

Cite as: Cole (Re), 2001 NSSC 203

**CASE NO.**

**VOL. NO.**

**In the Matter of the Bankruptcy of  
Elizabeth Marie Cole**

**Tim Hill,  
Registrar in Bankruptcy**

**Halifax, Nova Scotia**

**File No. B 23659**

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**LIBRARY HEADINGS**

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**HEARD:** March 26, 2001

**DECISION:** April 2, 2001

**WRITTEN REASONS:** April 9, 2001

**FACTS:** Trustee sought directions (s.34(1) of the BIA) regarding procedure to be followed where trustee intends to make application under section 68 of the BIA for an order requiring payment of "income" of bankrupt to trustee for benefit of the estate. The "income" in question would not be paid or received until after the date of the bankrupt's pending automatic discharge (s.168.1 of the BIA)

**ISSUES:**

1. Dealing with the Registrar's jurisdiction to give directions where bankrupt objects.
2. Directions as to appropriate procedure.

**HELD:** As to jurisdiction:

- (a) Registrar had jurisdiction to give directions as to procedure on basis of urgency, ex parte nature of application, and as matter related to practice and procedure.
- (b) Registrar did not have jurisdiction to order attachment of funds as such involved substantive issues outside jurisdiction of Registrar.

As to directions:

The trustee can make the s.68 application after the bankrupt's discharge.  
Procedure set out in the decision.