

CASE NO.

VOL. NO.

**In the Matter of the Bankruptcy of
Dixon's Boatbuilders Ltd.
Cite as; Dixon's Boatbuilders Ltd. (Re), 2000 NSSC 309**

**Tim Hill,
Registrar in Bankruptcy**

22166

Halifax, Nova Scotia

File No. B

LIBRARY HEADINGS

HEARD: May 5, 2000

DECISION: August 3, 2000

FACTS: Plastics Maritime filed a proof of claim, which included an address for service on Plastics Maritime. The address was a private mailbox. The trustee rejected the claim and sent a notice of disallowance to Plastics Maritime by registered mail. The notice was signed for by an employee of the private mailbox company. As a result of an oversight, Plastics Maritime did not get the notice for over a month, and an appeal was not filed until 2 months after the date of delivery of the notice. Plastics Maritime appealed the disallowance of its claim.

ISSUES: (1) What was the effective date of service of the notice.

(2) Should the appeal be allowed on the merits.

HELD: It was unnecessary to address the second issue.

S. 135 of the BIA provides that an appeal must be commenced within 30 days of service of the notice of disallowance. The notice was received and accepted by an agent of Plastics Maritime. Plastics Maritime cannot raise a lack of authority on the part of the agent where the agent at least had apparent or ostensible authority to act.

Appeal denied.