

IN THE SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY
Citation: O'Toole , Re, 2006 NSSC 382

Date: December 19, 2006

Docket: 29295

Registry: Halifax

District of Nova Scotia
Division No. 1 - Halifax
Court No. B-29295
Estate No. 51-122499

In the Matter of the Bankruptcy of Dennis Patrick O'Toole O/A
Bubba's Truck & Trailer

LIBRARY HEADING

Registrar: Richard W. Cregan, Q.C.

Heard: October 18, 2006

Written Decision: December 19, 2006

Subject: Examination of bankrupt under Subsection 163(2) of the
Bankruptcy and Insolvency Act

Summary: A secured creditor was given ex parte an order requiring the bankrupt to submit to examination. The bankrupt objected to the order under Subsection 187(5) of the *Act* arguing that the creditor would only be conducting the examination for its own benefit.

Issue: The case law indicates that one should only be given the right to examine, if it would be for the general benefit of creditors.

Result:

It was held that although any benefit to other creditors would most likely be theoretical, considering the responsibilities imposed on a bankrupt by the *Act*, the law generally and the appearance that something is amiss, the order requiring the bankrupt to submit to examination was confirmed.

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