

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Sirois (Re)*,
2026 BCSC 468

Date: 20260318
Docket: B240537
Registry: Vancouver

In Bankruptcy and Insolvency

**In the Matter of The Bankruptcy of
Sebastien Sirois**

Before: Associate Judge Peck

Reasons for Judgment

The Bankrupt, appearing in person:

S. Sirois

Counsel for the Trustee in Bankruptcy,
Grant Thornton Limited:

J. West

Place and Date of Hearing:

Vancouver, B.C.
December 2, 2025 and
February 12, 2026

Place and Date of Judgment:

Vancouver, B.C.
March 18, 2026

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Introduction and Orders Sought

[1] This is an application by the bankrupt, Sebastien Sirois, for various items of relief related to the ongoing administration of his bankruptcy proceedings by the trustee and the creditor-appointed inspector. While Mr. Sirois' wife, Mayuree Sirois, is named on the application record as an applicant, she is not a party to these proceedings.

[2] On this application, Mr. Sirois seeks the following orders:

- a) an order pursuant to s. 116(5) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the "*BIA*"), revoking the appointment of Kevin Richer as Inspector of the estate due to his statutory ineligibility under s. 116(2);
- b) an order pursuant to s. 163(2) of the *BIA*, directing Grant Thornton Limited (the "Trustee"), through its representative Mark Wentzell, to submit to an examination under oath regarding the administration of the estate within 30 days;
- c) an order pursuant to s. 26(3) of the *BIA*, directing the Trustee to permit Mr. Sirois to inspect and make copies of all books, records, and documents relating to the administration of the estate within seven days;
- d) an order directing the Trustee to produce a true copy of the resolution of the inspector that is required to accompany the Trustee's Report on Bankrupt's Application for Discharge (Form 82) pursuant to s. 170(1) of the *BIA*, within seven days; and
- e) an order pursuant to section 4.2(2) of the *BIA* and s. 41 of the Code of Ethics for Trustees under the Bankruptcy and Insolvency General Rules, CRC c. 368 (the "Code of Ethics") directing that:

- i. all information in the Trustee's file shall be used solely for the administration of this bankruptcy and shall not be disseminated for collateral use in external proceedings; and
- ii. within seven days, the Trustee provide a detailed written accounting of all estate records that have been shared with the inspector or any third parties, including when such sharing occurred and for what purpose.

[3] Though he had started to make submissions on the point on December 2, 2025, Mr. Sirois confirmed at the continuation of the hearing that he was no longer seeking any relief under s. 14.01 of the *BIA* that certain information about the estate administration be directed to the Office of the Superintendent of Bankruptcy (“OSB”) for their investigation.

[4] The Trustee opposes all orders sought. Neither the inspector, Mr. Richer, nor the Superintendent of Bankruptcy filed application responses to this application and they did not appear at the hearing. At the time of the hearings, Mr. Richer was represented by local counsel in these proceedings.

Background

[5] The facts set out below are not in dispute, though the implication of those facts in some cases is.

[6] Mr. Sirois made a voluntary assignment in bankruptcy (summary administration) on April 3, 2024. The proceeding was converted to an ordinary administration proceeding as of October 16, 2024, due to its complexity and anticipated administration time and expense.

[7] Mr. Richer had previously brought civil proceedings in Quebec against Mr. Sirois and obtained a Quebec Court of Appeal judgment dated May 23, 2023 (the “Judgment”). \$6,818,025.25 of the Judgment is a proven claim in the

bankruptcy, with close to \$200,000 apparently still under review by the Trustee. The Judgment is the primary liability in Mr. Sirois's bankruptcy estate.

[8] The Trustee was appointed during a July 2024 creditor meeting by way of special resolution, replacing the original trustee in bankruptcy.

[9] Mr. Richer was appointed as an inspector by way of creditor vote. He is the sole inspector appointed in this matter.

[10] On March 14, 2024, Mr. Richer obtained a seizure order in Martinique securing a vessel called the Mia, which is legally owned by Sustainable Investment Ltd. ("Sustainable") but Mr. Richer suspects is beneficially owned by Mr. Sirois. The evidence suggests that that vessel may be worth in or around \$1,000,000. Sustainable was incorporated in September 2009 in the British Virgin Islands and was wholly owned by Mr. Sirois until he says he transferred 100% of his shares to Karn Limpananont in February 2017. Mr. Limpananont is Ms. Sirois' former spouse and a Thai resident. Sustainable and Mr. Limpananont attempted to revoke the Martinique seizure order but that attempt failed. The Trustee has supported these seizure efforts on a written agreement with Mr. Richer that any recovery will be paid into the bankrupt estate pursued in these proceedings. The seizure efforts are thus, according to the Trustee, in the best interests of the creditors as a whole.

[11] On or about November 29, 2024, a group including Thai attorneys engaged by Mr. Richer attended Mr. Limpananont's home. At that meeting, Mr. Limpananont denied any knowledge of Sustainable or the Mia. He provided a sworn statement to that effect on November 29, 2024. This statement was used in the Martinique seizure proceedings.

[12] On January 8, 2025, Canadian counsel for Sustainable contacted the Trustee's counsel and alleged that Mr. Limpananont's November 2024 statement was taken under duress and that Mr. Limpananont had lodged a complaint with the Thai police to that effect on December 3, 2024.

[13] Mr. Sirois has also since lodged a criminal complaint with French authorities against Mr. Richer as a result of Mr. Richer's alleged representation in the Martinique enforcement proceedings that Mr. Sirois was wanted by Interpol, which Mr. Sirois vehemently denies.

[14] In or about October 2025, Mr. Sirois made an RCMP complaint in British Columbia regarding Mr. Richer's involvement in Mr. Limpananont's November 2024 statement, alleged misuse of confidential information, and invasion of Mr. Sirois and his family's privacy in the course of Mr. Richer's debt enforcement activities.

[15] On November 3, 2025, Mr. and Ms. Sirois started a civil proceeding in British Columbia (Vancouver Registry Action No. S258271) against Mr. Richer and Genevieve Lecompte, Mr. Richer's spouse (the "Richer Action"), alleging privacy violations, intimidation and related conduct regarding the defendants' debt enforcement efforts. Mr. Sirois described the evidence he has submitted in those civil proceedings to date at para. 6 of his Affidavit #5 made November 28, 2025 in this proceeding as follows: "The events described there are not separate from this bankruptcy: they arise out of the same campaign to enforce the judgment debt which underlies the largest claim in this estate and include alleged misuse of information obtained in connection with this bankruptcy."

[16] The Sirois filed an application on November 3, 2025 in the Richer Action seeking an injunction prohibiting the defendants from disclosing certain information and documents including in proceedings in Martinique. That matter came on for hearing on November 24, 2025 but was adjourned generally and the plaintiffs were advised to schedule the hearing of that application for a full day. At the time of the release of these reasons, it does not appear as though that hearing has been rescheduled.

[17] The plaintiffs filed a further application on November 27, 2025 in the Richer Action to restrict the defendants' ability to use Mr. Sirois' Thai immigration records in any legal proceedings, and in particular the Martinique proceedings, pending the hearing of the broader injunction application filed November 3, 2025. The evidence

submitted on that application established that these documents had already been filed with the court in Martinique. The November 27, 2025 application was heard on December 11, 2025 and judgment was reserved to the following day at 9:00 a.m. The application was ultimately dismissed with costs awarded to the defendants in the cause (*Sirois v. Richer*, 2025 BCSC 2577). The court found, in part, that there was no evidence the documents in question were confidential, which was a crucial foundation of the Sirois' argument.

[18] On October 15, 2025, Mr. Sirois applied in this court for an absolute discharge from bankruptcy. The Trustee and Mr. Richer both opposed. The decision was under reserve until reasons were published on January 7, 2026. If successful, an absolute discharge would have rendered moot most if not all of the relief Mr. Sirois sought on this application. However, the application was not successful and the discharge was refused, with liberty for Mr. Sirois to reapply after twelve months.

Preliminary Evidentiary Issue and Authorities

[19] On the continuation of this application, pursuant to Rule 22-1(7), Mr. Sirois sought to submit a further eight-page affidavit with over 370 pages attached as a single omnibus exhibit, his Affidavit #8 made February 12, 2026. The affidavit had been provided to counsel for the Trustee in unfiled form at approximately 10:00 p.m. February 11, 2026 (the affidavit was not sworn or filed until February 12, 2026, the date of the continuation). Mr. Sirois argued that the substance of the affidavit addressed matters that arose after the commencement of the hearing in December 2025 and was necessary to provide "context" for the Trustee's behaviour and further support for Mr. Sirois' argument that the Trustee's behaviour in this proceeding is problematic. Mr. Sirois cautioned that not admitting this affidavit would mean a decision would be rendered on a factually incomplete foundation.

[20] Counsel for the Trustee had not had a fulsome opportunity to review the affidavit prior to the hearing, but he had seen at least some of the exhibits before and took no issue with the affidavit being provided to me for consideration on whether it should be admissible at all, and if so for what purpose. The Trustee's

general position was that the majority of the affidavit was irrelevant but that it may be helpful to the Trustee's position as it relates to the questions Mr. Sirois intends to ask on the requested Trustee examination, as discussed further below.

[21] The portions of the affidavit Mr. Sirois actually referred to at the hearing were primarily a CTV news article published in early January 2026 about the result of Mr. Sirois' bankruptcy discharge application, which he says has caused him significant personal and professional consequences, and two complaints to the OSB about the Trustee's conduct.

[22] I agree with the Trustee that the majority of the new affidavit is irrelevant. I have considered limited portions of it but I do not understand those portions to be disputed evidence between the parties. As such, no prejudice to the Trustee flows from my consideration of them.

[23] That said, serving any affidavit, and in particular an affidavit of close to 400 pages, the evening before a hearing is to be strongly discouraged. The British Columbia legal system is generally predicated on at least the prescribed amount of notice being provided to the parties of the positions and evidence to be presented at a hearing. There are exceptions from time to time, but the rule of advance disclosure is the baseline and should be followed unless there is a good reason that is not possible or fair. Because of the limited utility and lack of prejudice to the Trustee I have decided to consider certain portions of the affidavit, but that should not be interpreted as condonation of this approach. Mr. Sirois said that the "triggering event" for this affidavit was his discovery of the CTV article on February 5, 2026, but the article itself was published on January 9, 2026 and the majority of the exhibits date back to December 2025.

[24] Further, the affidavit includes one omnibus exhibit that is not properly described in or attached to the body of the affidavit. I understand that Mr. Sirois is self-represented and that some leeway in his preparation of materials is warranted. However, it is difficult for the parties and the court to follow affidavits that are not

organized as required. I make this observation primarily to assist Mr. Sirois in his preparation of any future affidavits in this or other proceedings.

[25] Finally, by way of preliminary matters, while I was provided with a brief of 13 case authorities at the hearing, the parties only referred to three specific decisions between them. I have reviewed the remainder of the authorities provided but have determined that none assist the court any more than the three that were cited by the parties in submissions.

Discussion and Analysis

Revoking Inspector's Appointment

Sirois Position

[26] Mr. Sirois says that Mr. Richer is not an appropriate inspector because, contrary to s. 116(2) of the *BIA*, he is a party to multiple contested criminal proceedings in France, a BC RCMP investigation, and a British Columbia lawsuit which arise directly from Mr. Richer's conduct in these proceedings. It is not contested that all such proceedings were commenced by Mr. Sirois. Section 116(2) states that "No person is eligible to be appointed or to act as an inspector who is a party to any contested action or proceedings by or against the estate of the bankrupt."

[27] Mr. Sirois describes Mr. Richer as running an aggressive multi-jurisdictional campaign in contravention of his supposed role as neutral overseer in this bankruptcy. He referred to legal authorities on s. 116 of the *BIA* in general terms, and submits that the conflict-of-interest analysis these authorities outline supports his application.

[28] Mr. Sirois refers in particular to *In The Matter of The Bankruptcy of Aggressive Good Inc.*, 2025 ONSC 1419 ("*Aggressive Good*"), which sets out the general principles behind s. 116 of the *BIA*. He says the real question on a s. 116(5) application is whether there is an actual or perceived conflict of interest that could undermine confidence in the administration of an insolvency process.

Mr. Sirois suggests this is fundamentally a question of good faith and ensuring such is part of the court’s supervisory jurisdiction over bankruptcy proceedings.

[29] Mr. Sirois says the inspector’s conduct in various enforcement proceedings, in particular his pursuing assets in more than one jurisdiction, and his alleged improper use of confidential information in those proceedings, supports a finding that Mr. Richer is not an appropriate inspector. He thus asks the court to appoint a neutral inspector in Mr. Richer’s stead.

Trustee Position

[30] The Trustee acknowledges it is aware of at least some of these alleged “contested proceedings”. Mr. Sirois has provided the Trustee with copies of two “complaints to the public prosecutor” filed with the tribunal Judiciaire De Fort De France:

- a) The first complaint was filed on December 5, 2024 by Sustainable Investment Ltd. and Karn Limpananont against Mr. Richer.
- b) The second complaint was filed on January 27, 2025 by Mr. Sirois (and his wife and son) against Mr. Richer.

[31] The Trustee obtained uncertified translations of the two French complaints and characterizes them as complaints against Mr. Richer in criminal conspiracy to obtain damaging evidence, alleging reliance on forged documents in proceedings brought in Martinique and defamation. These appear to be substantially similar allegations to those made in the Richer Action. They all relate back to Mr. Richer’s attempts to recover Mr. Sirois’ assets.

[32] The Trustee says that none of these are “contested actions or proceedings” as those terms are used in s. 116 of the *BIA*, for two reasons.

[33] First, s. 116 refers to “the estate of the bankrupt” rather than the bankrupt personally. Since Mr. Sirois is advancing the claims that involve him on his personal

behalf rather than on behalf of his estate in bankruptcy, the proceedings he refers to do not qualify.

[34] Second, at least with respect to the first criminal complaint, these are not proceedings involving the bankrupt at all. As such, they are entirely irrelevant to this analysis.

[35] Counsel for the Trustee argues more generally that *Aggressive Good* does not assist Mr. Sirois. That case involved an application to remove an inspector who was a former director and employee of the corporate bankrupt. In his capacity as former employee, the inspector was advancing employment law claims against the company. He was also the directing mind of the bankrupt company's landlord, which was pursuing rent recovery as against the company.

[36] The Trustee refers to para. 54 of *Aggressive Good*, where the court makes clear that the evil s. 116 of the *BIA* addresses is where an inspector is in a position where on the one hand, they are charged with maximizing the estate assets, but on the other hand, are looking to deplete or divert those same assets by way of individual or related party claims. This is an obvious conflict of interest and makes it difficult if not impossible for an inspector in that position to act in good faith vis-à-vis the estate's other creditors.

Analysis

[37] *Aggressive Good* at para. 54 sets out two distinct parts of a s. 116(2) analysis when determining the suitability of an inspector:

[1] whether or not there exists a conflict of interest that would prevent the proposed inspector from performing their duties impartially and from setting aside their own interests in order to fulfill their fiduciary roles to the creditors as a whole, or [2] whether there is a perceived conflict of interest that could undermine the confidence in the administration of the insolvency process (*Global Plastic Packaging Ltd. (Bankruptcy), Re*, 2004 CanLII 16817 ON SC at para. 5-8; *Wimco Steel Sales Co., Re*, 1970 CarswellOnt 84 ONSC at paras. 4-5).

There is, thus, a concern about both actual and perceived conflict of interest.

[38] The fact that an inspector is a creditor does not, by itself, create an actual or perceived conflict of interest; if the legislature had been concerned about a creditor wearing both hats, it would have prohibited creditors from being inspectors at all, which they have not done. In fact, creditors are often appointed as inspectors.

[39] Further, much of Mr. Sirois' arguments about Mr. Richer's ineligibility refer to his international efforts to secure assets. Mr. Sirois suggests that the breadth of Mr. Richer's search indicates bad faith and improperly aggressive tactics. However, Mr. Richer's multijurisdictional approach has been necessitated by the fact that Mr. Sirois has no, or at least has disclosed no, meaningful assets in Canada. As an example, pursuing a vessel that may be worth approximately \$1,000,000 and may be beneficially owned by Mr. Sirois is rational behaviour for an inspector acting on behalf of creditors with proven claims of approximately \$7,000,000.

[40] The fact that Mr. Richer is the holder of the largest proven claim does not make his actions inappropriate on their face. While Mr. Sirois suggests that the manner in which Mr. Richer is proceeding with those efforts is problematic, there is no evidence on the record to prove that is so. They are simply Mr. Sirois' allegations at this point.

[41] I also agree with the Trustee that the "contested proceedings" described in s. 116(2) of the *BIA* must be between the inspector and the bankrupt estate, rather than involving the bankrupt personally. None of the proceedings raised by Mr. Sirois involve the bankrupt estate.

[42] I further agree with the Trustee that the proceedings must involve competing claims to a bankrupt's estate or assets rather than another form of dispute. The prohibition in s. 116(2) is trying to guard against is a situation where the inspector's own interests are or appear to be inconsistent with the interests of the creditors as a whole, such that there is some preferential or inequitable treatment in favour of the inspector over the interests of other creditors. That is not the case here.

[43] It is also relevant that Mr. Sirois is the one who has commenced these various proceedings. There may be circumstances where it is appropriate for a bankrupt's estate to commence or pursue proceedings against an inspector, the subject of which may then qualify as a "contested action or proceeding" as that term is used in s. 116(2). However, those proceedings must be carefully examined to ensure they in fact create an apparent or actual conflict for the inspector, otherwise a bankrupt could simply initiate one or more proceedings against an inspector they took issue with to frustrate the process. Mischief and disorder of that nature would be a smear on the integrity of the insolvency process, one of the very things s. 116(2) attempts to guard against.

Examination of Trustee

Sirois Position

[44] Mr. Sirois invokes s. 163(2) of the *BIA* for an order to examine Mr. Wentzell as a representative of the Trustee regarding the administration of his estate. He says he has requested the examination since February 2025 but has been refused. Mr. Wentzell is the representative of the Trustee with carriage of the administration of Mr. Sirois' estate.

[45] Mr. Sirois says his request is a matter of transparency. He accepts that he must show cause to ground an examination. He also accepts that there are limits on his ability to use information obtained from the examination for any purpose other than in the bankruptcy. However, he says that the bar for sufficient cause is low, citing *Branconnier (Re)*, 2017 BCSC 1896 ("*Branconnier*") at para. 70(v). All Mr. Sirois must show, he says, is that "something is amiss", a phrase quoted directly from para. 70(v) that he repeated often throughout the hearing.

[46] The "something(s) amiss", in Mr. Sirois' view, are:

- a) The amended Form 82 report of trustee on bankrupt's application for discharge, dated February 25, 2025 and filed by the Trustee on February

28, 2025, states that as of January 30, 2025,¹ neither the inspector nor his counsel had knowledge of the criminal complaints in Martinique. However, Mr. Sirois says that Exhibit H to his Affidavit #3 made October 3, 2025 in this proceeding shows that Mr. Richer's French lawyer received related correspondence in December 2024 and January 2025.² As such, Mr. Sirois says Mr. Richer must have known that statement in the Form 82 was incorrect and yet it was not amended.

- b) The Trustee's s. 170 report prepared for the discharge application uses qualifying language rather than definitive, proof-based statements. Examples are the use of terms like the Trustee "understands" various background facts, "it appeared" that Mr. Sirois had certain information and that Ms. Sirois did not have the financial capacity to support the couple's lifestyle, and "further investigations were required" to determine Mr. Sirois' connection to certain businesses and assets. Mr. Sirois says that to validly oppose a discharge, the Trustee must prove at least one factor under s. 173 based on evidence. He says the vague language in the s. 170 report means that the Trustee did not meet its evidentiary burden.
- c) Section 170 of the *BIA* provides that the Form 82 report should be done within eight months of the assignment into bankruptcy but it was not provided until the ten-month mark. Mr. Sirois notes that an automatic discharge from bankruptcy would have theoretically been possible as of the nine-month mark.
- d) As discussed below, the resolution from the inspector did not accompany the Form 82, and in fact was never passed.
- e) The Trustee's apparent support of criminal conduct, by relying on Mr. Limpananont's November 2024 statement, which is now the subject of

¹ The report actually reads January 30, 2024 but given that Mr. Sirois' assignment into bankruptcy was not until April 2024, it is almost certainly supposed to be a reference to 2025.

² Mr. Sirois' Affidavit #3 was not included in the application record but a copy attaching Exhibit H only was handed up at the hearing.

a criminal complaint, and its support of Mr. Richer's Martinique enforcement proceedings, which included allegations that Mr. Sirois was wanted by Interpol. He says those allegations are categorically false and they are the basis of the RCMP report made and the civil proceedings brought against Mr. Richer in BC. He says that the Trustee has a duty to correct the record or withdraw their support, and the fact that it has not removed references to these problematic proceedings means there is an issue with the Trustee's impartiality.

- f) Mr. Sirois believes that there is "something amiss" in CTV having published an article within 48 hours of the decision on his discharge application having been publicly released. He says it is improbable that anyone from the news station was looking through court decisions and decided of its own accord to write the article about the decision. Rather, he believes the reporting was prompted by someone involved in the administration of his bankruptcy to do him harm.

[47] Mr. Sirois has prepared a list of topics and questions that he wants to put to the Trustee, which he included in his Affidavit #8 at exhibit pages 354-362. This list provides clarity as to the nature of the information Mr. Sirois is seeking. In summary, Mr. Sirois says he has questions for the Trustee in five specific categories:

- a) the reason for the missed reporting deadlines, and the inaccurate reporting and why that reporting has not been amended;
- b) what steps the Trustee has taken to investigate and prevent leaked information from these proceedings that have been used in other proceedings involving Mr. Sirois, his family and/or companies in which he has an interest, discussed in more detail below;
- c) what steps the Trustee took to verify information in a Thai police report related to the November 2024 statement made by Mr. Limpananont which was relied on in the s. 170 report;

- d) why the Trustee included the letter referring to Mr. Richer's Interpol allegations in their materials; and
- e) justification for and evidence of certain qualifications and allegedly speculative statements of fact included in the s. 170 report.

[48] Mr. Sirois denies he is on a fishing expedition, and says he simply wants answers to issues he has already uncovered with the Trustee's administration

[49] When pressed, Mr. Sirois confirmed that he wants this information to assist him with his bankruptcy discharge application. He complains that currently he is being asked to disprove allegations that he should not be discharged from bankruptcy in a vacuum and he needs to see the foundation of the allegations in order to properly defend them. When asked by the court at the hearing why he did not bring on this application prior to the discharge application, or adjourn the bankruptcy discharge application until this application could be heard and determined, Mr. Sirois had no specific answer, other than that he was self-represented and unfamiliar with court rules and procedures. Counsel for the Trustee confirms that Associate Judge Bilawich specifically asked Mr. Sirois at the discharge application hearing, when he advanced similar arguments about a lack of available disclosure and information, whether he wanted to adjourn that application and Mr. Sirois said no. Mr. Sirois did not deny this exchange but said he did not remember being asked about an adjournment. Mr. Sirois also re-set the discharge application to October 2025 on his own motion; the original application was set for February 2025, at a time when Mr. Sirois had counsel.

Trustee Position

[50] Counsel for the Trustee opposes the examination.

[51] First, it submits that the examination of a trustee is an extraordinary remedy, and that the court's jurisdiction to order an examination under s. 163 is fairly limited. It acknowledges that *Branconnier* sets out a relatively low threshold to ground an examination, but notes that the purpose of the examination is to make inquiries

about administration of the estate's assets. That is not the purpose of Mr. Sirois' proposed examination, says the Trustee. Rather, it is more akin to a creditor seeking to conduct an examination to obtain information it can use for a collateral purpose, such as other litigation. That is impermissible.

[52] The Trustee points to *Chua (Re) (Trustee of)*, 1995 CanLII 2018 (BCSC) ("*Chua*") as an example of a case where the court refused the bankrupt's application to examine the trustee. Some of the factual similarities between that case and the current case that the Trustee points to are:

- a) The bankrupt said he had not received fulsome disclosure from the trustee and wanted to ask questions about the omissions.
- b) The trustee had been cooperating with the principal unsecured creditor to uncover and realize upon assets that the bankrupt had not disclosed.
- c) The trustee had not taken out an application to discharge the bankrupt for close to a year and a half after the assignment and the bankrupt wanted to ask about the delay.
- d) The bankrupt wanted to ask questions about the unfavourable reports the trustee had prepared to oppose the discharge application.

[53] Counsel for the Trustee characterizes this proceeding as a "no asset" bankruptcy, and in such a case, the Trustee's role on a discharge application is to bring the court's attention to inconsistent evidence or unresolved questions when it is considering whether or not to discharge the bankrupt. The Trustee's points out that Mr. Sirois has not earned any income since the assignment into bankruptcy and declared no assets when he made the assignment yet he appears to live a wealthy lifestyle in terms of his residence and travel habits, and until relatively recently was represented by experienced legal counsel in this proceeding.

[54] In terms of why the Trustee is supporting Mr. Richer's enforcement proceedings in Martinique, it says that part of its obligation is to maximize the assets

in bankruptcy that can be realized for the benefit of creditors and since any recovery in that action will increase the bankrupt's estate, that is consisted with its obligation.

[55] In terms of the allegations that the s. 170 report was late, counsel for the Trustee admits the delay and says that may be the subject of a regulatory complaint but it was not in the creditors' best interests to submit an on-time but less complete or accurate report.

[56] Fundamentally, the Trustee says what Mr. Sirois is proposing, as evidenced by the proposed questions included in his Affidavit #8, is a classic and repeated fishing expedition, which is not permitted. The questions span many of the same topics addressed on this application, and on the discharge application, and seek justifications from the Trustee about various actions and behaviours unconnected to the recovery of assets for the benefit of creditors.

Analysis

[57] *Branconnier* at para. 70 sets out in some detail the legal framework to be applied on an application under s. 163(2) of the *BIA* and its entirety is instructive:

[70] The following propositions establish the legal framework for the application of s. 163(2):

- i) the onus is on an applicant to demonstrate that there is sufficient cause to justify the examination being sought: *Ellis (Re)*, 2013 SKQB 225 at para. 4;
- ii) the examination must be for the general benefit of creditors and it must relate to the general administration of the bankrupt's estate: *Assaf (Re)* (1976), 23 C.B.R. (N.S.) 14 (Ont. SCJ) at para. 6;
- iii) as a necessary corollary to the foregoing principle a creditor cannot seek to conduct an examination for a collateral purpose or for reasons connected with other litigation: *Assaf* at para. 5 and *Thomson Kernaghan & Co. (Re)* [2003] O.J. No. 5300 at para. 9;
- iv) the person to be examined is someone who has a factual connection to the bankrupt's estate or to estate issues and is someone who may shed light on those issues: *Ellis* at para. 6;
- v) the bar for showing or establishing "sufficient cause" is low: *Ellis* at para. 7, *Kane (Re)*, 2011 NBQB 142 at para. 26 and *Josipovicz (Re)*, 2012 ONSC 5361 at para. 14;

In *Black v. Ernst & Young Inc.* (1997), 1997 NSCA 67 (CanLII), 47 C.B.R. (3d) 129 the Nova Scotia Court of Appeal stated that orders for examination under s. 163(2) “usually issue as a matter of course”: at para. 20. Respectfully, this may set the required standard too low. It is clear that the applicant must provide some evidence in support of its application and that the court must be satisfied that the application is neither frivolous or oppressive or in the nature of a fishing expedition: *NsC Diesel Power Inc. (Re)* [1998] N.S.J. No. 303 (N.S.C.A.) at para. 17 and *Ellis* at para. 6.

In *Josipovicz* the court said that a creditor is required to file evidence that demonstrates that the person sought to be examined likely possesses information “which may shed some light on the estate or its administration”: at para. 17.

Some cases have suggested that the evidence adduced must establish or show “something being amiss” and that the named party has the ability to shed light on that matter. In *Josipovicz*, however, Brown J. said:

[15] Although some of the cases have suggested that an order should not be granted under section 163(2) unless the creditor demonstrated that something was “amiss”, that word risks deflecting the focus of the judicial inquiry on such a motion. Certainly, if something is “amiss”, further investigation may be merited. But, equally, an investigation may be appropriate where an examination is required to reconcile, or shed further light on, conflicting information gathered by the trustee. In such a case nothing may be “amiss”, but an inquiry is needed. So, where an order is sought under section 163(2) against a third party – i.e. neither the bankrupt nor the trustee – the focus should be on whether the examination likely will secure information required by the trustee to continue with or complete the administration of the estate of the bankrupt.

vi) The scope of the eventual examination is “quite wide but not infinite”: *McDonough (Re)*, 2001 CanLII 28483 (ON SC), 27 C.B.R. (4th) 279 at para. 7 and *McDonald (Re)*, 2014 BCSC 2076 at para. 26.

[58] The first thing to remark on is the court’s specific caution at para. 70(v) that, though low, the standard of sufficient cause should not be too low (some earlier authorities had suggested that an examination could be ordered “as a matter of course” but the court in *Branconnier*, citing *Josipovicz (Re)*, 2012 ONSC 5361 at para. 14, disagreed). The court still needs to be satisfied that the application is not frivolous, oppressive, or in the nature of a fishing expedition.

[59] The second is to confirm that the purpose of the examination is for the general benefit of creditors and the general administration of the estate. Examinations for a collateral purpose or to obtain information for use in other proceedings is not permitted. In other words, an improper collateral purpose may include an attempt to obtain information for use in other proceedings but could also mean a purpose other than to make inquiries for the general benefit of creditors and estate administration.

[60] When the proposed topics and questions are reviewed as a whole, it is clear to me that Mr. Sirois is intending to embark on a fishing expedition and to surface information that does not relate to the administration of the bankrupt estate as required by s. 163(2). His proposed topics and questions relate primarily to the preparation of and information included in the s. 170 report, with one topic related to alleged disclosure of confidential information. The latter forms the basis for a separate item of relief sought on this application and is not even tangentially related to the benefit of creditors.

[61] In terms of the questions about the s. 170 report in particular, which form the majority of the proposed topics, the *Chua* case, which refused an application to examine the trustee, provides a fairly direct answer. In dismissing the argument that questions about a delay in the discharge application were appropriately raised on a trustee examination, the court in *Chua* said this at para. 6:

What the trustee did or did not do in relation to [the bankrupt's] discharge prior to the bankrupt's application to the court is not relevant. It was the court that refused the discharge. Any irregularities should have been drawn to the court's attention then.

[62] Mr. Sirois' complaint that the s.170 report was not prepared in time for a hypothetical discharge at the nine-month mark and the questions about the missing s. 170 resolution are allegations of similar effect, and do not support an application to examine the trustee.

[63] With respect to the content of the trustee reports submitted on the discharge application, the court in *Chua* concluded at para. 7 that:

[T]hose reports have been relied upon by the master who refused the discharge application and by the judge who heard the appeal from the master. If the bankrupt wished to dispute any matter in that report, he should have done so at the time. Pursuant to s. 170(6) of the **Bankruptcy Act** the bankrupt has the right to oppose the statement in the report. No doubt if there had been a written notice of dispute and a request to examine the trustee on that report, such an application should have been treated seriously at the time. What the bankrupt in effect wants is the opportunity to reopen that matter and in my view this is not a proper request.

[64] While the appeal of the discharge refusal in this case has not been heard, the same principle applies. It is too late for any challenge to the s. 170 report to form the basis of an examination of the Trustee. To authorize that would be to reopen a matter that has been closed unless and until the order dismissing the discharge application has been overturned on appeal.

[65] Mr. Sirois spent a good deal of time at the hearing discussing the CTV article, the allegedly suspicious circumstances surrounding the publication of that article, and the negative consequences to him and his family that he says followed the publication. I am not persuaded that the CTV article has anything to do with the administration of Mr. Sirois' estate or has any connection to the Trustee at all. It is not relevant to the relief Mr. Sirois seeks.

[66] For these reasons, the application to examine the Trustee is dismissed. While Mr. Sirois pointed to a number of other items that were "amiss", I do not find that any of them support the examination sought. While Mr. Sirois does not in fact need to show "something amiss" to justify an examination, he does need to show that an inquiry is warranted and in my view he has not done so.

Inspection of Records

Sirois Position

[67] In terms of review of records, Mr. Sirois requests an order that the Trustee permit him to inspect and make copies of "all books, records, and documents relating to the administration of the estate within 7 days of this Order", pursuant to s. 26(3) of the *BIA*. He says he has been making this inspection request of the Trustee since at least February 2025.

[68] Mr. Sirois acknowledges that he is not entitled to privileged information and he limits his request to that extent, but he says the remainder of the Trustee's file should be produced. He notes that the list of documents set out in OSB Directive 17 (Retention of Documents by the Trustee) ("Directive 17"), discussed further below, is non-exhaustive and that this is a case where broader disclosure is warranted.

Trustee Position

[69] The Trustee suggests Mr. Sirois has only been requesting access to records since August 15, 2025, when he emailed the Trustee to request that it "provide a date when I can inspect the trustee's file to identify any documents that may have been acquired unlawfully". The February 2025 correspondence requested an examination of the trustee, which was refused, and the adjournment of the initial bankruptcy discharge application, which occurred by consent.

[70] Further, the Trustee says it is generally prepared to provide Mr. Sirois with copies of categories of documents referred to in OSB Directive 17, which are:

- a) proofs of claim,
- b) notices to creditors,
- c) reports to creditors, the court and the superintendent of bankruptcy,
- d) correspondence,
- e) time sheets,
- f) applications and court orders,
- g) all minutes of meetings,
- h) banking and accounting records showing receipts and disbursements of funds, and

- i) supporting documents for various disbursements.

[71] However, while the Trustee acknowledges that the list in Directive 17 is non-exhaustive, it submits that there are limits to its disclosure obligations over and above that list, and that in some case, even disclosure of documents on that list, such as correspondence, may be properly limited in certain respects.

[72] In particular, counsel for the Trustee points to the purpose of s. 26 of the *BIA* as providing transparency to stakeholders so they can assess the decisions the Trustee makes vis-à-vis the estate, for example in analyzing proofs of claims or the taxation of legal fees. What such disclosure is not intended to do is require the Trustee to disclose their tactics or strategy.

[73] The Trustee admits that some of the documents Mr. Sirois seeks likely fall into the categories of documents the Trustee is required to provide access to, and that Mr. Sirois qualifies as a “stakeholder” as that term is used in s. 26 of the *BIA*. By the continuation of the hearing, such documents had still not been disclosed. The Trustee’s counsel explained the delay in part due to Mr. Wentzell having been out of town twice over the last few months, and in part due to the numerous recent court applications that Mr. Sirois has required the Trustee to respond to. While somewhat explained, the delayed disclosure is unfortunate.

[74] With respect to the broad disclosure sought by Mr. Sirois, however, the Trustee objects on the basis that the file includes materials subject to solicitor-client privilege, as well as correspondence regarding investigations and attempts to uncover and realize on undisclosed assets of Mr. Sirois. The Trustee submits that disclosure of these documents would impede the Trustee's ability to act in the best interests of the estate, which is one of its primary obligations.

Analysis

[75] There are some documents demanded that Mr. Sirois admittedly is entitled to review and that he has not yet been provided access to. Therefore, within 21 days,

the Trustee will make available to Mr. Sirois the following documents for review at a mutually convenient time:

- a) proofs of claim,
- b) notices to creditors,
- c) reports to creditors, the court and the superintendent of bankruptcy,
- d) non-privileged correspondence, redacted or omitted as necessary to remove discussion of the Trustee's strategy or tactics in pursuing asset recovery,
- e) time sheets,
- f) applications and court orders,
- g) all minutes of meetings, redacted as necessary to remove discussion of the Trustee's strategy or tactics in pursuing asset recovery,
- h) banking and accounting records showing receipts and disbursements of funds, and
- i) supporting documents for various disbursements.

[76] There was no other specific category of document referred to by Mr. Sirois that he wanted access to. His previously stated objective of wanting "to identify any documents that may have been acquired unlawfully" does not justify any broader disclosure.

[77] The redactions and omissions I have carved out of the disclosure order are to enable the Trustee to keep confidential its strategy, tactics, and efforts to recover additional assets in the bankruptcy. Section 26(3) does not mandate disclosure of that information and ordering disclosure may in fact frustrate the Trustee's attempts to recover all available assets for the creditor group in these circumstances.

Production of Inspector's Resolution

[78] Mr. Sirois says that the resolution referred to in s. 170 is mandatory and he wants production of the document (and the opportunity to examine the Trustee about the circumstances surrounding its omission) to better understand why this omission has not been corrected. Mr. Sirois does not seek to invalidate any specific steps taken in the bankruptcy due to the absence of this resolution, he simply seeks production of a copy of that resolution within seven days.

[79] It is uncontroverted that the Trustee did not attach to its report on Mr. Sirois' application for discharge the inspector's resolution required by s. 170(1) of the *BIA*, and that this was so because the written resolution was not prepared and does not exist. This was an administrative step that the Trustee admits was missed. Counsel for the Trustee addressed this at the discharge hearing and by follow-up email to Mr. Sirois on October 17, 2025 to the effect that the inspector had in fact approved the s. 170 report but there had been no resolution papered to that effect.

[80] At the discharge application on October 15, 2025, counsel for the Trustee says he told the court that the absence of the resolution from the Trustee's report was an "administrative oversight", but Mr. Sirois suggests that was misleading since the resolution was not just missing but, in fact, had not been passed.

[81] This item of relief sought is not Mr. Sirois' realistic attempt to obtain information but appears to be a way to make the point that the Trustee has not been sufficiently careful in its administration. It appears that Mr. Sirois wants to use this error as an example of sloppiness that the court should take into consideration in determining whether some of the other relief he seeks should be awarded. In other words, he asks the court to infer that because this step in the process was missed and was not adequately explained to the court on the discharge application, the Trustee's motivations and professionalism more generally are suspect and other consequences should follow.

[82] The main challenge for Mr. Sirois is that the missing s. 170 resolution was raised before Associate Judge Bilawich on the discharge application but the court

determined no consequences flowed from that omission. Separate and apart from the issue that the court is not to order production of a document that does not exist, relief related to the s. 170 resolution is at best a collateral attack on a small part of the discharge application decision, and at worst completely irrelevant. There is no specific consequence Mr. Sirois says has flowed from the absence of the resolution. Counsel for the Trustee has confirmed that the inspector did, in fact, approve the s. 170 report. Mr. Sirois simply points to this as a careless error made by the Trustee and attempts to extrapolate consequences related to the other relief sought from there.

[83] While it seems clear that the s. 170 resolution should have been included, it was not done, its absence had no impact on the discharge application, and I decline to order its production now. While there may be regulatory consequences to its omission, I find there are no such consequences in this proceeding at this time.

Declaratory Relief on Disclosure

Sirois Position

[84] Finally, Mr. Sirois relies on s. 4.2(2) of the *BIA* and s. 41 of the Code of Ethics and asks the court to direct that:

- a) the information in the Trustee's file be used solely for the administration of the bankrupt estate and for no collateral or external use, and
- b) within seven days the Trustee provide information in writing as to all records share with Mr. Richer or any third parties, when such records were shared, and for what purpose.

[85] Section 4.2(2) of the *BIA* reads as follows: "If the court is satisfied that an interested person fails to act in good faith, on application by any interested person, the court may make any order that it considers appropriate in the circumstances."

[86] Section 41 of the Code of Ethics states that “Trustees shall not use any confidential information that is gathered in a professional capacity for their personal benefit or for the benefit of a third party.”

[87] Mr. Sirois’ request appears to stem from the following events:

- a) use of a transcript of the November 2024 examination of Ms. Sirois in this proceeding in the record of a corporate bankruptcy proceeding involving Neon Buddha Ltd. commenced August 17, 2023 in Nova Scotia. Neon Buddha Ltd. is a company wholly-owned by Mr. Sirois. He acknowledges that the transcript was filed in October 2025 on the discharge application, but it was apparently used in the Neon Buddha proceedings in June 2025. He appears to accept the Trustee’s assertion that it did not disclose the transcript to any person, but then says the only common link between the two proceedings is the inspector and there should be consequences to that disclosure.
- b) In October 2025, Mr. Sirois provided an affidavit in support of his discharge application and 48 hours later, the inspector’s French counsel sent him correspondence that referred to some of that material. He says this must mean the inspector, who was served with the discharge application materials, disclosed them to his French counsel.
- c) Mr. Sirois and his family’s medical and immigration documents were included in the Martinique complaint. Mr. Sirois was not clear about the specific nature of those documents, or how or by whom those documents were disclosed.

[88] The reasons for judgment confirm that Mr. Sirois raised a similar set of complaints at the discharge hearing, as well. He said that Mr. Richer had used personal information obtained in this proceeding in enforcement proceedings in Martinique related to the Mia. As noted, while that vessel is legally owned by Sustainable, the allegation is that Mr. Sirois is the beneficial owner and controlling

mind of the vessel and/or Sustainable. The Trustee's response at that hearing, as summarized by the court, was that "inspectors and creditors should not be barred from access to the bankrupt's documents, but inspectors should not use their access to those records for purposes extraneous to the administration of the bankruptcy" (*Sirois (Re)*, 2026 BCSC 19, at para. 80).

[89] Mr. Sirois submits that s. 4.2(2) gives the court broad powers to make any order it sees fit where good faith is lacking. He also confirms that he wants the order to be mutual. In other words, he asks to be bound by any order prohibiting the use of information disclosed in this proceeding for collateral purposes, also.

Trustee Position

[90] The Trustee's counsel describes s. 4.2(2) as a "catch-all" provision that admittedly provides the court on its face with some remedial jurisdiction. In practice, there is very little jurisprudence considering this section. However, the Trustee says, as a baseline, Mr. Sirois must prove that the Trustee did not act in good faith to invoke that section as requested, which the Trustee says he has not done. As such, the analysis ends there.

[91] Further, the Trustee characterizes Mr. Sirois' arguments about this provision as collateral attacks on the discharge application, also impermissible and an abuse of process.

Analysis

[92] Mr. Sirois has not proven a lack of good faith such that s. 4.2(2) of the *BIA* is engaged. As has been the case with other allegations made in the course of these proceedings, they are allegations at this stage only and have not been proven, as against the Trustee or the inspector. As an example, as the court noted in the Richer Action injunction decision at para. 34, the immigration documents referred to in the Martinique proceedings have not been established to be confidential, in fact or in law. This was so on the record before the court in the Richer Action on December 11, 2025 and on the record before me. Therefore, allegations related to their

improper use are pitched on an as-yet unsubstantiated foundation of confidentiality. That is simply one example of an allegation of improper behaviour that does not have an evidentiary foundation. Without more, the court cannot act on those allegations.

[93] With respect to the Code of Ethics, leaving aside its ability to be enforced directly by the court in the context of this proceeding in any event, which was not argued before me and thus I have not fully considered, again, there is no evidence that the Trustee has used any confidential information, or that such information has been used for the Trustee's personal benefit or the benefit of a third party, meaning Rule 41 of the Code of Ethics does not apply on its face.

[94] Mr. Sirois did not even allege that the Trustee has used any information for personal gain. The implication seems to be that it has used information for Mr. Richer's benefit. However, all of Mr. Richer's actions described herein, other than his defence of the civil proceeding brought against him and his spouse, have been for the benefit of the bankrupt estate. While he may benefit indirectly from those efforts as the bankrupt's estate's largest creditor, that is not a personal benefit to the Trustee as contemplated in s. 41 of the Code of Ethics.

[95] It is also far from clear that anyone has "benefited" from any of this information to date at all. While Mr. Richer has succeeded thus far in upholding the seizure order of the Mia, I understand there are unresolved questions about its ownership so no recovery is yet assured. Mr. Sirois did not argue the existence of any other specific benefit to any party. In general, he focused far more on the allegedly improper behaviour than on its consequences, other than referring to negative personal consequences on his and his family's health and wellbeing he says have been suffered. I decline to make any order under s. 4.2(2) of the *BIA* or the Code of Ethics on that basis.

Comment on Use of Court Process

[96] The above discussion determines the substantive relief sought on the application. However, I do want to make some final, general comments about use of court resources and the procedural context of these proceedings.

[97] Mr. Sirois brought this application, unilaterally says the Trustee, after the discharge hearing had occurred but before reasons were released. This application was originally set for December 2, 2025 but it was clear shortly into submissions that that time estimate was insufficient. As such, the proceedings continued on February 12, 2026 for another full day. If Mr. Sirois had been successful on the bankruptcy discharge application, all the relief sought in this application would have been moot.

[98] The February 12, 2026 continuation date was confirmed by the court on January 9, 2026.

[99] At the February 12, 2026 hearing, I was advised that Mr. Sirois had appealed the January 7, 2026 order refusing his discharge from bankruptcy. He included in the prayer for relief on that appeal application, filed January 16, 2026:

- a) A declaration that the Form 82 filed February 28, 2025 is statutorily non-compliant due to, among other things, failing to include the inspector's resolution under s. 170 of the *BIA*, the representation that the inspector had no knowledge of the French complaints, and reliance on Mr. Limpananont's November 2024 statement; and
- b) An order suspending Mr. Richer's appointment as inspector.

[100] The appeal was set for a full day on February 24, 2026 but it was adjourned by consent by way of requisition dated February 23, 2026 and filed February 24, 2026. My decision on the relief sought to replace the inspector may have rendered the suspension order moot. The declaration sought in that other application also overlaps the relief sought before me.

[101] Mr. Sirois filed another application on January 26, 2026 originally set for hearing on February 26, 2026 seeking an examination of the inspector and document production from Mr. Richer under s. 163(2) of the *BIA*. Again, had I ordered the inspector be replaced, that application would have been moot in its entirety. Further, the specific documents sought were reproduced in a Schedule A to that notice of application so it is not possible to compare the specific documents sought from Mr. Richer to determine how much overlap there is with the document production sought before me from the Trustee directly. Mr. Sirois' February 26, 2026 application also seeks an order that the documents obtained through the examination sought may be used only for the purposes of this bankruptcy proceeding and any regulatory oversight, which is duplicative of another one of the items sought on this application.

[102] As it happens, that application was adjourned generally at the hearing on February 26, 2026 on the basis that service had not been effected on Mr. Richer, so these reasons are being released before the hearing of that application, also.

[103] Counsel for the Trustee further advised at the hearing of this application that Mr. Sirois had asked for his availability for an application in April 2026. When counsel asked what for, Mr. Sirois indicated that he wanted to secure additional court time in the event that his applications scheduled to be heard on February 24 and/or February 26, 2026 could not complete. Counsel refused to provide availability on the basis that reserving "back up" court time in this manner was an inappropriate use of court resources.

[104] The live issues in this bankruptcy are obviously very impactful on Mr. Sirois and he is making significant efforts to engage in the process. However, potentially moot and overlapping applications create significant inefficiencies and potential substantive concerns in this and related proceedings. Because of the adjournments of the February 2026 applications, one by consent and one ordered by the court, with one exception there has been little risk of inconsistent results or collateral attacks on a decision already made that I am aware of. The exception is the

collateral attack on the bankruptcy discharge application order that I have discussed above. However, that risk increases if similar patterns continue, and even more so given that there are now these proceedings and the Richer Action running in parallel.

[105] I strongly encourage all parties to consider whether an extant application or decision under reserve would materially impact relief sought in further applications before any such applications are brought in the future.

Summary

[106] The relief sought at paras. 1, 2, 3, 5 and 6 of Part 1 of the notice of application are dismissed.

[107] With respect to para. 4 of the orders sought, within 21 days, the Trustee will make available to Mr. Sirois the following documents for review at a mutually convenient time:

- a) proofs of claim,
- b) notices to creditors,
- c) reports to creditors, the court and the superintendent of bankruptcy,
- d) non-privileged correspondence, redacted or omitted as necessary to remove discussion of the Trustee's strategy or tactics in pursuing asset recovery,
- e) time sheets,
- f) applications and court orders,
- g) all minutes of meetings, redacted as necessary to remove discussion of the Trustee's strategy or tactics in pursuing asset recovery,

- h) banking and accounting records showing receipts and disbursements of funds, and
- i) supporting documents for disbursements.

“Associate Judge Peck”