator and counterintelligence agent Joe Navarro as, “a remarkable book...this year's must-read on body language and human behaviour.”

# GENERAL INFORMATION & GUIDELINES



*Plan for a Great Trip*

## FLIGHTS

Air Canada and WestJet have been appointed as the official airlines for this event. Should you require assistance with your individual travel arrangements, please feel free to contact Joanne Salsbury at Clarke-Way Travel at 1-800-282-1905, or by e-mail at [joanne@clarkeytravel.com](mailto:joanne@clarkeytravel.com)

For Air Canada, please quote the convention number: **2C3VKYW1**

For WestJet web booking, use web coupon code: **87YLTQQ**

For WestJet booking with an agent, quote the promo code: **WNR44**

## GROUND TRANSPORTATION

### TRAVEL TO DELTA PRINCE EDWARD by MARRIOTT

The easiest way to get from the Charlottetown airport to the Delta Prince Edward is by taxi with an average cost of \$12 CAD. Private car rentals can also be made on-site at the airport through AVIS, Budget, National, Enterprise, Hertz, or Thrifty. There is no hotel shuttle service available.

### DRIVING DIRECTIONS from CHARLOTTETOWN AIRPORT (YYG)

Head south on Maple Hills Avenue toward Aviation Avenue. Turn left onto Brackley Point Rd/PE-15 S. Turn left onto Arterial Hwy/Charlottetown Perimeter Hwy/Prince Edward Island 2(By Pass) W/Trans-Canada Hwy/PE-1 W/PE-2 W and continue to follow Trans-Canada Hwy/PE-1 W. At the roundabout, take the 2<sup>nd</sup> exit onto Riverside Dr/Trans-Canada Hwy/PE-1. At the roundabout, take the 2nd exit and stay on Riverside Dr/Trans-Canada Hwy/PE-1. Continue straight onto Water St. Turn left onto Queen St. Hotel will be on the left.

## BOOK EARLY

Ensure you can attend by booking early. There will be a limited number of rooms available at a discounted rate, including three days pre and post the conference; these will be allotted on a first-come, first-served basis. All hotel rooms will be booked on your behalf by IIC staff following the opening of registration.

**Please do not call the hotel to make your own rooming arrangements.**

## DRESS CODE

The dress code for the IIC 2018 Conference is business casual for all sessions and events.

## COCOON WELLNESS SPA

Indulge in a pampering treatment at the full-service Cocoon Wellness Spa offering manicures, pedicures, waxing, massages, laser treatment and more. The Cocoon aims to create a peaceful and relaxing experience for all its guests.

Cocoon Wellness Spa is offering a **10% discount** on services and products for IIC conference delegates and guests.

**To book your appointment**, contact Cocoon Wellness Spa directly at **(902) 569-2256**, or online at <http://www.thecocoon.ca/contact.html>. Book early to avoid disappointment and ensure you advise you are with IIC to secure the discount.



## GOLF - BELVEDERE GOLF CLUB

Saturday, September 29, 2018 – 12:30 pm

Ranked with the best member clubs in Eastern Canada this traditional "Country Club" layout winds through hardwood lined fairways and plays to a four hour round walking or riding. A must play on your PEI Tour, this Par 72, 18-hole course is groomed daily to tournament-like conditions and has been recently renovated by architect Graham Cooke.

Situated on 150 acres within the city limits of Charlottetown, Belvedere today stands as the patriarch amid a host of championship golf courses that have earned Prince Edward Island the reputation of being the leading golf destination in Canada and among the top in North America. Belvedere, in the last decade, has added another feather in the cap of its century of renowned existence, this one as the home course of Lorie Kane, one of the prestigious stars on the Ladies Professional Golf Tour.

**Pre-registration is required.** Golfing is not included in your conference registration. Fees are \$80 CDN per person and include 18-holes, green fees, power cart, boxed lunch, use of the driving range and practice facility prior to the tournament, and return transportation between the hotel and course.

**Golf Club Rentals:** A limited number of sets of clubs will be available for rent from the golf course. Rental fees are payable by cash, credit or debit at the course and are the responsibility of the guest.

# RECREATIONAL ACTIVITIES & TOURS



Prince Edward Island has welcomed visitors of all ages for many years, creating authentic island experiences for everyone to enjoy. Its coastline offers some of the most stunning vistas in the world. Further inland, its rolling green hills and scenic farmland will keep your camera busy. PEI's tremendous local cuisine, including some of the freshest seafood available anywhere in the world, will make your mouth water for more. Explore what PEI has to offer and plan your own memorable island vacation.

Prince Edward Tours has generously offered a **20% discount** to IIC conference delegates booking Daily Sightseeing Tours. This discount is good 14 days pre-conference and 14 days post-conference.

To take advantage of this discount, enter promo code **IIC2018** when booking a daily sightseeing tour at: <http://princeedwardtours.com/daily-sightseeing-tours/>

## Daily sightseeing tours with Prince Edward tours include:

- Panoramic South Shore Tour & Confederation Bridge
- City Highlights
- Island Drive & Anne of Green Gables
- PEI Lighthouse & Winery Tour

*Please note that Prince Edward Tours does not guarantee tour departures and there is potential that a tour can sell out on any given date.*



# CONFERENCE REGISTRATION



**The conference rate for IIC members is \$2,450 and \$800 for your spouse/guest and includes:**

- **Three (3) nights' accommodation\***: Arrival Thursday, Departure Sunday
- **Breakfast for three (3) mornings**: Friday, Saturday, Sunday
- **Reception and Dinner (3) evenings**: Thursday, Friday, Saturday
- **Tax and service charges**

*\* Incidentals are not included and are the responsibility of the delegate*

## HOW TO REGISTER:

### Register Online

*or*

Submit the completed registration form below, along with payment information via email to [iicinfo@associationsfirst.com](mailto:iicinfo@associationsfirst.com) by **Friday, August 24, 2018**. Beyond this date, it may not be possible to guarantee room availability at the Delta Prince Edward hotel. If you are paying by cheque, please be aware that your registration will not be processed until payment is received.

### **KEY NOTES:**

- The conference is for members, spouses/guests and invited guests only. Non-member substitutions are not permitted.
- We are subject to cancellation policies with the hotel and at other event locations. **No refunds will be provided for cancellation less than 15 days prior to arrival. (Wednesday, September 12, 2018).**

### *Comments or questions?*

Please contact the Insolvency Institute of Canada:

Executive Director  
Meghan Howard  
[mhoward@associationsfirst.com](mailto:mhoward@associationsfirst.com)

Registration Coordinator  
Rick Condon  
[rcondon@associationsfirst.com](mailto:rcondon@associationsfirst.com)

Phone: (416) 646-1600  
Fax: (416) 646-9460

## 2018 CONFERENCE COMMITTEE

IIC would like to thank the following members for their hard work planning the 2018 conference:

David Boyd  
George Kinsman  
Josh McElman  
Wayne Myles  
Brendan O'Neill

PwC Canada, LLP  
Ernst & Young Inc.  
Cox & Palmer  
Cox & Palmer  
Goodmans, LLP

Halifax, NS  
Halifax, NS  
St. John, NB  
St. John's, NL  
Toronto, ON

**MEMBER & GUEST REGISTRATION** - Please register by Friday, August 24<sup>th</sup>, 2018

Name:	Accompanied by:	
Company:		
Address:		
City:	Province:	Postal Code:
Tel: (      )		
Fax: (      )	E-mail:	

## PROGRAM SELECTION

Saturday, September 29

Following the morning plenary sessions, delegates will move to one of two breakout presentations. Please indicate your preference. Note: breakouts will be assigned on a first-come, first-served basis until room capacity is full.

### Please Indicate Your Preference

#### **Breakout 1:** The Certainty of Uncertainty in the Exercise of Discretion

**Moderator:** Joe Healey, Ernst & Young Inc.

Presenters:

- Jeffrey Oliver, Cassels Brock & Blackwell LLP -  
IIC Journal Paper: *Statutory Discretion in the Wake of Redwater: Navigating Choppy Waters Without Sinking the Ship*
- David Bish, Torys LLP - IIC Journal Paper: *In Search of the Limits of Judicial Discretion in Insolvency Law*

#### **Breakout 2:** Protecting Vulnerable Stakeholders & Calling a Spade a Spade

**Moderator:** Elizabeth Pillon, Stikeman Elliott LLP

Presenters:

- Allan Nackan, Farber Financial Group & George Benchetrit, Chaitons LLP -  
IIC Journal Paper: *Representation Orders in Insolvency Cases – Current and Future Practice*
- Robin Schwill, Davies Ward Phillips & Vineberg LLP -  
IIC Journal Paper: *Proposed Statutory Reform for Liquidating CCAAs: Plugging the Holes*

## ACCOMMODATION REQUIREMENTS

The conference fee includes three nights' accommodation.

IIC staff will reserve your accommodation based on an arrival date of Thursday, September 27 and departure date of Sunday, September 30, unless otherwise indicated.

The Delta Prince Edward is a 100% smoke-free property including guest rooms, meeting rooms and public spaces.

### Room Type:

**Standard\*** or **Deluxe Waterfront\***

### Bed:

**King** or **Double**

### Number of Occupants:

Please reserve accommodation for \_\_\_\_\_ additional night(s)\*\*, as follows:

\*Subject to availability at time of booking

\*\*Payment for additional nights will be the responsibility of the individual and may be in the deluxe waterview rooms at \$239 per night based on availability

**Rooms will be assigned on a first-come, first-served basis, according to the date the conference registration is paid.**

### Special Dietary Requirements:

### Other:

### Accessibility Requirements:

## GOLF Saturday, September 29

Golf at \$80.00 per person

Number of players:

**Golf Club Rentals** (payable at the club house at delegate's own expense)

**Right-handed**      **Left-handed**

## REGISTRATION FEES (All fees in CDN)

Full Registration @ \$2,450/pp = \$ \_\_\_\_\_  
Spouse/Partner @ \$800/pp = \$ \_\_\_\_\_  
Golf @ \$80/pp = \$ \_\_\_\_\_  
**Special Rate (please fill in agreed amount) = \$ \_\_\_\_\_**  
**For special guests only**

Tax: HST (15%) \$ \_\_\_\_\_

**Total:** \$ \_\_\_\_\_

**All cancellations subject to a \$125 administration fee.**  
**No refunds will be provided for cancellations after September 12, 2018 for conference or golf.**

### PAYMENT OPTIONS:

**①** Online registration at [IIC Conference 2018 Registration](#)

**②** Payment by Credit Card (Visa or MasterCard only)

Card #:

Expiry Date: CSV:

Cardholder Name:

Signature:

FAX to 416-646-9460

**③** Payment by Cheque:

Enclosed      Cheque will follow

(Please remit as soon as possible to ensure your rooms are booked.)

**Submit by email to:**

[iicinfo@associationsfirst.com](mailto:iicinfo@associationsfirst.com)

**Insolvency Institute of Canada**

468 Queen Street East, Unit LL-02, Toronto, ON, M5A 1T7  
Tel: (416) 646-1600 Fax: (416) 646-9460 Email: [iicinfo@associationsfirst.com](mailto:iicinfo@associationsfirst.com)

[www.insolvency.ca](http://www.insolvency.ca)

 **Insolvency  
Institute of Canada**