

IN THE SUPREME COURT OF NOVA SCOTIA  
IN BANKRUPTCY AND INSOLVENCY

**Citation:** Roach (Re), 2008 NSSC 15

**Date:** January 21, 2008

**Docket:** B-31473

**Registry:** Halifax

District of Nova Scotia  
Division No. 03 - Sydney  
Court No. 31473  
Estate No. 51-103836

**IN THE MATTER OF THE CONSUMER PROPOSAL OF  
NANCY JOAN ROACH**

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**LIBRARY HEADING**

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**Registrar:** Richard W. Cregan, Q.C.

**Heard:** January 11, 2008

**Written Decision:** January 21, 2008

**Subject:** Section 178(1.1) - Student Loan

**Summary:** A debtor made and performed a consumer proposal. She had outstanding student loans which were not included in her consumer proposal. She had ceased being a full or part-time student more than ten years ago.

**Issue:** Whether a debtor who has performed a consumer proposal and not made an assignment in bankruptcy nor been petitioned into bankruptcy can seek relief under Section 178(1.1).

**Result:** Section 178(1.1) speaks only of a bankrupt, but Section 66.4(1)

says that other provisions of the *Act* will apply to consumer proposals if applicable. On that basis it was held that Section 178(1.1) applies to a consumer debtor. She met the tests of good faith and inability to pay and was granted relief.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET***