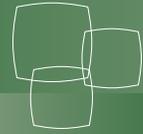




Information on Complaints

Office of the Superintendent of Bankruptcy



The Office of the Superintendent of Bankruptcy (OSB) supervises the administration of all files registered under the *Bankruptcy and Insolvency Act* (BIA). In doing so, the OSB is responsible for keeping a record of all complaints received regarding an insolvency matter and for conducting a review of such complaints, as needed, to determine if there has been any non-compliance with the BIA. The OSB is also responsible for recording, and where appropriate investigating, complaints concerning the conduct of the monitors appointed under the *Companies' Creditors Arrangement Act* (CCAA).

File a complaint

Contact the OSB if you wish to make a complaint or have a problem with your Licensed Insolvency Trustee (LIT).

Types of complaints

Examples of complaints that the OSB investigates under the BIA include:

- complaints about debtors who have hidden assets or not disclosed all of their liabilities or income to the LIT
- complaints against LITs for issues such as failure to provide required notices or mishandling of trust funds
- complaints concerning the [Code of Ethics for Trustees](#)
- complaints against creditors for filing incorrect claims or for inappropriate collection attempts while the file is subject to a stay of proceedings or after the debt has been discharged
- complaints alleging a bankruptcy-related offence.

Under the CCAA, the OSB is responsible for the investigation of complaints regarding the conduct of the monitors, as mentioned above.

While the OSB has the authority to investigate a variety of complaints, it **does not**:

- provide legal advice to the public or other stakeholders or act as the advocate for one disputing party against another
- offer compensation or indemnify stakeholders for financial losses due to an insolvency
- have the power to review or change a court order. However, the OSB may appear before the court to present its views where it believes the integrity of the system is at stake. Under the BIA, other stakeholders also have rights to appear in Court to present their views.

Certain types of complaints are handled by other organizations or departments.

These include:

- complaints about credit reporting ratings and errors in credit records
- complaints regarding the Wage Earner Protection Program (WEPP)



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Will a complaint be shared with others?

When the OSB needs to contact other parties (e.g., LIT, debtor or creditor) to investigate the concerns put forward, the information you have provided will be shared with them.

In accordance with the principles of procedural fairness and the provisions of the *Privacy Act*, the OSB will share the complaint received with the party against whom the complaint has been lodged and, in some cases, with the LIT administering the estate. Your identity will also be disclosed. Once the complaint has been reviewed, the OSB will share its findings with all of the parties involved.

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Can a complaint be filed on behalf of another person?

It is possible to file a complaint on behalf of another individual. The OSB will require the written consent of that person (or a copy of the power of attorney you hold in respect of that person) before we can share information with you.

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Please provide all relevant documentation or information.

If you have evidence of wrongdoing or relevant information in support of your allegations, please provide it to the OSB along with your complaint.

It will help the OSB in the assessment and determination of the matter. You may be contacted to clarify information or answer some questions. You may also contact us toll-free by calling 1-877-376-9902 from Monday to Friday between the hours of 8:30 a.m. and 4:30 p.m. your local time.

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What are our service standards?

The OSB will respond to a complaint within 30 days of the date it is received. For more complex complaints, the OSB may require more time to address the issues raised. If this is the case with your complaint, you will be notified within the 30-day period.

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What are the potential results?

Should the review uncover any wrongdoing, the OSB will determine what, if any, corrective measures or sanctions should be undertaken. The OSB's findings will be shared with you and the complaint will be closed.

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Learn more

Please visit the OSB's website at www.osb.gc.ca for more information on insolvency and OSB programs.

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