



Office of the Superintendent  
of Bankruptcy Canada

Bureau du surintendant  
des faillites Canada

An Agency of  
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## Amended Provisions of the *BIA* in force as of July 7, 2008

### Wage Earner Protection Program Act (“WEPP Act”)

Title or Topic	<i>BIA</i> Sections	Legislation Reference
“Employee Remuneration and Pension Charge”	81.3, 81.4, 81.5, 81.6	c.47 and c.36
“Preferred Claims”	136(1)(d); (d.01); (d.02)	c.47
“Definitions” – “date of the initial bankruptcy event”	2	c.36

### Student Loans

Title or Topic	<i>BIA</i> Sections	Legislation Reference
Discharge of Student Loans and Hardship Application	178(1)(g)(ii) and 178(1.1)	c.47
s.178(1)(g)(ii) (the new “7-year rule”) applies to a person who is an un-discharged bankrupt or who becomes bankrupt on or after July 7, 2008	133(2)	s.107 of c.36
Section 178(1.1) (the new “5-year hardship rule”) is available to all bankrupts including those who have been discharged prior to the coming into force of the provisions	s.133(1)	s.107 of c.36

### Property of the Bankrupt - RRSPs and RRIFs

Title or Topic	<i>BIA</i> Sections	Legislation Reference
RRSPs and RRIFs	67(1)(b) – (b.3)	c.47 and c.36

### Aircraft Objects

Title or Topic	<i>BIA</i> Sections	Legislation Reference
Aircraft objects provisions	65.1(4)(c), 69(2)(d), 69(2)(d)(i), 69.1(2)(d) and 69.1(2)(d)(i), 69.3(3)	c.47



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## Amended Provisions of the *BIA* in force as of July 7, 2008 – Cont'd

### Other Provisions

Title or Topic	<i>BIA</i> Sections	Legislation Reference
Non-dischargeable debts for property or services obtained by false pretences or fraudulent misrepresentation	178(1)(e)	c.47 and c.36
Definition of “equity claim”, “equity interest” and “shareholder”	2	c.36 (as part of the grouping of sections in s.113 of c.36 and required for s.178(1)(e) of <i>BIA</i> )
Treatment of income tax refunds	67(1)(c)	c.47 and c.36
Restriction on termination of agreements with debtors who have filed a Notice of Intention to file a proposal, a Division 1 proposal or a consumer proposal	s.65.1(1), 66.34(1)	c.47 and c.36
Stay of proceedings in bankruptcy	s.69.3(1) and 69.3(1.1)	c.47 and c.36
Bankruptcy does not prevent secured creditor from realizing on security	s.69.3(2)	c.47