

IN THE SUPREME COURT OF NOVA SCOTIA  
IN BANKRUPTCY AND INSOLVENCY

**Citation:** Bevin (Re), 2014 NSSC 88

**Date:** March 5, 2014

**Docket:** 37796

**Registry:** Halifax

District of Nova Scotia  
Division No. 01  
Court No. 37796  
Estate No. 51-1793850

In the Matter of the Consumer Proposal of Lisa Dawn Bevin

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**LIBRARY HEADING**

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**Registrar:** Richard W. Cregan, Q.C.

**Heard:** February 5, 2014

**Written Decision:** March 5, 2014

The Proxy for a creditor had an understanding with the Administrator of a Consumer Proposal that a meeting of the creditors would be called. However, the Proxy in completing the Proof of Claim checked off the box which simply said the Creditor would vote against the proposal instead of the box which said the Creditor would not only vote against the proposal but also requested a meeting of creditors.

The proposal received automatic approval without a meeting being called contrary to the promise made by the Administrator to the Proxy. The creditor moved to set aside the approval of the proposal and to have a meeting ordered.

The Court applied Subsection 187(9) of the *Bankruptcy and Insolvency Act*, finding the checking of the incorrect box was a “formal defect or irregularity” and ordered that the acceptance of the proposal be set aside and a meet of the creditors be held.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET .***