

17.11.2017

Comments to the OSB

Proposed changes to Directive No. 1R3, *Counselling in Insolvency Matters*

The proposed changes sent by the OSB has cast doubts on various rights of the undersigned as an Accredited Insolvency Counsellor and a Citizen of Canada:

AN ACCREDITED INSOLVENCY COUNSELLOR

- I successfully completed the BIA Insolvency Counsellor's Qualification Cmyme in April 2000.
- I received the Approval for the registration as BIA Insolvency Counsellor from Claire Hunstein of the OSB office in Hamilton on November 19, 2002.
- I have successfully administered Insolvency Counselling for 2500 or more debtors/bankrupts since registration.
- I have never received any complaint either directly or through the OSB or CAIRP concerning the several Counselling sessions I have conducted.
- The Counselling fees I have received through the Trustees have been in conformity with the BIA.
- My Insolvency Counselling services have never been in conflict with other services provided to or following the debtors' successful completion of their BIA Insolvency Programs releasing them from their debts and giving them a fresh start.

EDUCATION AND EXPERIENCE

- Bachelor of Science Honors
- Master of Business Administration
- Twenty six years of management experience in major internationally reputed organizations including Sony Corporation, Phillip Morris International, Pepsi Cola International to name a few.

CITIZEN OF CANADA

- Having immigrated to Canada in February 1990, my family and I have been law abiding citizens and tax payers working hard to build a comfortable livelihood and legacy.

- For the past more than seventeen years, I have provided financial advice to numerous debtors seeking relief from the bondage and burden of debt. Since November 2002, I have also relied on the Insolvency Counselling fees to buffer up my income and contribute towards my family's livelihood.
- I have worked with many trustees through whom I have ensured quality service while adhering to the BIA and other related legal statutes at both federal and provincial levels of Government.
- I have drawn on past education and professional skills as well as continuing current education in Insolvency to extend the best resources possible to my clients.
- I have prepared and used advanced power point presentations and networked with the various diverse professions in real estate, insurance, banking, legal practice and accounting services to educate and disseminate information about the benefits of Insolvency statutes available to their clients as well. I have testimonials, available on request, from such professionals attesting to my value in serving mutual clients.
- I believe that the Insolvency Counselling Fees, although unrealistically low, and income from other services provided by me since 2000 are part of my rights to be fairly compensated and make a living.

COMMENTS ON PROPOSED CHANGES :

1) Re-qualification: The proposed changes should not affect or cease to recognize the independent Insolvency Credit Counsellors who have successfully met the previously stipulated qualification requirements as per the BIA. The LITs who have been previously "grandfathered" without re-qualification requirements are a precedent.

2) Disqualification: The exclusion of such Counsellors from the system proposed in the changes is unfair and violates lawfully provided freedom to earn a livelihood under Individual Charter of Rights afforded to Citizens of Canada. The changes also disregard lawful precedence.

3) Freedom of Autonomy: The proposal to enforce or prevent affiliations of Insolvency Counsellors to trustees to dictate their existence within the Insolvency community is also in violation of certain rights as professionals and citizens.

4) Purpose of such changes: In the more than seventeen years of experience as an Insolvency Counsellor, I have never been in any conflict of interest or violation of any tenet of the BIA or associated Federal, Provincial or Municipal laws. It is evident that the changes proposed are to quell the complaints of a few Practitioners who are unable to attract debtors themselves directly and are opposed to others who are.

5) Missing the real target: Similarly, the OSB and CAIRP would do well to challenge those few Practitioners who flout the BIA law with internal and external inducements, misleading designations of their staff, extensive advertising support instead of making unnecessary sweeping changes that attack the very fabric of freedom that this Nation so proudly assures its citizens.

6) Several clients served over seventeen years have provided us with testimonials (available on request) about my professionalism, high service levels, high asset value to the community, my integrity, trustworthiness and empathy.

7) I speak their language: I speak and understand several Indian, Pakistani, Sri Lankan and Bangla Deshi languages which enable me to accurately understand each client's unique situation and advise them on the most appropriate lawful option to file for Insolvency program.

8) I have my own independent Credit Counseling Offices: These facilities are conveniently located in Mississauga and Scarborough in proximity of the residences of my clients. Several client meetings are held in these offices and clients do not have to take time off from work and lose valuable income by doing so to reach distant trustee offices.

9) Binding clients to go only to an LIT's office violates clients' and my rights.

10) Open the Insolvency benefits to all parts of the country with easy access and maximum availability of professional Insolvency counselors. Insolvency Counseling in its current two stages is superficial, outdated and serves very limited purpose in the rehabilitation of the debtor. It needs a major overhaul to bring it to current relevance.

CLETUS CASTELINO

REGISTERED INSOLVENCY COUNSELLOR