

Dear OSB,

Regarding Directive 1R3 Counselling In Insolvency Matters:

At 4 Pillars, we take the financial literacy and financial rehabilitation of our client very seriously. In my office, we did not concern ourselves with performing the mandatory counselling sessions as we simply left that to the trustee. It wasn't until, after a period of time, I observed a very inadequate display of "counselling" by other trustees and their firms. I had watched trustees have my clients sign both counselling certificates right at the same time as signing the proposal documents. I had seen other trustees have my clients sit in front of outdated videos in order to perform their counselling sessions. I have seen counselling sessions that are nothing more than an opportunity for the trustee to collect a proposal payment and set the debtor (my client) up on pre-authorized proposal payments. To this end I asked one trustee if they would mind allowing us to bring the counselling in house, and their response was "No, we find the counselling meeting a good opportunity to collect a payment and get the pre-authorized payment set up with the client." Well, at least they were honest. I then experienced the same trustee make it mandatory that my client take time off work and drive 1.5 hours to the trustee office for a counselling session, this being outside of the locale of the debtor and outside the locale of where the proposal was originally signed. The client reported back to me that it was a complete waste of time, as they were in the trustees office for less than 5 minutes. I had no choice, but to work towards bringing the counselling in house, to ensure that my clients were getting proper counselling, education, and mentoring.

To the defence of trustees, I have not met one trustee that enjoys performing the counselling. To the contrary, most despise it. I had one trustee tell me that the personality type of a trustee, is not conducive to that of a counsellor. I agree with this. If a trustee had the disposition of a counsellor, then they likely wouldn't be a trustee in the first place.

We brought the counselling in house, in order to ensure that the client is getting the financial education needed, to not become a repeat filer, as well as to be sure they provided with the understanding and skills needed to fulfil the terms of their proposal. Hence; very few (and by few I mean less than 5 in 7 years) of clients in my office have failed to meet the terms of their proposals. This benefits every stakeholder including the client. Not only does the client get to meet with our certified accredited counsellor, which we assume the cost to employ, but the client also meets with myself after meeting with the counsellor, to discuss numerous items such as money saving strategies, ideas on how they can work to pay their proposal out early, what price inflation and monetary deflation is, where money comes from, our indebted culture, the lies we as a society have come to believe around needing credit to survive, and the list goes on. Our clients get an extensive education, and Directive 1R3 threatens this, which in turns threatens all stakeholders.

I'm left confused, by the OSB decision, as to whether or not financial literacy and financial rehabilitation of the debtor is the duty of the trustee. I am of the mindset, after 7 years of experience and educating hundreds if not thousands of consumers on financial literacy and debt & credit, that the counselling and education portion of insolvency should be left to those most committed and qualified, and not forced upon those who do not wish to facilitate it. Otherwise, every stakeholder including the consumer, loses.

Please consider extending the public consultation period until a proper assessment of the impact this change will cause to debtors and the entire industry, can be performed.

Respectfully,

Ryan Brown