

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

LIBRARY HEADINGS

Cite as: Croft, Re, 2001 NSSC 204

HEARD: June 4, 2001

DECISION: August 27, 2001

FACTS: Medical Doctor. Large income tax debt. Child ill. Bankrupt suffering from several illnesses followed by significant injury in motor vehicle accident. Income below guidelines. Potential claim against tortfeasor in MVA.

ISSUES: Should there be a conditional order for discharge.

HELD: Absolute Discharge.

In accordance with prior decision, trustee may apply under section 68 notwithstanding discharge should bankrupt recover payments for lost income on account of pre-bankruptcy earnings or earnings during period of bankruptcy.

Factors to be considered where large income tax debt reviewed and applied. Nothing wilfully wrong or dishonest in bankrupt's conduct. Income would not support a conditional order.