

IN THE SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY
Citation: Herve (Re), 2008 NSSC 216

Date: July 7, 2008
Docket: B 31951
Registry: Halifax

District of Nova Scotia
Division No. 3 - Sydney
Court No. 31951
Estate No. 51-095527

**IN THE MATTER OF THE PROPOSAL OF
WILLIAM BLAIR HERVE**

LIBRARY HEADING

Registrar: Richard W. Cregan, Q.C.

Heard: June 26 2008

Written Decision: July 7, 2008

Subject: Application to be discharged from liability for student loans under Subsection 178(1.1) of the *Bankruptcy and Insolvency Act*.

Summary: A school teacher owed approximately \$20,000 in student loans. His wife works half time. They have two young children. They have extensive expenses for the care of their children and for transportation, he having to make a daily round trip of 250 km to his school. Any surplus he might have would be minimal. They have a reasonably frugal lifestyle.

Issue: The Attorney General did not question his good faith in past dealings with his loans. However, it contested whether he has and will continue to experience financial difficulty so as to be unable to pay the debt.

Result: It was held that he has such financial difficulty and was granted relief.

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