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the Superintendent
of Bankruptcy Canada

Bureau du
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OSB Data Dictionary

Version 1.1

Canada



Protecting the
Integrity of the
Insolvency System

Protéger l'intégrité
du système
d'insolvabilité

OSB Data Dictionary

Version 1.1

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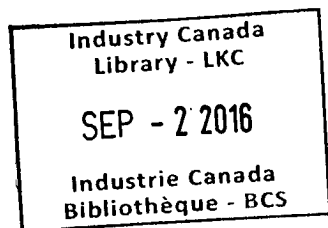


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1 OSB Data Dictionary

1.1 Introduction

The OSB data dictionary contains descriptions, usages and histories of IMPACT key data elements. The definitions and usages have evolved over the years and there is no guarantee that legacy data in the database matches the definition in this dictionary. However, attempts have been made to document data history and anomalies as much as possible.

Public Records:

The IMPACT database contains a record of all bankruptcies and proposals filed in Canada from 1978 to date. It also contains a record of all private and court appointed receiverships filed in Canada from 1993 to date. All applications that have been registered in our offices are also available in the database.

1.2 Glossary

BIA

The *Bankruptcy and Insolvency Act*, a federal law which regulates business and consumer proposals and bankruptcies in Canada.

Superintendent of Bankruptcy

A federally appointed official who oversees the administration of the *Bankruptcy and Insolvency Act* in Canada.

OSB

Office of the Superintendent of Bankruptcy, an agency of Industry Canada. The OSB supervises the administration of the *Bankruptcy and Insolvency Act*.

IMPACT

The computer software (database) used by the OSB to record information about estate proceedings filed with the OSB. Much of the information forms part of the public record.

Name Search

The computer software that enable searches of debtors' names in the public record.

E-Filing

The computer system designed by the OSB to accept electronic filings of bankruptcies and proposals from a trustee through the Internet.

Official Receiver

A federal government employee with the Office of the Superintendent of Bankruptcy and officer of the court with specific duties under the *Bankruptcy and Insolvency Act*.

Creditor

A person, institution or business to whom money is owed; in insolvency matters, a person (or corporation) having a claim provable under the *Bankruptcy and Insolvency Act*.

Debtor

A person who receives a loan or an advance of goods or services from a creditor in exchange for a promise to pay at a later date. A debtor may include a bankrupt.

Insolvent person

A person who is not bankrupt and who is unable to meet financial obligations as they become due.

Act of Bankruptcy

An act committed by a debtor as defined under the *BIA*. One of the most common is ceasing to meet his or her liabilities generally as they become due.

Insolvency

The condition of being unable to pay debts as they become due, or having liabilities that exceed the total value of assets.

Proposal

An offer by the debtor to creditors to settle debts under conditions other than the existing terms

Trustee in Bankruptcy

A person licensed by the Superintendent of Bankruptcy to administer bankruptcy and proposal estates.

Assignment (in bankruptcy)

A transfer by an insolvent person of his property to a trustee for the general benefit of creditors

Bankrupt

A natural person or corporation who has made an assignment or against whom a bankruptcy order has been made; it also means the legal status of that person or corporation.

Application for Bankruptcy Order

An application to a court of law for a bankruptcy order against a debtor.

Bankruptcy Order

An Order made by the court directing that the debtor's assets vest in the trustee in bankruptcy. The Order is made upon consideration of an application filed against the debtor by a creditor. Upon the court issuing the Bankruptcy Order, the debtor becomes bankrupt.

Summary Administration

A simplified administrative process for non-corporate bankruptcies in which the net realizable assets of the estate are not expected to exceed \$10,000.

Ordinary Administration

All bankruptcy estates that do not meet the criteria for a summary administration are administered pursuant to the ordinary provisions of the *BIA*.

Discharge

The release of a debtor from his or her liabilities.

Consumer Proposal

A simplified proposal for repayment of debt to creditors, available under the *Bankruptcy and Insolvency Act* to a consumer debtor whose aggregate debts, excluding any debts secured by the person's principal residence, do not exceed the amount prescribed in the *BIA*.

Notice of Intention to File a Proposal

A legal document filed with the Official Receiver stating that the debtor intends to file a proposal.

Cash-Flow Statement

A statement filed under the Division I projecting the insolvent person's cash flow over the term of the proposal.

Receivership

A proceeding which begins upon the appointment of a receiver, either by a secured creditor or by order of the court.

Default

Failure to pay or perform a legal or contractual obligation.

1.3 Interpretation

In this Dictionary, unless otherwise specified,

"estate" means a bankruptcy, a Division I proposal, a Division II proposal, a notice of intention, an application, a receivership or an interim receiver appointment.

"filed" also means "electronically filed".

"accepted" also means "accepted by the e-filing system".

"trustee" means a bankruptcy trustee or a consumer proposal administrator who is not a licensed trustee.

"official receiver" or "O.R." also means a Bankruptcy Analyst, Senior Bankruptcy Analyst and Assistant Bankruptcy Analyst.

2 Estate Filing Information

2.1 Estate Number

A combination of the division office number combined with a six digit estate id that uniquely identifies an estate file in the database.

Related Topics:

Division Office

Court Number

Technical Specifications:

field name: regional_office_number (number(3))

field name: estate_id (number(10))

table name: estate_master

2.2 Division Office

A two digit number that identifies division office or sub-office where the estate file is registered.

Act Section:

BIA s. 2.2 and 12

Code Definition:

11 - Vancouver

21 - Winnipeg

22 - Regina (sub-office of the Winnipeg Office)

23 - Saskatoon (sub-office of the Winnipeg Office)

24 - Edmonton

25 - Calgary

31 - Toronto

32 - Hamilton

33 - Ottawa

34 - Sudbury (Although the sub-office was closed in Dec 1993, some estate files are still open)

35 - London

41 - Montreal

42 - Sherbrooke (sub-office of the Montreal Office)

43 - Quebec

51 - Halifax

Note:

1. Division Office is also referred to as the Regional Office or the District Office in IMPACT.
2. With the closing of the Sudbury office in 1993, Sudbury estate files became the responsibility of the Toronto office.

Technical Specifications:

table_name: estate_master

field name: regional_office_number

2.3 Court Number

When a file is opened at the court either in the Atlantic provinces, Quebec, Saskatchewan or British Columbia, the court number issued will differ from the estate number. In the other provinces, the court is the same as the estate number regardless if the file was opened at the court.

Related Topics:

[Division Office](#)

[Estate Number](#)

Technical Specifications:

table name: estate_master

field name: court_number (varchar2(17))

2.4 Estate Name

This field contains the full name of the debtor. Where the debtor is an individual, the name is in the format <last name, given names>. In cases where the debtor is deceased prior to the filing, the filing is listed under <last name, given names (The ESTATE OF THE LATE)> (although many variations of this are in the database).

Length: 55 characters

Related Topics:

[Alias](#)

[XXXXX DELETE](#)

[Debtor Type](#)

Technical Specifications:

table name: estate_master

field name: estate_name (varchar2(120))

2.5 Debtor Type

Indicates whether the debtor is an individual (natural person) or a corporation.

1 - Individual

2 - Corporate

Related Topics:

[Alias Name Type](#)

Technical Specifications:

table name: estate_master

field name: debtor_type_code

2.6 Alias

Alias Name

An alias is a name, other than the registered estate name, under which an estate can be identified and accessed. A numbered corporation, for example, may also be known under a trade name.

Length: 75 characters

Alias Name Type

This field indicates whether the alias name is an individual name or a business or trade name. The field is used on the Internet Name Search to refine a search.

- 1 : Individual Name
- 2 : Business Name

Alias Type

This field indicates whether the alias name is the main estate name or not.

- 1 - Also known as or alias name
- 2 - Truncated estate name
- 3 - Trade or business name
- 4 - Main estate name

Notes:

- 1. Alias names in the database have no punctuation or accents
- 2. If the debtor type is corporate, the alias name type of all aliases must be business.
- 3. If the alias name type is individual use the personal name format <last name given names>

Related Topics:

Estate Name
Debtor Type

Technical Specifications:

table name: alias
field name: name (varchar2(140))
field name: alias_type_code
field name: name_type_code

2.7 Birth Date

This field contains the birth date of an individual debtor.

Note:

- 1. For pre-1992 estates, the birth date of an individual debtor may not be recorded in the database.
- 2. This field can be used as criteria in a Name Search and is included in the information provided when a Name Search is done.

Related Topics:

Debtor Type

Technical Specifications:

table name: estate_master
field name: estate_birthdate

2.8 Gender

Identifies the gender of an individual debtor.

- 1 - Male

2 - Female

Note:

This field began to be entered in January 2003.

Related Topics:

Debtor Type

Technical Specifications:

table name: estate_master

field name: gender

2.9 Debtor Language

Identifies the official language used for communication with the debtor. It is also used in IMPACT as the language for the examination notice unless specified otherwise.

1 - English

2 - French

Technical Specifications:

table name: estate_master

field name: debtor_language_code

2.10 Debtor Address

This field contains the address of the debtor at the time of the proceeding. If the debtor is a foreign debtor, the trustee's address is used, and the debtor's address is stored in memo code 98.

Note:

1. In the past, some offices may have updated this field when the debtor moved. A decision was made in October 2002 that no office should update the debtor's address unless an error was made in the original submission.
2. The postal_code field of the debtor address is used for calculating major urban centre filing statistics breakdowns.

Related Topics:

District

Division

Province

Urban Centres

Technical Specifications:

table name: estate_master

field name: building

field name: street

field name: city

field name: province_code

field name: postal_code

field name: phone_number

2.11 E-File Indicator

Identifies whether the file is electronic, or has been converted from a paper file to electronic or from an electronic file to paper.

- 1 - e-filed
- 2 - Previously Paper-based
- 3 - Converted to Paper

Note:

1. Electronic filing started in November 2002. Estate numbers in the 700,000 series are electronic files except the ones converted to paper.

Technical Specifications:

table name: estate_master

field name: efile_code

2.12 Filing Date

The date of receipt of a new estate filing at the Division Office. The field is used to calculate filing statistics and should not be changed. Currently, this field is used to calculate the due date for registration fees.

Notes:

1. As of March 2003, the filing date cannot be changed after seven days.
2. Before July 15, 2002, this date was the same as the Date of Bankruptcy for a new assignment filed at a Division Office.

Related Topics:

Estate Type Date

Date of Proceeding

Date of Bankruptcy

Date of Initial Bankruptcy Event 018E.

Technical Specifications:

table name: estate_master

field name: filing_date

2.13 Date of Proceeding

The definition of this field depends on the type of the proceeding:

Bankruptcies (assignments and bankruptcy orders)

The date of bankruptcy provided that date is different from the filing date.

Proposals

The date the proposal is filed by a debtor provided that date is different from the filing date, or the date of court approval of a proposal filed by a bankrupt.

Receiverships

The date the receiver takes possession of the assets.

Interim Receivers

The date the interim receiver was appointed.

Applications

The date the application was filed with the court.

Court annulled bankruptcies or Division I filings

The date of court annulment.

Note:

1. The Date of Proceeding field was created in February 1995 to capture the date of bankruptcy when a Division I proposal failed.
2. Since July 15, 2002, the time of bankruptcy is also recorded for assignments.
3. Date of Proceeding can be used as criteria in a Name Search and is included in the information provided when a Name Search is done.

Related Topics:

[Bankruptcy](#)

[Division I Proposal](#)

[Division II Proposal](#)

[Receivership](#)

[Application](#)

[Estate Type](#)

[Estate Type Date](#)

[Filing Date](#)

Technical Specifications:

table name: date_of_proceeding (currently)

estate_master (future)

field name: date_of_proceeding

2.14 Date of Bankruptcy

The date on which a person becomes bankrupt. In IMPACT the date of bankruptcy is recorded in the Date of Proceeding field or the Filing Date field, if the Date of Proceeding field is null.

Assignments

The date on which the official receiver accepts the assignment. In the case of an assignment filed when a Division II proposal is pending court approval, this is the date the Division II proposal was filed. ✓

Deemed Assignments

The date a Division I proposal was rejected by the creditors or the court, the date the court annulled a Division I proposal or the day following the date on which a person failed to file a proposal or cash flow statement within the required time after having filed a Notice of Intention (compare with Date of Initial Bankruptcy Event).

Bankruptcy Orders

The date the court made a Bankruptcy Order.

Act Section:

BIA S.2.1

Notes:

1. This is not an actual field in the IMPACT database.
2. The time of bankruptcy has been captured for assignments in the date of proceeding field since July 15, 2002,

Related Topics:Estate Type DateFiling DateDate of ProceedingDate of Initial Bankruptcy Event**Technical Specifications:**

table name: date_of_proceeding (currently)

estate_master (future)

field name: date_of_proceeding

if date_of_proceeding is null then filing_date in estate_master

2.15 Date of the Initial Bankruptcy Event

The Date of the Initial Bankruptcy Event (DIBE) is used to establish the date for the purpose of settlements and preferences s. 91-101, duties of a bankrupt, facts under s.173 and offences s.198-206.

Assignments

In the case of an assignment, the DIBE is the date on which the official receiver accepts the assignment (the date of bankruptcy).

Division I Proposals

In the case of a Division I proposal, the DIBE is the date on which the notice of intention is filed or the proposal is filed if no notice of intention was filed.

Division II Proposals

In the case of a Division II proposal, the DIBE is the date on which the proposal is filed.

Deemed Assignments

In the case of a deemed assignment, the DIBE is the earliest of filing of a notice of intention, or a Div I proposal.

Bankruptcy Orders

In the case of a bankruptcy order, the DIBE is the date on which the first application was filed with the court.

In IMPACT, the DIBE is recorded only if it is different from the Date of Proceeding or the Filing Date. The DIBE is displayed on the Certificate of Appointment.

Note:

Only estates filed on or after September 30, 1997, can have data in this field.

Related Topics:Date of ProceedingDate of BankruptcyFiling Date**Technical Specifications:**

table name: estate_master_ext (currently)
 estate_master (future)
 field name: dibe

2.16 Trustee Appointment Date

The date a trustee is appointed by the Official Receiver to administer an estate. It appears on the Certificate of Appointment. It is usually the same date as the Date of Bankruptcy.

Notes:

This data has been captured since July 15, 2002.

Related Topics:

[Estate Type Date](#)
[Date of Proceeding](#)
[Date of Bankruptcy](#)

Technical Specifications

table name: estate_master
 field name: trustee_appointed_date

2.17 Filing Type

Identifies the filing type used to determine the total filing fee for the estate. It is also used to identify joint estates. Even if there are proceeding changes such as a Division I changing to a bankruptcy, the filing type remains the same, except if the file is converted from a summary administration to an ordinary administration on or after June 9, 2001.

Act Section:

BIA Rules 132 and 136

11 - Ordinary	\$150
12 - Single Summary (before June 9, 2001)	\$50
13 - Single Summary	\$75
14 - Single Summary - Previous Bankruptcy	\$150
15 - Conversion from Summary to Ordinary	$\$75 + \$75 = \$150$
16 - Conversion from Summary to Ordinary on or after June 9, 2001 for estate filed before June 9, 2001	$\$50 + \$75 = \$125$
17 - Conversion from Summary to Ordinary on or after June 9, 2001 for estate filed before 1992	$\$0 + \$75 = \$75$
21 - Primary Joint Summary (before June 9, 2001)	\$50
22 - Related Joint Summary	\$0
23 - Primary Joint Summary	\$75
24 - Primary Joint Summary - Previous Bankruptcy	\$150
25 - Conversion from Related Joint Summary to Ordinary	\$75
31 - Primary Partnership - Ordinary	\$150
32 - Related Partnership - Ordinary	\$150
33 - Primary Partnership - Summary (before June 9, 2001)	\$50
34 - Related Partnership - Summary (before June 9, 2001)	\$50
35 - Primary Partnership - Summary	\$75
36 - Related Partnership - Summary	\$75
37 - Primary Partnership - Summary - Previous Bankruptcy	\$150
38 - Related Partnership - Summary - Previous Bankruptcy	\$150

39 - Primary Partnership - Conversion to Ordinary on or after June 9, 2001 for estate filed before June 9, 2001	\$50+\$75 = \$125
40 - Related Partnership - Conversion to Ordinary on or after June 9, 2001 for estate filed before June 9, 2001	\$50+\$75 = \$125
41 - Single Div I Commercial Proposal	\$150
42 - Div II Single Consumer Proposal (before June 9, 2001)	\$50
43 - Primary Joint Div II Consumer Proposal (before June 9, 2001)	\$50
44 - Related Joint Div II Consumer Proposal	\$0
45 - Div II Single Consumer Proposal	\$100
46 - Primary Joint Div II Consumer Proposal	\$100
47 - Primary Joint Div I Commercial Proposal	\$150
48 - Related Joint Div I Commercial Proposal	\$0
51 - Receivership	\$70
52 - Primary Joint Receivership	\$70
53 - Related Joint Receivership	\$0
61 - Filing Fee Exemption - Pre New Act Estate Filing (1992)	\$0
62 - Authorized Filing Fee Exemption	\$0

Note: Codes in bold apply only for estates filed on or after June 9, 2001 or summary estates converted to Ordinary on or after June 9, 2001.

Note:

1. As there is no filing fee for Notices of Intention, Applications for Bankruptcy Order or Interim Receiver Appointments, there are no filing type codes for these types of filings.

Related Topic:

Administrative Type

Estate Type

Conversion Date

Filing Fees

Technical Specifications:

table name: estate_master

field name: filing_type_code

code table: filing_type_code

2.18 Administration Type

Identifies the type of administration of the estate file --a summary, ordinary, Division I or Division II. Applications and receiverships do not have an administration type.

- 1 - Summary Bankruptcy
- 2 - Ordinary Bankruptcy
- 3 - Division I
- 4 - Division II (Consumer Proposal)

Note:

1. Pre-1987 files may not have the administration type defined. As of July 2003, there were approximately 71,600 bankruptcy records without an administration type, 133 of which are still open in the system. There are 37 post -1987 bankruptcy records without administration types, and one is still open.

2. Applications and receiverships (estate types 1-4 and 91-93) have no administration type

3. The administration type was not recorded in the history tables, therefore if an estate was originally filed as a summary administration and then converted to an ordinary administration, there is no simple way to report on the original administration type at the time of filing. This can affect how statistics are calculated. Most reports use the current administration type as their criteria.
4. As of November 2001, the Division Offices can enter a conversion date which would indicate if the file has been converted from a summary administration to an ordinary administration.

Related Topic:[Estate Type](#)[Summary Administration](#)[Ordinary Administration](#)[Division I](#)[Division II](#)**Technical Specifications:**

table name: estate_master

field name: admin_type_code

code table: admin_code

2.19 Conversion Date

This field contains the date of conversion of an estate file from a summary administration to an ordinary administration, at the discretion of the Official Receiver, on or after June 9, 2001. The date is used to calculate the due date of the additional \$75 filing fee for conversion.

Related Topics:[Filing Type](#)[Administrative Type](#)[Summary Administration](#)[Ordinary Administration](#)**Technical Specifications:**

table name: estate_master

field name: conversion_date

2.20 Estate Type

Identifies the type of insolvency proceeding of the estate.

Note:

If the estate has proceeding changes, the prior estate types are kept in the estate_type_history table.

IMPACT System**Application for Bankruptcy Order**

- 1 - Application for Bankruptcy Order (Ss. 43(1))
- 2 - Application Dismissed or Withdrawn (Ss. 43(7) and 43(14))
- 3 - Application Granted (Ss. 43(6))
- 4 - Application Inactive

Bankruptcy Orders - Bankruptcies

- 11 - Bankruptcy Order (Ss. 43(6))
- 12 - Bankruptcy Order - Previous Failure of Div II Proposal
- 13 - Bankruptcy Order - Previous Failure of Div I Proposal
- 21 - Voluntary Assignment (Ss. 49(1))
- 22 - Voluntary Assignment - Prior Div II not fully performed (Ss. 49(1) or 66.33)
- 23 - Voluntary Assignment Following Div I Proposal (Ss. 50(4.1))
- 24 - Voluntary Assignment - Pending Court Approval of Div II Proposal (obsolete, January 2000)

Consumer Proposals - Division II Proposals

- 31 - Div II Proposal of Debtor (Ss.66.13(2))
- 32 - Amended or re-Instated Div II Proposal (Ss. 66.37(1))
- 33 - Withdrawn Div II Proposal Before Approval (Ss. 66.25)
- 34 - Rejected Div II Proposal - Creditor Acceptance Refused (Ss. 66.19(1))
- 35 - Refused Div II Proposal - Court Approval Refused (Ss. 66.24(2))

Division I Proposals

- 41 - Notice of Intention (Ss. 50.4(1))
- 42 - Cash Flow Statement and Notice of Intention (Ss. 50.4(1) and (2))
- 43 - Div I Proposal and Cash Flow Statement (Ss. 62(1))
- 44 - Cash Flow Statement Following Notice of Intention (Ss. 50.4(2))
- 45 - Div I Proposal Following Cash Flow Statement and Notice of Intention (Ss. 62(1))
- 46 - Amended or Reinstated Div I Proposal and Cash Flow Statement
- 47 - Div I Proposal in Default (S. 62.1)

Deemed Assignment - Bankruptcies

- 51 - Deemed Bankruptcy - Failure to File Cash Flow Statement (Ss. 50.4(8)(a))
- 52 - Deemed Bankruptcy - Failure to File Div I Proposal (Ss. 50.4(8)(a))
- 53 - Deemed Bankruptcy - Div I Proposal Creditor Acceptance Refused (Ss.57(a))
- 54 - Deemed Bankruptcy - Div I Proposal Court Approval Refused (Ss. 61(2))

Proposals by bankrupt

- 61 - Div I Proposal by a Bankrupt - Bankruptcy Order (Ss. 50(1)(d) or (e))
- 62 - Amended Div I Proposal by a Bankrupt - Bankruptcy Order
- 63 - Div I Proposal by a Bankrupt - Voluntary or Deemed Assignment (Ss. 50(1)(d) or (e))
- 64 - Amended Div I Proposal by a Bankrupt - Voluntary or Deemed Assignment
- 65 - Div II Proposal by a Bankrupt (Ss. 66.4(2))

Proposals by bankrupt failed - Bankruptcies

- 71 - Reinstated Bankruptcy Order- Div I Proposal Creditors Acceptance Refused
- 72 - Reinstated Bankruptcy Order- Div I Proposal Court Approval Refused
- 73 - Reinstated Assignment -Div I Proposal Creditor Acceptance Refused
- 74 - Reinstated Assignment - Div I Proposal Court Approval Refused
- 75 - Reinstated Bankruptcy - Div II Prop Withdrawn or Creditors Acceptance Refused
- 76 - Reinstated Bankruptcy - Div II Prop Court Approval Refused

Annulments

- 81 - Bankruptcy Annulled - Court Annulment
- 82 - Bankruptcy Order - Div I Proposal Annulled (S. 63)
- 83 - Deemed Annulment - Div II Proposal by a Debtor - In Default (Ss. 66.31(1))
- 84 - Court Annulment - Div II Proposal by a Debtor (Ss. 66.3(1,3))
- 85 - Deemed Annulment - Div II Proposal by a Bankrupt (no bankruptcy)
- 86 - Court Annulment - Div II Proposal by a Bankrupt (bankruptcy) (Ss. 66.3(5)(a))
- 87 - Court Annulment - Div I Process (no bankruptcy)
- 88 - Taken up and Continued under CCAA (Ss. 11.6(a))

Receiverships

- 91 - Receivership - Private Appointment (Ss. 243(2)(a))
- 92 - Receivership - Court Appointment (Ss. 243(2)(b))

Interim Receiverships

93 - Interim Receiver Appointment (Ss. 46, 47, 47.1)

Name Search System

- 1 - APPLICATION FOR BANKRUPTCY ORDER
- 2 - APPLICATION DISMISSED OR WITHDRAWN
- 3 - APPLICATION GRANTED
- 4 - APPLICATION INACTIVE
- 11 - BANKRUPTCY
- 12 - BANKRUPTCY
- 13 - BANKRUPTCY
- 21 - BANKRUPTCY
- 22 - BANKRUPTCY
- 23 - BANKRUPTCY
- 24 - BANKRUPTCY
- 31 - CONSUMER PROPOSAL
- 32 - CONSUMER PROPOSAL
- 33 - CONSUMER PROPOSAL WITHDRAWN
- 34 - REJECTED CONSUMER PROPOSAL
- 35 - REFUSED CONSUMER PROPOSAL
- 41 - NOTICE OF INTENTION
- 42 - NOTICE OF INTENTION
- 43 - COMMERCIAL PROPOSAL
- 44 - NOTICE OF INTENTION
- 45 - COMMERCIAL PROPOSAL
- 46 - COMMERCIAL PROPOSAL
- 47 - COMMERCIAL PROPOSAL IN DEFAULT
- 51 - BANKRUPTCY
- 52 - BANKRUPTCY
- 53 - BANKRUPTCY
- 54 - BANKRUPTCY
- 61 - COMMERCIAL PROPOSAL BY BANKRUPT
- 62 - COMMERCIAL PROPOSAL BY BANKRUPT
- 63 - COMMERCIAL PROPOSAL BY BANKRUPT
- 64 - COMMERCIAL PROPOSAL BY BANKRUPT
- 65 - CONSUMER PROPOSAL BY BANKRUPT
- 71 - BANKRUPTCY
- 72 - BANKRUPTCY
- 73 - BANKRUPTCY
- 74 - BANKRUPTCY
- 75 - BANKRUPTCY
- 76 - BANKRUPTCY
- 81 - BANKRUPTCY ANNULLED
- 82 - BANKRUPTCY
- 83 - CONSUMER PROPOSAL DEEMED ANNULLED
- 84 - CONSUMER PROPOSAL ANNULLED
- 85 - CONSUMER PROPOSAL BY BANKRUPT DEEMED ANNULLED
- 86 - BANKRUPTCY
- 87 - DIV I PROCESS ANNULLED
- 88 - TAKEN UP AND CONTINUED UNDER CCAA
- 91 - RECEIVERSHIP
- 92 - RECEIVERSHIP
- 93 - INTERIM RECEIVER

Related Topics:[Administrative Type](#)[Filing Type](#)[Estate Type History](#)[New Filings](#)**Technical Specifications:**

table name: estate_master

field name: estate_type_code

code table:

estate_code in IMPACT

Registration codes:

Bankruptcy: 11, 12, 21, 22

Division I: 41, 42, 43

Division II: 31

Receivership: 91, 92

Application for Bankruptcy Order: 1

Interim Receiver Appointment: 93

Current Inventory:

Bankruptcy: 11, 12, 13, 21, 22, 23, 24, 51, 52, 53, 54, 71, 72, 73, 74, 75, 76, 81, 82, 86

* 81 is an annulled bankruptcy, for counting/workload purposes it is included, but it is not a true bankruptcy.

* 24 is no longer in use, although some older files still reflect this code

Division I: 41, 42, 43, 44, 45, 46, 47, 61, 62, 63, 64, 87, 88

Division II: 31, 32, 33, 34, 35, 65, 83, 84, 85

Application for Bankruptcy Order: 1, 2, 3, 4

2.21 Estate Type Date

This is a system generated date reflecting the date when the estate type code was created or changed.

Notes:

There is an Estate Type History table where previous estate type codes and estate type dates are kept.

Related Topics:[Filing Date](#)[Date of Proceeding](#)[Estate Type History](#)**Technical Specifications:**

table name: estate_master

field name: estate_type_date (current)

table name: estate_type_history

field name: estate_type_date (current and previous)

2.22 Estate Type History

A listing of the estate type changes made to a file. It contains the estate type code and estate type date. The first estate type code held in the Estate Type History table is used to calculate filing statistics.

Note:

As some Estate Type History records before May 1995 were not kept when the database was converted to the current IMPACT system, some records may not contain a complete history.

Related Topics:

Estate Type

Estate Type Date

Filing Date

Administration Type

Date of Proceeding

Technical Specifications:

table name: estate_type_history

2.23 Previous Bankruptcy

Indicates if the individual has previously been bankrupt. This field is used to check whether or not a debtor is a first time bankrupt. First time bankrupts are eligible for automatic discharges.

1 - Yes

2 - No

Note:

For estates filed on or after June 9, 2001, the filing type and fee are dependent on this field.

Related Topics:

Filing Type

Filing Fees

Automatic Discharge

Technical Specifications:

table name: estate_master

field name: prev_bank_ind_code

2.24 Estate Bond

The estate bond is obtained by the trustee to insure the assets of an estate against loss. The official receiver sets the amount of the bond required to be obtained by trustee. The amount of the bond may appear on the Certificate of Appointment, if the bond is set by the official receiver at the time of accepting the assignment and appointing the trustee..

Act Sections:

BIA 16(1)(2)

Technical Specifications:

table name: estate_bond

field name: bond_amount (number(19,2))

2.25 Liability Type

Identifies if an estate is a business or consumer file. If the principal debts (50% or more) were incurred as a result of operating a business, then it is considered a business filing, otherwise it is considered a consumer filing. Corollary Debts are debts where 75% or more were incurred are owed jointly with another estate. Where there is corollary debt one estate's liability type is assigned as consumer or business debt and the other ones are assigned as corollary debt.

- 1 - Consumer Debt
- 2 - Corollary Consumer Debt
- 3 - Business Debt
- 4 - Corollary Business Debt

Notes:

- 1. When calculating assets for consumer vs. business filings, include both primary and corollary liability_type_code estates in the calculation.
- 2. When calculating liabilities for consumer vs. business filings use only the primary liability_type_code estates in the calculation, do not include the corollary estates.

Related Topics:

[Consumer Filing](#)

[Business Filing](#)

[Corollary Debt](#)

Technical Specifications:

table name: estate_master

field name: liability_type_code

2.26 Liability Value

This field contains the total liabilities as declared by the debtor on the statement of affairs.

Note:

As per Directive 8R3, issued November 1, 2002

"For the purposes of new Form 79, a numerical value of \$0 is to be used to indicate debts of a contingent nature or unknown dollar amount, where a 'best estimate' cannot be provided."

Technical Specifications:

table_name: estate_master

field name: liability_value (number(19,2))

2.27 Asset Value

This field contains the estimated total dollar value of the assets of the debtor as declared by the debtor on the statement of affairs.

Note:

As per Directive 8R3, issued November 1, 2002

"For the purposes of new Form 79, a numerical value of \$1 is to be used to indicate an unknown asset dollar value, where a 'best estimate' cannot be provided."

For the purposes of new Form 79, a numerical value of \$0 is to be used to indicate debts of a contingent nature or unknown dollar amount, where a 'best estimate' cannot be provided."

Technical Specifications:

table_name: estate_master

field name: asset_value (number(19,2))

2.28 Encumbered Assets

Originally this field was intended to show encumbered 'real property' assets. It has evolved to include any secured asset.

Note:

This field is used only for receiverships and interim receiver appointments.

Related Topic-

Receivership

Interim Receiver

Technical Specifications:

table_name: estate_id

field name: encumb_assets (number(19,2))

2.29 Surplus Income

Some bankrupts have high enough monthly incomes that they are required to pay a portion of their income into their estates. This amount is set in Directive 11R.

Note:

1. From May 1998 to December 2000, surplus income information was kept inconsistently and the information was captured in the memo field using codes 94 and 95.
94 - According to or above standard
95 - Below standard
2. For files filed after January 2001 the information is captured in the Surplus Income table gathered from Form 65.

Technical Specifications:

table name: surplus_income

field name: amnt_agreed_pay_mthly

field name: amnt_agreed_pay_mthly_repurch (Form 65, Line 13)

field name: amnt_required_pay_mthly

field definitions: number(19,2)

table name: memo

field name: memo_type_code

Note:

To calculate the actual amount paid into the estate for surplus income, subtract the amnt_agreed_pay_mthly_repurch from amnt_agreed_pay_mthly. This will give you the surplus income amount only, this can then be compared to the amnt_required_pay_mthly field to see if the file is paying more or less than the required amount.

2.30 District

Identifies bankruptcy district in which the proceedings are taken. The bankruptcy district is usually the same as the province in the debtor's address.

- 1 - Newfoundland
- 2 - Nova Scotia
- 3 - Prince Edward Island
- 4 - New Brunswick
- 5 - Quebec
- 6 - Ontario
- 7 - Manitoba
- 8 - Saskatchewan
- 9 - Alberta
- 10 - British Columbia
- 11 - North West Territories
- 12 - Yukon
- 13 - Nunavut

Note:

- 1. This field, instead of the province in which the debtor resides, is used for calculating the provincial filing statistics breakdowns.
- 2. This field, instead of trustee address province, is used for calculating the tax amount for the statement of receipts and disbursements for summary and consumer proposal filings in IMPACT.

Related Topic:

Division

Province

Technical Specifications

table name: estate_master

field name: district_code

2.31 Division

Identifies the bankruptcy division and the provincial court jurisdiction where the proceedings are taken. The division is usually linked to the debtor's address.

Length: 4-digit number, the first two-digit number identifies the bankruptcy division and the last two-digit number identifies the provincial court jurisdiction.

Note:

The two-digit bankruptcy division number and the provincial court jurisdiction name are displayed on certificates issued from IMPACT, e.g. Division: 13 - North Bay

Related Topic:

District

Technical Specifications:

table name: estate_master

field name: district_code

field name: division_number (number(5))

field name: court_number

code table: division

field name: region_code

field name: district_code

field name: division_number

field name: court_id

field name: court_name (varchar2(17))

2.32 XXXXX DELETE

When an estate name is "XXXXX, DELETE", it indicates that the file is either deleted or has been moved to another division office. The physical records in IMPACT are never deleted from the database, however there is no longer an estate name identifier.

Note:

Ensure that all related alias names are deleted from IMPACT; otherwise those alias names will appear on Name Search results. These records have not formed part of the statistical reports since January 1, 2003.

Related Topics:

Estate Name

Alias

Technical Specifications:

table name: estate_master

field name: estate_name = XXXXX, DELETE

field definition: varchar2(120)

2.33 Cross Reference

Related estates are cross-referenced to each other.

Relationship Types

1 - Related file (partnership)

2 - Joint

3 - Associate file (director - Corporation)

Notes:

1. Over the years, the definition and usage of relationship types may have changed.
2. There are 1523 pre-1993 cross reference records in the database that have the code 4; by looking at some of these records, it appears these are linked to a previous bankruptcy file.

Technical Specifications:

table name: cross_reference

field name: regional_office_number

field name: estate_id

field name: related_regional_office_number

field name: related_estate_id

field name: relationship_type_code

code table: related_code

2.34 Memo Type

Indicates the type of memo noted for an estate. There could be several memos for an estate. Memos are used for tracking documents' due date, special notes, flagging for counting stats and others. Some memo types are no longer in use after new functionality was added to the IMPACT system, e.g. 50, 51, 52, 90, 91, 94, 95.

- 1 - Filing's Documents
- 2 - Statement of Affairs
- 3 - Trustee Conflict
- 4 - Creditor's Bond
- 5 - Notices to Creditors
- 6 - Filing of Cash Flow
- 7 - Filing of Proposal
- 8 - Approval by Creditors
- 9 - Approval by Court
- 10 - Meeting of Creditors
- 11 - Trustee's Preliminary Report
- 12 - Meeting's Minutes (chaired by Trustee)
- 13 - Inspector's Minutes
- 20 - E-Filing Modified Data
- 21 - Change of Status
- 22 - Assets Realization
- 30 - Trustee's Reports
- 31 - Report to Creditors
- 32 - Report to the Court
- 33 - Debtor's Discharge Report
- 40 - SRD - General
- 41 - SRD - Disbursements
- 43 - Trustee's Fees
- 44 - Dividends
- 45 - Levy
- 50 - Complaints Received
- 51 - Non Founded Complaint
- 52 - Founded Complaint from Creditor
- 60 - Estate Closing
- 61 - Debtor's Discharge
- 62 - Trustee's Discharge
- 63 - Certificate of Full Performance
- 70 - Debtor Duties
- 71 - Debtor Conduct
- 74 - Disposition of Assets
- 75 - Opposition by creditor
- 76 - Opposition by trustee
- 77 - Opposition by OSB
- 80 - Report 13 - Comment
- 88 - Tracking special transferred files
- 90 - Superintendent Investigation
- 91 - Superintendent Intervention
- 92 - O.R. Examination
- 93 - Trustee Filing Error
- 94 - Surplus Income - according to or above
- 95 - Surplus Income - below standard

96 - Student loan
97 - Gambling Debts
98 - Foreign Debtor's Address
99 - Other

Technical Specifications:

table name: memo

field name: regional_office_number

field name: estate_id

field name: sequence_number

field name: author_name

field name: memo_type_code

field name: b_f_date

field name: bf_to

field name: important_ind_code

field name: important_ind_date

field name: Important_ind_code_off_date

code table: memo_code

3 Estate Trustee/Administrator

3.1 Individual Trustee Responsible

The individual trustee or the individual consumer proposal administrator who is responsible for the administration of the estate. A consumer proposal administrator is either a trustee or a person designated by the Superintendent to administer consumer proposals (Ss. 66.11).

Note:

There is no history kept for this field.

Related Topics:

Trustee

Consumer Proposal Administrator

Appointed Trustee

Associated Corporate Trustee

Technical Specifications:

table name: estate_trustee

field name: ind_lic_number

field definition: number(10)

3.2 Appointed Trustee

The trustee appointed by the Official Receiver administering the estate or the administrator designated by the Superintendent administering the consumer proposal. This is usually pointing to a licensed corporate trustee, a licensed independent trustee, or a consumer proposal administrator who is not a trustee.

Related Topics:

Individual Trustee Responsible

Trustee Practice Type

Technical Specifications:

table name: estate_trustee

field name: corp_lic_number

field definition: number(10)

3.3 Receiver

A receiver is charged with the responsibility of seizing and/or liquidating the assets of a insolvent or bankrupt debtor that were acquired for, or are used in relation to, a business carried on by the debtor. Receivers are appointed either pursuant to a security agreement or pursuant to an order from the Court. A receiver may or may not be a licensed trustee.

BIA Sections:

Part XI Secured Creditors and Receivers

Definition of a Receiver -- Ss.243(2)

Related Topics:

Receivership

Technical Specifications:

table name: receiver_profile

field name: regional_office_number

field name: estate_id

If a receiver is a licensed trustee:

field name: ind_lic_number

field name: corp_lic_number

If a receiver is not a licensed trustee:

field name: receiver_name (varchar2(120))

4 Official Receiver

4.1 Official Receiver

An employee of the OSB who is an officer of the court and performs the following duties:

- 1) accepts assignments in bankruptcy, issues Certificates of Appointments, makes inquiries and investigations to the bankrupt, reports any possible bankruptcy offenses to the court, and setup and chair Creditor Meetings as necessary.
- 2) receives the filing of proposals under Division I and chair Creditor Meetings of Proposals under Division I as necessary.
- 3) receives the filing of Consumer Proposals, requests that administrators apply to the court to have the Consumer Proposal reviewed and chair Creditor Meetings of Consumer Proposals as necessary.

Note: The position has now been combined with that of Bankruptcy Analyst and Senior Bankruptcy Analyst. In this dictionary and IMPACT, the term "Official Receiver" includes bankruptcy analysts, senior bankruptcy analysts and assistant bankruptcy analysts unless specified otherwise.

A three-character code and the division office number uniquely identifies an Official Receivers.

BIA Sections:

12(2), 49(3,4), 66.13(2)(d), 66.22(1), 162(1), 205(1)

Related Topics:

Trustee Supervision

Responsible SBA

Administrative OR

Intervening OR

Technical Specifications:

table name: or_profile

field name: official_receiver_init (varchar2(6))

4.2 Trustee Supervision

One of the roles of the OSB is to supervise trustees' administrations of estates. An individual trustee is generally associated with a team of three analysts in a division office, namely a senior bankruptcy analyst, a bankruptcy analyst and an assistant bankruptcy analyst, identified by their 3-letter codes. In a small office, all three could be the same analyst.

Related Topics:

Official Receiver

Responsible SBA

Technical Specifications:

table name: or_trustee_association

field name: official_receiver_init

field name: deputy_or_init

field name: assist_or_init

4.3 Responsible Senior Bankruptcy Analyst

Identifies the Senior Bankruptcy Analyst (SBA) who is responsible for supervising the trustee administering the estate.

Related Topics:

Official Receiver

Trustee Supervision

Individual Trustee Responsible

Administrative OR

Intervening OR

Technical Specifications:

table name: or_trustee_association

field name: official_receiver_init

field definition: varchar2(6)

4.4 Administrative OR

Identifies the official receiver (O.R.) responsible for the estate file.

Related Topics:

Official Receiver

Intervening OR

Responsible SBA

Technical Specifications:

table name: estate_trustee

field name: admin_or_init

field definition: varchar2(6)

4.5 Intervening OR

Identifies the official receiver(O.R.) responsible for specific functions of the estate administration, such as issuing Certificates of Appointment, Debtor Examinations, chairing Creditor Meetings, reviewing 170 report (debtor discharge status), reviewing statements of receipts and disbursements and issuing Letters of Comment.

Related Topics:

Official Receiver

Administrative OR

Responsible SBA

Technical Specifications:

table name: estate_trustee (trustee appointment)

field name: interv_or_init

table name: report_of_examination

field name: official_receiver_init

table name: creditor_meeting

field name: chairperson_init

table name: minutes

field name: chairperson_init

table name: bankrupt_discharge

field name: interv_or_init

table name: srd_review

field name: interv_or_init

5 Creditor Meeting

5.1 Creditor Meeting

Creditor meeting data contains information about the date, time, chairperson and location of the meeting. There may be several meetings recorded for an estate throughout the administration. If the chairperson is an official receiver, the three-letter code of that official receiver is also recorded. After each meeting, the results and minutes are entered into IMPACT.

Related Topics:

[Creditor Meeting Results](#)

[Creditor Meeting Minutes](#)

Technical Specifications:

table name: creditor_meeting

5.2 Creditor Meeting Results

This record is used to capture the number of creditors who attended the meeting and the number of inspectors appointed. The results also capture whether there was quorum at the meeting of creditors.

Creditors attendance:

- 1 - No creditors
- 2 - 1 to 3 creditors
- 3 - 4 to 10 creditors
- 4 - 11 to 20 creditors
- 5 - 21 or more

Quorum code:

- 1 - Quorum
- 2 - No quorum adjourned sine die
- 3 - No quorum meeting reconvened
- 4 - No quorum

Note:

Some division offices do not enter meeting results into IMPACT.

Related Topics:

[Creditor Meeting](#)

[Creditor Meeting Minutes](#)

Technical Specifications:

table name: creditor_meeting_results

field: meeting_date

field: meeting_time

field: result_date

field: creditor_attendance

field: number_inspector

field: quorum_code

code tables:

creditor_attendance_code

quorum_code

5.3 Creditor Meeting Minutes

This record is used to capture the creditor meeting minutes date, type and whether the chairperson was the trustee or the O.R. If the latter, it also identifies the official receiver.

Minutes Type:

- 1 - No Quorum-Adjourned to a later date
- 2 - No Quorum-Adjourned Sine die
- 3 - Quorum-Standard text-Affirmation and Appointment
- 4 - No quorum

Chairperson indicator:

- 1 - Chaired by an O.R.
- 2 - Chaired by the trustee

Related Topics:

Creditor Meeting Results

Creditor Meeting

Technical Specifications:

table name: minutes

field name: meeting_date

field name: meeting_time

field name : minutes_date

field name : minutes_type_code

field name: chairperson_init

field name: chairperson_or_ind_code

code table: minutes_code

6 Official Receiver Examination

6.1 Examination

The official receiver may conduct an examination questioning the bankrupt under oath about the bankrupt's conduct, causes of bankruptcy and disposition of the bankrupt's property. The examination record contains information about the location, date and time of an examination if one is scheduled.

Act Section:
BIA Ss. 161(1)

Related Topics:
Report of Examination
Official Receiver
Intervening OR

Technical Specifications:
table name: or_exam

6.2 Report of Examination

This report contains information about the examination of the bankrupt done by an official receiver. Information includes the date the report has been received, the official receiver, the date of birth of the debtor, the session type (individual or group) and the report type.

Act Section:
BIA Ss. 161(2)

Report Type:

- 1 - No Issues Identified
The examination produced no new information.
- 2 - Debtor Conduct Issues
Generally, where the examination produces evidence that the debtor has not adhered to the obligations set out by section 158 of the Act
- 3 - Asset Disclosure Issues
This issue type refers generally to the debtor's obligations pursuant to subsections 158(a), (d) and (e) of the Act, whereby the debtor must fully disclose all property owned, held in trust or otherwise in the possession of the debtor.
- 4 - Reviewable Transactions
This issue type refers generally to the debtor's obligation pursuant to subsection 158(f) and (g) of the Act, whereby the debtor must fully disclose any transactions made within one year, or gifts given / settlements made within five years of the date of initial bankruptcy event.
- 5 - Preferential Payment
This issue type refers generally to the power of the trustee under sections 95 and 96 of the Act, to make void any preferential payments made within certain time frames.
- 6 - Exam Cancelled

7 - Administrative Corrections

This code should be selected where the exam produces other corrections of a non-prejudicial, administrative nature;

Related Topics:

Examination

Official Receiver

Intervening OR

Technical Specifications:

table name: report_of_examination

field name: exam_report_type_code

7 Bankrupt Discharge / Proposal Status

7.1 Section 170 Report Received Date

This field records the date the Section 170 report was received at the division office.

Related Topics:

Bankrupt Discharge Status

Bankrupt Discharge Date

Technical Specifications:

table name: bankrupt_discharge

field name: date_received

7.2 Bankrupt Discharge Status

Identifies the current discharge status of a bankrupt. A bankrupt's discharge releases the bankrupt from the responsibilities imposed by the BIA and from the obligation to pay debts which are dischargeable under the BIA. A bankrupt is discharged only if he receives an absolute discharge or an automatic discharge, or a suspended discharge after the specified discharge date has passed, or fulfilled conditions set by the trustee.

1 - Hearing Set

A date has been set for a hearing on the bankrupt's discharge

2 - Absolute Discharge

A bankrupt is discharged from the obligation to pay debts.

3 - Discharge Suspended

The court is delaying the absolute discharge to a specific date.

4 - Conditional Discharge

The bankrupt has certain conditions set by the court to fulfill in order to qualify for an absolute discharge.

5 - Hearing Adjourned

The court requires further information or there are issues to be settled before the court will decide on a discharge. Hearings can be adjourned indefinitely, also known as Sine Die.

6 - Discharge Refused

The discharge is refused, the bankrupt will never be discharged.

7 - Discharge Annulled

8 - Debtor Deceased

The bankrupt dies after the filing but before discharge.

9 - Automatic Discharge

A first time bankrupt whose discharge is not opposed by the OSB, a trustee or a creditor and who has not refused or neglected to receive counselling, is automatically discharged on the expiration of the nine month period immediately following the date of bankruptcy.

10 & 11 - see Proposal Status

12 - Section 170 Report filed with Conditions

13 - Absolute Discharge - Trustee Conditions Met

The bankrupt is discharged after he has fulfilled the conditions set by the trustee.

14 - Conditional Discharge - Trustee Recommended

The bankrupt has *certain conditions recommended by the trustee to fulfill in order to* qualify for discharge.

15 - Opposition to/Request for Discharge (Ss.168.1 (1)(b)(c)(d)(e), 168.1.(2) and 169(3))

The OSB, the trustee or a creditor has opposed a bankrupt's discharge (see Oppositions to Discharge for details). This code is also used when a request for bankrupt's discharge has been filed with the court.

16 - Mediation

A mediation will be held to discuss the terms of the bankrupt's discharge.

17 - Conditional Discharge - Conditions set by Mediation

The bankrupt has certain conditions set by a mediation to fulfill in order to qualify for discharge.

18 - Absolute Discharge - Mediation Conditions Met

The bankrupt is released from the responsibilities imposed by the BIA after he has met the conditions set by the mediation.

19 - Absolute Discharge - Court Conditions Met

The bankrupt is discharged after he has met the conditions set by the court.

Name Search System

- 1 - HEARING SET
- 2 - ABSOLUTE
- 3 - SUSPENDED
- 4 - CONDITIONAL
- 5 - HEARING ADJOURNED
- 6 - DISCHARGE REFUSED
- 7 - ANNULLED
- 8 - DEBTOR DECEASED
- 9 - AUTOMATIC
- 12 -
- 13 - ABSOLUTE
- 14 - CONDITIONAL
- 15 -
- 16 -
- 17 - CONDITIONAL
- 18 - ABSOLUTE
- 19 - ABSOLUTE

Note:

- 1. The history is not kept for the bankrupt discharge status.

Related Topics:

Bankrupt Discharge Date
Oppositions to Discharge
Conditional Discharge

Technical Specifications:

table name: bankrupt_discharge

field name: discharge_type_code

code table: bankrupt_discharge_code

7.3 Automatic Discharge

A first time bankrupt whose discharge is not opposed by the OSB, a trustee or a creditor and who has not refused or neglected to receive counselling, is automatically discharged on the expiration of the nine month period immediately following the date of bankruptcy.

Act Section:

BIA P. 168.1 (1)(f)

9 - Automatic Discharge

Related Topics:

Bankrupt Discharge Status

Bankrupt Discharge Date

Technical Specifications:

table name: bankrupt_discharge

field name: discharge_type_code = 9

7.4 Oppositions to Discharge

An objection filed with the court by the OSB, the trustee or a creditor requesting that the bankrupt not be automatically discharged and that the court hear the application for discharge. At the court hearing the registrar hears the reasons for the objection before ruling on the bankrupt's entitlement to be discharged. A creditor who has a proven claim in the bankruptcy, the trustee or the OSB may oppose the discharge of a bankrupt.

Note:

A set of memo codes are used to record oppositions by creditor, trustee or the OSB to the bankrupt's discharge. The details of opposition are stored in the memo field.

75 - Opposition by creditor

76 - Opposition by trustee

77 - Opposition by OSB

Related Topics:

Bankrupt Discharge Status

Memo Type

Technical Specifications:

table name: memo

field name: memo_type_code = 75, 76, 77

7.5 Conditional Discharge

When there is a conditional discharge, whether it is court ordered, recommended by the trustee or set by mediation, the conditions are recorded on the bankrupt discharge record. Conditions could include a lump sum payment, monthly payments and/or non-financial conditions.

- 4 - Conditional Discharge (conditions set by the court)
- 14 - Conditional Discharge - Trustee Recommended
- 17 - Conditional Discharge - Conditions set by Mediation

Related Topics:

[Bankrupt Discharge Status](#)

[Bankrupt Discharge Date](#)

Technical Specifications:

table name: bankrupt_discharge
field name: discharge_type_code = 4, 14, 17
field name: conditional_amount (number(19,4))
field name: monthly_payment (number(19,4))
field name: number_of_month (number(10))
field name: conditions (long)

7.6 Bankrupt Discharge Date

This field contains the date of the bankrupt's discharge.

Note:

There is no history kept for this field.

Related Topics:

[Bankrupt Discharge Status](#)

[Estate Type](#)

Technical Specifications:

table name: bankrupt_discharge
field name: bankrupt_discharge_date

7.7 Proposal Status

Identifies whether the proposal, either Division I or Division II, is fully performed or a consumer proposal (Division II) has failed. A consumer proposal fails when it is refused by the creditors or by the court, and when it is annulled or deemed annulled. Note that when a Division I proposal fails, the debtor usually becomes bankrupt.

- 10 - Certificate of Full Performance of Proposal (Ss.65.3 and 66.38)
- 11 - Consumer Proposal Failed (Ss. 66.3, 66.24(2) and 66.31)

Name Search System

- 10 - PROPOSAL FULLY PERFORMED
- 11 - CONSUMER PROPOSAL FAILED

Note:

1. The history is not kept for the bankrupt discharge status.
2. For pre-1992 Division I proposals, the status of full performance may not be recorded in the

database.

Related Topics:

[Proposal Status Date](#)

[Estate Type](#)

[Division I](#)

[Division II](#)

Technical Specifications:

table name: bankrupt_discharge

field name: discharge_type_code = 10 or 11

7.8 Proposal Status Date

This field contains the date of the certificate of full performance for a proposal (Division I or Division II), or the date the consumer proposal (Division II) failed.

Note:

There is no history kept for this field.

Related Topics:

[Proposal Status](#)

[Estate Type](#)

[Consumer Proposal](#)

[Division I](#)

Technical Specifications:

table name: bankrupt_discharge

field name: bankrupt_discharge_date

8 Statement of Receipts and Disbursements

8.1 Statement of Receipts and Disbursements

The Statement of Receipts and Disbursements (SRD) represents the trustee's account of the total receipts, disbursements, expenses, fees, levies, dividends and undistributed funds of an estate.

Act Section:

BIA Ss. 152(1)

There are four types of SRDs:

- 1 - Interim
- 2 - Final
- 3 - Amendment
- 4 - Supplementary

Note:

The administration fee on the SRD represents the trustee's fees.

Related Topics:

[SRD - Final](#)

[SRD - Amended](#)

[SRD - Supplementary](#)

[SRD Received Date](#)

[Letter of Comment](#)

Technical Specifications:

table name: srd

filed name: srd_type_code

8.2 SRD Date

The date the Statement of Receipts and Disbursements (SRD) was signed by the trustee.

Note:

- 1. This date appears on the letter of comment.
- 2. No history is kept for this field

Related Topics:

[SRD](#)

[SRD Received Date](#)

[Letter of Comment](#)

Technical Specifications:

table name: srd

field name: srd_date

8.3 SRD Received Date

The date the Statement of Receipts and Disbursements (SRD) was received at the OSB division office or sub-office.

Note:

1. This date compared to the letter of comment issue date is used to calculate one of the OSB service key performance indicators
2. No history is kept for this field

Related Topics:[SRD](#)[LOC Issue Date](#)**Technical Specifications:**

table name: srd

field name: received_date

8.4 SRD - Final

The trustee's final Statement of Receipts and Disbursements (SRD) represents the trustee's account of the total receipts, disbursements, expenses, fees, levies, dividends and undistributed funds of an estate.

Act Section:

BIA Ss. 152(1)

Related Topics:[SRD](#)[Letter of Comment](#)[SRD - Amended](#)[SRD - Supplementary](#)[SRD Received Date](#)**Technical Specifications:**

table name: srd

field name: srd_type_code = 2

8.5 SRD - Amended

A Statement of Receipts and Disbursements (SRD) modified after the final SRD has been received and a letter of comment has been issued. The amended SRD includes a complete accounting of all receipts and disbursements. The values from the previous SRD are replaced by the values from the amended SRD.

Related Topics:[SRD](#)[SRD - Final](#)[SRD - Supplementary](#)[SRD Received Date](#)**Technical Specifications:**

table name: srd

field name: srd_type_code = 3

8.6 SRD - Supplementary

A Statement of Receipts and Disbursement with changes from the Final/Amended SRD received after the trustee's fees have been taxed and a letter of comment has been issued which includes only supplementary information to the final or amended SRD, e.g., additional receipts and additional trustee fees and distribution.

Related Topics:

SRD

SRD - Final

SRD - Amended

SRD Received Date

Technical Specifications:

table name: srd

field name: srd_type_code = 4

8.7 Total Receipts

Total monies collected by the trustee through realization of assets.

Depending on the administration type, there may be different definitions used to calculate this field.

Summary

Form 13

Net receipts available to the estate.

BIA Rule 128(1) defines receipts for calculating fees.

Total receipts less disbursements relating directly to the realization of the property of the bankrupt.

Consumer Proposal

Form 14

Receipts available to the proposal.

Ordinary and Division I

Form 12

Total receipts.

Related Topic:

Administrative Fees

Administrative Expenses

Technical Specifications:

table_name: srd

field name: total_receipt

field definition: number(19,2)

8.8 Filing Fees

A filing fee is also known as a registration fee or fee for official receiver. Since November 30, 1992, each registration of bankruptcies, proposals and receiverships requires the payment of a

fee. Since June 9, 2001, an additional fee of \$75 is required when an administration is converted from summary to ordinary.

Act Section: Rules 128(1) and 136 of the BIA

Note:

The filing fees were not stored in the database before April 30, 1998, only the administrative expenses were stored in the database; the filing type code was used to calculate the fee.

Related Topic:

Administrative Fees

Administrative Expenses

Filing Type

Administrative Type

Technical Specifications:

table_name: srd

field name: filing_fee

field definition: number(19,2)

8.9 Administrative Fees

The administrative fee is the total trustee or consumer proposal administrator fees charged for the administration of an estate.

Related Topic:

Realization Fees

Preparatory Fees

Distribution Fees

Administrative Expenses

Technical Specifications:

table_name: srd

field name: admin_fee

field definition: number(19,2)

8.10 Administrative Expenses

The administrative expense is the total expenses incurred for administering the estate, such as filing fee, court fee, taxes, counselling fee and the summary administrative lump sum expense entitlement.

Related Topic:

Administrative Fees

Filing Fees

Technical Specifications:

field name: admin_exp

table_name: srd

field definition: number(19,2)

8.11 Realization Fees

The realization fee is the trustee fee charged for a summary file according to Rule 128(1) of the BIA.

Related Topic:

Administrative Fees

Summary Filing

Administration Type

Technical Specifications:

table_name: srd

field name: realization_fee

field definition: number(19,2)

8.12 Preparatory Fees

The preparatory fee is the portion of the administrator's fee for preparing the consumer proposal according to Rule 129(1) (a) & (b) of the BIA.

Note:

The initial \$750 is payable upon filing the proposal, the second \$750 is payable upon approval of the proposal.

The total preparatory fee should not exceed \$1500.

Related Topic:

Distribution Fees

Administrative Fees

Consumer Proposal

Technical Specifications:

table_name: srd

field name: prep_fee

field definition: number(19,2)

8.13 Distribution Fees

The portion of the administrator's fee that is taken from the total amount available for distribution to creditors, before the levy is taken, in a consumer proposal -- Rule 129(1)(c) of the BIA.

Related Topic:

Preparatory Fees

Administrative Fees

Consumer Proposal

Technical Specifications:

table_name: srd

field name: dist_fee

field definition: number(19,2)

8.14 Gross Dividends

Total amount available for distribution to creditors before deducting the OSB levy.

Related Topics:

Levy

Technical Specifications:

table name: srd

field name: dividends

field definition: number(19,2)

8.15 Levy

A portion of the money in bankruptcy estates with a dividend and all proposals is paid to the Office of the Superintendent of Bankruptcy as a levy according to Rule 123 of the BIA.

Related Topics:

Gross Dividends

Technical Specifications:

table name: srd

field name: levy (payable)

field definition: number(19,2)

Financial Section:

table name: uaudlevy_receipts

field name: levy_rec (received)

field definition: number(19,2)

Note:

Estates in the uaudlevy_receipts table can have multiple records as the levy can be paid in installments.

8.16 Deemed Trust

A deemed trust is a trust established by statute where monies or property are, or should have been, held in trust by the bankrupt for the party identified in the statute. For example, source deductions withheld from employees by an employer are deemed to be held in trust for the Crown. The subject monies or property are, therefore, not considered to be "property of the bankrupt divisible among his creditors pursuant to s. 67(1) of the BIA. Consequently, subject monies or property do not form part of the estate.

Note:

See Directive 12R.

See Ss. 67(2).

9 Review of SRD

9.1 SRD Flagged for Review

This field indicates that a statement of receipts and disbursements should be reviewed manually. This flag could be set manually, or automatically by IMPACT based on certain criteria or random sampling.

- 1 - Yes - flagged for manual review
- 2 - No - not flagged for manual review

The following is the list of criteria that trigger a manual review of SRDs.

SUMMARY ADMINISTRATIONS

Item 1 to 7 - effective on June 14, 2000

Item 8 - effective on February 7, 2001

Item 9 - first two effective on December 13, 2001, last two effective on October 24, 2003

Item 10 and 11 - effective on April 1, 2006

1. Investigations:
 - Investigation
 - Memo 90, 91
2. Random Sampling (can be set by administrator)
3. Mediation
4. Intervention
5. Complaints (old registry, TCR Complaints)
6. SRD Problem: Memo 40
7. Monitoring
8. Examination: Report Type 2, 3, 4, 5 and 7
9. Manually Set:
 - Flagged for review check box
 - Manually (by the user itself)
 - Day to Day
 - Enquiry
10. Estate open for more than 6 years
11. Professional Conduct Investigation

ORDINARY ADMINISTRATIONS

Item 1 to 12 - effective on April 1, 2006

1. Investigations:
 - Investigation
 - Memo 90, 91
2. Random Sampling (can be set by administrator)
3. Mediation
4. Intervention
5. TCR Complaints
6. SRD Problem: Memo 40
7. Monitoring
8. Examination: Report Type 2, 3, 4, 5 and 7
9. Manually Set:
 - Flagged for review check box

- Manually (by the user itself)
 - Day to Day
 - Enquiry
10. Estate open for more than 6 years
 11. Professional Conduct Investigation
 12. Receipts greater than \$50,000

DIV I ADMINISTRATIONS

Item 1 - effective on April 1, 2006

All Division I SRDs will be manually reviewed

1. Random Sampling (locked at 100%)

DIV II ADMINISTRATIONS

Item 1 to 8 - effective on October 8, 2005

Item 9 and 10 - effective on April 1, 2006

1. Investigations:
 - Investigation
 - Memo 90, 91
2. Random Sampling (can be set by administrator)
3. Intervention
4. TCR Complaints
5. SRD Problem: Memo 40
6. Monitoring
7. Examination: Report Type 2, 3, 4, 5 and 7
8. Manually Set:
 - Flagged for review check box
 - Manually (by the user itself)
 - Day to Day
 - Enquiry
9. File open for more than 6 years
10. Professional Conduct Investigation

Note: Criteria no longer in effect

The following is a list of criteria that triggered a manual review flag for **Summary** SRD's that are no longer in effect.

Item 1 to 4 - inactive since April 1, 2006

1. Surplus Income (Form 65, Memo 94, 95) - effective on June 14, 2000; added a condition for where amount required must be greater than \$150 on July 15, 2002; then increased the amount to \$300 on December 2, 2004
2. Oppositions to Bankrupt Discharge (Memo 75, 77) - effective on June 14, 2000
3. SRD - Receipts larger than \$10,000 - effective on October 5, 2000
4. Partnership (Filing Type 33, 34, 35, 36, 37, 38) - effective on November 7, 2001

Technical Specifications:

table name: srd_multi

field name: review_ind_code

9.2 SRD Reviewed

This field indicates whether a statement of receipts and disbursements (SRD) was reviewed manually by an Official Receiver.

1 - Yes - reviewed manually

2 - No - not reviewed manually

Note:

The definition of this field was enforced after the development of SRD Sampling in September 2001.

Related Topics:[Statement of Receipts and Disbursements](#)[Official Receiver](#)[SRD Flagged for Review](#)**Technical Specifications:**

table name: srd_review

field name: reviewed_code

9.3 Letter of Comment

A letter prepared by an analyst which comments on the administration of the estate. The letter is issued to the trustee of the bankruptcy, Division I proposal or consumer proposal administrator. The letter will note any deficiencies. If a file goes to court, the registrar of the court will take note of the comments upon taxing the trustee or administrator's accounts.

Act Section:

BIA Ss. 152(4)

There are three types of letter of comment:

1 - Satisfactory Designation (this code is currently set when automatic letter of comment is issued from E-Filing system)

2 - Satisfactory Review

3 - Unsatisfactory Review

Related Topics:[Statement of Receipts and Disbursement](#)[SRD Reviewed](#)[LOC Issue Date](#)**Technical Specifications:**

table name: srd_review

field name: letter_comment_type

9.4 LOC Issue Date

The date the Letter of Comment (LOC) was issued.

Related Topics:

Letter of Comment

Technical Specifications:

table name: srd_review

field name: issue_date (after 1995?)

field name: letter_comment_date (before 1995?)

10 Trustee Discharge/Estate Closing

10.1 Trustee Discharge Date

A trustee's discharge releases the trustee from the administrative duties imposed by the BIA, its rules and directives. If new administrative matters arise in an estate after the trustee has been discharged, that trustee remains the trustee of record to deal with those matters. IMPACT records the date on which the trustee is discharged from the estate. When the date is entered the estate is considered closed in IMPACT.

Note:

Under rare conditions, there may not be a trustee discharge date when the file is closed. System Administrators are permitted to close estate files without entering a trustee discharge date.

Related Topics:

[Estate Closing Date](#)

Technical Specifications:

field name: discharge_date

table name: trustee_discharge

field definition: date

10.2 Estate Closing Date

This field is a system generated date - the estate is considered closed when the trustee discharge record is entered into the system.

Note:

IMPACT System Administrators are permitted to close estate files without entering a trustee discharge date.

Related Topics:

[Trustee Discharge Date](#)

Technical Specifications:

field name: effective_date

table name: trustee_discharge

field definition: date

11 Trustee Licensing Information

11.1 Trustee

The term "Trustee" in this dictionary includes both trustees and consumer proposal administrators unless otherwise specified. Trustees are licensed by the Superintendent while Consumer Proposal administrators are appointed or designated.

11.2 Licence Number

Uniquely identifies a trustee, individual or corporate, or a consumer proposal administrator, individual or corporate (although strictly speaking an administrator does not have a license). Some individual trustees have more than one license number as they practice in more than one province.

Related Topics:

[Trustee](#)

[Licensed Trustee](#)

[Associated Corporate Trustee](#)

Technical Specifications:

field name: license_number

table_name: trustee_master

field definition: number(10)

11.3 Trustee Name

This field contains the full name of a trustee. Where the trustee is an individual, the name is in the format <last name, given names>.

Related Topics:

[Licence Number](#)

[Licence Category](#)

Technical Specifications:

table_name: trustee_master

field name: license_number

field name: trustee_name (varchar2(100))

11.4 Trustee Address

A trustee may have up to 12 addresses in IMPACT including the trustee's home, principal business, correspondence and alternate business address information. A trustee's principal business address is usually used to communicate with the trustee.

Address Types:

1 - Home Address

2 - Principal Business Address

3 - Correspondence Address

4-15 Alternative Business Addresses

Note:

1. The principal business address of the individual trustee is used to check tax amounts on the statement of receipts and disbursements of any filings by the E-Filing system.

- 2 Licensing section is responsible for maintaining the principal business address while the regions take care of all other correspondence and alternative addresses.

Related Topics:

Trustee

Licence Number

Technical Specifications:

table_name: address

field name: licence_number

field name: address_type_code

field name: building

field name: street

field name: city

field name: province_code

11.5 Trustee Language

Indicates the trustee's preferred language. It is used in IMPACT as the language for the Certificate of Appointment and Letter of Comment unless specified otherwise.

1 - English

2 - French

Technical Specifications:

table_name: profile

field name: trustee_language_code

11.6 Trustee Activity Level

This field contains the individual trustee's current filing activity level - active, semi-active or inactive. A semi-active trustee is not allowed to open new files, but can administer existing estates. Inactive trustees are not allowed to file or administer files.

1 - Active

2 - Semi-Active

3 - Inactive

Related Topics:

Licence Status

Technical Specifications:

table_name: profile

field name: trustee_act_lev_code

code table: trustee_activity_level_code

11.7 Licence Status

Identifies whether this is a consumer proposal administrator or a trustee and his/her current licence status.

- 1 - licence
Indicates a newly licensed trustee in a given year (individual or corporate licences)
- 2 - Renewal
Indicates the trustee's licence has been renewed as of January 1 of the current year.
- 3 - Expiration
Indicates the trustee's licence has expired;
- 4 - Suspended for cause
- 5 - Suspended for incapacity
- 6 - Reinstatement
Indicates the trustee's licence has been reinstated after it had ceased to be valid. In most cases the trustee had failed to renew as of December 31 of a given year.
- 7 - Cancelled for cause
- 8 - Consumer Proposal Administrator
Indicates this is a person/organization who is not a trustee and is designated to administer consumer proposals only.
- 9 - Resigned for cause
- 11 - Retirement
- 12 - Mortality
- 13 - Merger
Indicates this corporate trustee's licence has been merged with another corporate licence according to the Business Corporation Act.

Related Topics:[Licence Limitation](#)[Licensed Trustee](#)[Licence Extensions](#)[Trustee Activity Level](#)**Technical Specifications:**

table_name: license

field name: status_code

code table: trustee_lic_status_code

11.8 Licensed Trustee

A trustee whose licence is in good standing with the requirements of the OSB. Only a licensed trustee is allowed to administer bankruptcy estates and Division I proposals.

Valid licence status

- 1 - Licence - this code indicates a newly licensed trustee in a given year (individual or corporate licences)
- 2 - Renewal - this code indicates the trustees whose licence has been renewed as of January 1 each year.
- 6 - Reinstatement - this code indicates the trustee's licence has been reinstated after it had ceased to be valid. In most cases the trustee had failed to renew as of December 31 of a given year.
- 13 - Merger - this code indicates this corporate trustee's licence has been merged with another corporate licence.

Related Topics:[Licence Status](#)[Consumer Proposal Administrator](#)[Licence Category](#)**Technical Specifications:**

table_name: license

field name: status_code = 1, 2, 6, 13

11.9 Consumer Proposal Administrator

An administrator of consumer proposals is a trustee in bankruptcy or a person appointed by the Superintendent of Bankruptcy to administer consumer proposals. The Provinces of British Columbia, Saskatchewan, Nova Scotia and Prince Edward Island all have consumer proposal administrators. Although these provincial organizations and their employees are not licensed by the OSB, they are assigned a licence number.

Examples:

1. British Columbia Min. of Labour and Consumer Services. (2157)
2. N.S. Department of Business and Consumer Services (2160)
3. Saskatchewan Department of Justice (2162)
4. Dept. of Justice of Prince Edward Island (2161)

licence status

8 - Consumer Proposal Administrator

Related Topics:[Licence Status](#)[Licensed Trustee](#)[Licence Category](#)**Technical Specifications:**

table_name: license

field name: status_code = 8

11.10 Licence Category

This field indicates whether this is a corporate or individual trustee or an administrator of consumer proposals who is not a trustee.

- 1 - Corporate Trustee
- 2 - Individual Trustee
- 3 - Corporate Receiver (not used)
- 4 - Individual Receiver (not used)
- 5 - Corporate Administrator - for example, N.S. Department of Business and Consumer Services; Saskatchewan Department of Justice
- 6 - Individual Administrator

Related Topics:[Trustee Practice Type](#)**Technical Specifications:**

table_name: trustee_master

field name: group_code

code table: trustee_lic_group_code

11.11 Licence Jurisdictions

The bankruptcy districts (provinces or territories) where the trustee is authorized to practice.

- 1 - Newfoundland
- 2 - Nova-Scotia
- 3 - Prince-Edward-Island
- 4 - New-Brunswick
- 5 - Quebec
- 6 - Ontario
- 7 - Manitoba
- 8 - Saskatchewan
- 9 - Alberta
- 10 - British-Colombia
- 11 - Northwest-Territories
- 12 - Yukon
- 13 - Nunavut

Related Topics:

licence Extensions

Technical Specifications:

table name: license_jurist_code

field name: license_number

field name: juris_code

11.12 Licence Extensions

A trustee licence extension record contains licence extension information (e.g. type of extension, effective and expiry dates, etc.). There exists a licence extension record for each jurisdiction and division in which the licence is being extended. A trustee may have several active extension records at the same time. All historical records are kept in the database. If the licence is being extended partially for the district then the divisions in which the licensed trustee is authorized to operate within that jurisdiction are also stored in a separate table called extension_division_number.

Extension Codes:

- 1 Additional District (this code is no longer in use)
- 2 Partial District
- 3 Administration (this code is not in use)

Related Topics:

Licence Jurisdictions

Technical Specifications:

table name: extensions

field name: license_number

field name: sequence_number

field name: ext_type_code

field name: juris_code

field name: comments

field name: effective_date

field name: expiry_date

table name: extension_division_number

field name: license_number

field name: sequence_number

field name: lic_juris_region_code

field name: lic_juris_district_code

field name: lic_juris_division_number

field name: lic_juris_court_id

11.13 Licence Limitation

Identifies a limitation or condition imposed on a trustee's licence. Although a trustee may have several licence limitations over time, only the most recent one that has not been expired is in effect.

Limitation Codes:

- 1 - Corporate files only
- 2 - Consumer files only - 0% business debt; please note this definition is different than estate consumer files
- 3 - Commercial files only - 50% or more business debt
- 4 - Conditional
- 5 - Unlimited - this code is used when a previous limitation has been lifted
- 6 - Professional Conduct (Ss. 14.01(1))
- 7 - Conservatory Measures (Ss. 14.03(1))

Condition Codes:

- 1 - Estate Closing
- 2 - Inventory Reduction
- 3 - Inventory Limitation
- 4 - Consumer Filings
- 5 - Cash Deposits
- 6 - Maximum Assets
- 7 - Creditor Consultation
- 8 - Banking Arrangement
- 9 - Restricted Area
- 10 - Sponsored
- 11 - Supervised Employee
- 12 - Location
- 13 - Suspension

Related Topics:

[Licence Status](#)

Technical Specifications:

table_name: limitations

field name: license_number

field name: sequence_number

field name: effective_date
field name: expiry_date
field name: limit_code
field name: condition_code

code tables:
trustee_lic_limitation_code
trus_lic_res_agree_code

If a trustee has never had a limitation, they will not appear in this table.

11.14 Responsible Office

The primary OSB division office responsible for the supervision of the trustee, depending usually on where the trustee's principal business office is located.

- 11 - Vancouver
- 21 - Winnipeg
- 22 - Regina (sub-office of the Winnipeg Office)
- 23 - Saskatoon (sub-office of the Winnipeg Office)
- 24 - Edmonton
- 25 - Calgary
- 31 - Toronto
- 32 - Hamilton
- 33 - Ottawa
- 35 - London
- 41 - Montreal
- 42 - Sherbrooke (sub-office of the Montreal Office)
- 43 - Quebec
- 51 - Halifax

Technical Specifications:

table_name: profile
field name: region_code

11.15 Trustee Practice Type

This field indicates whether the trustee is a corporate trustee, independent or an agent. Note that this information is also stored as part of estate trustee information.

- 1 - Corporate
- 2 - Independent
This is an individual trustee who does not work under a corporate name. They are also called sole practitioners.
- 3 - Agent
This is an individual trustee who works under a corporate licence
- 4 - Franchise
this code is no longer in used. There are 99 closed files in the database where the responsible individual trustee (e.g.1533 and 1534) practised as part of a franchise (e.g.1614) at the time.

Note: No licences are issued to partnerships

Related Topics:

Associated Corporate Trustee
Licence Category

Technical Specifications:

table_name: trustee_group

field name: lic_type_code

code table: trustee_lic_code

11.16 Associated Corporate Trustee

This field contains the corporate licence number of an individual trustee's practice. If a trustee is a sole practitioner or independent, the associated corporate licence number is his or her individual licence number. IMPACT keeps a historical record of all the practices an individual trustee has filed with. There is only one currently effective corporate licence an individual trustee can practise under.

Related Topics:

Trustee Practice Type
Licence Category

Technical Specifications:

table name: trustee_group

field_name: assoc_number

field_name: licence_number

In order to select the most current record, use 'max(sequence_id)' in the SQL statement.

12 Reporting Terms

12.1 Summary Filing

less than 10K

A simplified administrative process for non-corporate bankruptcies in which the net realizable assets of the estate are not expected to exceed \$10,000. Trustee fees and disbursements in a summary administration are set by a tariff formula (Rule 128). If the receipts of the estate exceed \$10,000 the Superintendent will allow the estate to retain its summary status provided the trustee agrees to cap their fees at the amount calculated on \$10,000.

Act Section:

BIA S. 155

Administration Type:

1 - Summary

Note:

1. A summary filing may be a business file, but the debtor type must be individual. Since no history of administrative type is kept, this indicates only the current status.
2. Some older files may not have an administration type defined.
3. According to the BIA (Ss. 49(6)), the receipts of the estate should not exceed \$5,000 or such other amount as is prescribed, which Rule 130 states \$10,000.

Related Topics:

Administration Type

Ordinary Filing

Business Filing

Consumer Filing

Estate Type

Debtor Type

Filing Type

Insolvency Type

Technical Specifications

table name: estate_master

field name: admin_type_code = 1

If the selection criteria is by admin_type_code = 1 from estate_master only the current summary files are included. These could include files with estate type code: 21, 22, 23, 24, 51, 52, 53, 54, 71, 72, 73, 74, 75, 76, 81, 82, 86

12.2 Ordinary Filing

A bankruptcy administration type that is not a summary administration is referred to as an ordinary administration, even though this term is not used in the Act. The administrative criteria for ordinary administrations are more stringent than for summary administrations and are therefore used in corporate estates and personal bankruptcies where there are significant assets. Trustee fees in ordinary administrations are taxed by the court. This type of administration can be filed by both individuals (consumer and business) and corporations.

Administration Type:

2 - Ordinary

Note:

1. Since no history of administrative type is kept, this indicates only the current status.
2. Some older files may not have an administration type defined.

Related Topics:[Administration Type](#)[Summary Filing](#)[Business Filing](#)[Consumer Filing](#)[Estate Type](#)[Filing Type](#)[Insolvency Type](#)**Technical Specifications:**

table name: estate_master

field name: admin_type_code = 2

If the selection criteria is by admin_type_code = 2 from estate_master only the current summary files are included. These could include files with estate type code: 11, 12, 13, 21, 22, 23, 24, 51, 52, 53, 54, 71, 72, 73, 74, 75, 76, 81, 82, 86

12.3 Division I *Commercial*

A proceeding under the BIA for the repayment of debts according to terms to be agreed upon by the creditors and approved by the court. The agreed upon terms replace the original obligations of the debtor. Once the terms of the proposal have been carried out, a Certificate of Performance is issued. Division I proposals are sometimes referred to as Commercial Reorganizations although the procedure can be used by individuals with either business or consumer debts.

Administration Type:

3 - Division I

Notes:

On Name Search System, Division I proposals are labeled as Commercial Proposals.

Related Topics:[Division II](#)[Administration Type](#)[New Filings](#)[Estate Type](#)[Insolvency Type](#)**Technical Specifications:**

table_name: estate_master

field name: admin_type_code = 3

Current Division I Files (at time of report)

Estate Type Code: 41, 42, 43, 44, 45, 46, 47, 61, 62, 63, 64 from Estate Master

Note: If the selection criteria is by admin_type_code = 3 from estate_master only the current Division I files are included. These include files with estate type code: 41, 42, 43, 45, 46, 47, 61, 62, 63, 64, 87, 88

Current Division I Proposals

Estate Type Code: 43, 44, 45, 46, 47, 61, 62, 63, 64 from Estate Master

New Filings Statistics - Originally Filed as Division I

Notice of Intention: 41, 42 from the first Estate Type History record

Division I Proposal: 43, 44, 45, 46, 47, 13, 23, 51, 52, 53, 54, 82, 87, 88 from the first Estate Type History record

Note: 13, 23, 44, 45, 46, 47, 51, 52, 53, 54, 82, 87, 88 are included because the original history was not kept during the migration to IMPACT.

Fully Performed Division I Filings

Estate Type Code: 43, 44, 45, 46, 61, 62, 63, 64 from Estate Master and discharge code 10 from discharge status. (Note that for pre-1992 Division I proposals, the division office may not know when a certificate of full performance was issued)

Alive/Ongoing Division I Filings

Estate Type Code: 41, 42, 43, 44, 45, 46, 61, 62, 63, 64, 88(?) from Estate Master

Failed Division I Filings

Estate Type Code: 13, 23, 47, 71, 72, 73, 74, 82, 87 from Estate Master

12.4 Division II *new ask lender ref*

A Division II proposal, also known as a consumer proposal, is a proceeding under the BIA for the repayment of debts according to terms to be agreed upon by the creditors and approved by the court as necessary. The agreed upon terms replace the original obligations of the debtor. Once the terms of the proposal have been carried out, a Certificate of Performance is issued. It differs from a Division I proposal in that it is a simplified procedure available only to individual debtors whose debts are less than \$75,000 not including a mortgage on the debtor's principal residence. Although often referred to as a consumer proposal, any non-corporate debtor, including businesses who meet the eligibility criteria may file a Division II proposal. A bankrupt whose bankruptcy occurred on or after September 30, 1997 may file a consumer proposal.

Administration Type:

4 - Division II

Related Topics:

Division I

Administration Type

Estate Type

New Filings

Insolvency Types

Technical Specifications:

table_name: estate_master

field name: admin_type_code = 4

Note:

If the selection criteria is by admin_type_code = 4 from estate_master only the current Division II files are included. These include files with estate type code: 31, 32, 33, 34, 35, 65, 83, 84, 85

Current Division II Proposals

Estate Type Code: 31, 32, 65 from Estate Master

New Filings Statistics - Originally filed as Division II

31, 32, 33, 34, 35, 83, 84, 24 from the first Estate Type History record

Fully Performed Division II Filings

Estate Type Code: 31, 32, 65 from Estate Master, discharge code 10 from discharge status

Alive/Ongoing Division II Filings

Estate Type Code: 31, 32, 65 from Estate Master

Failed Division II Filings

Estate Type Code: 33, 34, 35, 75, 76, 83, 84, 85, 86 from Estate Master

12.5 Consumer Filing

An estate filed by an individual in which the principal debts (more than 50%) are consumer debts or non-business.

Liability Type:

1 - Consumer Debt

2 - Corollary Consumer Debt

Note:

If an estate is coded as a consumer filing, the debtor type must be 'individual'.

Related Topics:

[Business Filing](#)

[Liability Type](#)

[Insolvency Type](#)

[Corollary Debt](#)

[Debtor Type](#)

Technical Specification:

table name: estate_master

field name: liability_type_code =1 or 2

12.6 Business Filing

An estate (bankruptcy or proposal) filed by a corporation or an individual in which the principal debts (50% or more) were incurred as the result of operating a business. Any business filing should have the SIC and NAICS codes entered in IMPACT. NAICS codes were entered in IMPACT as of January 2003.

Liability Type:

3 - Business Debt

4 - Corollary Business Debt

Related Topics:

[Consumer Filing](#)

[Liability Type](#)

[Insolvency Type](#)

[Corollary Debt](#)

[NAICS Canada](#)

SIC

Technical Specification:

table name: estate_master

field name: liability_type_code =3 or 4

12.7 Bankruptcy

The state of an individual or corporation who has made an assignment (or deemed assignment) in bankruptcy or against whom a bankruptcy order has been made.

Related Topics:

Summary Filing

Ordinary Filing

Consumer Filing

Business Filing

Voluntary Assignment

Bankruptcy Order

Estate Type

Insolvency Type

Technical Specification:

table name: estate_master

field name: estate_type_code

Current Bankruptcy Files (at time of report)

estate_type_code = 11, 12, 13, 21, 22, 23, 24, 51, 52, 53, 54, 71, 72, 73, 74, 75, 76, 81, 82, 86

Please note that 81 means Bankruptcy Annulled and is not a bankruptcy file any longer.

New Bankruptcy Filing Statistics

Select the first record from estate_type_history table where estate_type_code is as below:

Bankruptcy: 11, 12, 21, 22, 61, 62, 63, 64, 65, 71, 72, 73, 74, 75, 76, 81, 85, 86

Please note that the estate types 61, 62, 63, 64, 65, 71, 72, 73, 74, 75, 76, 81, 85, 86 are included because the first estate type history record may be lost.

12.8 New Filings

A count or list of new files registered during the reporting period.

Related Topics:

Estate Type

Filing Date

Consumer Filing

Business Filing

Summary Filing

Ordinary Filing

Insolvency Types

Technical Specifications:

table name: estate_type_history

field name: estate_type_code

New Filing Statistics

Select from estate_master where filing_date within the reporting period, i.e. from date <= filing_date < end date + 1 or (<= end date "23:59:59")

and from the first estate_type_history record where estate_type_code is as below:

Bankruptcy: 11, 12, 21, 22, 61, 62, 63, 64, 65, 71, 72, 73, 74, 75, 76, 81, 85, 86

Consumer Bankruptcy: bankruptcy where liability_code (from estate_master) = 1 or 2

Business Bankruptcy: bankruptcy where liability_code = 3 or 4

Summary Bankruptcy: bankruptcy where admin_type = 1

Ordinary Bankruptcy: bankruptcy where admin_type = 2

Division I: 41, 42, 43, 44, 45, 46, 47, 51, 52, 53, 54, 13, 23, 82, 87, 88

Division II: 31, 32, 33, 34, 35, 83, 84, 24

Receivership: 91, 92

Application: 1, 2, 3, 4

Note:

1. During the conversion to IMPACT in 1993/1995, original history was not kept; there are around 134 more recent records missing history also due to misuse of the system. These are the reasons that update codes are included in the specifications above.
2. Please note that since IMPACT does not keep history of administration type changes, bankruptcy filing statistics by administrative type will not be accurate. Also, since there are quite a few pre-1987 records that do not have administration type, filing statistics by administration type should not be generated before 1987. There are around 71,600 bankruptcy records without administration type, 133 of them are still open in the system. After 1987, there are 37 bankruptcy records without administration type and one is still open.
3. Results of a new filings report could be different slightly if estate_master records are used instead of first estate type history record of the estate_type_history table.

12.9 Open File

Except applications for bankruptcy order, a file is considered open until the trustee is discharged. An application for bankruptcy order is considered open if it is active.

Note:

Under certain circumstances, files are closed without a trustee discharge date.

Related Topics

[Closed File](#)

[Trustee Discharge Date](#)

[Estate Closing Date](#)

[Application](#)

[Estate Type](#)

Technical Specifications

IMPACT system admins can use the trustee_discharge.effective_date to close the file, the trustee discharge date is left empty. If no record exists in the table, the file is considered open except applications for bankruptcy order.

table name: trustee_discharge

An application for bankruptcy order is considered open if estate type code = 1

12.10 Closed File

Except applications, a file is considered closed if a trustee discharge date or Estate Closing record is entered in the system. An application for bankruptcy order is considered closed when it is no longer active.

Related Topics

[Open File](#)

[Trustee Discharge Date](#)

[Estate Closing Date](#)

[Application](#)

[Estate Type](#)

Technical Specifications

When running reports, use the Estate Closing Date.

IMPACT system admins can use the `trustee_discharge.effective_date` to close the file, the trustee discharge date is left empty. If the record exists in the table, the file is considered closed.

table name: `trustee_discharge`

An application for bankruptcy order is considered closed if estate type code = 2, 3, 4

12.11 Age of an Estate

The number of months, or amount of time, a file has been or was open. This information is only used for reporting. It is not kept in IMPACT and is calculated when the report is requested. The calculation is based on the amount of time from the filing date to the current or selected date for open files and the filing date to the estate closing date for closed files.

Related Topics:

[Open File](#)

[Closed File](#)

[Estate Closing Date](#)

[Trustee Discharge Date](#)

Technical Specifications:

Open Files: elapsed time since the `filing_date` to the current or selected date

Closed file: elapsed time between `filing_date` from `estate_master` and the `trustee_discharge.effective_date`

12.12 Assignment

A bankruptcy commenced voluntarily by an insolvent person. The insolvent person becomes bankrupt by filing an assignment with the Official Receiver, usually through a trustee.

Related Topics:

[Estate Type](#)

[New Filings](#)

Technical Specifications:

table name: `estate_master`

field name: `estate_type_code` = 21, 22, 23, 24 (24 is no longer in use), 73?, 74?

or

table name: estate_type_history

field name: estate_type_code = 21, 22, 23, 24 (24 is no longer in use), 73?, 74?

12.13 Petition

A creditor's application is filed in the court, requesting that the court make a Bankruptcy Order. The court schedules a hearing to consider the application and any defense the debtor presents. Upon the making of the Bankruptcy Order, the assets vest in the trustee named in the Order and the debtor becomes bankrupt. When a Bankruptcy Order is made, a second file with an estate type of "bankruptcy order" is created in IMPACT and the application is marked as granted.

Estate Type:

- 1 - Application for Bankruptcy Order (Ss. 43(1))
- 2 - Application Dismissed or Withdrawn (Ss. 43(7) and 43(14))
- 3 - Application Granted (Ss. 43(6))
- 4 - Application Inactive

Note:

Administrative Type is not defined for applications for bankruptcy order.

Related Topics:

Estate Type

Administrative Type

Bankruptcy Order

Technical Specifications:

table name: estate_master

field name: estate_type_code = 1, 2, 3, 4

An application for bankruptcy order is considered open if estate_type_code = 1

The file is considered closed if estate_type_code = 2, 3, 4

12.14 Receiving Order

An Order made by the court directing that the debtor's assets vest in the trustee in bankruptcy. The Order is made upon consideration of an application for bankruptcy order filed against the debtor by a creditor. Upon the making of the Bankruptcy Order by the court, the debtor becomes bankrupt.

Estate type:

- 11 - Bankruptcy Order (Ss. 43(6))
- 12 - Bankruptcy Order - Previous Failure of Div II Proposal
- 13 - Bankruptcy Order - Previous Failure of Div I Proposal

Note:

- 1. The date of bankruptcy for a Bankruptcy Order is the date of the court order.
- 2. A Bankruptcy Order is always an ordinary file.

Related Topics:

Application

Estate Type
Ordinary Filing
Date of Bankruptcy
Date of Initial Bankruptcy Event

Technical Specifications:

table name: estate_master
field name: estate_type_code = 11, 12, 13, 71, 72

or

table name: estate_type_history
field name: estate_type_code = 11, 12, 13, 71, 72

12.15 Notice of Intention

To initiate a proceeding under Division I, an insolvent person may file a Notice of Intention to file a proposal.

Act Section:
50.4

Estate Type:
41 - Notice of Intention
42 - Cash Flow Statement and Notice of Intention

Related Topics:

Estate Type
Filing Type
Division I
New Filings

Technical Specifications:

table name: estate_master
field name: estate_type_code = 41, 42

or

table name: estate_type_history
field name: estate_type_code = 41, 42

12.16 Receivership

A proceeding which begins upon the appointment of a receiver, either by a secured creditor or by order of the court.

Act Section:
243(2)

Estate Type:
91 - Receivership - Private Appointment (Ss. 243(2)(a))
92 - Receivership - Court Appointment (Ss. 243(2)(b))

Note:

Administrative Type is not defined for receivership files.

Related Topics:

Estate Type

Administrative Type

Receiver

Technical Specifications:

table name: estate_master

field name: estate_type_code = 91, 92

12.17 Interim Receiver

A proceeding where a trustee is appointed by the court to safeguard the estate assets for a temporary period. An interim receiver may be appointed:

- a) after an application is filed (Ss. 46.(1)), or
- b) after a debtor has been notified that a receiver will take possession of his assets in ten days (Ss. 47(1)), or
- c) after a notice of intention or a proposal has been filed (Ss. 47.1(1)).

Note:

1. Administrative Type is not defined for interim receiver files.
2. Not all offices enter Interim Receiver Appointments in IMPACT. Each office uses this code differently, this should be looked into further. Originally, in IMPACT, this code was designed in relation to receiverships under s. 243, the advanced notice section (s. 244) and section (Ss. 47(1)).

Related Topics:

Estate Type

Administrative Type

Receivership

Receiver

Technical Specifications:

table name: estate_master

field name: estate_type_code = 93

12.18 Corollary Debt

Indicates 75% or more of this estate's debts are owed jointly with another estate under the BIA. Usually, there is a *primary* estate which contributes to the *majority* of the debt. The *secondary* estate is then flagged with corollary debt.

Liability type:

- 2 - Corollary Consumer Debt
- 4 - Corollary Business Debt

Note:

In cases where files are linked the asset and liability fields are completed for both files. When calculating total liabilities for filings, use only the primary estates as the corollary debt and when calculating assets, include both primary and corollary estates.

Related Topics:Liability Type**Technical Specifications:**

table name: estate_master

field name: liability_type_code = 2, 4

12.19 Province

The province or territory of the filing according to the locality of the debtor. It is used for calculating provincial filing statistics breakdowns.

- 1 - Newfoundland
- 2 - Nova Scotia
- 3 - Prince Edward Island
- 4 - New Brunswick
- 5 - Quebec
- 6 - Ontario
- 7 - Manitoba
- 8 - Saskatchewan
- 9 - Alberta
- 10 - British Columbia
- 11 - North West Territories
- 12 - Yukon
- 13 - Nunavut

Related Topic:DistrictDebtor Address**Technical Specifications**

table name: estate_master

field name: district_code

12.20 Urban Centres

This table lists the postal code ranges for all urban centres across Canada. The rows containing codes such as AAZ to AZZ or ZZZ are used to capture estates within a province for which the postal codes fall outside the defined ranges.

Technical Specifications

table name: temp_urban_centre_new

12.21 NAICS Canada

Identifies the business type to which the file is related according to the North American Industrial Classification System Canada.

- | | |
|----|--|
| 11 | Agriculture, Forestry, Fishing and Hunting |
| 21 | Mining and Oil and Gas Extraction |
| 22 | Utilities |
| 23 | Construction |

31,32,33	Manufacturing
41	Wholesale Trade
44,45	Retail Trade
48,49	Transportation and Warehousing
51	Information and Cultural Industries
52	Finance and Insurance
53	Real Estate and Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administrative and Support, Waste Management and Remediation Services
61	Educational Services
62	Health Care and Social Assistance
71	Arts, Entertainment and Recreation
72	Accommodation and Food Services
81	Other Services (except Public Administration)
91	Public Administration

Note:

This field began to be entered in January 2003. Prior to this, the SIC code field was used. In 2003, both fields were entered.

Related Topic:

SIC

Technical Specifications:

table_name: estate_master

field name: naics_code (varchar2(4))

code table: naics_code_2002

12.22 Standard Industry Code

Standard Industry Code (SIC) defines the business type to which the file is related.

A - AGRIC & RELATED SERVICE INDUSTRIES
 B - FISHING & TRAPPING INDUSTRIES
 C - LOGGING & FORESTRY INDUSTRIES
 D - MINING, QUARRYING, & OIL WELL INDUSTRIES
 E - MANUFACTURING INDUSTRIES
 F - CONSTRUCTION INDUSTRIES
 G - TRANSPORTATION & STORAGE INDUSTRIES
 H - COMMUNICATION & OTHER UTILITY INDUSTRIES
 I - WHOLESALE TRADE INDUSTRIES
 J - RETAIL TRADE INDUSTRIES
 K - FINANCE & INSURANCE INDUSTRIES
 L - REAL ESTATE OPER & INSUR AGENT INDS.
 M - BUSINESS SERVICE INDUSTRIES
 N - GOVERNMENT SERVICE INDUSTRIES
 O - EDUCATIONAL SERVICE INDUSTRIES
 P - HEALTH & SOCIAL SERVICE INDUSTRIES
 Q - ACCOMM FOOD & BEVERAGE SERVICE INDUSTRIES
 R - OTHER SERVICE INDUSTRIES

Note:

Since January 2004, this field is no longer being entered.

Related Topic:

NAICS Canada

Technical Specifications:

table_name: estate_master

field name: industry_code

field definition: varchar2(4)

12.23 Insolvency Types

Insolvency Type				New Filings (Initial Status)	Current Status
	Liability Type	Admin Type	Debtor Type	Estate Type	Estate Type
<u>Consumer Bankruptcies</u>	1, 2			11, 12, 21, 22, 71, 72, 73, 74, 75, 76, 81, 86 61, 62, 63, 64, 65, 85	11, 12, 13, 21, 22, 23, 24, 51, 52, 53, 54, 71, 72, 73, 74, 75, 76, 81, 82, 86
Summary	1, 2	1, 4*		estimate only	
Ordinary	1, 2	2, 3*		estimate only	
<u>Business Bankruptcies</u>	3, 4			11, 12, 21, 22, 71, 72, 73, 74, 75, 76, 81, 86 61, 62, 63, 64, 65, 85	11, 12, 13, 21, 22, 23, 24, 51, 52, 53, 54, 71, 72, 73, 74, 75, 76, 81, 82, 86
Summary	3, 4	1, 4*		estimate only	
Ordinary	3, 4	2, 3*		estimate only	
Individual Business Corporation			1 2	estimate only estimate only	
<u>Division I Proposals</u>				41, 42, 43, 44, 45, 46, 47, 13, 23, 51, 52, 53, 54, 82, 87, 88	41, 42, 43, 44, 45, 46, 47, 61, 62, 63, 64, 87, 88
Consumer	1, 2		1		
Individual Business Corporation	3, 4		1 2		
<u>Division II Proposals</u>				31, 32, 33, 34, 35, 83, 84, 24	31, 32, 33, 34, 35, 65, 83, 84, 85
Consumer	1, 2				
Individual Business	3, 4				
<u>Receivership</u>				91, 92	91, 92
Technical Specification:					
Table Name:	Estate master			First record in estate_type_history	estate_master

1. The Filing date is within the period.
2. Exclude records with Estate Name = "XXXXX DELETE" for year 2003 and later.
3. When calculating the total liabilities exclude liability type 2 and 4.
- 4.* When reporting on summaries or ordinaries for current status do not include admin type = 3 or 4.

13 Trustee Compliance

13.1 Compliance Categories

The following defines the categories and sub-categories of the Trustee Compliance Data bank in IMPACT. These definitions are applicable throughout the modules found in the database (e.g., Day to Day, Complaint, Enquiry and Monitoring).

- 1. Banking**
- 2. Internal Control**
- 3. General Administration of Estates**
- 4. Realization of Assets**
- 5. Propriety of Costs**
- 6. Acting as Receiver**
- 7. Aging of the Files**
- 9. Other**

1. Banking

1001 Overdrawing of Estate Accounts

This subcategory should be used to describe the case where the trustee has overdrawn an estate account (whether consolidated or individual). Situations may include:

- draws trustee fees or counselling fees taken in summary administrations where the amount available is insufficient.
- the case where a cheque or pre-authorized payment by the bankrupt has been dishonored by their bank. As a result, if the trustee does not allow sufficient time for bank clearance or does not post these transactions in a timely manner, he may "inadvertently" draw on funds that are not available.

1002 Unauthorized Withdrawals of Funds

This subcategory should be used to describe cases where the trustee removes funds from any estate trust account without proper authorization.

- In summary administrations, this includes amounts for counselling and fees.
- In ordinary administrations, this includes the withdrawal of fees without proper approval and/or the withdrawal of fees before the taxation of the court.

1003 Identification of Accounts

The BIA and Directive 5 specify the manner in which estate accounts must be identified. The most common problems are:

- the absence of identification specifying the account as "in trust"
- the absence of the description specifying the type of account (for example, Summary Administrations, Division II Proposals, Individual or Company name for Ordinary Administrations etc.).

1004 Reconciliation

The BIA and Directive 5 provide the time lines and general parameters to be followed by the trustee in order to reconcile the estate trust bank accounts. In addition, errors found during reconciliation must also be dealt with in accordance with the Directive.

1005 Operation of the Individual Accounts

This subcategory should be used to describe the more general problems associated with the operation of individual trust accounts. This may include:

- the intermingling of funds
- *Improper distributions*
- timeliness of postings and deposits
- surplus funds not invested
- problems with investment or interest

1006 Operation of the Consolidated Account

This subcategory should be used to describe the more general problems associated with the operation of consolidated trust accounts. This may include:

- the intermingling of funds
- *Improper distributions*
- timeliness of postings and deposits
- surplus funds not invested
- *problems with investment or interest*
- number of accounts with a balance of zero
- balance account exceeding \$10,000 (Insolvency Circular no. 2)

2. Internal Control

The issues related to this category are most commonly detected during an audit and rarely detected in day-to-day supervision. Internal control is not part of the monitoring process and should be entered only in exceptional cases when the deficiencies are noted by the SBA. This category will include those situations where estate files are poorly organized or documents have been misfiled.

2001 Books and Records

This subcategory should be used to describe the trustee's internal operations with respect to the type of record keeping system being utilized (manual or computer). In addition, this encompasses procedures that are in place to ensure that trustees and staff are up-to-date (both in regard to legislation and software) and that all necessary modifications and training are carried out to ensure the integrity of the system.

2002 Recording and Control of Documents

This subcategory should be used to identify whether appropriate procedures are in place for the recording and control of documents. The deficiencies should be recorded under this heading where documents are wrongly or haphazardly filed.

2003 Personnel

This subcategory should be used where the OSB will be analyzing the division/segregation of duties within a trustee's office. For example:

- are there different levels of restricted access with regard to duties performed and/or software application programs?
- who can accept cash? issue receipts? post to a system?
- Directive 4 - Delegation of Tasks

2004 Security of System

The trustee is required to maintain the physical security of books and records. This subcategory should be used in the analysis of the systems in place in order to ensure integrity. This can involve:

- fire proof cabinets for documents
- secure and locked cabinets/safes for negotiables
- remote location for computer back-up tapes
- frequency of computer back-up

2005 Verification of Procedures

This subcategory should be used to describe the methods used by the trustee to ensure that the above methods are effective. For example, are any internal audit or independent external audit procedures in place?

3. General Administration of Estates

3001 Content of Documents

The OSB will determine if the trustee is complying with statutory requirements or standard practices (where applicable) with respect to the filing and issuance of documents pursuant to the BIA. Where the trustee has filed or issued a document, the OSB should question whether the trustee is complying with the proper form and content of documents. For example:

- incomplete or inaccurate assignment or proposal documents
- failure to comply with a requirement to disclose
- errors or typos
- incorrect notice in newspapers

Please note all documents primarily related to the debtor discharge process (including the section 170 report) are excluded from this subcategory and recorded under subcategory 3004 - *Debtor discharge process*.

3002 Service to Stakeholders

This subcategory should be utilized to describe those deficiencies where a lack of service to a stakeholder is an identifiable issue. This will often arise as a result of a complaint from an outside stakeholder with respect to a trustee's failure to communicate in an effective or timely manner. While it is also possible that a trustee may act in the same way towards the OSB, and while the OSB is a stakeholder, these issues are more likely appropriate for a specific category presented elsewhere.

3003 Ethics

This subcategory should be utilized to enter situations that contravene the Code of Ethics and related sections of the BIA. The appropriate rule should be indicated. In addition, other related situations which are not explicitly dealt with in the legislation will also be entered here, for example:

- trustee advertising issues
- trustee being in a conflict of interest

3004 Debtor Discharge Process

This subcategory is concerned with the review of whether or not the trustee has met statutory requirements involving the debtor discharge process. This includes but is not limited to:

- the accuracy and timeliness of section 170 reports
- whether counselling has been provided to the debtor within the time frame
- whether the certificate of discharge has been issued (in a timely manner, if at all)
- whether the trustee failed to issue the certificate of full performance in the case of a proposal

3005 Statement of Receipts and Disbursements (SRD)

This subcategory should be used to describe non-substantive administrative issues detected in SRDs. For example:

- inaccurate footnotes
- tariff calculation errors

Issues which are not of a purely administrative nature should be classified in the appropriate subcategory.

3006 Distribution to Creditors

This subcategory should be used to describe cases relating to an unexplained delay in the distribution of dividends to creditors after taxation, or an improper allocation of dividends. This subcategory will also include issues related to the trustee's follow-up on additional liabilities. The presence of issues in this subcategory may have an impact on other sub-categories such as realization of assets, verification of statement of affairs and surplus income.

3007 Timeliness in the Administration of Estates

This subcategory should be used to document situations where the trustee has failed to execute duties (statutory and otherwise) in a timely manner. Specific examples include:

- filing and issuance of documents: has the trustee complied with this requirement, and where the document or notice has been filed or issued, was it done on time?
- timely realization of assets
- failure to follow up on proposal defaults

This subcategory does not include the three-year review of aged files.

3008 Closing of Estates

This subcategory should be used to document cases where an estate was not closed in a timely manner, or administrative or substantive issues in relation to the closing of an estate were present. Here, the analysis should concentrate on how the closing of estates is handled by the trustee while taking into account the circumstances existing in these estates. For example:

- failure to close bank accounts
- failure to proceed to taxation
- failure to obtain trustee discharge
- failure to pay residual balance after final SRD

This subcategory does not include the three-year review of aged files.

4. Realization of Assets

4001 Taking Possession and Control

This subcategory is intended to describe the specific instances where it is determined that a trustee has failed to exercise duties pursuant to the BIA with respect to the

- vesting of the bankrupt's assets
- subsequent possession and control

As stated, an analysis is required to determine if the steps taken were prudent and in the best interest of all stakeholders.

In addition, the OSB will determine if:

- proper conservatory measures were taken
- the appropriate insurance was in place throughout the administration of the estate

Typical situations would involve:

- bankrupt's vehicle
- equity in real property, inventories, receivables, 30 day goods
- taking possession of credit cards

4002 Inventory Taking

This subcategory is intended to ensure compliance with the BIA and Directive 7 with respect to the trustee's duties in the taking of inventory.

4003 Verification of Statement of Affairs

This subcategory should be used to describe deficiencies in relation to the specific duties of the trustee pursuant to subsection 19(3) of the BIA and Directive 16R. The OSB will need to analyse the methodology and evidence relating to the trustee's actual verification of the

statement of affairs.

4004 Surplus Income

This subcategory concentrates on the specific duties of the trustee pursuant to the surplus income provisions of section 68 of the BIA and Directives 11 and 12.

4005 Reviewable Transactions, Fraudulent Preferences and Settlements

The OSB will utilize this subcategory to report on the trustee's activities in situations that give rise to reviewable transactions, fraudulent preferences and settlements. These matters are generally described in the definitions portion (Section 2) of the BIA and are dealt with specifically throughout. The OSB's analysis will often be concentrated on what measures (if any) the trustee took to review these situations as they arose. This will often include the proper vetting of proofs of claim as well as properly accounting for the bankrupt's activities prior to the assignment in bankruptcy.

4006 Follow up on Additional Assets

Assets may be discovered after the initial assignment is made. The trustee's responsibility is the same regardless of when they were discovered and the trustee's subsequent action to realize will be evaluated.

4007 Review / Validity of Security

The BIA requires that where a security against an asset is claimed by a creditor, the validity of this claim must be verified before the asset is released. The steps available to the trustee are numerous and may involve a property search, legal opinion, document review, etc. To determine if the trustee was deficient in this area, it must first be determined if the trustee's actions:

- can be confirmed from documentation;
- were prudent under the circumstances.

4008 Evaluation of Assets / Adequate Documentation

This subcategory should be used where it is discovered that insufficient or unsubstantiated asset valuations were made by the trustee. Here, the OSB will determine if the documentation and methodology utilized by the trustee with respect to the evaluation of estate assets were appropriate. Common situations involve the valuation of:

- vehicles
- real property
- inventory

4009 Approval of realization / Disposition

This subcategory will be used to record those instances where a trustee has failed to obtain either inspector approval or court approval to realize or dispose of estate assets. This would be limited to the specific circumstances where these approvals are mandated by provisions of the BIA. Situations may exist where this type of approval may have been required but due to an "emergency" situation, action was taken prior to said approval. The

OSB analysis will determine the validity of these actions as well as the corrective measures taken by the trustee.

4010 Realization / Disposition of Assets

This subcategory should be used to describe deficiencies in regard to the reasonableness of the realization and dispositions of estate assets. Of key importance will be the transparency of the transactions and the documentation/business case maintained by the trustee in support thereof. Generally, this is demonstrated by an arm's length disposition or valuation of the asset before its disposal. Examples in this subcategory include:

- payment after discharge
- complaints that the trustee sold the asset for less than the market value

5. Propriety of Costs

5001 Time Records and Work in Progress Register

This subcategory should be used to document deficiencies where the trustee has not maintained accurate books and records. As the trustee is required to submit time records to the Court for the final taxation of Ordinary Administrations, the OSB will generally determine the methodology and accuracy of these records, and the appropriateness of amounts entered into the records. For example:

- time charges for unrelated activities such as promotional lunches
- premium billing

5002 Trustee's Fees

This subcategory should be used to document deficiencies related to fees charged by the trustee against the estate for services rendered. Issues described in this subcategory would likely arise as a result of the issuance of a negative letter of comment with respect to the trustee's final statement of receipts and disbursements. Consideration will be given to whether the trustee has earned his fees based on:

- the trustee's performance
- service to stakeholders
- compliance with the BIA

5003 Trustee's Disbursements

The BIA is specific with respect to what disbursements a trustee is entitled to make from the estate trust accounts and when. This subcategory should be used to document situations where disbursements claimed by the trustee are determined by the OSB to be inappropriate or unreasonable.

- For ordinary administrations, there are no specific provisions in the BIA except for Directive 3R and the tariff of costs.

6. Acting as Receiver

6001 Acting in a Dual Capacity

This subcategory should be used to document situations where a trustee has not disclosed the fact that they are working in a dual capacity, both as trustee and receiver in an estate, pursuant to s. 13.4 of the BIA.

Disclosure will be made in the trustee's filing documents as well as the report presented at the First Meeting of Creditors (where applicable).

A trustee may not act as a receiver in the estate unless they have first obtained an independent written legal opinion that the security is both valid and enforceable against the estate.

6002 Filing of Reports

This subcategory should be used to describe situations where a trustee acting as a receiver, has not filed the various reports identified in Part XI of the BIA, or has done so after the expiration of the prescribe deadlines.

7. Aging of the Files

7001 Review of Files Opened for more than Three Years

This subcategory should be used for issues relating to files that have been open for more than three years for no valid reason.

7002 Report to Court after Three Years

This subcategory should be used to describe cases where the Superintendent has requested that the trustee file a report to the court pursuant to subsection 34(2) of the Act.

9. Other

The "Other" category allows for any deficiencies or issues that have not been identified elsewhere to be recorded. Prior to making an entry into "Other", the matter should be reviewed with the Division Office Compliance Database Coordinator or the DAS

Note:

Category 8 is reserved for tracking of IOTA trustees only

8. Initiative for the Orderly and Timely Administration (IOTA only)

- 8001 Aging Issues Only**
- 8002 Banking Issues Only**
- 8003 Aging and Banking Issues Only**

Related Topic:

Compliance Rating

Technical Specifications:

table name: tpr_perf_rating

field name: license_number

field name: sequence_number

field name: compl_category_code

field name: perf_rating_date

field name: rating_mark
field name: rating_comment

code tables:
tpr_category_code
tpr_subcategory_code

13.2 Compliance Ratings

Trustee compliance ratings in IMPACT modules are based on deficiencies recorded in the database where the OSB has identified a problem in the administration of the trustee and the SBA's analysis has concluded that the trustee is responsible and/or accountable for the problem.

- 1 - An "A" rating means that no deficiency was identified or that the only issues identified are minor in nature, very infrequent and immediately corrected regardless of source. The SBA follow-up, if necessary, is minimal.
- 2 - A "B" rating means that the issues identified are still minor in nature but are more frequent or have not been immediately corrected. The trustee will have been found to be lacking in one or more sub-categories but none of these issues can be considered serious. For example, many issues or deficiencies that are found are often attributable to carelessness or lack of staff. This rating will allow a trustee to improve or upgrade their system practices in order to reduce their future occurrence. The SBA follow-up, if necessary, is tailored to the deficiencies recorded.
- 3 - A "C" rating means that the issues identified are more serious, more frequent and not corrected without further OSB action. Here, the trustee will be found to have large numbers of identified issues and deficiencies in the various sub-categories or demonstrating a predisposition for making decisions that invariably led to the noted issues. The primary question is to determine the scope of these issues and whether they have been identified before. In addition, we may start to see minor occurrences of those issues generally thought of to be more serious in nature. The SBA follow-up requires an action plan for the correction by the trustee of the identified deficiencies.
- 4 - A "D" rating means that the issues identified are serious or very frequent or not corrected without further OSB action. To attain this rating, a review of the modules will clearly indicate a serious breach by the trustee. For example, the trustee has consciously made inappropriate decisions. Such a trustee will require an action from the OSB. The deficiencies identified are so important that they require the implementation of an immediate action plan by the SBA. Furthermore, an audit and/or a disciplinary investigation may be required.
- 5 - A "Z" rating means that there is insufficient data to establish a rating.

Related Topic:

[SBA
Compliance Categories](#)

Technical Specifications:

table name: tpr_perf_rating
field name: compl_category_code
field name: perf_rating_date

field name: rating_mark

table name: tpr_perf_report

field name: perf_overall_rating_date

field name: rating_overall_mark

code tables:

tpr_rating_code

tpr_category_code

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