

QBG 1401 of 2019 – JCS

Pillar Capital Corp. v Harmon International Industries Inc.

Mike J. Russell and Kevin N. Hoy for the applicant
Jared D. Epp for the respondent

FIAT - January 16, 2020


ELSON J.

[1] Wisely or not, I have elected to publish the reasons for my decision in respect of this application. Due to the time it takes to format and proofread published decisions, I do not expect the final decision will be released on until sometime next week. Rather than postponing the issuance of the order until the written reasons are released, I have decided to issue this brief fiat.

[2] Specifically, I am satisfied that Harmon International Industries Inc. is an “insolvent person” within the meaning of s. 2 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 [*BIA*]. Further, I am also satisfied that it is “just and convenient” for the Court to appoint a receiver pursuant to s. 243 of the BIA. Accordingly, and for the written reasons soon to follow, an order may issue in the form of the most recent draft order presented by the applicant’s counsel, subject to the alteration to para 2, which was discussed at the time this matter last presented in chambers.

[3] Given that the draft order has already been shared with the respondent’s counsel, who has provided his comments on its contents, I am satisfied that Rule 10-4 of the Queen’s Bench Rules should be waived.

[4] If there are any further matters to be addressed relative to the order, and the reasons that follow, I will consider myself seized with those matters.


J.
R.W. ELSON