

Effective Date: 2011/06/30

Number: PD - 30

Title:

Practice Direction Model Receivership Orders

Summary:

This Practice Direction prescribes a standard form of order for receivership orders made pursuant to the *Bankruptcy and Insolvency Act* and to section 39 of the *Law and Equity Act*. The court originally adopted the use of a standard form of order in 2007 and is now directing the use of a revised standard form of order which reflects relevant legislative and case law developments since 2007. .

Direction:

1. PD-16 - *Model Receivership Order* dated July 1, 2010 is rescinded.
2. Unless the relief sought differs from that provided for in the Model Receivership Order, a party seeking the appointment of a receiver pursuant to the *Bankruptcy and Insolvency Act* or to s. 39 of the *Law and Equity Act* must use the standard form of Model Receivership Order available on the court's website at the following link:

http://www.courts.gov.bc.ca/supreme_court/practice_and_procedure/practice_directions/civil/PD%20-%2030%20-%20Order.docx

3. The Model Receivership Order includes a number of Explanatory Notes designed to assist counsel in using the order and to alert counsel that some provisions of the order may not be appropriate in every case. The Explanatory Notes are available on the court's website at the following link:

http://www.courts.gov.bc.ca/supreme_court/practice_and_procedure/practice_directions/civil/PD%20-%2030%20-%20Explanatory%20Notes.pdf

4. If the applicant seeks relief that differs from that provided for in the Model Receivership Order, the applicant must:
 - a. identify the difference by providing a black line copy of the order sought as compared with the Model Receivership Order
 - b. explain to the court the basis upon which it should grant relief on terms different from those provided for in the Model Receivership Order.
5. The court may revise the standard form of order from time to time to reflect legislative changes and developments in the case law. The current standard form of order will always be available on the court's website.

Robert J. Bauman
Chief Justice