

IN THE SUPREME COURT OF NOVA SCOTIA  
IN BANKRUPTCY AND INSOLVENCY  
**Citation:** Byrne (Re), 2012 NSSC 23

**Date:** January 18, 2012  
**Docket:** B 35420  
**Registry:** Halifax

District of Nova Scotia  
Division No. 03 - Sydney  
Court No. 35420  
Estate No. 51-1397618

In the Matter of the Bankruptcy of Christopher James Byrne

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**LIBRARY HEADING**

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

**Heard:** November 17, 2011

**Written Decision:** January 18, 2012

**Subject:** The bankrupt made an assignment as a result of a judgment obtained against him by The Facility Association which compensated his friend for injuries resulting from an accident with a “Four Wheeler” driven by him which was not covered by insurance.

**Summary:** The Association first asked that the Court annul his assignment. This was denied. The Court was satisfied that what he did was not so egregious as to meet the requirement for an annulment.

**Result:** Alternatively the Association opposed his discharge. The Court held following the *Kozack* case of the Supreme Court of

Canada, that, although limited responsibility only could be attributed to him, nevertheless what happened would be covered by Paragraph 173(1)(a) of the *Bankruptcy and Insolvency Act*. The condition of this discharge was that he consent to judgment for \$5000 and comply with certain administrative requirements.

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