

FORM 60

Request for Mediation Made by Trustee  
(Subsections 68(6), 68(7) and 170.1(1) of the Act)

*(Title Form 1)*

I, \_\_\_\_\_, trustee of the estate of \_\_\_\_\_, a bankrupt, who made an assignment (or against whom a bankruptcy order was made) on the \_\_\_\_\_ day of \_\_\_\_\_, hereby apply to the official receiver to refer this matter to the mediator, who shall set the time and place for the mediation.

This application for mediation is being made for the following reasons:

*(Check appropriate description(s))*

- Subsection 68(6) - There is disagreement as to the amount of surplus income to be paid by the bankrupt.
- Subsection 68(7) - There is a written request from \_\_\_\_\_, a creditor, \_\_\_\_\_ (*creditor's address*), to proceed with the mediation process.
- Subsection 170.1(1) - The trustee is opposed to the discharge of the bankrupt on a ground referred to in paragraph 173(1)(m) or (n) of the Act.
- Subsection 170.1(1) - \_\_\_\_\_, a creditor, \_\_\_\_\_ (*creditor's address*), is opposed to the discharge of the bankrupt on a ground referred to in paragraph 173(1)(m) or (n) of the Act.

An income and expense statement of the bankrupt is attached to this request (Form 65).

*(Indicate names, mailing addresses, phone numbers and email addresses of all parties, including the trustee's representative (if applicable))*

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(Provide details (names and estate number) of any related estate file requiring concurrent mediation (e.g., spousal file))

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(Check applicable box(es))

Has a *Mediation Settlement Agreement* (Form 63) been reached by the parties?

- Yes
- No

If “yes,”

- i. Has the *Mediation Settlement Agreement* (Form 63) been signed by the parties?
  - Yes, and a copy of the signed settlement agreement is attached to this request.
  - No, but details pertaining to the settlement agreement (draft - Form 63) are attached to this request.
  
- ii. Are you willing to proceed with this mediation via email, *if applicable*?<sup>1</sup>
  - Yes
  - No

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_.

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Licensed Insolvency Trustee

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<sup>1</sup>**Note:** Subject to the mediator’s discretion pursuant to subsection 105(5) of the *Bankruptcy and Insolvency General Rules*, the mediator will only consider conducting the mediation via email where all parties to the mediation agree to proceed by this means of communication and where an agreement has been reached prior to the mediation.

Upon determining that the requested mediation may be eligible for the expedited process (mediation via email), the mediator will contact the parties by telephone to obtain/confirm their email address and to ensure that all parties agree and are able to have the mediation conducted by email.

If the mediator determines that the expedited mediation process is not feasible, the standard mediation process will be required and face-to-face or telephone mediation will be arranged.