COURT OF KING'S BENCH
FOR SASKATCHEWAN

BANKRUPTCY DISCHARGE GUIDE

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1. Sample Cover Letter

[Date]

To: Court of King's Bench for Saskatchewan
2425 Victoria Avenue
Regina SK S4P 3V7

From: [Name]
[Address]
[Email]
[Telephone Number]

Re: In the Matter of the Bankruptcy of _____
Court File Number: _____
Estate Number: _____

I am requesting the following date and location for an **in-person bankruptcy discharge** hearing:

Date of Hearing:
Location: [Saskatoon/Regina]

Please find copies of the following document enclosed for filing:

1. This Letter
2. A Notice of Application
3. The Affidavit of [Name]
4. A draft Order for Discharge
5. An Affidavit of Service
6. [Note: list any other documents you are filing]

Sincerely,

[Signature]

[Printed Name]

2. Sample Notice of Application

COURT FILE: _____
ESTATE NO: _____
COURT OF KING'S BENCH IN BANKRUPTCY AND INSOLVENCY
IN THE MATTER OF THE BANKRUPTCY OF _____

NOTICE OF APPLICATION

NOTICE TO RESPONDENT(S)

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Where:_____

Date: _____

Time: _____

(Read the Notice at the end of this document to see what else you can do and when you must do it.)

Remedy claimed or sought:

1.

Grounds for making this application:

2.

Material or evidence to be relied on:

3. Affidavit of _____ sworn on [date].

4. Affidavit of Service.

Applicable rules:

5. Subsections 6(1), 6(2), 11-13 of the *Bankruptcy and Insolvency General Rules* CRC 368.

Applicable Acts and Regulations:

4. Section(s) _____ of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3.

DATED at _____, Saskatchewan, this _____ day of _____, 2_____.

_____

[Applicant Signature]

NOTICE

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If the party is self-represented:

Name of party:_____
Address for service: _____
(set out the street address)

Telephone number:_____
E-mail address:_____
Fax number (*if any*): _____

3. Sample Affidavit of the Bankrupt

Note:

- Make sure the Affidavit includes page numbers.
- Other documents relevant to your discharge can be included as further exhibits.
- Ensure that all exhibits are properly stamped and commissioned.

COURT FILE: _____
ESTATE NO: _____
COURT OF KING'S BENCH IN BANKRUPTCY AND INSOLVENCY
IN THE MATTER OF THE BANKRUPTCY OF _____

AFFIDAVIT OF _____

I, _____, residing in the City/Town of _____, in the Province of Saskatchewan make oath and say:

1. That I am the bankrupt herein and the applicant for discharge from bankruptcy and as such have knowledge of the matters hereinafter deposed to.

2. That I filed an assignment in bankruptcy on _____.

3. That I have not been bankrupt before.

IF BANKRUPT BEFORE:

4. That my previous bankruptcy was caused by the following events/behaviour:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

5. That since my assignment in bankruptcy, I have been employed as follows (Begin with the job you had at the date of bankruptcy, or the first job you obtained after the date you became bankrupt, and end with your current job. If you were employed at the start of your bankruptcy, show the date you started that employment. State whether your "gross rate of pay" is per hour, per week, per month or per year.):

From Date	To Date	Employer	Position	Full/Part time	Gross rate of pay

[*stipulate either $/hr., $/wk.; $/month or annual salary, whatever is most appropriate to the position*]

6. That I am supporting the following dependants (state names and ages and where they reside as well as current grade, course and/or employment):

Name	Age	Residence	Grade/Course/Employment

7. That since my assignment in bankruptcy I have resided with the following individuals who are not listed as dependents:

Name	Age	Residence	Relationship

8. That I am presently employed/unemployed (circle one) at the last position shown in paragraph five and my income is as follows (complete only one of the columns):

Employment Income	Monthly	Every Four Weeks
Wages, salary, commissions, bonuses, overtime		
Other employment income including tips/gratuity		
Less Compulsory Deductions		
Income Tax		
EI		
CPP		
Employer Pension		
Other (specify		
Net Employment Income		

9. Income from other sources (complete only one column):

Self-employment Income (if self-employed)	Monthly
Gross	
Work-related business expenses	
Allowance for statutory deductions and tax	
Net Self-employment Income	

Other Income (if applicable)	Monthly	Every Four Weeks
Social Assistance		
Employment Insurance		
Child Tax Benefit		
Support Payments		
Dividends		
CPP		
Pension		
RRIF		
CPP/OAS		
Other (specify)		
Net Other Income		

10. That I am single married/separated/divorced/common law (circle all those that are appropriate) since_____. [date/s]

IF SEPARATED OR DIVORCED:

11. That I am/am not (circle one) applying for distribution of family property under *The Family Property Act*, SS 1997, c F-6.3.

12. That I, am currently obligated by court order/voluntary agreement (circle one) to pay support of $_____ per month and I am/am not (circle one) in arrears of my obligation to pay support.

IF MARRIED OR COMMON LAW:

13. That my spouse/common law spouse is employed/unemployed circle one) and his/her income is as follows: (complete only one of the columns):

Income (Spouse)	Monthly	Every Four Weeks
Employment Income		
Net Self Employment Income		
Social Assistance		
Employment Insurance		
Child Tax Benefit		
CPP/OAS		
Pension		
RRIF		
Dividend		
Other (specify)		
Total Income		

14. That my spouse/common law spouse has on the _____ day of _____ has/has (circle one) filed an assignment in bankruptcy.

FOR EVERYONE:

15. That attached hereto as **Exhibit "A"** is a list of total family income and expenses during bankruptcy and a list of total family income and expenses for the most recent FULL MONTH.

16. Attached as **Exhibit "B"** is a list of my assets and liabilities including their value at this time.

17. I (have/have not been) a bankrupt for more than three years. If yes, attached, as **Exhibit "C",** are my notices of assessment for each taxation year following the year of my bankruptcy.

18. That I have not sold/disposed of or transferred any assets since my date of bankruptcy other than those delivered to the Trustee and the following:

_____
_____
_____
_____
_____
_____
_____
_____

19. That in considering my application for discharge I would ask the Court to consider the following:

_____
_____
_____
_____
_____
_____
_____
_____

20. Since the date of my assignment in bankruptcy I have acquired or become entitled to acquire the following assets (only list those assets which have a resale value of $1,000.00 or more):

_____
_____
_____
_____
_____
_____
_____
_____

SWORN BEFORE ME AT THE _____
OF _____ IN THE PROVINCE OF
SASKATCHEWAN, THIS _____ DAY OF
_____, 20_____.

_____

(AFFIANT'S NAME)

_____

Commissioner for Oaths In and for
the Province of Saskatchewan.
My commission expires_____

NOTE: This affidavit must be duly sworn/affirmed.

Exhibit "A"

This is Exhibit "A" referred to in the Affidavit of _____ sworn before me on the _____ day of _____, 20_____.

_____
A Commissioner of Oaths in and for the Province of Saskatchewan
My commission expires: _____

	TOTAL DURING BANKRUPTCY **From: _____ (start of bankruptcy)** **To: _____ (End of last full month)**	**LAST FULL MONTH**
NET FAMILY INCOME		
BANKRUPT		
Employment take home pay		
Net self-employment income		
Employment Insurance benefits		
Social Assistance		
Universal Child Care Benefit		
Spousal/child support received		
Pension, annuities		
Other income (specify)		

INCOME OF OTHERS IN HOUSEHOLD		
Employment take home pay		
Net self-employment income		
Employment Insurance benefits		
Social Assistance		
Child Tax Benefit		
Universal Child Care Benefit		
Spousal/child support received		
Pension, annuities		
Other income (specify)		
TOTAL NET MONTHLY INCOME		

MONTHLY EXPENSES		
NON-DISCRETIONARY EXPENSES		
Child support payments		
Spousal support payments		
Childcare		
Medical condition expenses (non-refunded by insurance or otherwise)		
Paid fines/penalties imposed by the court		

Employment related expenses (income tax deductible)		
Debts where stay has been lifted		
TOTAL NON-DISCRETIONARY EXPENSES		
NET INCOME AFTER PAYING NON-DISCRETIONARY EXPENSES		
DISCRETIONARY EXPENSES		
Housing		
Rent/mortgage		
Property taxes, condo fees		
Heating/gas/oil		
Telephone		
Cable		
Hydro/water		
House repairs		
Furniture		
Personal Expenses		
Alcohol		
Tobacco		
Dining/lunches/restaurants		
Entertainment/sports		
Gambling (include bingo, lottery, etc.)		
Children's programs		

Pets – food/veterinarian		
Gifts/charitable donations		
Children's allowance		
Recoverable Medical Expenses		
Prescriptions		
Dental		
Other (specify)		
Living Expenses		
Food/grocery		
Laundry/dry cleaning		
Grooming/toiletries		
Clothing		
Transportation Expenses		
Car lease/loan payments		
Repair/maintenance/gas		
Public transportation		
Insurance Expenses		
Vehicle		
House		
Furniture/contents		
Life insurance		
Other Expenses		

Payment to the estate		
Expenses as a condition of employment		
Payment to secured creditors (not included above)		
Other (specify)		
TOTAL DISCRETIONARY EXPENSES	**$**	
EXCESS OR (DEFICIT)	**$**	

Exhibit "B"

This is Exhibit "B" referred to in the Affidavit of _____ sworn before me on the _____ day of _____, 20_____.

_____
A Commissioner of Oaths in and for the Province of Saskatchewan
My commission expires: _____

Assets

I own or have an interest in the following assets:	
Real estate (municipal address/land location)	
Cars, boats, vehicles (year, make, model)	
Household goods, furniture and appliances	
Tools, sports and hobby equipment	
Bank accounts	
RRSPs	
Bonds, shares, term deposits, investment certificates, mutual funds	
Money owed to me	

Life insurance (cash value)	
Pension plans	
Business assets	
Other (specify):	

Debts and Other Liabilities

My current debts and liabilities are as follows:	
Mortgage	
Loans (specify)	
Credit Cards	
Other (specify)	

Exhibit "C"

This is Exhibit "C" referred to in the Affidavit of _____
sworn before me on the _____ day of _____, 20_____.

_____
A Commissioner of Oaths in and for the Province of Saskatchewan
My commission expires: _____

Attach Notices of Assessment (if applicable)

4. Template Acknowledgement of Service and Affidavit of Service

Note:

- You have the option of either (1) doing an Affidavit of Service or (2) including an Acknowledgement of Service in the package you give to each person you are required to serve.
- If you selected option (2), you must collect filled out Acknowledgements of Service from each person you served and file them with the Court before the hearing.
- In practice, option (1), is much quicker as some recipients may not complete the acknowledgement at all or in a timely manner.

FORM 12-3

(Subrule 12-3(1))

COURT FILE NUMBER _____

COURT OF KING'S BENCH IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE _____

IN THE MATTER OF THE
BANKRUPTCY OF _____

ACKNOWLEDGEMENT OF SERVICE

You are asked to fill out and sign this form without delay, and to mail it in the accompanying postage prepaid envelope addressed to *(name of party or lawyer effecting service)* or to return it by fax to *(name and fax number of party or lawyer effecting service)*. If you do not return this signed and completed Acknowledgement of Service without delay, you may not receive notice of any further proceedings or any documents may be personally served on you and you will be required to pay the costs of service.

I acknowledge service on me of a copy of the following document(s) *(list documents by title and date)*:

_____

_____

_____

_____

_____

_____

I am:

(select one)

☐ a party in this action.

☐ authorized to accept service on behalf of _____ *(name of party)*, being a _____ (*e.g. lawyer, officer of corporation, power of attorney)*.

_____

(signature)

_____

(date of service)

My name is: _____

(full legal name)

The address for service of _____ *(name of party acknowledging service)* is *(address in Canada where Court documents may be mailed or left):*

_____

_____

_____

_____

_____

_____

My telephone number is: _____

My fax number is *(optional)*: _____

My e-mail address is *(see Notice)*: _____

NOTICE

(1) You must include an address in Canada where documents may be mailed to or left for you if you wish to receive notice of subsequent proceedings in this matter. Your address for service must include an e-mail address if you are represented by a lawyer or if your address for service is located outside Saskatchewan. Otherwise, including an e-mail address is optional. It is also optional to include a fax number.

(2) When an e-mail address or a fax number is included in your address for service, documents may be served on you by e-mail or fax.

(3) The address, fax number or e-mail address that you give on this form will be used to serve you with documents until you serve on the other parties and file with the

(If this form is to be signed by a lawyer or authorized person on behalf of a corporation, unincorporated entity, minor, or dependent adult, it must be adapted accordingly.)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm: _____

Name of lawyer in charge of file: _____

Address of legal firm: _____

(set out the street address)

Telephone number: _____

Fax number (*if any*): _____

E-mail address: _____

or

If the party is self-represented:

Name of party: _____

Address for service: _____

(set out the street address)

Telephone number: _____

Fax number (*if any*): _____

E-mail address (*see Notice*): _____

COURT FILE: _____
ESTATE NO: _____
COURT OF KING'S BENCH IN BANKRUPTCY AND INSOLVENCY
IN THE MATTER OF THE BANKRUPTCY OF _____

AFFIDAVIT OF SERVICE

I, _____, of _____, Saskatchewan,

MAKE OATH AND SAY (or AFFIRM):

1. On [date] at approximately [time], I served [the bankrupt, the Licensed Insolvency Trustee, the creditors] whose names and addresses appear on the mailing list attached as **Exhibit "A"** with a [Notice of Application/Affidavit of _____/other documents as applicable], by [sending copies by ordinary mail to the addresses listed on the said exhibit or emailing or faxing the said documents to the recipients listed in the said exhibit].

   [Note: if your Trustee has been discharged, serve them if you are able to locate them. see: https://www.ic.gc.ca/app/scr/tds/web/?lang=eng

   [Note: if you cannot find your Trustee – contact the OSB to figure out who the successor Licensed Insolvency Trustee or firm is]

   [Note: pay attention to filing and service timelines in the Bankruptcy and Insolvency Act, RSC 1985, c B-3 and the Bankruptcy and Insolvency General Rules CRC, c 368. The general rule is found in ss.6(2) of the Rules]

2. On [date] at approximately [time], a copy of the [Notice of Application/Affidavit of _____/other documents as applicable] was emailed to the Superintendent of Bankruptcy. Attached as **"Exhibit B"** is a copy of the email sent to the Office of the Superintendent of Bankruptcy.

   [Note: this can also be done by mail see: https://ised-isde.canada.ca/site/office-superintendent-bankruptcy/en/about-osb/how-serve-or-notify-office-superintendent-bankruptcy-legal-proceedings]

SWORN BEFORE ME AT THE _____
OF _____ IN THE PROVINCE OF
SASKATCHEWAN, THIS _____ DAY OF
_____, 20_____.

_____
(AFFIANT'S NAME)

_____
Commissioner for Oaths in and for
the Province of Saskatchewan.
My commission expires_____

5. Template Orders for Discharge

Note:

- The Template Orders in this document were published on November 1, 2023
- Please consult Civil Practice Directive #4 for updates to the template orders
- Practice Directives are found online at RULES, FORMS & PRACTICE DIRECTIVES - Saskatchewan Courts
- The Court has not published a template for an order modifying a conditional order, however if such an application is made in conjunction with an application for an order for Absolute Discharge then the following wording can be added after "property or affairs":

  It is ordered that the Order for Conditional Discharge of [*insert Judge/Registrar name*] issued [*date*] is modified in the following manner:

  [*describe changes to the original order*]

COURT FILE _____
ESTATE NO _____
COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER FOR ABSOLUTE DISCHARGE

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application),* all filed;

And whereas no facts mentioned in section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established;

And whereas it has not been established that the bankrupt has been guilty of any misconduct in relation to the bankrupt's property or affairs;

It is ordered that the bankrupt is discharged from bankruptcy.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.

Court Seal

_____

Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

COURT FILE _____
ESTATE NO _____
COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER REFUSING DISCHARGE

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed:

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(*insert applicable description of section 173 fact*);

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(*describe bankrupt's conduct, if applicable*)

It is ordered that the application for the bankrupt's discharge is refused.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.

Court Seal

_____

Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

COURT FILE _____
ESTATE NO _____
COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER OF CONDITIONAL DISCHARGE

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs *(and the report of the superintendent, if any, and material filed in support of the application),* all filed:

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(*insert applicable description of section 173 fact*)

It is ordered that:

1. The bankrupt pays the sum of $_____, to the trustee, by making minimum monthly payments of $_____, starting on _____ and continuing on the _____ day of every month that follows until fully paid;
2. Second condition (*if applicable*);
3. The bankrupt shall have a right of prepayment (*if applicable*); and
4. The bankrupt's discharge shall be suspended until _____ (*if applicable*).

It is further ordered, that when the bankrupt has completed the term of the suspension and has fulfilled the foregoing conditions, the trustee may apply for an order for absolute discharge.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.

Court Seal

_____
Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

COURT FILE _____
ESTATE NO _____
COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER FOR ABSOLUTE DISCHARGE (CONDITIONS MET)

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any*) all filed;

And whereas the Registrar is satisfied the bankrupt has complied with the conditions set in the order of conditional discharge dated _____, 2_____;

It is ordered that the bankrupt is discharged from bankruptcy.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.

Court Seal

_____

Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

APPENDIX E

COURT FILE _____
ESTATE NO _____
COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER OF SUSPENDED DISCHARGE

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs *(and the report of the superintendent, if any)*;

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(*insert applicable description of section 173 fact*)

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(*describe bankrupt's conduct, if applicable*)

It is ordered that the bankrupt's discharge shall be suspended until _____, 2_____.

Court Seal

_____
Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.