

IN THE SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY
Citation: Crawford (Re), 2010 NSSC 94

Date: March 9, 2010

Docket: B-23637

Registry: Halifax

District of Nova Scotia
Division No. 01 - Halifax
Court No. 23637
Estate No. 51-091965

In the Matter of the Bankruptcy of Wendy Crawford (Alcorn)

LIBRARY HEADING

Registrar: Richard W. Cregan, Q.C.

Heard: February 19, 2010

Written Decision: March 9, 2010

Subject: A bankrupt failed to appear at her discharge hearing in 2002. A conditional discharge order was granted requiring her to pay surplus income. In 2003 she applied to have the order varied to give her an absolute discharge, but did not provide information her trustee required to respond to the application for two years. She was then granted an absolute discharge.

Summary: She asked the court to backdate her discharge to the date of the original hearing in 2002 as she submitted that had she appeared she would have then received an absolute discharge.

Result: The Registrar was of the view that the only authority for such relief would be to vary the discharge order under Subsection 187(5) of the *Bankruptcy and Insolvency Act*, but to do such would be an improper exercise of the discretion provided by it.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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