

CREDITORS' REMEDIES IN ONTARIO. By Eugene Meehan *et al.* Toronto: Butterworths, 1994. Pp. 530. (\$125.00).

If you are seeking a book which will provide you with the law in the area of creditor-debtor law, or just a starting point for launching or defending your case, *Creditors' Remedies in Ontario* is the place to begin. This book covers a wide variety of topics within the area from a very practical perspective. One of the unique aspects of this book is that it is accompanied with a disk containing the forms and precedents that are required, ranging from the introductory letter to the client to precedents containing all the appropriate forms depending on the circumstances.¹

The book has been organized in a very structured manner. It walks the solicitor through the matter from beginning to end. Chapter 1 begins by discussing solicitor-client relations in creditors' remedies cases. The chapter covers what should be discussed in the first meeting. Additionally, any letters that would be sent out to the client or opposing party can be located within the book and are also retrievable easily on the accompanying disk. Any modifications to the text of a form or precedent can be easily made on the computer.

The book then takes the reader through the preliminary stages right up to the decision to sue and ultimately up to the point where the solicitor may have to draft any court documents. This includes precedents for both the statement of claim and defence. Additionally, the rules of service are also clearly outlined. Within these chapters there can be found information that is beneficial to the novice and the seasoned lawyer. Principles for drafting court documents, such as using plain language and a checklist, are provided to aid the reader. The precedents can be used to ensure that you are thorough in your drafting, and that it is done expeditiously.

The statements of claim that are on the disk contain information for a basic debt (individual or corporation), for an assigned debt, an overdraft, a guarantee, a promissory note and a claim for legal costs. Working with the precedents is made easy since the book and the user guide show where to locate the precedent that the user wants on the disk. Each form and precedent can be simply custom tailored to your particular situation. Additionally, all the rules pertaining to service are located within the book as well as sample affidavits.

Once the suit is commenced, all the remedies available, such as for example *Mareva* injunctions, are discussed with the discussion spanning from prejudgment remedies to the enforcement of judgments. Each area is covered thoroughly by canvassing the relevant jurisprudence and outlining what documentation may be needed depending on the situation.

Throughout the book there are various appendices and checklists which are of great practical value. The appendices offer additional cases, articles and texts which cover the area of that particular chapter.² The checklists are of great assistance, for example, when preparing for an examination in aid of execution to ensure that your questions are detailed and thorough enough to get the information that you require.

¹ The text is accompanied by a disk and user guide which contains all the forms and precedents. The disk can be read on DOS, Windows or Macintosh computers. The user guide and diskette are very user-friendly.

² This may be of assistance if you are examining the subject from an academic perspective or want to delve further into a particular area.

Creditor-debtor law can be complicated since it relies on different statutes in addition to being influenced by case law. The authors have done a great job in outlining the relevant acts and corresponding sections; especially since there is often a lot of overlap. Where applicable, important decisions are provided which demonstrate the directions of the courts. Both secured and unsecured creditor remedies are discussed.

There are two substantial areas that are not discussed in great detail. The first is bankruptcy. This can be the topic of a text in itself; however, the basic process and some issues that concern creditors under the *Bankruptcy and Insolvency Act* would have been useful. Additionally, very little is mentioned about construction liens. This is another large and complicated subject within the vast area of creditors' remedies but is only mentioned in passing under the chapter dealing with the *Repair and Storage Liens Act*. In any subsequent editions of this text, a chapter on each of these would be a good improvement to this book.

Both the seasoned practitioner and the novice working in the area of creditor-debtor law can truly benefit from *Creditors' Remedies in Ontario*. It provides a significant contribution to this area of the law. The text will take you through the process step by step, and the forms and precedents on disk will save any user a considerable amount of time. The authors have written a well organized and extremely practical text that is simple to follow. It is thorough in setting out principles of law and the procedures to follow from the time your client first comes to you, right through to the conclusion of the process.

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