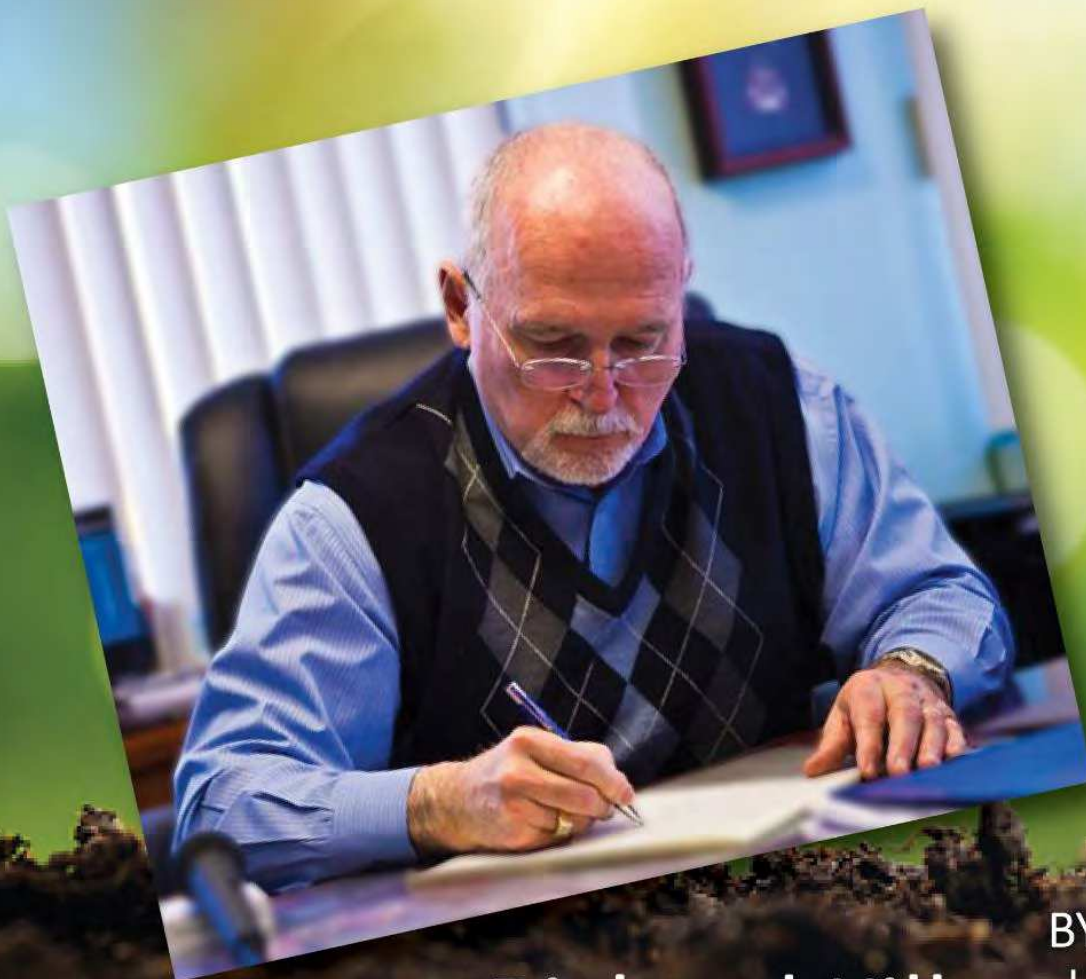


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What You Need to Know Before You Call

A LICENSED INSOLVENCY TRUSTEE



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Introduction

Everyone experiences serious money problems at some point in life. No one is immune. When struggles in real life happen --- you've lost your job and have very little or no savings to keep up with repayments and manage debts, a family member gets sick and you're suddenly facing rising medical bills, your marriage fails and end in separation or divorce, your home is losing value and you suddenly owe more on your mortgages than your house is worth --- major debt can build up quickly and before you know it your financial situation goes from bad to worse.

Often the first instinct many people get to overcome their problems is to manage their debt load themselves. They take on self-help procedures, like completing an online budget to see if they can pay their everyday expenses and debts without using their credit cards or they panic and immediately talk to their creditors without proper guidance if they smell the situation getting worse before anything actually happens.

However, many times in the pursuit of self-help, most people end up making their debt situation even worse than it was before. They find out that they do not have the self-discipline to cut down on their spending and push themselves out of their troublesome and sticky situation. On top of that, they do not have all the right information to properly analyze their situation and make a realistic assessment of how to work out a solution that is more manageable for them.

If the self-help route is not working out for you, then it is time to take professional help before it is too late. If in the span of six months through your own efforts and resources nothing concrete is happening with your debt situation, your money troubles are not getting any better and you have figured out that you are bad with money and have little faith on yourself, you must quickly decide to stop self-help already and pick up the phone, call a Licensed Insolvency Trustee and get started on your journey to settle your debt.

But why decide to call a Licensed Insolvency Trustee straight away? Can you not get assistance from credit counseling agencies and take advantage of working with a credit counselor?

To be honest, many people are not very comfortable contacting a Licensed Insolvency Trustee (LIT) previously known as bankruptcy trustees. For a large number of Canadians who are struggling with debt, contacting an LIT is not the first thing that they would think to do. Fear is mostly the reason why many people delay contacting a Trustee. The fear is mostly promoted by unlicensed debt advisors, but a large portion of it also stems from the fact that many people are unaware of the many roles and options that insolvency trustees can offer for dealing with their debt.

When people hear the words "licensed insolvency trustee," or "bankruptcy trustee" what comes to mind automatically is an individual who only handles bankruptcies. While it is true that trustees are the only ones who can handle bankruptcies, it is not the only thing that they can help you with. They can provide a full range of services to help anyone struggling with debt.

We feel a certain responsibility to make sure that you to get the right information about who you need to see, and where you can go to get the right help that you need. For this reason, we have compiled some facts to try and give you a better idea why Licensed Insolvency Trustees should be your first call to talk about your financial trouble.

1 - Credit Counselors & Licensed Insolvency Trustees - How Are They Different

An accredited credit counselor and a Licensed Insolvency Trustee (LIT) are both professional debt management experts. Both can meet with individuals to perform a debt assessment, and discuss various options to resolve their debt. However, credit counselors, or debt counselors as they are otherwise known, are very limited in their capacity to provide debt solutions.

There are two important distinctions that you must fully understand when it comes to the services that Licensed Insolvency Trustees and credit counselors can provide:

1. A Licensed Insolvency Trustee is the only debt professional legally allowed by the Superintendent of Bankruptcy to administer proposals and bankruptcies. Both consumer proposals and bankruptcies are legal proceedings and, therefore, are the only debt relief options that can legally protect you from your creditors. No other debt professional or financial expert in Canada can provide legal debt relief options that can freeze interest, stop garnishments and end creditor phone calls.

A credit counsellor can also help you find a debt solution. Reputable ones are certified and trained in consumer credit, money and debt management, and budgeting and can help analyze your entire financial situation with you, provide counseling classes on budgeting, savings or pre-bankruptcy and may also help you negotiate with your creditors to set up a Debt Management Plan (DMP) if you decide to proceed with it. They cannot, however, provide consumer proposal and bankruptcy services. If you have debts that a credit counselling program or a debt management plan cannot deal with, all that your credit counsellor can do is refer you to a licensed insolvency trustee to find out if you need to consider some other debt solutions, such as a consumer proposal or bankruptcy.



In addition, although a DMP may be able to settle one or more of your debts, there are risks associated with it that you must carefully consider before enrolling. DMP's are not government programs and are therefore not legally binding, unlike consumer proposals and bankruptcies which are government-regulated proceedings under the Bankruptcy and Insolvency Act. This means that a DMP cannot offer you legal protection from your creditors and that creditors who do not wish to participate can continue to call you and seek repayment.

2. Licensed Insolvency Trustees can also serve as credit counselors and are able to give counseling sessions to help debtors identify what went wrong and possible solutions. They are required by the law to provide individuals with the initial counseling sessions whether or not they choose to proceed with a bankruptcy filing. Trustees are considered the most highly educated and experienced debt consultants in Canada.

Their education and qualifications are assessed by the OSB. They hold a university degree, with many of them coming from an accounting background. In order to obtain licensing from the OSB, they need to complete a rigorous three-year bankruptcy and law course and undergo investigation by the RCMP. They are also required to undertake ongoing professional development to keep up to date with changes in the law.

On the other hand, consumer credit counselling services in Canada are not as regulated and there are no set standards for training and education. While there may be both good and not-so-good credit counselors in the profession, they may or may not have the formal financial education and experience to properly advise you about all the options available to help you get out of debt.



If you decide to get expert help, what you can do to protect yourself is do your research before you book a meeting with a credit counsellor or an insolvency trustee. Go to their website, make inquiries, review their qualifications and understand their services.

2 - Licensed Insolvency Trustees Play Fair Game to Both You and Your Creditors

One of the most common misconceptions debtors have about Licensed Insolvency Trustees is that they work for the creditors. The fact is that insolvency trustees do not work for or against someone else.

Trustees are Officers of the Court and as such they have a legal obligation to not act for any one party, but instead is obliged to many different stakeholders in an insolvency proceeding. These stakeholders include:

- The debtor (the person or business who owes money),
- The creditors,
- The Office of the Superintendent of Bankruptcy (the regulatory body that oversees insolvencies in Canada),
- The court, when it is involved, usually only in highly contentious matters or when there is a failure to comply with all of the requirements of the law, and
- Other parties involved, as applicable.



The Code of Ethics for Trustees from Sections 34 to 53 of the Bankruptcy and Insolvency General Rules lay out the standards for professional engagement which every trustee is required to maintain. As required by the Act, all Licensed Insolvency Trustees shall perform their duties in an honest and impartial manner, and demonstrate respect for key moral principles that include honesty, fairness, equality, dignity, diversity and individual rights.

It is a very challenging role for a trustee to play referee between two different teams in a highly volatile insolvency game using one set of rules set by the federal Bankruptcy and Insolvency Act to ensure fairness for all parties. Nonetheless, they are bound by the law to make sure that the rules are followed in a consistent and reliable fashion by both creditors and debtors.

So, while a trustee does represent your interests as a debtor, they are representing your creditors' interests as well. Their role is to negotiate a fair and acceptable arrangement for all involved. At the most basic level their duties to both debtors and creditors include:

- Ensuring that you (the debtor) are aware of all the formal and informal options that the government has made available to you to deal with your debt.
- Provide information about consumer proposals, the filing bankruptcy processes, and other debt relief options and properly explain the advantages and disadvantages of each so you can make a well-informed decision.
- Make sure to conduct a thorough assessment of your entire financial situation and address any unique aspect that can affect your choice.
- Make sure that all documents and other requirements imposed by the Bankruptcy & Insolvency Act (BIA) are complied with to avoid any violation of the law.
- Thoroughly examine the validity of your creditor's claims.
- Provide an objective and qualified evaluation of your assets against the creditors' claims.
- Make sure to negotiate a fair settlement for all parties involved and come up with an amount that will be accepted by your creditors and affordable for you to follow.

In the event that a Licensed Insolvency Trustee fails to provide you with the quality of service you expect or if you suspect improper conduct by the trustee in relation to the Code of Ethics, there is a formal complaint process through the OSB that consumers can easily access which will be promptly reviewed and assessed by the OSB.

3 - A Licensed Insolvency Trustee Will Always Go Through Your Full List of Options

Licensed Insolvency Trustees are too educated and well-trained to simply look at a debtor's financial situation in a one-dimensional perspective and then dismissively encourage him or her to file for bankruptcy. They will not and cannot force anyone to file for bankruptcy because they are required by law to fully assess your situation and explain all available debt relief options to help find the best solution available to you.

Directive 6R3 of the Bankruptcy and Insolvency Act (Assessment of an Individual Debtor) states specific directions on what is to be discussed with a debtor who is considering their options. Under this directive, all Licensed Insolvency Trustees must discuss both the formal and informal options for getting out of debt. These will include:

- Formal options - bankruptcy and consumer proposal
- Informal options - consolidation loans, debt relief services, like credit counseling or debt settlement from a reputable organization, Repayment Assistance Plan (RAP) for student loan debts



When you meet with a Licensed Insolvency Trustee for the first time he will carry out a professional financial review of your debt situation. He will go over your income, assets and expenses, as well as your current debt load to help you understand your situation. After there is an accurate understanding of your overall financial picture, he will then be able to figure out the best options for you to get out of debt using your current financial situation, your budget and your long term goals as a basis.

When it is determined that informal options are not applicable to your situation and that you are indeed insolvent, the Licensed Insolvency Trustee is required to make certain if a consumer proposal is a viable option for you, as an alternative to bankruptcy. According to the most current statistics on personal bankruptcy and consumer proposal filings for Canadian debtors, personal bankruptcies were down 4.9% and consumer proposal filings were up 5.1% in the 12-months ending May 31, 2017 as compared to the 12-months ended May 31, 2016, thus clearly showing how Licensed Insolvency Trustees help all insolvent debtors to avoid bankruptcy at all costs and administer a consumer proposal instead when it is applicable to the debtor's situation.

Most people don't need to file for a bankruptcy, and just need a truly great adviser to explain all their options. What we see happening often in the industry, however, are non-licensed debt consultants pressuring people into solutions that incur additional, and unnecessary fees for the debtor, instead of helping to find the best solution. This is what you need to be very careful of, especially when you find yourself becoming increasingly desperate to find a way out.

If a Licensed Insolvency Trustee recommends that you go bankrupt, you can be confident that it is made as a professional recommendation to the best course of action given after a comprehensive assessment of your financial details and not merely an inaccurate conclusion based on incomplete facts. No Licensed Insolvency Trustee will make the recommendation to file for bankruptcy so lightly without due consideration. If there are other options applicable to your situation, rest assured that the Licensed Insolvency Trustee will let you know what those are but the decision will remain in your hands.

If you meet with Licensed Insolvency Trustee and all they recommend is bankruptcy as a way to eliminate your debt, by all means go find another Trustee to talk to. Because the truth is that bankruptcy is not a solution for everyone, in the same way that filing a consumer proposal or enrolling in a debt management plan is not for all. All the debt relief options, both formal and informal, can be good options for some people in certain situations. There is certainly no one-size-fits-all solution.

That is why you need to talk to a Licensed Insolvency Trustee to help you understand Canada's debt regulations and explain all of your options. Only when you understand all of your options can you truly make a fully informed decision.

4 - You Should Never Have to Pay to Be Referred to a Licensed Insolvency Trustee

If debt has become a real struggle, like you have collection agencies calling you, or are troubled with wage garnishments, or are experiencing a range of stress-related illnesses like ulcers, migraines, back pain, anxiety and depression, then you need to contact a Licensed Insolvency Trustee in your area right away for a free confidential consultation to learn your options.

Yes, all Licensed Insolvency Trustees will give you a free consultation and there's no obligation at all for you to use their services. There is no risk for you to take, it won't cost you a penny because it is free of charge, it is confidential and can be done in less than an hour.

In too many cases, vulnerable debtors have been deceived by misleading advertisements that lead them to pay unnecessary fees to some debt consultants for services that can only be accomplished by an insolvency trustee. These non-trustee's claim that they can help an individual file a consumer proposal and ask payment for preparing forms, only to refer the unsuspecting victim to a licensed trustee who will actually do all of the work.

You should never have to pay any amount to be referred to a Licensed Insolvency Trustee!

Be very careful! Remember this is an unregulated industry. While there are some debt counsellors who are ethical, there are also a number of unethical companies that are only out to get your money. If you meet with a credit counsellor and you have doubts and concerns about the advice he or she has given you, then do not hesitate to get a second opinion.

Keep in mind that a Licensed Insolvency Trustee is the only debt professional who can provide a complete range of financial solutions. Only licensed Trustees are given authority by the federal government to administer a bankruptcy or a consumer proposal. No other so-called debt consultant can. The truth is that it is against the law for anyone other than a Licensed Bankruptcy Trustee to offer a consumer proposal or administer bankruptcy services.

If you feel you need to go bankrupt or file a consumer proposal, then you have to use the services of an LIT. Save your money and go directly to a reputable Licensed Insolvency Trustee in your area or city to get objective advice and look at all available options.

Be aware too that the services of a Trustee is not limited to just filing a consumer proposal or bankruptcy. They are also qualified professional debt consultants and can provide other debt relief services, such as:

- Debt counselling
- Make a proposal to your creditors to avoid bankruptcy
- Talk with your creditors on your behalf and arrange to get the best deal
- Negotiate debt settlement agreements

The Trustee will be able to advise you of the best solution to your particular situation and even help you avoid bankruptcy if possible. In the course of the first meeting, if the Trustee feels that you need independent legal advice, then he or she will refer you to an insolvency lawyer.

All activities of Licensed Insolvency Trustees are closely monitored by the Federal Government under the Bankruptcy and Insolvency Act (BIA) and they strictly follow federal standards of practice. For instance, they all adhere to the same Code of Ethics for Trustees which outlines how they administer their services to individual debtors to ensure that they will all give the same quality of service no matter the social or professional standing of the debtor. Their fees and costs are also regulated by the government which means that they all charge the same amount that a debtor has to pay them no matter where they are located in Canada. In addition, the OSB regularly reviews the statement of receipts and disbursements in order to validate compliance with insolvency policies and regulations.

The first consultation with a Licensed Insolvency Trustee will always cost you nothing. There is no cost at all so you have nothing to lose by contacting an LIT and asking questions.



5 - What You Tell the Trustee Is Confidential



It is always difficult to discuss sensitive financial information with anyone, but it is an unavoidable part of consulting with a debt professional. However, you can be assured that any information you divulge to a Licensed Insolvency Trustee will be kept private and confidential as they are bound by a set of rules that limits access or places restrictions on certain types of information concerning client insolvency.

The Code of Ethics for Trustees provides guidance and information to assist the Trustee on how to seek information and make enquiries into the affairs of the insolvent and how to deal with information that may be of a confidential nature. Under Rule 40 of The Code of Ethics, a Licensed Insolvency Trustee is prohibited from disclosing confidential information to the public concerning any professional engagement, except for certain conditions. They can only disclose private information if and only if:

- 1) The law requires it, or
- 2) It is authorized by the person to whom the confidential information relates.

In addition to the federal government, the Canadian Association of Insolvency and Restructuring Professionals (CAIRP), the largest national professional organization of Licensed Insolvency Trustees throughout Canada, also imposes its Rules of Professional Conduct on its members in order to advocate a fair, transparent, and effective system of insolvency/restructuring administration. Under Rule 5 of the CAIRP Rules of Professional Conduct, members have a duty of confidence to a client and shall not disclose or exploit any information obtained in the course of an engagement.

Add to these standards of practices, there are also federal and provincial laws governing the collection, use, disclosure and management of personal information in Canada that Trustees in your area are fully aware of.

So, while certain information must be collected from you and shared with certain parties in the course of consultation or in a bankruptcy or proposal proceeding, particularly with the Office of the Superintendent of

Bankruptcy and your creditors, there are also policies and laws that will automatically protect you from anyone who may be in possession of your information.

The Licensed Insolvency Trustee will let you know what information he needs you to disclose, what information will be shared to other parties, and to whom the information will be shared.

Here's a complete list of the information to provide to your LIT to help them determine the best solution to your debt problem.

1. Your assets

To fully analyze your financial situation, you must disclose all of your assets. This will include real estate, rental properties, motor vehicles, investments of all kinds (RRSP, RESP, etc.), and valuable household goods and furnishings. In most cases, the Trustee will ask for supporting documentation, such as your most recent RRSP statement, or a house appraisal.

2. Your total debts

During your first meeting, the Trustee will ask you to identify each of your debts.

- Credit card balances
- Medical debts
- Personal loans
- Unpaid income tax
- Mortgages
- Cell phone bills
- Utility bills
- Alimony/child support arrears
- Student loan debts
- Payday loans
- Auto loans
- Bank overdraft charges
- Other types of debts

Small or large debts must be disclosed so that the LIT can accurately calculate your total amount of debt. This will help them develop a precise debt repayment plan that fits your financial means and your monthly needs.

3. Necessary personal information

Your basic personal information will be required, such as:

- Full Name
- Address
- Date of birth
- Occupation
- Name of employer
- Salary/Sources of Income
- Marital status
- Health status

As is standard procedure, the LIT will require you to provide additional information and/or documentation to support some details:

- Recent pay stub to confirm your salary or proof of other income
- Recent or upcoming change in your marital status
- If you own or previously owned a company in the past five years
- Proof of your health status (Physician's certificate), particularly if you divulge that you are suffering from an illness that is preventing you or have prevented you from working during a given period

4. Budget and monthly expenses

Your cost of living will be a primary basis for structuring a realistic payment plan. The LIT will make sure that you are still able to live decently and meet your basic needs while you repay your debts, so expect him to ask certain questions to be able to itemize your household's cost of living and your budget and then take this into account to evaluate possible solutions to your debt.

5. Other relevant information that will affect your financial situation

- Any current or future additional income, including an inheritance, a performance bonus, a salary increase, a tax refund, or the future sale of a property.
- Any additional payments made to one or more creditors, this will include any payment out of the ordinary made in the 12 months preceding the insolvency procedure.
- Gifts with a value of \$500 or more made to your family or to others.
- Transfers or sales of assets that occurred in the past 12 months, and some up to five years prior.
- Any legal proceedings against you or any lawsuits you have filed.

It's important to act in good faith. It will be beneficial for both you and your creditors if you demonstrate transparency and freely declare any transaction that can help clarify your situation and give everyone a complete picture of your financial circumstances.



6 - Licensed Insolvency Trustees Are Actually Concerned About Your Financial Welfare

Nothing thrills a Licensed Insolvency Trustee more than helping a debtor avoid bankruptcy. Their sole objective is to help you deal with your debts.

Of course, they will want to sell their services. That's how they get paid. But, because of their legal obligation as Officers of the Court, always they will act in the best interest of the consumer before their own gain.

Trustees will completely understand your predicament. They understand you're scared or overwhelmed with guilty feelings. They certainly won't be shocked by your story! They've heard many reasons for insolvency, seen many faces of true, honest debtors who don't want to live in debt and are trying their best to get the help they need to fix what's gone wrong.

Licensed Insolvency Trustees understand that it is important that you get the information you need in order to make the right decision on how to best deal with your debts. They can help you get started with providing a free, confidential information session to individuals looking at their options.

You'll get only the facts from your initial consultation with a Trustee. You'll find out what solutions are available to you at your first free appointment, which will include:

- Self-help techniques if you can work it out on your own
- A debt consolidation loan or refinancing
- Completing a debt settlement program
- Enrolling in a debt management plan through a not for profit credit counsellor
- Filing a consumer proposal
- Filing for personal bankruptcy

At this point, you will be armed with all the information you need. And you'll find that that information will be very empowering.

You'll get a new perspective of your situation and a certain peace of mind that will instantly lighten your emotional load.

You may discover that there are other better options other than filing for bankruptcy in your case – for instance, you can access equity in your home, or get a debt consolidation loan instead.

You'll find out how common your situation actually is, and that you're not the only one with debt problems in this world.

You'll realize that it's not necessary to feel guilty or embarrassed to need some assistance, and even wish you had made an appointment sooner.

In knowing your options – you know now how you can improve your finances going forward.

Licensed Insolvency Trustees will never force you to file for bankruptcy or take any particular course of action. You won't be pressured to choose an option. You are not obliged to return. You won't be asked to pay for anything.

You can decide to proceed and choose from the options offered to you – or simply walk away.

At the very least, you'll feel much better sharing your concerns with someone who can actually give you some real help.



7 - How Do I Know If I Am Getting Good Advice from a Trustee?

Before you make that call and meet with a Trustee, it's best to write down some questions you want to ask to make sure that you get all the answers you need.

Use this as a guide to ensure that you get the most out of the first meeting.

Do I have other options?

Most people who go to a Trustee have already assumed that bankruptcy is the only solution for them. Even if you go to a Trustee with this assumption, you will find out that there may be other ways to solve your debt problem. There are other options other than bankruptcy and the Trustee is required by law to make sure that you know them all.

In order to properly advise you of your options, expect the Trustee to ask you a series of questions: How much do you owe? Who do you owe them to? What assets do you own? How much money do you have coming in each month? How much do you spend each month?

Make sure the Trustee has all the information he needs to make an accurate assessment of your situation and determine the best solution for you.

How much will all this cost me?

Remember that your initial meeting is free. You will not be charged any fees until you actually file for any of their services. Any charges will be based on what option you choose and your situation.

The most important thing to find out at this point is what each option will cost you in terms of:

- How much are the charges and fees involved?
- What assets will you lose and what do you get to keep?
- How will each option affect me and other members of my family?
- How will each option affect my work or my business?
- What will be required from me?
- What can I do if I can't afford this option?

It's more of finding out what the tangible and intangible consequences for each option will be if you decide on one or the other. Each option will have its own set of advantages and disadvantages. Make sure the Trustee helps you to fully understand all these.

What option should I take?

The law does not permit Trustees to make a decision for you. They can tell you the ramifications of each of your options and then pinpoint which of the options make the most financial sense based on your financial condition.



Whether you proceed to use any of their services further, that is up to you decide. If you choose to use the services of another Trustee, they will not have any say on the matter. You are on the driver's seat. You decide what direction you want your life to go.

When you call and meet with a Licensed Insolvency Trustee, all they can do is give you good, unbiased, professional advice to help you find the right solution for you and your family --- not sell to you a bankruptcy or a consumer proposal that you might not actually need.

After asking all your questions and getting all your answers, think carefully about what the Trustee has said. Does it all make sense to you? Did you get clear answers to your questions? Did you feel he genuinely cared about your situation? Or did he lack enthusiasm or concern?

Trusting your gut feeling is often the best strategy. Comfort and trust level are important factors to consider in your client-trustee relationship, particularly if you decide to make it last for at least nine months.

Conclusion

If you can't pay your bills and can no longer manage your debt load, don't feel you are alone and unable to do anything. We see a majority of Canadians grappling with serious debt trouble every day. With personal debt levels continuing to hit record highs in this country, many more will reach this point at some point in their lives.

Living in denial won't make your money problems go away. It will only increase your financial woes – and shoot up your anxiety levels to rocket heights. It's important to face the situation and deal with the problem straight away. The longer you ignore your debts, the more you make the situation worse.

However, making a decision to manage your debt and gain control of your finances is not one to be taken lightly. You want to make sure that you are well-informed before making any final decision.

Everyone's situation is different. There may be many options for you to consider, but not all will be the best one for you. Determining which solution is right for your personal situation is not something you can decide alone. If you have tried all your best efforts and still cannot see a way out of your financial predicament, it's important to get professional advice immediately.

Licensed Insolvency Trustees are qualified professionals who can help you deal with your financial difficulties. They will sit down with you to review your entire financial situation and explain all the debt solutions that are available to you, and will help to put together an acceptable, legal plan to get you out of debt.

What's more:

- They have a solid base of knowledge and experience in the insolvency industry.
- They comply with applicable legislation, policies and directives, which protect the public.
- They are subject to ongoing oversight by the federal government through regular reviews, audits and inspections to ensure that they follow standards of practice set forth in the Bankruptcy and Insolvency Act and the general rules included in the Code of Ethics for Trustees.
- They are subject to investigation and appropriate discipline, including possible license suspension, cancellation or other legal consequences when there are complaints filed against them.
- They provide such invaluable help and relief that is sure to bring a positive life-changing experience to your troubling debt situation.

When you can no longer handle your debt payments, meet with a Licensed Insolvency Trustee – it will benefit you. They are your best option when you need to turn to someone to help you obtain a fresh start.

A call to Richard Killen and Associates may be the most stress relieving call you'll ever make!

Call us for a FREE Consultation

1-888-545-5365

Or Visit www.rkillen.ca

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