

Alberta Human Rights Tribunal Practice Direction

Bankrupt respondents and stayed proceedings

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 bankrupt respondents 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 *Bankruptcy and Insolvency Act* (Part IV Stay of Proceedings, sections 69 to 69.31)¹, 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 other legislation.²

Procedure

Where a respondent has claimed bankruptcy or that a stay is in place, the Tribunal will request that the parties provide submissions on the following issues, within the deadlines identified. This same process will be followed for any matter that has been stayed as a matter of law. Each party must serve their submissions on the Tribunal at AHRCTribunal@gov.ab.ca and 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 *Bankruptcy Insolvency Act*, or other applicable legislation.
3. Within 21 days of receiving notice from the Tribunal Registrar that the matter has been stayed, the complainant and/or Director may provide written consent by the Trustee or Receiver, or leave of the Court, that the stay has been lifted. The Tribunal will consider such submissions if they are made.

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

² For instance, *Companies' Creditors Arrangement Act*, RSC 1985, c. C 36

4. If the Tribunal does not receive proof from the Director or complainant that the stay is lifted, or receive a request for an extension, within the time limit provided, the Tribunal will close the complaint.