

IN THE SUPREME COURT OF NOVA SCOTIA  
IN BANKRUPTCY AND INSOLVENCY  
**Citation:** Stewart-Patterson (Re), 2008 NSSC 197

**Date:** June 20, 2008  
**Docket:** B 31835  
**Registry:** Halifax

District of Nova Scotia  
Division No. 01 - Halifax  
Court No. 31835  
Estate No. 51-974740

**IN THE MATTER OF THE BANKRUPTCY OF  
ELIZABETH MARIA STEWART-PATTERSON**

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**DECISION**

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

**Heard:** June 13, 2008

**Present:** Lynda Hartlin representing the Trustee,  
Green Hunt Wedlake Inc.

Elizabeth Maria Stewart-Patterson, the bankrupt,  
representing herself.

Stephen Dickey representing the Office of the  
Superintendent of Bankruptcy.

- [1] Elizabeth Maria Stewart-Patterson made an assignment in bankruptcy on July 5, 2007. She now asks to be discharged. Her trustee recommends that it be conditional on her attending an addiction treatment program for a period no less than three months.
  
- [2] She became the subject of a Debtor Compliance Investigation conducted by the Office of the Superintendent of Bankruptcy. Her proven unsecured creditors totalled \$152,969.68. A significant portion of these debts are owed to Credit Card accounts. There is evidence that gambling was a significant factor in the accrual of these debts.
  
- [3] In the course of the investigation she was asked to complete a questionnaire. The answers admit to a course of conduct over 15 years of “robbing Peter to pay Paul”, that is, paying one account by taking cash advances from other accounts and opening new credit card accounts. She took cash advances for gambling and travel.
  
- [4] In answer to the question “Did you charge any amounts to your credit cards

knowing that you would be unable to repay said amount? If so, please provide details.” She wrote:

No, I believed I would be able to make the minimum payment until I won enough to pay them off. A big jackpot.

To the question, “Do you feel responsible for your bankruptcy?” She answered:

Yes, and no. I have a mental illness, which is documented. I am on medication. The casino machines are made to be addictive, so government can make BILLIONS!!

[5] She works in a jewellery store. Her net monthly pay is \$850. Her spouse is a letter carrier whose net monthly pay is \$2400.

[6] She submitted a statement dated January 8, 2008 from her physician which says:

This patient does not have a gambling problem. She has an anxiety disorder.

[7] In light of the statements made by her quoted above and at the hearing, and her having made a “Request for Voluntary Exclusion” under the *Gaming Control Act*, S.N.S. 1994-95, Ch. 4 on April 4, 2008, I find it difficult to take the physician’s opinion seriously. Saying she has an anxiety disorder may be an appropriate way to describe her condition medically. However,

the question of whether a person has a gambling problem is not one requiring medical competency, just common sense. The evidence outlined above make it clear that she has had and continues to have a gambling problem. At least she has made the request for exclusion, but the integrity of the bankruptcy system requires her to do more.

[8] The trustee wants her to attend an addiction treatment program, with a focus on gambling. She says, presumably relying on her physician's report, that such is not what she needs. She suggested that she attend a program designed for adult children of alcoholics. What is important is that she be required to attend for a period of time, long enough to have some impact, a program that helps her to discipline herself.

[9] I am refusing her discharge at this time. She shall be at liberty to reapply in one year's time, provided in the meantime she has attended a gambling addiction program acceptable to her trustee and has submitted each month to the trustee income and expense sheets.

[10] If her physician thinks another type of program will be more helpful, the

physician should provide me with a report regarding it and the reasons why it would be helpful. I will then rule whether it will be an acceptable substitute for the gambling program.

[11] This delay will allow her further opportunity to come to grips with her difficulties. It was clear at the hearing she has some distance yet to go in this regard.

R.

Halifax, Nova Scotia  
June 20, 2008