

Supreme Court of Canada denies leave to appeal and confirms Québec courts' ability to appoint BIA receivers

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On April 1, 2021, the Supreme Court of Canada dismissed an application for leave to appeal the decision of the Court of Appeal of Québec (QCA) in *Séquestre de Media5 Corporation*, 2020 QCCA 943, which had put an end to a long-lasting debate on the availability of 'national' receivers to Québec secured creditors. The decision of the QCA is now final.

The QCA had overturned the trial judge's decision and confirmed the existence of an independent remedy to appoint a national receiver pursuant to s. 243 of the *Bankruptcy and Insolvency Act* (BIA) and that prior notices under the Civil Code of Québec must be served, published and their delays lapsed, prior to the appointment of a receiver.

Osler's team composed of Sandra Abitan, Fabrice Benoît, Julien Morissette, Ilia Kravtsov and Julien Hynes-Gagné acted for the Laurentian Bank of Canada, which was successful before the QCA and on having the application for leave to appeal dismissed.

[View our summary](#) of the QCA decision.