

IN THE SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY
Citation: McNutt (Re), 2008 NSSC 166

Date: June 3, 2008
Docket: B-31952
Registry: Halifax

District of Nova Scotia
Division No. 03 - Sydney
Court No. B-31952
Estate No. 51-104077, 51-104078

**IN THE MATTER OF THE BANKRUPTCY OF
TIMOTHY LLOYD MCNUTT AND JENNIFER LYNN MCNUTT**

LIBRARY HEADING

Registrar: Richard W. Cregan, Q.C.

Heard: May 1, 2008

Written Decision: June 3, 2008

Subject: Husband and wife had completed a Consumer Proposal, but were left with substantial student loans. They applied for relief under S.178(1.1) of the *Bankruptcy and Insolvency Act*.

Summary: The wife had ceased to be a student with respect to all student loans more than ten years ago. She was granted relief.

Issue: The husband had ceased to be a student more than ten years ago with respect to all his student loans pursuant to Federal and Nova Scotia legislation, but he had ceased to be a student less than ten years ago with respect to his last loan, which was made pursuant to Ontario legislation.

Result:

He was granted relief with respect to all loans except the last loan. The application was adjourned, so that he could return to court when the ten years have passed respecting the last loan.

The Registrar ruled that in making applications under S.178(1.1), one may deal with loans under one statutory regime with respect to a course of study separately from loans under another regime with respect to another course of study.

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