

COURSE OUTLINE		
TERM: Fall 2026	COURSE NO: LAW 390	
INSTRUCTOR:	COURSE TITLE: Bankruptcy and Insolvency Law	
OFFICE: LOCAL: E-MAIL: @capilanou.ca	SECTION NO(S):	CREDITS: 3.0
OFFICE HOURS:		
COURSE WEBSITE:		

Capilano University is named after Chief Joe Capilano (1854–1910), an important leader of the Skwxwú7mesh (Squamish) Nation of the Coast Salish Peoples. We respectfully acknowledge that our campuses are located on the unceded territories of the səliłwətał (Tsleil-Waututh), shíshálh (Sechelt), Skwxwú7mesh (Squamish), and xʷməθkʷəy̓əm (Musqueam) Nations.

COURSE FORMAT

This course will be offered in either a synchronous or asynchronous on-line format, four hours per week for a 15-week semester, which includes two weeks for final exams. For either on-line format, the instructor will provide weekly case readings and students will work to complete weekly exercises and discussions. Three out of the four instructional hours will be completed with lectures and a fourth hour will consist of a combination of at home and on-line work supported through eLearn.

COURSE PREREQUISITES

LAW 101, LAW 110, and LAW 210; OR LAW 101 and 45 credits of 100-level or higher coursework

CALENDAR DESCRIPTION

The course will give students an overview of the key issues in Canadian bankruptcy and insolvency law and the operation of the bankruptcy system. Students will gain a thorough knowledge of the structure of the bankruptcy system, the major types of bankruptcy proceedings, and their impact on debtors and creditors. This will include both personal and commercial bankruptcies.

REQUIRED TEXTS AND/OR RESOURCES

A Duggan, S Ben-Ishai, J Sarra, TGW Telfer & RJ Wood, *Canadian Bankruptcy and Insolvency Law*, 3rd ed (Emond, 2015).

COURSE STUDENT LEARNING OUTCOMES

On successful completion of this course, students will be able to do the following:

1. Effectively describe and explain the principles of bankruptcy law, including constitutional aspects;

2. Understand the structure of the bankruptcy system;
3. Understand the concept of “property” in bankruptcy law;
4. Analyze and apply statutory rules, legal principles, and domestic practices, including:
 - (a) executory contracts,
 - (b) claims against an estate,
 - (c) secured creditors,
 - (d) Crown claims, and
 - (e) statutory deeded trusts;
5. Understand the concept of creditors and how to distribute proceeds of a bankruptcy;
6. Describe and explain the differences between individual bankruptcies and corporate insolvency, including the *Companies’ Creditors Arrangement Act* and *Bankruptcy and Insolvency Act*; and
7. Understand receiverships.

COURSE CONTENT

WEEKLY COURSE CONTENT	
WEEK	CONTENT
1	INTRODUCTION TO BANKRUPTCY AND INSOLVENCY LAW The introductory week explains the constitutional aspect and structure of the bankruptcy system.
2	INITIATION OF BANKRUPTCY PROCEEDINGS This week looks at the consequences of bankruptcy and how a bankruptcy proceeding is started.
3	PROPERTY OF THE ESTATE This week we examine what is “property” and other matters associated with the property of the estate.
4	EXECUTORY CONTRACTS & CLAIMS AGAINST THE ESTATE In this week we will discuss landlord and tenant agreements and other types of contracts. We will also examine valuation of claims.
5	SECURED CREDITORS, CROWN CLAIMS, AND STATUTORY DEEMED TRUSTS In this week we look at claims by secured creditors, Crown, and statutory deemed trusts.
6	RANKING OF CREDITORS AND DISTRIBUTION OF PROCEEDS This week focuses on the bankruptcy scheme of distribution.
7	MID-TERM EXAM
8	INDIVIDUAL BANKRUPTCIES AND CONSUMER ISSUES For the next week we will examine all the issues associated with the bankruptcy of an individual.

WEEKLY COURSE CONTENT	
WEEK	CONTENT
9	LIABILITY OF CORPORATE DIRECTORS AND INSOLVENCY This week we examine directors' personal liability for corporate debts and insolvency.
10-11	THE COMPANIES' CREDITORS ARRANGEMENT ACT Over these two weeks we look at the <i>Companies' Creditors Arrangement Act</i> . The first week is an introduction and discussion of restructuring and scop. The second week looks at carrying on business during proceedings and claims.
12	BANKRUPTCY AND INSOLVENCY ACT For this week we will look at <i>Bankruptcy and Insolvency Act</i> commercial proposals.
13	CONSUMER PROPOSALS AND RECEIVERSHIPS The final week will focus on alternatives to consumer bankruptcies and receiverships.
14-15	FINAL EXAM PERIOD: FINAL EXAM

EVALUATION PROFILE

Mid-Term Exam	30-35%
Final Exam	30-35%
Group Discussions & Participation	0-10%
Assignments/Research Paper	<u>25-30%</u>

TOTAL **100%**

Research Paper

This course will include assignments or a research paper on a matter related to bankruptcy and insolvency law.

Participation

If a participation grade is provided, then it is allocated to the consistency, quality, and frequency of contributions to class discussions and class presentations. Consistency means attending every class and actively contributing to discussions on a regular basis. Quality means demonstrating respect for peers and their contributions, listening attentively during lectures and when other students are speaking, and participating in all activities with an open and inquisitive mind.

Mid-Term and Final Exams

There will be a mid-term exam in Week 7 covering Weeks 1-6 of the materials and a final exam covering Weeks 8-13 of the materials. The format of the exams will be determined by the instructor

and may include a combination of true/false, multiple choice, matching, short answer, and essay questions. The final exam will be scheduled at a date to be determined by the Registrar's Office.

GRADING PROFILE

A+ = 90-100	B+ = 77-79	C+ = 67-69	D = 50-59
A = 85-89	B = 73-76	C = 63-66	F = 0-49
A- = 80-84	B- = 70-72	C- = 60-62	

Incomplete Grades

Grades of Incomplete "I" are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

Late Assignments

Homework assignments are due at the **start of class** on the due date unless otherwise advised by your instructor. Late assignments will only be accepted if prior approval for a late submission date has been given by the instructor.

Missed Exams/Quizzes/Labs etc.

Missed exams or quizzes will receive a grade of "0" unless PRIOR arrangements (wherever possible) are made with the instructor. Permission to make up an exam will only be given in extraordinary situations such as illness of the student or the death of a close family member. A doctor's certificate, or other proof supporting the reason for the absence, may be required.

*** Accommodations can be made to honour community needs and traditional practices.

Attendance

Regular attendance and punctuality are both essential and expected due to the nature and format of the course materials.

English Usage

All assignments are marked for correct English usage, proofreading, and formatting. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

Electronic Devices

Students may use electronic devices during class for note taking only.

On-line Communication

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or eLearn; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

UNIVERSITY OPERATIONAL DETAILS

Tools for Success

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-services/>

Capilano University Security: download the [CapU Safe Alert App](#)

Policy Statement (S2009-06)

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Academic Integrity, Academic Probation and other educational issues. These and other policies are available on the University website.

Academic Integrity (S2017-05)

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information:

<https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

Academic dishonesty is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

Cheating: Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

Fraud: Creation or use of falsified documents.

Misuse or misrepresentation of sources: Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

Plagiarism: Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

Self-Plagiarism: Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

Prohibited Conduct: The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

Sexual Violence and Misconduct

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual Violence Policy and B.401.1 Sexual Violence Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>)

Emergencies: Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.