

# *Bankruptcy and Student Loans*

This guidebook gives you information about getting repayment assistance for your student loans. It also tells you how to apply to the court for release of your obligation to pay your student loan debts in circumstances where you have declared bankruptcy but your student loan debt survived or will survive your discharge from bankruptcy (that is, that debt was not extinguished by your bankruptcy).

## **How bankruptcy affects student loan debt**

### **Repayment assistance programs**

If you are considering bankruptcy because of student loan debts, repayment assistance programs are available to you. Find out about these programs before taking any further steps.

If you have a student loan from the federal government, the Repayment Assistance Plan can help you manage your student loan debt by allowing you to pay back what you can reasonably afford. Contact the National Student Loans Service Centre (NSLSC) for more information.

If you have a student loan from a provincial or territorial government, you can find out about repayment assistance programs by contacting a provincial/territorial student financial assistance office.

### **The seven-year rule**

If you declare bankruptcy seven or more years after the date you stopped being a part-time or full-time student, you will likely not have to repay your student loan debts as they will be included in the debts extinguished by your bankruptcy. The date on which you stopped being a part-time or full-time student is determined by the federal or provincial student loan legislation that applies to your own loan.

### **Can't pay your debt?**

There are many things you can do if you are dealing with significant debt:

- Get financial counselling (e.g., from [www.NoMoreDebts.org](http://www.NoMoreDebts.org));
- Use a debt management program, which involves a written agreement between you and the person or company that lends you money;
- Consolidate or refinance your debts;
- Make a proposal to your creditors under Canada's bankruptcy laws; or
- As a last resort, declare personal bankruptcy.

Learn more information about your options:

- Consumer Law and Credit/Debt Law
- Dial-A-Law: Credit & Debt
- Office of Superintendent of Bankruptcy

This Guidebook provides general information about civil, non-family claims in the Supreme Court of BC. It does not explain the law. Legal advice must come from a lawyer, who can tell you why you should do something in your lawsuit or whether you should take certain actions. Anyone else, such as court registry staff, non-lawyer advocates, other helpers, and this guidebook can only give you legal information about how to do something, such as following certain court procedures.

Standards are in effect for filing all Supreme Court civil documents. When you submit your completed documents, registry staff will check to make sure they meet the minimum standards before accepting them for filing. It is your responsibility to include all other information required by the court and ensure it is correct. For information about how to get help, see Resource A at the end of this document.

Generally, however, student loan debts that arose less than seven years before the date on which you declare bankruptcy are debts that are not extinguished or released by an order discharging you from bankruptcy.

Where your student loan debt is not extinguished or released as part of your bankruptcy process, the court may, on an application made at least five years after you ceased to be a student, relieve you from the obligations to pay your student loan if:

- you have acted in good faith in connection with your obligations under your student loans; and
- repaying the loan will cause you undue hardship.

This application is usually made after you have completed the bankruptcy process and have an order discharging you from bankruptcy but because, at the time you declared bankruptcy, your student loans were less than seven years old, those student loans were not extinguished by (they are said to have “survived”) your discharge from bankruptcy.

There may also be times when an order was made adjourning your application for discharge from bankruptcy and you continue to be obligated to pay student loan debt.

If you wish to make an application for your discharge and for an order relieving you from your obligations to repay your student loans (if they would survive any order for your discharge), you should also consult the guidebook, *Discharge from Bankruptcy*. You will have to amend the forms and the affidavits to combine your two applications.

The information in this guidebook is geared to applications for relief from student loan obligations made after you have been discharged from bankruptcy, but most of the information in this guidebook also applies to circumstances where you have not yet been discharged and are making an application for both your discharge and relief from your obligations to pay your student loans.

### **What is undue hardship?**

You may apply to the court to relieve you from your obligations to pay your student loan debts if more than five years have passed since you were a student and if you can show that you would suffer undue hardship if you continue to be obligated to repay the student loan debt that “survived” your discharge from bankruptcy.

You must prove to the court that since your discharge from bankruptcy you:

- have experienced, and will continue to experience, financial difficulty that will prevent you from repaying your student loan; and
- have acted in good faith towards your obligation to repay your student loans. In deciding whether you acted in good faith, the court may consider how you used your student loan money, what efforts you have made to repay the loans, and whether you used available assistance programs.

### **Release of a student loan debt**

You can apply to the court to release your obligation to repay your student loan when the above circumstances apply. To make this application, you must file and serve documents and appear in court, as described below.

### ***The notice of motion***

You begin an application for release of your obligation to repay your student loan by preparing and filing a notice of motion. There is a fee for filing your notice of motion. (Filing fees are set out in the Schedule attached to the Bankruptcy and Insolvency General Rules. The current fee is \$50 in an ordinary administration bankruptcy or \$10 in a summary administration bankruptcy.)

The rules for serving the notice of motion are described under the heading “Serving your documents” in this guidebook. There is a sample notice of motion at the end of this guidebook.

### ***The affidavit***

Any evidence (material that tends to prove something) that you wish the court to consider on your application must be set out in an affidavit. Your affidavit should state what led up to your bankruptcy, the circumstances you faced at the time your bankruptcy discharge was granted, the terms and conditions, if any, placed on your discharge from bankruptcy and whether you have fulfilled those terms and conditions.

Most importantly, you must provide evidence of what your financial situation is at the present time; make sure you provide full details, because the court needs to have a clear picture of your circumstances.

Your affidavit should include only evidence that relates specifically to your application to be relieved of your obligations to pay your student loan debt. The following information might be relevant to your application:

- When you stopped being a part-time or full-time student.
- The cause of your bankruptcy.
- The reasons why you are seeking to be relieved from your obligations to pay your student loan now.

- Your personal and financial situation since the date of your discharge from bankruptcy (e.g., your employment, income, marital status, etc.).
- What debts and liabilities you have incurred since the date of your discharge from bankruptcy.
- What assets you have acquired, distributed, transferred or sold since your discharge from bankruptcy.
- The terms and conditions, if any, placed on you when you received your order for discharge from bankruptcy.
- Whether you have complied with those terms and conditions and, if you have not, information as to why not.
- Why it is that you have experienced, and will continue to experience, financial difficulty that prevents you now, and will continue to prevent you in the future, from repaying your student loan debt.
- What efforts you have made to secure employment in the field in respect of which you received the funding for your education.
- Confirmation that you have acted in good faith towards your obligation to repay your student loans. (In deciding whether you have acted in good faith, the court may consider how you used your student loan money, what efforts you have made to repay the loans, and whether you used repayment assistance programs.)
- Your responses to any statements, findings, recommendations or objections set out in the trustee’s report and any other reports or objections filed in response to your application.

You should attach as exhibits to the affidavit any documents you have relating to the application you are making, such as the trustee’s report, a copy of your bankruptcy discharge order, and a financial statement setting out your current income, expenses, assets, and liabilities.

A sample affidavit and financial statement are set out at the end of this guidebook. You will have to swear (or affirm) your affidavit in front of a lawyer, a notary public, or a designated person at the court registry. There is a fee for this service.

For further information about preparing affidavits, see the guidebook, *A Guide to Preparing Your Affidavit*.

### **Serving your documents**

You must serve the filed notice of motion and all other filed affidavits and documents on every person who may be affected by the order sought, including, without limitation, the financial institution or government agency that holds the student loan, your trustee, and the Office of the Superintendent of Bankruptcy (“OSB”).

The notice of motion and all supporting materials (including your affidavit) must be received by the persons to be notified at least 4 days before the hearing regardless of whether the document is served by mail, delivered personally, or sent by fax or electronic transmission. If it is couriered or mailed to the other parties, it must be sent at least 10 days before the hearing. (Time limits are set out in the *Bankruptcy and Insolvency Act General Rules*, Rule 6(1) – (2). It is a good idea to give the other parties as much notice as possible about the hearing date.

*Office of the Superintendent of Bankruptcy*  
2000 – 300 West Georgia Street,  
Vancouver, BC, V6B 6E1  
Toll free telephone: 1-877-376-9902

*National Student Loan Service Centre*  
P.O. Box 4030,  
Mississauga, Ontario, L5A 4M4  
Toll free telephone: 1-888-815-4514

*StudentAid BC*  
PO Box 9173, Stn Prov Govt, Victoria,  
British Columbia, V8W 9H7  
Toll free Canada/US: 1-800-561-1818

You must provide proof of service of the notice of motion and supporting materials at the hearing if no one else attends. You may provide that proof in an affidavit setting out who you served and how you served them. There is a sample affidavit of service included at the end of this guidebook.

### **Scheduling the hearing**

To schedule your hearing, contact Supreme Court Scheduling listed on the Court’s website. Only certain registries of the Supreme Court are bankruptcy registries. You will likely be required to set your application for hearing in the registry in which your bankruptcy was filed.

### **Preparing for the hearing**

1. In addition to documents required to be filed with the court pursuant to the *Bankruptcy and Insolvency Act Rules*, on a bankruptcy application expected to require more than 15 minutes to be heard (and it is likely this type of application will take more than 15 minutes) you must provide a hearing record to the registry where the hearing will take place, no later than 4 p.m. on the business day that is one full business day before the date set for the hearing.
2. The hearing record must be in a ring binder or some other form of secure binding.
3. The hearing record must contain, in consecutively numbered pages, or separated by tabs, the following documents in the following order:
  - a) a title page with the style of proceedings and the name of the lawyers, if any, for the applicant and the persons served with the notice of motion;
  - b) an index;
  - c) a copy of the filed notice of motion;
  - d) copies of every affidavit in support of the notice of motion;
  - e) copies of all other documents to be relied upon at the hearing including, without limitation, a copy of the trustee’s report and any order(s) made in your bankruptcy proceeding.

4. The hearing record may contain:
  - a) a draft of the order sought, using the form of order attached to this guidebook, and
  - b) a list of authorities.
5. The hearing record must not contain:
  - a) written argument,
  - b) copies of authorities, including case law, legislation, legal articles or excerpts from text books, or
  - c) any other documents unless they are included with the consent of all interested parties.

## At the hearing

When your application is heard, you will have an opportunity to present your case to the Registrar in Bankruptcy. (When a master hears your application, he or she is called a Registrar in Bankruptcy.)

Your application may also be heard by a judge of the court who is still called a judge of the court. This is the typical procedure:

1. You start by introducing yourself and then briefly explaining that you are appearing on an application to relieve you from your obligations to pay the student loans that survived your discharge from bankruptcy.
2. Anyone opposing your application then introduces him/herself and explains briefly to the Registrar in Bankruptcy or judge hearing your application that he or she is attending to oppose your application.
3. You then provide a more detailed explanation to the Registrar in Bankruptcy or judge hearing the application why you believe that you are entitled to relief from your obligation to pay your student loan debt. You should review your affidavit materials and provide to the person hearing your application any additional documents you may have in support of your case (including, if relevant, the case authorities and the statutes that are relevant to your application. You should have copies of the case authorities and applicable sections of the statutes

available for the other party and the Registrar in Bankruptcy or judge hearing the application).

4. The opposing party's argument is presented in the same way as yours.
5. The Registrar in Bankruptcy either decides the application or reserves his or her decision.

When you are presenting your position at the hearing, remember these general guidelines:

- Tell the Registrar in Bankruptcy or judge what order you are seeking.
- Outline the facts necessary to support your application.
- Set out the law on the subject.
- Explain how the law applies to the facts of your case. Indicate that the application of the law to the facts of your case requires the Registrar in Bankruptcy or judge to make the order requested.
- Try not to switch back and forth between facts and law.
- Stand when you are making your presentation to the Registrar in Bankruptcy and address him or her as follows:
  - Address a male judge as "My Lord" and a female judge as "My Lady."
  - Address a master or registrar (both male and female) as "Your Honour."

The Registrar in Bankruptcy or judge will consider many factors at your application for release of your obligation to repay your student loan. However, the most important will relate to your financial circumstances (past, present and future) and how likely you are to be able to make payments towards the debt and whether you have acted in good faith towards your obligations. That is, what efforts you have made to secure employment in your field of training, what efforts you have made to pay the debt, have you utilized all available repayment assistance programs, etc..

At the end of the hearing, the Registrar in Bankruptcy or judge will either release you from the responsibility to repay your student loan, adjourn the hearing, or dismiss your application. If you have prepared your order and brought it to the hearing, the Registrar in Bankruptcy or judge may sign your order on the bench and return it to you for filing right then and there.

## Order for release of student loan debt

At the end of the hearing, the Registrar in Bankruptcy or judge may grant an order that you are released from your obligation to pay your student loan.

The court may refuse to grant your application. In that case, you may have to make another application for release of your loan after a reasonable period of time, usually set by the court in the order refusing your application.

A sample order for release of your student loan and the required backing sheet can be found at the end of this guidebook. The form of order is prescribed and you must use this form or your order may be rejected when presented for filing. A backing sheet is the last page in your document. It sets

out the court registry information and your contact information.

If you prepared your order before the hearing and the Registrar in Bankruptcy or judge has signed it on the bench, you may then take it to the court registry, bankruptcy division, and they will file it. You are released from your obligation to pay your student loan 10 days after the Registrar in Bankruptcy or the judge has pronounced the order (allowing for a period of appeal from the order).

If you did not prepare your order before the hearing, you will be required to do so. After the hearing, you should go to the court registry, bankruptcy division, and complete the form of order attached. You may then leave the form with the registry to have it entered in due course.

A copy of the signed and entered order releasing you from your obligation to pay the student loan must be sent to the OSB to update the public record. (Note: Credit Bureaus obtain their bankruptcy information from the OSB.) You should also send a copy of the entered order to the financial institution or government agency that holds the student loan and all others whom you served with your notice of motion and application materials for their records.

**This guidebook is part of a series:**

***Guidebooks for Representing Yourself in Supreme Court Civil Matters.***

**Produced by:** [www.JusticeEducation.ca](http://www.JusticeEducation.ca)



© June 2014. Justice Education Society of BC

**Funded by:** [www.LawFoundationBC.org](http://www.LawFoundationBC.org)



ISBN 0-9737921-1-6

# NOTES

1

District of British Columbia

Division No. \_\_\_\_

Court No. \_\_\_\_

Estate No. \_\_\_\_

In the Supreme Court of British Columbia  
in Bankruptcy and Insolvency

2

In the Matter of the Bankruptcy of \_\_\_\_\_

## NOTICE OF MOTION

3

Take notice that a motion will be made by \_\_\_\_\_ before  
*[name of bankrupt]*

\_\_\_\_\_ at the courthouse at  
*[Judge/Registrar in Bankruptcy]*

\_\_\_\_\_

*[location/address]*

on \_\_\_\_\_ at \_\_\_\_\_ for the order(s) set out in Part 1 below.  
*[dd/mm/yyyy]* *[time]*

4

### Part 1: ORDER(S) SOUGHT

*[Using numbered paragraphs, set out the order(s) that will be sought at the application.]*

1

\_\_\_\_\_

2

\_\_\_\_\_

### Part 2: FACTUAL BASIS

5

*[Using numbered paragraphs, set out a brief summary of the facts supporting the application.]*

1

\_\_\_\_\_

2

\_\_\_\_\_

## 6 Part 3: LEGAL BASIS

*[Using numbered paragraphs, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the applicant(s) intend(s) to rely in support of the orders sought. If appropriate, include citation of applicable cases.]*

1

---

2

---

## 7 Part 4: MATERIAL TO BE RELIED ON

*[Using numbered paragraphs, list the affidavits served with the notice of motion and any other affidavits and other documents already in the court file on which the applicant(s) will rely. Each affidavit included on the list must be identified as follows: "Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of .....[name]....., made .....[dd/mmm/yyyy].....".]*

Affidavit # \_\_\_\_\_ of \_\_\_\_\_ made \_\_\_\_\_

8 The applicant(s) estimate(s) that the application will take \_\_\_\_\_ hours \_\_\_\_\_ minutes

[Check the correct box.]

[ ☐ ] This matter is within the jurisdiction of a registrar in bankruptcy.

[ ☐ ] This matter is not within the jurisdiction of a registrar of bankruptcy.

Date: .....[dd/mmm/yyyy].....

.....  
Signature of

[ ☐ ] Applicant [ ☐ ] Lawyer for applicant(s)

.....[type or print name].....

Address: .....

Telephone Number: .....

[Name of Applicant] .....



---

## NOTES

**Note** that this form is not available online. Print out a clean copy of this form (without number) and complete it manually. If you are handwriting the information, please ensure that your writing is legible.

**File this form in the court registry and personally serve it on all persons who may be interested in the order sought, including, without limitation, the financial institution or government agency that holds the student loans, your trustee and the Office of the Superintendent of Bankruptcy.**

1. This information identifies your case within the court system. Insert the division number, court registry number and the bankruptcy estate number.
  2. Insert your name.
  3. Insert your name, whether the application is to be heard by a judge or a Registrar, the address of the courthouse, and the date and time of the hearing that you have secured from Supreme Court Scheduling staff.
  4. An order releasing the bankrupt from his or her obligations for debts in respect of a loan(s) made to the bankrupt under the Canada Student Financial Assistance Act or Canada Student Loan Act, or any enactment of a province, including interest accrued to date, included in the bankruptcy of [name].
  5. State briefly the facts you are relying on (e.g., I became bankrupt on [insert date]. I was discharged from bankruptcy on [insert date of order of discharge] I have student loan debt of \$[amount] which student loan debt survived my discharge from bankruptcy. I have made efforts since my discharge to pay my student loan debt but I am suffering from and will continue to suffer financial hardship because of my ongoing obligations to pay my student loan debt.
  6. State the legal basis of your application (e.g., I am entitled to be relieved from my obligations to pay my student loan debt pursuant to s. 178(1.1) of the Bankruptcy and Insolvency Act).
  7. List the affidavits and other documents that you will be relying on in your application (e.g., Affidavit #1, of John Brown, made June 3, 2014. You should also list the trustee's report and any previous orders that the court made about your bankruptcy).
  8. Estimate the time it will take you and the other party to make submissions to the judge or Registrar in Bankruptcy. (It is usually 15 or 30 minutes unless your application is opposed. In those circumstances your application could possibly take one hour. It is always better to over-estimate, rather than underestimate, the time you expect your application to take).
-

District of British Columbia

Division No. \_\_\_\_

Court No. \_\_\_\_

Estate No. \_\_\_\_

In the Supreme Court of British Columbia  
in Bankruptcy and Insolvency

In the Matter of the Bankruptcy of \_\_\_\_\_

NOTICE OF MOTION

Take notice that a motion will be made by \_\_\_\_\_ before  
*[name of bankrupt]*

\_\_\_\_\_ at the courthouse at  
*[Judge/Registrar in Bankruptcy]*

\_\_\_\_\_ *[location/address]*  
on \_\_\_\_\_ at \_\_\_\_\_ for the order(s) set out in Part 1 below.  
*[dd/mm/yyyy]* *[time]*

**Part 1: ORDER(S) SOUGHT**

*[Using numbered paragraphs, set out the order(s) that will be sought at the application.]*

1

2

**Part 2: FACTUAL BASIS**

*[Using numbered paragraphs, set out a brief summary of the facts supporting the application.]*

1

2

### Part 3: LEGAL BASIS

*[Using numbered paragraphs, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the applicant(s) intend(s) to rely in support of the orders sought. If appropriate, include citation of applicable cases.]*

1

---

2

---

### Part 4: MATERIAL TO BE RELIED ON

*[Using numbered paragraphs, list the affidavits served with the notice of motion and any other affidavits and other documents already in the court file on which the applicant(s) will rely. Each affidavit included on the list must be identified as follows: "Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of .....[name]....., made .....[dd/mmm/yyyy].....".]*

Affidavit # \_\_\_\_\_ of \_\_\_\_\_ made \_\_\_\_\_

The applicant(s) estimate(s) that the application will take \_\_\_\_\_ hours \_\_\_\_\_ minutes

[Check the correct box.]

☐ This matter is within the jurisdiction of a registrar in bankruptcy.

☐ This matter is not within the jurisdiction of a registrar of bankruptcy.

Date: .....[dd/mmm/yyyy].....

.....

Signature of

☐ Applicant ☐ Lawyer for applicant(s)

.....[type or print name].....

Address: .....

Telephone Number: .....

[Name of Applicant] .....

1

Of \_\_\_\_\_  
[name]

[dd/mm/yyyy]

Court No. \_\_\_\_\_  
Estate No. \_\_\_\_\_

2

3

In the Matter of the Bankruptcy of \_\_\_\_\_

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

**4** I, \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
[name] [address] [occupation]

**SWEAR (OR AFFIRM) THAT:**

5 1

SWORN (OR AFFIRMED) BEFORE ME

at \_\_\_\_\_,

on \_\_\_\_\_  
[dd/mm/yy]

A commissioner for taking affidavits for British Columbia

*[print name or affix stamp of commissioner]*

6

)  
)  
)  
)  
)  
)  
)  
)  
)  
\_\_\_\_\_  
)  
)  
)  
)  
)  
)  
)  
)  
)

[The following endorsement must be completed if required under Rule 22-2 (7) of the Supreme Court Civil Rules.]

Endorsement of Interpreter  
[if applicable]

I, \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
[name] [address] [occupation]

CERTIFY THAT:

- 1 I have a knowledge of the English and \_\_\_\_\_ languages  
and I am competent to interpret from one to the other.
- 2 I am advised by the person swearing or affirming the affidavit and believe that the person swearing or  
affirming the affidavit understands the \_\_\_\_\_ language.
- 3 Before the affidavit on which this endorsement appears was made by the person swearing or affirming  
the affidavit I correctly interpreted it for the person swearing or affirming the affidavit from the English  
language into the \_\_\_\_\_ language and the person swearing or affirming the affidavit  
appeared to fully understand the contents.

Date: \_\_\_\_\_  
[dd/mm/yyyy]

\_\_\_\_\_  
Signature of interpreter

---

# NOTES

This form is not available online. Print out a clean copy of this form (without numbers) and complete it. If you are handwriting the information, make sure that your writing is legible.

**This document must be filed in the court registry in support of your notice of motion.**

1. State your name and date that you swore the affidavit.
2. This information identifies your case within the court system. Insert the division number, court registry number and the bankruptcy estate number.
3. Insert your name.
4. State your name, address, and occupation.
5. List the facts that you want the court to know about your application for release from your obligations to pay your student loan, in numbered paragraphs. For example:
  1. I am the bankrupt in these proceedings and as such have personal knowledge of the matters hereinafter deposed to.
  2. My bankruptcy was caused by (provide explanation). Further details of my bankruptcy are set out in the Trustee's s. 170 report, attached as Exhibit A to this Affidavit. [FYI, the trustee's report is also called a section 170 report, a S170 report, or a Report of Trustee on Bankrupt's Application for Discharge].
  3. My application for discharge from bankruptcy was heard on (date). The result of the application was (state the result); or, if the application was adjourned, explain why. A copy of the order granting my discharge (or adjourning my application for discharge) is attached as Exhibit B to this affidavit.
  4. I am presently (employed/unemployed). I attach as Exhibit C to this affidavit my last 3 paystubs (if applicable).
  5. I attach as Exhibit D to this affidavit an accurate statement of my monthly income and expenses for myself (and others, if applicable).
  6. I make this affidavit in support of my application for release from my obligation to pay my student loan debts.

You should also include the following information as it is very likely relevant to your application:

- Details of your personal and financial situation since the date of bankruptcy, including your current circumstances and any changes to them that you see in the foreseeable future.
- If your application for discharge was adjourned, you should state what efforts you have made to rectify the reasons why your application was adjourned as set out in that order.
- If you received a conditional order for discharge, you should provide confirmation to the court that you have fulfilled the conditions placed on you in the conditional order or, if not, explain why you have not been able to fulfill them.
- The reasons why you are seeking the relief now.
- Why you didn't wait seven years to file for bankruptcy.
- The reason why you are not represented by a trustee or a lawyer.
- What debts and liabilities you have incurred since your discharge from bankruptcy or the date of the order adjourning your application for discharge.
- What assets you have acquired, distributed, transferred or sold since your discharge from bankruptcy or the date of the adjourned order.
- What you have done to try and pay your student loan debt; what attempts you've made to find work in your chosen field; why you are now experiencing [and will continue to experience] financial hardship if the loans are not released.

You should also be sure to respond to any statements, findings, recommendations or objections set out in the trustee's report and any other reports or objections are filed in response to your application.

6. Your affidavit must be sworn or affirmed before a lawyer, a notary public, or a designated court official at the court registry.
-

Of \_\_\_\_\_  
[name]

---

[dd/mm/yy]

Estate No. \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_ , \_\_\_\_\_  
[name] [address] [occupation]

1

[print name or affix stamp of commissioner]

)  
)  
)  
)  
)  
)  
)  
)  
\_\_\_\_\_  
)  
)  
)  
)  
)  
)  
)



[The following endorsement must be completed if required under Rule 22-2 (7) of the Supreme Court Civil Rules.]

Endorsement of Interpreter  
[if applicable]

I, \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
[name] [address] [occupation]

CERTIFY THAT:

- 1 I have a knowledge of the English and \_\_\_\_\_ languages  
and I am competent to interpret from one to the other.
- 2 I am advised by the person swearing or affirming the affidavit and believe that the person swearing or  
affirming the affidavit understands the \_\_\_\_\_ language.
- 3 Before the affidavit on which this endorsement appears was made by the person swearing or affirming  
the affidavit I correctly interpreted it for the person swearing or affirming the affidavit from the English  
language into the \_\_\_\_\_ language and the person swearing or affirming the affidavit  
appeared to fully understand the contents.

Date: \_\_\_\_\_  
[dd/mm/yyyy]

\_\_\_\_\_  
Signature of interpreter

## Exhibit "D"

Exhibit "D" to the Affidavit of

Sworn this

.....day of ....., 20...

.....  
A commissioner for taking Affidavits in  
The Province of British Columbia

### FINANCIAL STATEMENT

#### ESTIMATED NET MONTHLY INCOME

[Attach proof – i.e. most recent pay stubs or payment advice, etc., if available]

Estimated net household monthly income from all sources:

|                                      |         |
|--------------------------------------|---------|
| Employment                           | .....   |
| Pension                              | .....   |
| Dividends                            | .....   |
| Interest                             | .....   |
| Other (e.g., spouse's income)        | .....   |
| TOTAL (Estimated net monthly income) | \$..... |

#### ESTIMATED MONTHLY EXPENSES

(Attach receipts for the following, if available)

|  |         |
|--|---------|
| Estimated monthly expenses related to housing                                    | .....   |
| Estimated monthly expenses related to transportation                             | .....   |
| Estimated monthly expenses related to household expenses                         | .....   |
| Estimated monthly expenses related to medical and dental expenses                | .....   |
| Estimated monthly expenses, not included in above, related to dependent children | .....   |
| Estimated monthly debt payments (specify)  | .....   |
| .....  | .....   |
| .....  | .....   |
| TOTAL (Estimated monthly expenses)   | \$..... |

#### ASSETS

[Specify assets and set out their estimated value]

.....  
.....  
.....

|                                |         |
|--------------------------------|---------|
| TOTAL (Estimated asset values) | \$..... |
|--------------------------------|---------|

#### LIABILITIES

[Specify liabilities and the estimated total obligation]

.....  
.....  
.....

|                               |         |
|-------------------------------|---------|
| TOTAL (Estimated liabilities) | \$..... |
|-------------------------------|---------|

|                                    |         |
|------------------------------------|---------|
| Total Estimated Net Monthly Income | \$..... |
|------------------------------------|---------|

|  |         |
|--|---------|
| LESS Total Estimated Monthly Liabilities | \$..... |
|--|---------|

|                             |         |
|-----------------------------|---------|
| Net monthly surplus/deficit | \$..... |
|-----------------------------|---------|

*Order for Release of Student Loan*

**NOTES**

**1**

District of British Columbia  
Division No. \_\_\_\_  
Court No. \_\_\_\_  
Estate No. \_\_\_\_

**2**

*IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY  
IN THE MATTER OF THE BANKRUPTCY OF*

**3**

\_\_\_\_\_  
(Summary Administration) \*\* delete if Ordinary  
  
BEFORE ) \_\_\_\_\_, THE \_\_\_\_ DAY  
REGISTRAR ) OF \_\_\_\_\_, 20\_\_

**4**

UPON THE APPLICATION of \_\_\_\_\_, a bankrupt who made an assignment on the  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_;

**5**

AND UPON hearing \_\_\_\_\_ [*insert name of person appearing*] on behalf of the Trustee  
\_\_\_\_\_ [*insert name of trustee*];

AND UPON hearing the bankrupt on his/her own behalf; [*if applicable*]

AND UPON hearing \_\_\_\_\_ [*insert name and description of others attending; e.g. \_\_\_\_\_,  
appearing on behalf of the Office of the Superintendent of Bankruptcy and/or \_\_\_\_\_, a creditor in the  
bankrupt's estate*]. [*if applicable*]

IT IS ORDERED THAT:

**6**

(*see notes to insert correct paragraph*)

BY THE COURT

\_\_\_\_\_  
REGISTRAR IN BANKRUPTCY

---

## NOTES

**File your order in the court registry and, once entered, personally serve it on every person who may be affected by the order sought, including, without limitation, the financial institution or government agency that holds the student loan, your trustee and the Office of the Superintendent of Bankruptcy.**

1. This information identifies your case within the court system. Insert the division number, court registry number and the bankruptcy estate number.
2. Insert your name.
3. Insert the name of the registrar who heard the application and the date of the order.
4. Insert your name and the date that you made an assignment into bankruptcy.
5. Insert the names of the parties who made submissions at the court hearing; delete the sections that do not apply.
6. Use one of the following paragraphs:

(a)[Where the Registrar in Bankruptcy or judge dismisses your application]

1. The bankrupt's application for an order releasing the bankrupt from *his/her* obligations in respect to a loan(s) made under the (*Canada Student Financial Assistance Act* or *Canada Student Loans Act*), or any enactment of a province, including interest accrued to date, be and is hereby dismissed; and

2. The bankrupt not be permitted to bring a further application for relief from *his/her* student loan(s) until at least \_\_\_\_ month(s) has passed from the date of this Order.

OR

(b)[Where application is granted and bankrupt is not yet discharged from bankruptcy]

IT IS ORDERED that any debt in respect to a loan under [the *Canada Student Financial Assistance Act* or the *Canada Student Loans Act*, and/or any enactment of a province], including any interest accrued to date, be included in the bankruptcy of [*bankrupt's name*] and upon the discharge of the bankrupt, the bankrupt shall be released from all such claims probable in bankruptcy.

OR

(c)[Where application is granted and the bankrupt has already been discharged from bankruptcy]

IT IS ORDERED that the bankrupt be immediately released from *his/her* obligations in respect of *his/her* debt in respect to a loan made under [the *Canada Student Financial Assistance Act* or the *Canada Student Loans Act*, and/or any enactment of a province], including any interest accrued to date and which debts survived *his/her* discharge from bank .

---

***Order for Release of Student Loan***

District of British Columbia

Division No. \_\_\_\_

Court No. \_\_\_\_\_

Estate No. \_\_\_\_\_

***IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY  
IN THE MATTER OF THE BANKRUPTCY OF***

\_\_\_\_\_  
(Summary Administration) \*\* delete if Ordinary

BEFORE ) \_\_\_\_\_, THE \_\_\_\_ DAY  
 )  
REGISTRAR ) OF \_\_\_\_\_, 20\_\_

**ORDER**

UPON THE APPLICATION of \_\_\_\_\_, a bankrupt who made an assignment on the  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_;

AND UPON hearing \_\_\_\_\_ [*insert name of person appearing*] on behalf of the Trustee  
\_\_\_\_\_ [*insert name of trustee*];

AND UPON hearing the bankrupt on his/her own behalf; [*if applicable*]

AND UPON hearing \_\_\_\_\_ [*insert name and description of others attending; e.g. \_\_\_\_\_,  
appearing on behalf of the Office of the Superintendent of Bankruptcy and/or \_\_\_\_\_, a creditor in the  
bankrupt's estate*)]. [*if applicable*]

IT IS ORDERED THAT:

BY THE COURT

\_\_\_\_\_  
REGISTRAR IN BANKRUPTCY

***Backing Sheet***

Court No. \_\_\_\_\_  
Estate No. \_\_\_\_\_

*IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY  
IN THE MATTER OF THE BANKRUPTCY OF*

\_\_\_\_\_

---

ORDER

---

Your name and address