

## **REVIEWS FOR STUDENTS WHO HAVE DECLARED BANKRUPTCY**

### ➤ **Bankruptcy review - Students who did not receive student loans prior to the date they filed for Bankruptcy**

If the student is a discharged bankrupt, he or she does not need to provide any supporting documentation in order for their OSAP application to be processed.

If the student is an undischarged bankrupt, the student's OSAP application will not be processed until the student provides documentation from their trustee indicating the date the student filed for Bankruptcy and that the following two conditions have been or will be met:

- neither Ontario nor Canada is a creditor in the Bankruptcy as a result of financial assistance given to the student through OSAP; and
- no financial assistance given to the student through OSAP during the 2010-2011 OSAP year will be seized to repay any creditor(s) listed in the Bankruptcy.

#### **Supporting Documentation:**

- A letter from the student's Trustee in Bankruptcy confirming the date the student filed for Bankruptcy, that neither Ontario nor Canada is a creditor in the Bankruptcy as a result of financial assistance given to the student through OSAP, and that none of the financial assistance issued to the student for the 2010-2011 loan year will be seized to pay any creditor(s) listed in the Bankruptcy.

### ➤ **Bankruptcy review - Students who received student loans prior to the date they filed for Bankruptcy**

#### *i) Bankruptcies Filed Prior to May 11, 2004 – Discharged*

If the student is a discharged bankrupt, the student's OSAP application will not be processed until the student provides proof that they have no outstanding balance on any student loans; or if the student has been released from their obligation to repay their student loans by reason of a court-ordered absolute order of discharge which states that section 178(1)(g) of the BIA no longer applies to the student debt, the student must provide proof that the order of discharge was made and that three (3) calendar years have elapsed since the day the order was made.

**Supporting Documentation:**

- A copy of the Notice of Bankruptcy.
- A letter from the student's financial institution, the National Student Loans Service Centre, and/or the student's collection agency confirming that there is no outstanding balance on any student loans issued to the student.
- A copy of the court-ordered absolute order of discharge releasing

*ii) Bankruptcies Filed Prior to May 11, 2004 – Undischarged*

If the student is an undischarged bankrupt, the student's OSAP application will not be processed until:

1. he or she provides proof that there is no outstanding balance on any of their student loans; **or** if the student has been released from their obligation to repay their student loans by reason of a court-ordered absolute order of discharge which states that section 178(1)(g) of the BIA no longer applies to the student debt, the student must provide proof that an order of discharge was made and that three (3) years have elapsed since the day the order was made; **AND**

2. the student provides proof from their trustee confirming the date the student filed for Bankruptcy and that the following two conditions have been or will be met:

- neither Ontario nor Canada is a creditor in the Bankruptcy as a result of financial assistance given to the student through OSAP; and
- no financial assistance given to the student through OSAP during the 2010-2011 loan year will be seized to repay any creditor(s) listed in the Bankruptcy.

**Supporting Documentation:**

- A letter from the student's financial institution, the National Student Loans Service Centre, and/or the student's collection agency confirming that there is no outstanding balance on any student loans issued to the student.
- A letter from the student's Trustee in Bankruptcy confirming the date the student filed for Bankruptcy, that neither Ontario nor Canada is a creditor in the Bankruptcy as a result of financial assistance given to the student through OSAP, and that none of the financial assistance issued to the student for the 2010-2011 loan year will be seized to pay any creditor(s) listed in the Bankruptcy.

*iii) Bankruptcies Filed On or After May 11, 2004 – Discharged: Student Not Currently Enrolled in Studies*

If the student is a discharged bankrupt, his or her OSAP application will not be processed until the student provides proof that they have no outstanding balance on any student loans; or if the student has been released from their obligation to repay their student loans by reason of a court-ordered absolute order of discharge which states that section 178(1)(g) of the BIA no longer applies to the student debt, the student must provide proof that an order of discharge was made and that three (3) years have elapsed since the day the order was made.

**Supporting Documentation:**

- A copy of the Notice of Bankruptcy.
- A letter from the student's financial institution, the National Student Loans Service Centre, and/or the student's collection agency confirming that there is no outstanding balance on any student loans issued to the student.
- A copy of the court-ordered absolute order of discharge releasing the bankrupt from their student loan debt.

*iv) Bankruptcies Filed On or After May 11, 2004 – Discharged: Continuation of a Program of Study*

If the student is a discharged bankrupt, his or her OSAP application will not be processed until the student provides proof that they have no outstanding balance on any student loans; or if the student has been released from their obligation to repay their student loans by reason of a court-ordered absolute order of discharge which states that section 178(1)(g) of the BIA no longer applies to the student debt, the student must provide proof that an order of discharge was made and that three (3) years have elapsed since the day the order was made.

In addition, the student must provide proof that they meet the following four conditions:

1. at the time the student filed for Bankruptcy, he or she was enrolled in an approved program of study at an approved institution and taking the minimum required course load; and
2. the student continues to be enrolled in the same approved program of study in which he or she was enrolled at the time that the student filed for Bankruptcy; and
3. the student has not had a break in studies of longer than six months since the date he or she filed for Bankruptcy– see details below; and
4. it has not been more than three calendar years since the date the student filed for Bankruptcy.

**Supporting Documentation:**

- A copy of the Notice of Bankruptcy.
- A letter from the student's financial institution, the National Student Loans Service Centre, and/or the student's collection agency confirming that there is no outstanding balance on any student loans issued to the student.
- A copy of the court-ordered absolute order of discharge releasing the bankrupt from their student loan debt.
- A letter from the student's Financial Aid Office confirming that the program of study in which the student was enrolled at the time of the student filed for Bankruptcy, is the same as the program of study the student is applying for assistance to attend. (see additional information below.

*v) Bankruptcies filed on or after May 11, 2004 – Undischarged*

If the student is an undischarged bankrupt, the student's OSAP application will not be processed until:

1. he or she provides proof that there is no outstanding balance on any of their student loans; or if the student has been released from their obligation to repay their student loans by reason of a court-ordered absolute order of discharge which states that section 178(1)(g) of the BIA no longer applies to the student debt, the student must provide proof that an order of discharge was made and that three (3) years have elapsed since the day the order was made; or the student provides proof that he or she meets the following four conditions:

1. at the time the student filed for Bankruptcy, he or she was enrolled in an approved program of study at an approved institution and taking the minimum required course load; and
2. the student continues to be enrolled in the same approved program of study in which he or she was enrolled at the time that they filed for Bankruptcy; and
3. the student has not had a break in studies of longer than six months since the date of Bankruptcy; and
4. it has not been more than 3 years since the date of Bankruptcy.

**AND**

2. The student provides proof from his or her trustee indicating the date they filed for Bankruptcy and that the following two conditions have been or will be met:

- neither Ontario or Canada is a creditor in the Bankruptcy as a result of financial assistance given to the student through OSAP; and
- no financial assistance given to the student through OSAP during the 2010-2011 OSAP year will be seized to repay any creditor(s) listed in the Bankruptcy.

**Supporting Documentation:**

- A letter from the student's financial institution, the National Student Loans Service Centre, and/or the student's collection agency confirming that there is no outstanding balance on any student loans issued.
- A copy of the court-ordered absolute order of discharge releasing the bankrupt from their student loan debt.
- A letter from the student's FAO confirming that the program of study in which the student was enrolled at the time the student filed for Bankruptcy is the same as the program of study that the student is applying for assistance to attend.
- A letter from the student's Trustee in Bankruptcy confirming the date the student filed for Bankruptcy, that neither Ontario nor Canada is a creditor in the Bankruptcy as a result of financial assistance given to the student through OSAP, and that none of the financial assistance issued to the student for the 2010-2011 loan year will be seized to pay any creditor(s) listed in the Bankruptcy.

## Appeal Submission Cover Sheet – Bankruptcy

Please forward to:

Financial Aid Office  
2000 Talbot Rd. W.  
Windsor, ON  
N9A 6S4

**Office Use:**

**Date Received:**

**Date Reviewed:**

**Approved**  **Not Approved**

<b>LAST NAME:</b>	
<b>FIRST NAME:</b>	
<b>STUDENT ID #:</b>	
<b>SOCIAL INSURANCE #:</b>	
<b>DATE OF BIRTH:</b>	
<b>APPEAL SUBMISSION CHECKLIST:</b>	<ul style="list-style-type: none"> <li>*A letter from you outlining your request for an Appeal and indicating all pertinent information.</li> <li>* Copy of Bankruptcy.</li> <li>* Copy of Discharge (if applicable)</li> <li>* Letter from Trustee (if applicable)</li> <li>*Letter from Financial Institution or NSLSC (if applicable)</li> <li>* Be sure that your letter(s) are SIGNED, DATED and that your name and student ID# appears on all of your supporting documentation.</li> </ul>

### Financial Aid Office Notes:

St.Clair College is committed to the protection of privacy and confidentiality of all its constituents. The information is collected for the purposes of administering the Ontario Student Assistance Program (OSAP) on behalf of the Ministry of Advanced Education & Skills Development (the "Ministry") and any other need-based financial assistance as administered by St.Clair College. If you have any questions about the collection of information or the uses to which it will be put, please direct your questions to the Registrar, Financial Aid Office. The Ministry administers OSAP under the authority of the Ministry of Advanced Education & Skills Development Act, R.S.O. 1990, c. M.19, as amended, R.R.O. 1990, Reg. 773, Reg. 774, and Reg. 775, as amended, and O. Reg. 268/01, as amended; the Financial Administration Act, R.S.O. 1990, c. F. 12, as amended; the Canada Student Financial Assistance Act, S.C. 1994, c. 28, as amended; the Canada Student Financial Assistance Regulations, SOR 95-329, as amended; and the Budget Implementation Act, 1998, S.C. 1998, c. 21, as amended. If you have any questions about the collection or use of this information, contact the Director, Student Support Branch, Ministry of Advanced Education & Skills Development, PO Box 4500, 189 Red River Road, 4th Floor, Thunder Bay, ON P7B 6G9.