

April 2017

Appeal Dismissed: Decision of the Alberta Court of Appeal in *Re Redwater* Confirms Paramountcy of BIA

The Alberta Court of Appeal has dismissed the appeal brought by the Alberta Energy Regulator and the Orphan Well Association from the decision of the Court of Queen's Bench of Alberta in *Re Redwater Energy Corporation*. A majority of the panel held that the provisions of the provincial legislation governing certain actions of licensees of oil and gas assets do not apply to receivers and trustees in bankruptcy of insolvent companies, given the paramountcy of the *Bankruptcy and Insolvency Act* over provincial legislation where the governing provisions conflict. Please see our May 2016 bulletin, [New Rules of Asset Sales by Insolvent Producers \(at least for now\)](#), for background on this case. McMillan represented the Canadian Association of Insolvency and Restructuring Professionals, which intervened in opposition to the appeal.

We will release a more detailed summary of the decision and an analysis of the law as it stands shortly.

by [Caireen E. Hanert](#), [Adam C. Maerov](#) and [Kourtney Rylands](#)

For more information on this topic, please contact:

Calgary	Caireen E. Hanert	403.231.8393	caireen.hanert@mcmillan.ca
Calgary	Adam C. Maerov	403.215.2752	adam.maerov@mcmillan.ca
Calgary	Kourtney Rylands	403.355.3326	kourtney.rylands@mcmillan.ca

[a cautionary note](#)

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2017