

# Oppression Remedy : Cross-Canada Comparators

## Northwest Territories

243(2) "... are or have been exercised in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer, the Court may make an order to rectify the matters complained of."<sup>5</sup>

## Yukon

243(2) "... that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer, the Supreme Court may make an order to rectify the matters complained of."<sup>4</sup>

## British Columbia

200(1) "... (a) that the affairs of the company are being conducted, or the powers of the directors are being exercised, in a manner oppressive to one or more of the members, including the applicant, or  
(b) that some act of the company has been done, or is threatened, or that some resolution of the members or any class of members has been passed or is proposed, that is unfairly prejudicial to one or more of the members, including the applicant."<sup>10</sup>

## Canada Business Corporations Act

241(2) "... that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer, the court may make an order to rectify the matters complained of."<sup>1</sup>

## Newfoundland and Labrador

371(2) "... that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of a security holder, creditor, director or officer, the court may make an order to rectify the matters complained of."<sup>9</sup>

## Nova Scotia

5(2) "... that it is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer, the court may make an order to rectify the matters complained of."<sup>11</sup>

<sup>1</sup> Canada Business Corporations Act, R.S.C. 1985, c. C-44

<sup>2</sup> Business Corporations Act, R.S.A. 2000, c. B-9

<sup>3</sup> Business Corporations Act, R.S.N.B. 1981, c. B-9.1

<sup>4</sup> Business Corporations Act, R.S.Y 2002, c. 20

<sup>5</sup> Consolidated Business Corporations Act, S.N.W.T. 1996, c. 19

<sup>6</sup> Business Corporations Act, R.S.S., 1978, c. B-10

<sup>7</sup> Business Corporations Act, R.S.O. 1990, c. B.16

<sup>8</sup> The Corporations Act, C.C.S.M. c. C225

<sup>9</sup> Corporations Act, R.S.N.L. 1990, c. C-36

<sup>10</sup> Company Act, R.S.B.C. 1996, c. 62

<sup>11</sup> Companies Act, R.S.N.S. 1989, c. 81 Third Schedule

## Alberta

242(2) "... are or have been exercised in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer, the Court may make an order to rectify the matters complained of."<sup>2</sup>

## Saskatchewan

234(2) "... that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer, the court may make an order to rectify the matters complained of."<sup>6</sup>

## Manitoba

234(2) "... that is oppressive or unfairly prejudicial or that unfairly disregards the interests of any security holder, creditor, director or officer, the court may make an order to rectify the matters complained of."<sup>8</sup>

## Ontario

248(2) "... that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any security holder, creditor, director or officer of the corporation, the court may make an order to rectify the matters complained of. R.S.O. 1990, c. B16, s. 248 (2)."<sup>7</sup>

## New Brunswick

166(2) "... that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of any shareholder, creditor, director or officer, the Court may make an order to rectify the matters complained of."<sup>3</sup>

