

**Introduction**

The Alberta Human Rights Tribunal is committed to a process that resolves matters in a fair, just, and expeditious manner. The Tribunal uses the following approach regarding respondents subject to a stay of proceedings under the *Bankruptcy and Insolvency Act* (BIA) or *Companies' Creditors Arrangement Act* (CCAA) and other matters where legal proceedings have been stayed against the respondent.

Where a respondent has filed an assignment in bankruptcy, the complaint against them is stayed. As per the BIA (Part IV Stay of Proceedings, sections 69 to 69.31),<sup>1</sup> this includes when the respondent has: filed a notice of intention, a proposal, a consumer proposal, or a claim in bankruptcy, and includes actions against the directors.

A stay of legal proceedings may also be put in place pursuant to section 11.02 of the CCAA, which automatically stays all proceedings against the debtor company until the court orders otherwise. The CCAA differs from the BIA in that the company is not declared bankrupt, but instead undergoes a court-supervised restructuring. While a CCAA stay is in place, the company continues to operate, pay its employees, and serve its customers with the goal of emerging as a viable business. Like a BIA stay order, a CCAA stay applies to all lawsuits, enforcement actions, and claims against the company. However, unlike under the BIA, there is no fixed time limit on how long a CCAA stay may be extended. Given the court's extensive oversight of the CCAA process, parties may apply to lift the stay. However, the court has the flexibility to determine whether to grant such applications.

**Procedure**

Where a respondent has claimed a stay is in place, the Tribunal will request that the parties provide submissions on the following issues, within the deadlines identified. Each party must file their submissions on the Tribunal at [AHRCTribunal@gov.ab.ca](mailto:AHRCTribunal@gov.ab.ca) and serve them on (email them to) all other parties.

1. Within 7 days, the respondent must provide proof or confirmation that the matter has been stayed. This may be in the form of a letter from the Trustee or Receiver, or a Court Order that indicates legal proceedings against the respondent have been stayed.
2. After receiving confirmation of the stay or bankruptcy, the hearing and all proceedings at the Tribunal will be stayed as per the BIA or the CCAA.

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<sup>1</sup> *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, ss 69 - 69.31

3. Within 21 days of receiving notice from the Tribunal Registrar that the matter has been stayed, the complainant and/or Director may submit written consent from the Trustee or Receiver, or seek leave of the Court to lift the stay. The Tribunal will close the complaint if, within the time limit provided, it does not receive proof from the Director or complainant that:
  - a. the Trustee or Receiver has consented to the matter proceeding,
  - b. the stay is lifted, or
  - c. they have applied for the stay to be lifted and need an extension.

## Contact the Tribunal Office

**Website** [albertahumanrights.ab.ca/tribunal](http://albertahumanrights.ab.ca/tribunal)

**Email address** [AHRCTribunal@gov.ab.ca](mailto:AHRCTribunal@gov.ab.ca)

**Phone** 780-638-4635

To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

TTY service for persons who are deaf or hard of hearing: to call toll-free within Alberta, dial 1-800-232-7215.