

Discharge from Bankruptcy

This guidebook is for people who have declared bankruptcy but have not been granted a discharge from bankruptcy. If your trustee is no longer responsible for making another application for discharge, this guidebook will help you make your own application for discharge from bankruptcy.

If you are not currently in bankruptcy but are dealing with significant debt and want to know more about the process there is information in the right column of this page.

Discharge from bankruptcy is the legal process of being released from bankruptcy. At the conclusion of all legal steps in processing a bankrupt person's assets and debts, a court order forgives those debts which cannot be paid, with certain exceptions.

Once your trustee has fulfilled his or her duties under the *Bankruptcy and Insolvency Act* with respect to the administration of your property, your trustee MUST apply for their discharge upon completion of the administration of your bankruptcy. Your trustee may have reached this point shortly after bringing forward your first application for discharge.

If you were not granted a discharge on a previous application, you are an undischarged bankrupt and your trustee is not responsible for making another application for your discharge. This is up to you.

This guidebook will help you make your application for discharge from bankruptcy if you are an undischarged bankrupt.

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 the [Credit Counselling Society of BC](#));
- 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](#)
- [When you Can't Pay Your Debts](#)
- [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 the filing of all Supreme Court civil and Supreme Court family documents, except divorce and probate. 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.

There are reasons why you were not discharged from bankruptcy on the first application. In most cases, undischarged bankrupts have not done something that was required or met the conditions imposed by the Registrar in Bankruptcy who heard your application. For example, you may have been required to provide the trustee with monthly income and expense statements and failed to do so, or you may not have been paid all of the surplus income that you were required to pay, or you may not have attended your counselling sessions.

If there were things that you failed to do or moneys that must be paid, the trustee objected to your discharge when it was time to do so. When the trustee brought your discharge application before the court, it would have been adjourned or a payment amount may have been set. Often the reasons for the opposition (and adjournment) are set out in the trustee's "s. 170 report" (also called a section 170 report, an S170 report, or a Report of Trustee on Bankrupt's Application for Discharge).

The reasons you were not discharged from bankruptcy may also be noted on the order adjourning the discharge application. Any amount that you have been ordered to pay will be noted on the order made at the initial discharge hearing.

You should review the s. 170 report and the order to see what you have failed to do. You must make sure that you have fulfilled all of your duties under the *Bankruptcy and Insolvency Act* and have complied with all conditions that were imposed on you at the first discharge hearing before applying again. You may also consider an application to change or rescind any conditional order.

Automatic discharge from bankruptcy

You will be automatically discharged by your trustee (i.e., there is no requirement for a court application of any sort) *9 months* after filing for bankruptcy if:

- this is your first bankruptcy;
- your discharge is not opposed by your trustee, your creditors, or the Office of the Superintendent of Bankruptcy (OSB);
- you have attended counselling sessions;
- your income tax debt is less than \$200,000 and less than 75% of your total debt; and
- you are not required to pay a portion of your surplus income to the bankruptcy estate. If you have to make payments, you are eligible for an automatic discharge after 21 months.

In most cases, you will receive an automatic discharge from bankruptcy. The trustee will notify the OSB and your creditors of the pending date of your discharge. The trustee, the OSB, and your creditors all have a right to object to your absolute discharge. If no one makes an objection, a court hearing is not necessary, and the trustee will send you a copy of your discharge.

If you are bankrupt for the second time, you may get an automatic discharge 24 months after filing for bankruptcy if you are not required to make payments of surplus income. If you are a second-time bankrupt with surplus income, you must contribute part of the surplus to your trustee for a period of 36 months. After that period, you are eligible for an automatic discharge, provided you have paid all of your surplus income within the time limit required.

Bankrupt's application for discharge

If you do not qualify for an automatic discharge, your trustee will make the first application for the discharge hearing and inform the court of the circumstances of your bankruptcy. The trustee will also notify your creditors and the OSB of your application for discharge, as they have a right to oppose your discharge.

The reasons why creditors and trustees may object to your discharge are set out in the *Bankruptcy and Insolvency Act* (s. 173). Creditors may be inclined to object if they think the court will order that you repay a percentage of the money that you owe to creditors (this is a conditional discharge). The OSB may object to your discharge if you have been bankrupt before and it appears that you have been abusing the bankruptcy process.

If the trustee is discharged, it is up to you to apply for your own discharge from bankruptcy. However, if the trustee is not discharged and the file is still open, the trustee may make the second application for discharge on your behalf.

Preparing your own application for discharge

The following information will help you if you are making a court application for your discharge from bankruptcy without the assistance of the trustee or a lawyer.

The first step is to locate your bankruptcy file at the court registry. You must look through your file and find:

- the trustee's report (also called a section 170 report, a S170 report, or a Report of Trustee on Bankrupt's Application for Discharge); and
- a copy of the order that was made at the previous discharge hearing.

Ask the registry to make copies of these documents for you. You will have to pay a fee for photocopying. In addition, you will need to prepare the following documents. Examples of the forms are attached to this guidebook.

- Notice of Motion;
- an Affidavit of Service;
- your affidavit, which explains why you are entitled to the order that you are seeking; and
- a draft of the order that you are seeking to be made, although the Registrar in Bankruptcy hearing your application for discharge may make any order he or she sees fit. If the Registrar in Bankruptcy makes the order you are seeking, he or she may sign it in court on the day you appear. That may save you some time later in having your order entered in court. Two examples of different types of orders are attached to this guidebook.

Notice of Motion

You begin an application for discharge 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 fees are \$50 for an ordinary bankruptcy and \$10 for a summary 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

An affidavit is signed, written statement that contains important information in your case. Any evidence that you wish the court to consider in the application must be submitted in an affidavit. Your affidavit should state what led up to your bankruptcy and what your financial situation is at the present time. You should provide details, because the court needs to have a clear picture of your circumstances.

Your affidavit should only include evidence that relates specifically to your application for discharge. The following information might be relevant to your application:

- The cause of your bankruptcy.
- Your personal and financial situation since the date of bankruptcy (e.g., your employment, income, marital status, etc.).
- You should state why you did not seek the discharge earlier and/or why you have not been able to comply with the bankrupt's duties or conditional requirements.
- The reasons why you are seeking a discharge now.
- What debts and liabilities you have incurred since the date of bankruptcy.
- Your current assets and liabilities.
- What assets you have acquired, distributed, transferred or sold since the date of bankruptcy.
- Responses to any statements, findings, recommendations or objections set out in the trustee's report and any other reports that are 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 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

Legally speaking, to serve documents means to provide a written copy – in some cases, this requires having a signature to confirm the document was received. You must serve the filed Notice of Motion and all other filed affidavits and documents on all proven creditors, your trustee and the OSB.

The Notice must be received by the persons to be notified at least 4 days before the hearing if the document is served, delivered personally, or sent by fax or electronic transmission. (Note that bankruptcy hearings in Vancouver are scheduled only on Wednesdays.) 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*, Rule 6(1) – (2).) It is a good idea to give the other parties as much notice as possible about the hearing date.

The OSB's address for service is 2000 – 300 West Georgia Street, Vancouver, BC, V6B 6E1 (toll free telephone: 1-877-376-9902). You must provide proof of service at the discharge hearing if no one else attends the hearing. A sample Affidavit of Service is attached to this guidebook.

At the hearing

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

1. You explain why you believe you are entitled to an absolute discharge from bankruptcy.
2. Anyone opposing your application explains his or her position.
3. You submit documents and affidavits in support of your case.
4. The opposing party's presents arguments in the same way.

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 address 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 discharge. Your conduct before your assignment into bankruptcy and during bankruptcy is an important factor and the trustee’s report will provide that information. For example, if you have not cooperated by attending financial counselling sessions or by paying wages determined as surplus income to the trustee for your creditors, the Registrar in Bankruptcy or judge may make a conditional order that you be discharged when you have paid the surplus income to the trustee.

The Registrar in Bankruptcy or judge will also consider your current income. If you do not have much money left over from your paycheque after paying reasonable monthly expenses, it would be pointless to make an order for you to repay a substantial debt.

On the other hand, if you make a reasonable salary, the Registrar in Bankruptcy may order a conditional discharge, particularly if you have assets that are exempt from being attached as part of the assets in your bankruptcy (such as RRSPs purchased more than one year before you declared bankruptcy). In some cases, the Registrar in Bankruptcy or judge may order repayment of a substantial portion of the debt, even if you are of limited means (e.g., if you owe money to only one creditor, like the CRA or a litigation creditor).

After discharge, you are legally released from paying debts that you incurred before your assignment in bankruptcy, except certain types of debts, which are set out in Section 178 of the *Bankruptcy and Insolvency Act*:

- Alimony payments and child support;
- Student loans, if it is less than 7 years since you ceased to be a full or part-time student;
- A fine or penalty imposed by the court; or
- Debt arising from fraud.

At the end of the hearing, the Registrar in Bankruptcy or judge will either grant you a discharge from bankruptcy, 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 from the bench.

Order for discharge

At the end of the hearing, the Registrar in Bankruptcy or judge will grant one of the following types of discharges:

- *An absolute discharge.* When an absolute discharge is granted, you will be released from the obligation to repay the debts you had as of the date of your bankruptcy. Note that you are still obliged to pay certain debts, as described above.

- *A conditional and suspended discharge.* If you get a conditional discharge, you must do certain things before you are entitled to an absolute discharge. For example, you may have to pay a certain amount of money to your trustee over a period of time. The court can impose other conditions; once those conditions are met, you will be granted an absolute discharge. A suspended discharge is where the court sets a specific date in the future when your absolute discharge becomes effective. Although no further court hearing is required, you are not discharged until that date.

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

Sample orders for discharge and the required backing sheet can be found at the end of this guidebook. A backing sheet is the last page of your document. It sets out the court registry 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 hold it for 10 days before filing it. At that point, you are discharged from bankruptcy.

If you did not prepare your order before the hearing, go to the court registry (bankruptcy division) and complete the order by filling in a form. You can take that order back to the Registrar in Bankruptcy in court and have him or her sign it. Take the signed order back to the bankruptcy court registry and they will hold it for 10 days before filing it. At that point, you are discharged from bankruptcy.

A copy of the signed and entered Absolute Order of Discharge must be sent to the OSB to update the public record. (Note: Credit Bureaus obtain their bankruptcy information from the OSB.)

Get Help With Your Case

Before you start your claim, you should think about resolving your case without going to court (see the guidebook, *Alternatives to Going to Court*). If you do not have a lawyer, you will have to learn about the court system, the law that relates to your case, what you and the other side need to prove, and the possible legal arguments for your case. You will also need to know about the court rules and the court forms that must be used when you bring a dispute to court.

Legal Information Online

All *Guidebooks for Representing Yourself in BC Supreme Court Civil Matters*, along with additional information, videos and resources for Supreme Court family and civil cases are available on the Justice Education Society website: www.SupremeCourtBC.ca.

Clicklaw gives you information about many areas of law and free services to help you solve your legal problems: www.Clicklaw.bc.ca.

The Supreme Court of BC's website has information for people who are representing themselves in court: www.Courts.gov.bc.ca/supreme_court/self-represented_litigants/

Legal information services

The Vancouver Justice Access Centre's, Self-help and Information Services includes legal information, education and referral services for Supreme Court family and civil cases. It is located at 290 - 800 Hornby Street in Vancouver (open Monday to Friday): www.SupremeCourtSelfHelp.bc.ca.

For information about other Justice Access Centre services in Vancouver and Nanaimo, see: www.JusticeAccessCentre.bc.ca.

Legal advice

You may be eligible for free (pro bono) legal advice. Access ProBono Society of BC's website gives you information about the legal assistance that is available to you: www.AccessProBono.ca.

Legislation

BC Legislation (statutes), regulations, and Rules of Court can be found at: www.BCLaws.ca.

Court rules and forms

Supreme Court forms can be completed in 3 ways:

1. Completed online and filed at: www.CourtServicesOnline.gov.bc.ca
2. Completed online, printed and filed at the registry
3. Printed, completed manually and filed at the registry

Court forms that can be completed online are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm

Printable court forms are available at: www.SupremeCourtBC.ca/civil/forms

Common legal terms

You can find out the meaning of legal terms at: www.SupremeCourtBC.ca/glossary

Family law

For information about family law claims, see: www.FamilyLaw.LSS.bc.ca.

This guidebook is part of a series:

Guidebooks for Representing Yourself in Supreme Court Civil Matters.

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Resource A: Where to get Legal Advice

Here are some places where you can get legal advice. To receive free legal advice, you must have low income to qualify. Phone the place listed and they will tell you if you qualify financially. Visit www.CourtInformation.ca to learn more.

Community Legal Assistance Society

The Community Legal Assistance Society runs legal clinics for BC Supreme Court for civil matters. There is financial qualification. Phone 604-685-3425. Their web site is: www.clasbc.net

Salvation Army's Pro Bono Lawyer Consultant Program

This program runs free legal advice clinics. There is a financial qualification. The phone number is 604-872-7681. Some of the clinics are run out of courthouses. See their web page: www.probono.ca

Access Pro Bono Society of British Columbia

This program runs free legal advice clinics. There is a financial qualification. The phone number is 604-878-7400. Some of the clinics are run out of courthouses. See their web page: www.accessprobono.ca

Lawyer Referral Service

The BC branch of the Canadian Bar Association offers a lawyer referral service. With a phone call (1-800-663-1919), you can get the contact information of a qualified lawyer who works in the area of law that you need. You will be able to meet with that lawyer for up to 30 minutes for only \$25. See their web page: www.cba.org/bc/initiatives/main/lawyer_referral.aspx.

Law Students' Legal Advice Program

This program is run by law students at the University of British Columbia. It provides free advice and representation to clients who would otherwise be unable to afford legal assistance. Clinics are located throughout Greater Vancouver. To book an appointment, phone 604-822-5791. View their website: www.lslap.bc.ca.

NOTES

No. _____
_____ Registry

1

In the Supreme Court of British Columbia
In Bankruptcy
In the matter of the bankruptcy of

[your name]

NOTICE OF MOTION

2

To: _____

Name(s) of applicant(s): _____

3

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at _____

on _____ at _____ for the order(s) set out in Part 1 below.

4

Part 1: ORDER(S) SOUGHT

[Using numbered paragraphs, set out the order(s) that will be sought at the application and indicate against which party(ies) the order(s) is(are) sought.]

1

2

5

Part 2: FACTUAL BASIS

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

1

2

[If any party sues or is sued in a representative capacity, identify the party and describe the representative capacity.]

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 application 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].....".]

1 Affidavit # _____ of _____ made _____

Deponent _____
Surname First name Second name Third name

2

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 master.

[] This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- a) file an application response in Form 33 within 5 days after the date of service of this notice of application or, if the application is brought under Rule 9-7 of the Supreme Court Civil Rules, within 11 days after the date of service of this notice of application , and
- b) at least 2 days before the date set for the hearing of the application, serve on the applicant 2 copies, and on every other party one copy, of a filed copy of the application response and other documents referred to in Rule 9-7 (12) of the Supreme Court Civil Rules.

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

Signature of
[] applicant [] lawyer for applicant(s)

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

To be completed by the court only:

Order made

in the terms requested in paragraphs of Part 1 of this notice of application

with the following variations and additional terms:

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

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

.....
Signature of Judge Master

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm. They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca. They can also be printed and completed manually; or completed online, printed and filed.

Note: Form 32 in the BC Supreme Court Rules is a Notice of Application. Use this form, as modified in the following example. Change the name to Notice of Motion.

File this form in the court registry and serve it on the trustee, the OSB, and all your creditors that have filed a proof of claim.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding.
 2. Insert the name of the people that must be notified of the hearing: the trustee, the OSB, and all your creditors that have filed a proof of claim.
 3. Provide the address of the courthouse, and the date and time of the hearing.
 4. List the orders that you are seeking in your application (e.g., That the court grant me an absolute discharge from bankruptcy).
 5. State the facts you are relying on (e.g., It has been 12 months since my last application for a discharge. I have paid the amount to the trustee as required by the conditional order (dated). I have completed both counselling sessions, as required by the conditional order (dated)).
 6. State the legal basis of your application (e.g., I am entitled to an absolute discharge from bankruptcy pursuant to s. 168.1 of the *Bankruptcy and Insolvency Act*).
 7. List the affidavits and other documents that you will be relying on in your chambers application (e.g., Affidavit #1, of John Brown, made June 3, 2010. 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 master in chambers.
-

NOTES

FORM 109
(RULE 22-2 (2) AND (7))

1

This is the 1st affidavit
Of _____
[name]
in this case and was made on _____
[dd/mmm/yyyy]

2

No. _____
_____ Registry

In the Supreme Court of British Columbia
In Bankruptcy
In the matter of the bankruptcy of

[your name]

AFFIDAVIT

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

3

I, _____ of _____, _____
[name] [address] [occupation]

SWEAR (OR AFFIRM) THAT:

4

1

5

SWORN (OR AFFIRMED) BEFORE ME)
at _____, British Columbia)
on _____)
[dd/mmm/yyyy])
_____)
A commissioner for taking affidavits for British Columbia)
_____)
[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/mmm/yyyy]

Signature of interpreter

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm. They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca. They can also be printed and completed manually; or completed online, printed and filed.

This document must be filed in the court registry and attached to 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 court file number and the location of the registry (e.g., Vancouver).
3. State your name, address, and occupation.
4. List the facts that you want the court to know about your application for bankruptcy, 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) and the details are set out in the Trustee's s. 170 report, attached as Exhibit A). (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 original application for discharge was heard on (date). The result of the application was (state the result). (Or, if the application was adjourned, explain why.)
4. I am presently (employed/unemployed). I attach as Exhibit B to this affidavit my last 3 paystubs (if applicable).
5. I attach as Exhibit C 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 an absolute discharge from bankruptcy, pursuant to the provisions of the *Bankruptcy and Insolvency Act*.

You might also include the following information if it is relevant to your application:

- Your past and present personal and financial situation since the date of bankruptcy. You should state why you did not seek the discharge earlier or why you were not able to comply with the bankrupt's duties or conditional requirements.
 - Important changes in your financial situation during the period of bankruptcy, such as your employment, your income, etc.
 - The reasons why you are seeking a discharge now.
 - The reason why you are not represented by a trustee or a lawyer.
 - Your current debts and liabilities.
 - What debts and liabilities you have incurred since the date of bankruptcy.
 - What assets you have acquired, distributed, transferred or sold since the date of bankruptcy.
 - Respond to any statements, findings, recommendations or objections set out in the trustee's report and any other reports that are filed in response to your application.
5. Your affidavit must be sworn or affirmed before a lawyer, a notary public, or a designated court official at the court registry.
-

FINANCIAL STATEMENT

MONTHLY INCOME

My salary is paid:
 ___ weekly ___ biweekly ___ monthly

Net monthly salary \$ _____

Commission \$ _____

Unemployment Insurance \$ _____

Pension \$ _____

Investments/Dividends \$ _____

Interest \$ _____

Rental income \$ _____

Business Income \$ _____

Child tax credit \$ _____

Maintenance (if any) \$ _____

Workers' Compensation \$ _____

Other \$ _____

\$ _____

\$ _____

\$ _____

Subtotal \$ _____

Income Assistance \$ _____

INCOME TOTAL \$ _____

MONTHLY EXPENSES

Rent \$

Mortgage \$

Property taxes \$

Utilities (heat/light) \$

Phone \$

Cablevision \$

Home repair & furnishings \$

House/tenant insurance \$

Life insurance \$

Food \$

Restaurant meals \$

Sundries/personal grooming \$

Clothing \$

Laundry/drycleaning \$

Motor vehicle (lease/loan) \$

(license, insurance, fuel service) \$

Transportation (public) \$

Medical/dental \$

Newspaper & subscriptions \$

Entertainment \$

Alcohol & Tobacco \$

Gifts \$

Churches & charities \$

Maintenance payments \$

Child care/babysitting \$

School expenses \$

Child's activities/lessons (list) \$

Child allowance \$

Other (list) \$

EXPENSES TOTAL \$

Income Total \$

Expense Total \$

Subtotal \$

Debt Payment total \$

Balance \$

NOTES

Form 15

(Rule 4-6 (1))

No. _____

Registry

1

In the Supreme Court of British Columbia
In Bankruptcy
In the matter of the bankruptcy of

[your name]

AFFIDAVIT OF PERSONAL SERVICE

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

2

I, _____ of _____,
[name] [address]

_____ SWEAR (OR AFFIRM) THAT:
[occupation]

3

On _____ at _____ I served _____
[dd mmm yyyy] [time of day] [name of person served]

with the _____
[type of document]

in this proceeding, a copy of which is attached to this affidavit and marked as Exhibit A, by handing it to and leaving it with that person.

4

SWORN (OR AFFIRMED) BEFORE ME

5

at _____, British Columbia)
on _____)
[dd mmm yyyy])
)
)
)
A commissioner for taking affidavits for British Columbia)
)
)

[print name or affix stamp of commissioner]

NOTES

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This document must be filed in the court registry; it is not served on anyone.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding.
 2. Insert the name, address, and occupation of the person who served the document.
 3. State the date and time that the person served the document (e.g., a notice of application) and attach a copy of that document to your affidavit as Exhibit A.
 4. Or, if you served the notice of application by registered mail, use this wording instead:
“Attached and marked as Exhibit B is the proof of mailing by registered mail.”
 5. Your document must be sworn or affirmed before a lawyer, a notary public, or a designated court official at the court registry.
-

Conditional and Suspended Order of Discharge

NOTES

District of British Columbia
Division No. ___
Court No. _____
Estate No. _____

1

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

2

[your name]

BEFORE) _____, THE ___ DAY
)
REGISTRAR) OF _____, 20__

3

ORDER

4

UPON THE APPLICATION of _____, a bankrupt who made an assignment on the ___ day of _____,
_____;

AND UPON reading the report of the Trustee as to the bankrupt's conduct and affairs;

5

AND UPON hearing _____, on behalf of the Trustee _____; AND UPON hearing the bankrupt
on his/her own behalf (*if applicable*);

6

AND WHEREAS proof has been made of the following fact(s) under Section 173 of the Bankruptcy and Insolvency
Act, namely Section _____ (*set out details*);

IT IS ORDERED THAT:

7

1. The bankrupt shall pay to the Trustee for the general benefit of the creditors, the sum of \$_____ in
minimum monthly instalments of \$_____, commencing on the ___ day of _____, 20__ and continuing on
the ___ day of each and every month thereafter until paid in full, with the right to prepay in part or in full
at any time; and

8

2. The bankrupt's discharge be suspended for a period of _____ from the date of this Order.

AND UPON the Registrar being satisfied that the conditions set forth in this Order have been complied with, the
Registrar shall grant the bankrupt an Absolute Discharge.

BY THE COURT

REGISTRAR IN BANKRUPTCY

NOTES

This order must be signed by all affected parties and then submitted to the court registry for entry; once entered it is returned to the submitting party who is responsible for serving copies on the other parties.

1. Insert the division number, court registry number and the bankruptcy estate number.
 2. Put your name here.
 3. Insert the name of the registrar who heard the application and the date of the application.
 4. Insert your name here, and the date that you made an assignment into bankruptcy.
 5. Complete this if the Trustee appeared at the hearing. Put the name of the person who appeared, and the name of the Trustee.
 6. Read section 173 of the *Bankruptcy and Insolvency Act* (the facts for which discharge may be refused, suspended or granted conditionally), and state which section of 173 applies to you, and provide details.
 7. Complete this section according to the conditions that the court imposed. For example, the court may have ordered that you pay \$2400 in minimum monthly installments of \$200, commencing on March 1, 2011 and continuing on the first day of every month until it is paid in full.
 8. Fill in the time period (e.g., one year).
-

Absolute Order of Discharge

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

[your name]

BEFORE) _____, THE ___ DAY
) _____
REGISTRAR) OF _____, 20__

4

UPON THE APPLICATION of _____, a bankrupt who made an assignment on the ___ day of _____, _____;

AND UPON reading the report of the Trustee as to the Bankrupt's conduct and affairs;

AND WHEREAS proof has not been made of any of the facts mentioned in Section 173 of the Bankruptcy and Insolvency Act, nor has the bankrupt been guilty of any misconduct in relation to his/her property or affairs;

IT IS ORDERED THAT the bankrupt be and is hereby discharged.

BY THE COURT

REGISTRAR IN BANKRUPTCY

NOTES

This order must be signed by all affected parties and then submitted to the court registry for entry; once entered it is returned to the submitting party who is responsible for serving copies on the other parties.

1. Insert the division number, court registry number and the bankruptcy estate number.
 2. Put your name here.
 3. Insert the name of the registrar who heard the application and the date of the application.
 4. Insert your name here, and the date that you made an assignment into bankruptcy.
-

NOTES

1

Court No. _____
Estate No. _____

[your name]

2

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

ORDER

3

Your Name and address

NOTES

This document must be attached as the last page to every document you file in the Bankruptcy Registry.

1. Put the court registry number and your bankruptcy (estate) number here.
 2. Put your name here.
 3. Your name and address goes here.
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