

Estates of the realm were the broad divisions of a hierarchically conceived society, usually distinguishing [nobility](#), [clergy](#), and [commoners](#) recognized in the [Middle Ages](#) and in [Early Modern Europe](#). While various realms inverted the order of the first two, commoners were universally tertiary, and often further divided into [burghers](#) (also known as [bourgeoisie](#)) and [peasants](#); in some regions, there also was a population outside the estates. An estate was usually inherited and based on occupation, similar to a [caste](#).

Estate: In its broadest sense, the social, civic, or political condition or standing of a person; or, a class of persons grouped for social, civic, or political purposes.

Link to site of Office of the Superintendent of Bankruptcy for Canada

http://www.ic.gc.ca/eic/site/bsf-osb.nsf/eng/h_br01991.html

[Definitions](#) (From the Bankruptcy & Insolvency Act)

4. (1) In this section,

[“entity”](#) « *entité* » **“entity” means a person other than an individual;**

[“property”](#) « *bien* » **“property”** means any type of property, whether situated in Canada or elsewhere, and includes money, goods, things in action, land and every description of property, whether real or personal, legal or equitable, as well as obligations, easements **and every description of estate**, interest and profit, present or future, vested or contingent, in, arising out of or incident to property;

[“debtor”](#) « *débiteur* » **“debtor” includes (means) an insolvent person and** any person who, at the time an act of bankruptcy was committed by him, resided or carried on business in Canada and, where the context requires, **includes (means) a bankrupt;**

Status of Trustee

[Declaration 15.1](#) A trustee is deemed to be a trustee for the purposes of the definition “trustee” in section 2 of the *Criminal Code*. 1997, c. 12, s. 16; 2004, c. 25, s. 17(F).

Duties and Powers of Trustees

[Security to be given by trustee 16.](#) (1) Every trustee duly appointed shall, as soon as they are appointed, give security in cash or by bond or suretyship of a guaranty company satisfactory to the official receiver for the due accounting for, the payment and the transfer of all property received by the trustee as trustee and for the due and faithful performance of the trustee’s duties.

[Security to be given by trustee](#)

(2) The security required to be given under subsection (1) shall be given to the official receiver in favour of the creditors generally and may be enforced by any succeeding trustee or by any one of the creditors on behalf of all by direction of the court, and may be increased or reduced by the official receiver.

Payment by cheque

(2) All payments made by a trustee under subsection (1) shall be made by cheque drawn on the estate account or in such manner as is specified in directives of the Superintendent.

Trustee's records to be property of estate

(2) The estate books, records and documents relating to the administration of an estate are deemed to be the property of the estate, and, in the event of any change of trustee, shall forthwith be delivered to the substituted trustee.

Debts deemed to be debts of estate

(4) All debts incurred and credit received in carrying on the business of a bankrupt are deemed to be debts incurred and credit received by the estate of the bankrupt. R.S., 1985, c. B-3, s. 31; 1991, c. 46, s. 584; 2005, c. 47, s. 24.

Effect of discharge of trustee

(8) **The discharge of a trustee discharges him from all liability**

- (a) in respect of any act done or default made by him in the administration of the property of the bankrupt, and
- (b) in relation to his conduct as trustee, but any discharge may be revoked by the court on proof that it was obtained by fraud or by suppression or concealment of any material fact.

Property of bankrupt

67. (1) The property of a bankrupt divisible among his creditors shall not comprise

- (a) property held by the bankrupt in trust for any other person;
- (b) any property that as against the bankrupt is exempt from execution or seizure under any laws applicable in the province within which the property is situated and within which the bankrupt resides;
 - (b.1) goods and services tax credit payments that are made in prescribed circumstances to the bankrupt and that are not property referred to in paragraph (a) or (b);
 - (b.2) prescribed payments relating to the essential needs of an individual that are made in prescribed circumstances to the bankrupt and that are not property referred to in paragraph (a) or (b); or

Public utilities

(3) **No public utility may discontinue service to a bankrupt** individual by reason only of the individual's bankruptcy or insolvency or of the fact that the bankrupt individual has not paid for services rendered or material provided before the time of the bankruptcy.