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CREDITOR - DEBTOR LAW IN CANADA

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by

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With Chapter 14 by P.J.M. Lown, LL.M.

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PREFACE

Professor Vern Countryman once described the American law of debtor-creditor relations as rough terrain. During the past six years occupied by the writing of this book, I have had ample opportunity to note the similarly rocky and difficult character of Canadian creditors' remedies. The law is a mixture of provincial, federal and Imperial statutes and rules of court, and a large body of English and Canadian cases. The area of enforcement of judgments is not easily isolated and studied because it spills over into many other fields, such as constitutional, administrative, commercial, tort and property law. The dearth of texts and articles on creditors' rights makes research in the field an even more daunting prospect.

Fortunately, I have had much assistance along the way which has made it possible for me to try to be thorough and yet to finish the book fairly promptly. I want to thank Arthur Close, Ronald Cuming, Terry Ison, John Laskin, Barry Reiter and the many other scholars, lawyers and public servants who read parts of the book in manuscript or otherwise contributed to my understanding of creditors' remedies. I am responsible for writing all of the book except for chapter 14 which was written by Peter J.M. Lown.

I have been fortunate in working with intelligent and hard-working research assistants for several years. I particularly acknowledge the contributions of Susan Ayala, Valerie Graziano, Eugene Kobelka, Peter Vaartnou and William Winters. They did useful and necessary work which has added greatly to the book.

I was fortunate in obtaining financial assistance from the Canada Council (as it then was), the Alberta Institute of Law Research and Reform, and the Foundation for Legal Research in Canada. The Faculty of Law at the University of Alberta was patient and helpful during the research and writing period.

Some material in the book has appeared earlier and in a different form in articles in the University of British Columbia Law Review and in reports written for the Law Reform Commission of British Columbia and the Alberta Institute of Law Research and Reform.

Finally, I am grateful to the Carswell Company Limited, and especially to Tom Clouston, Karen Flint, Boris Krivy and Robert W. Miller, for encouraging me to undertake this book and for assisting me in its publication. They have been very helpful and understanding, and I hope that the result justifies their support.

The law is stated as of June 30, 1981.

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