
Bennett on Receiverships. By Frank Bennett. 2nd ed. Toronto: Carswell, 1999. c, 895 p. Includes bibliographical references, index and forms. ISBN: 0-459-26279-3 (hardcover) \$165.00.

The second edition of *Bennett on Receiverships* is an essential reference work for any law library with patrons who may have questions on Canadian receivership law. It is a hefty 895 page tome (including index) that updates the first edition which was published over fourteen years ago in 1985.

Author Frank Bennett, who has published extensively in areas of debtor-creditor law, notes the many changes that have occurred in receivership law since the first edition. One major change has been the 1992 addition of Part XI to the *Bankruptcy and Insolvency Act*. This change introduced the regulation of receiverships where the debtor is insolvent, including the provision of the ten-day notice period to be given by creditors through the use of the notice of intention to enforce security. Other changes noted include the introduction of receivership provisions in various provincial statutes covering personal property security, corporate law and even construction liens.

Bennett makes a plea in his preface for the federal and provincial governments to harmonize receivership laws to provide similar language and mechanisms and to reduce overlapping jurisdiction. The potential confusion caused by the different federal and provincial regimes, however, is greatly reduced by the level of detail and clarity of explanation that the author gives throughout the text, which is divided into fourteen chapters.

To test the book's ease-of-use and comprehensiveness, a simple test was devised using three topics chosen prior to the book being reviewed: What is the standard of care imposed on a receiver? When is a receiver personally liable? What is the priority between a receiver and other creditors? In all three cases, information could be quite easily found

using either the table of contents or the index, although the index in each case was far more detailed and useful, as might be expected.

On the topic of the receiver's standard of care, for example, while there were no entries and no "see" references under "Standard of care" in the index, there were multiple entries under "Duties of receiver." On the personal liability of a receiver, there were two entries in the table of contents on point: Chapter 1(5) - Introduction - Personal Liability of Receiver and Manager and Chapter 7 - Contractual Priorities and Liabilities of the Receiver and Manager. There was no entry in the index under "Personal liability"; instead, relevant entries were found under "Receiver - personal liability."

The final test topic - that of priorities between the receiver and other creditors - was also easy to locate through two major chapter topics in the table of contents and through a major index entry under "Priorities, contractual." There were no parallel entries in the index under "Priorities, statutory."

In addition to the topics already mentioned, there are chapters on realization, reports and remuneration, bankruptcy and receivership, rights and remedies of debtors, receivership under personal property security legislation, and receiverships under the *Bankruptcy and Insolvency Act* and other provincial legislation.

The book contains a remarkable seventy-eight page table of cases that, according to the author, adds over 900 cases since the first edition. At the back of the book is a list of sample precedents, selected statutory references with nineteen different entries covering seventy pages, a two-page bibliography of thirty journal articles and an extensive index. The list of precedents covers some forty-four pages ranging

from general forms (such as a demand for payment) to court documents (such as a Notice of Motion for Appointment of Receiver and Manager), and includes documentation for the appointment of private receivers and various statutory forms.

A search on Quicklaw's Canadian Judgments (CJ) database revealed that the first edition of the book has been cited over sixty times by Canadian courts (at least eight times in provincial courts of appeal). This is fairly impressive evidence that the first edition has been regarded by the courts as authoritative, especially given that there is a much smaller body of receivership cases litigated when compared to other areas of law such as breach of contract or tort cases. There is every indication that the second edition will continue to be authoritative.

There is very little to find wrong with this text on an initial review. It appears to be very extensive if not exhaustive on its topic, is well organized and footnoted, and is very accessible. Given that this area of law is quite case law intensive, one minor quibble may be the decision not to publish the book in looseleaf format (which of course is a medium with its own disadvantages). One hopes and expects that the author and publisher will keep the second edition up-to-date or publish a third edition well before the passage of another fourteen years.

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