

# Enforcing Court Orders

Enforcing an order means making sure that what the court ordered is done, or executed. Usually you want to collect money that is owing to you.

In general, when a judge makes an order, the parties must do what the judge has decided. There are different ways to enforce an order. How to enforce an order depends on what the judge ordered, and whether the other party is able or willing to comply. You may need to return to court to get some direction from a judge on how to enforce your order and collect the money that is owing to you – the court registry staff cannot help, and you cannot hire a court sheriff to help collect the money that is owed to you under the court order. It would be a good idea to talk to a lawyer about how to enforce your court order, as the laws about debt collection procedures are not easy to understand.

In addition to enforcement under the Rules of Court, there are enforcement options and more information under the *Court Order Enforcement Act*.

There are books in the courthouse library to help with enforcing orders: *McLachlin & Taylor's British Columbia Practice* by Frederick Irvine, *Annotated British Columbia Court Order Enforcement Act* by William Holden and John Fiddick, and *Practice Before the Registrar* by the Continuing Legal Education Society of BC.

There are also books on enforcing payment orders: *British Columbia Creditor's Remedies: An Annotated Guide* by the Continuing Legal Education Society of BC, and *British Columbia Debtor-Creditor Law and Precedents* by Lyman Robinson.

## Getting your judgment paid

You have now completed your court case, and the judge or master has made an order in your favour. The first thing you should do is draft an order, setting out the decision of the judge or master who heard your case. The guidebook, *Drafting Orders*, gives you information about how to do this.

If the judge ordered the other party to pay you money, including court costs, you are the judgment creditor and the other party is the judgment debtor.

At this point, you should seriously consider the likelihood of getting your judgment paid. Just because you have a judgment in your favour, it does not mean that the judgment debtor will deliver a cheque to you now, or ever. The judgment debtor may be unable or unwilling to pay you. If the judgment debtor is unemployed and does not own any assets, there is not much chance that you will recover what is owed to you.

This Guidebook provides general information about civil, non-family claims in the Supreme Court of BC. It does not explain the law. Legal advice must come from a lawyer, who can tell you why you should do something in your lawsuit or whether you should take certain actions. Anyone else, such as court registry staff, non-lawyer advocates, other helpers, and this guidebook can only give you legal information about how to do something, such as following certain court procedures.

Standards are in effect for the filing of all Supreme Court civil and Supreme Court family documents, except divorce and probate. When you submit your completed documents, registry staff will check to make sure they meet the minimum standards before accepting them for filing. It is your responsibility to include all other information required by the court and ensure it is correct.

For information about how to get help with your case, see the last page of this document.

The information in this guidebook sets out a few options that are available to you. Think about them carefully before proceeding to collect your judgment. This is a good time to talk to a lawyer about your options. For some money judgments, a limitation period of ten years starts to run from the date of judgment, so you will want to keep that in mind as you are considering your options.

## Ask the debtor for payment

First, take your order to the court registry for filing. The court registry staff will return your order to you, stamped and ready to be enforced. How you enforce it depends on what remedy the judge has ordered, and what assets or income the other party has. The court registry staff cannot help you enforce your order.

The first step in enforcing an order is to deliver the stamped order on the person(s) affected by the order and ask for payment. For help with service, see the guidebook, *Starting an Action by Notice of Civil Claim*. Set a deadline for payment, and give the person reasonable time to comply. In some cases, you must prove that this person has not complied with the order (Rule 13-2(13)(a)(ii)).

The judgment debtor may pay you the money that the court ordered. In that case, the judgment debtor can ask for proof of payment. You must complete Form 55, file it with the registry, and serve a filed copy on the judgment debtor.

If the debtor doesn't pay you immediately, you will have to take steps to enforce your court order. You have 10 years before the order expires, but it is a good idea to try to collect the debt as soon as possible.

## If the debtor does not pay

You have a few options if the debtor does not pay. The most common options are:

- Find out the debtor's financial situation by:
  - conducting an examination in aid of execution hearing; or
  - arranging a subpoena to debtor hearing;
- Garnish the debtor's wages or bank account;
- Seize and sell the debtor's assets; or
- Register the judgment against the debtor's land.

These options are described below.

## Find out the debtor's financial situation

If the judgment debtor does not pay the money owing to you, there are two procedures under the Rules of Court that require the judgment debtor to answer questions, under oath, about his or her financial situation and ability to pay the debt. In addition to giving you an opportunity to question the debtor about his or her financial situation, it also provides an opportunity to discuss payment of the debt, thereby avoiding further costs and delay.

There are two ways that you can force the judgment debtor to answer questions under oath:

- you can conduct an examination in aid of execution, which helps you find out about the debtor's assets and income; or
- you can issue a subpoena to debtor to have a judge or a registrar examine the debtor and make an order about how the debt will be paid.

After you learn about the debtor's financial situation, you can take steps to collect the money owing to you by garnishment or other means.

Remember that a judgment debtor who has no assets and no income might not be able to pay the money that is owed to you.

### Examination in aid of execution

An examination in aid of execution is an examination for discovery under oath before a court reporter (see Rule 13-4(7) and Rule 7-2). The

purpose is to find out about the debtor's income, assets, and plans to pay the judgment.

To conduct an examination, fill out Form 59.1 and serve it on the party to be examined. If the debtor is a company, you can name the person that you want to examine, such as a director, officer, or employee of the company. If the debtor is a partnership, you can name any partner to be examined.

Rule 13-4(10) tells you how to serve the appointment for examination in aid of execution. If the person to be examined is a party of record and is represented by a lawyer, you must serve an appointment in Form 59.1 on the lawyer along with witness fees for the person to be examined. (You can find out the correct amount of witness fees in Schedule 3 of Appendix C to the Rules.) If the person you want to examine is not represented by a lawyer, serve the appointment on that person, along with witness fees. The appointment and fees must be served at least 7 days before the examination.

For help with the discovery, see the guidebook, *The Discovery Process*. In general, you want to find out about the judgment debtor's financial situation, so ask questions about:

- where he or she is employed, including the name and address of employer;
- his or her income from employment, including the amount, timing of payment, date of payment, if payment is made directly into bank account;
- if the debtor works for his own company, its address, registered office, names of directors, whether debtor owns shares in the company;
- if the debtor is currently unemployed, what are his or her prospects for future employment;
- what the debtor owns (e.g., a car) and its value;
- whether debtor has sold or given away property since the date of judgment;
- if debtor rents or owns current residence;
- how debtor pays the rent or mortgage; and
- where the debtor has bank accounts: name and address of banks; type of accounts (chequing

or savings; account numbers; balance in bank accounts; whether accounts are jointly owned.

You can ask the debtor to bring financial documents to the examination, such as pay slips, credit card statements, income tax returns, and so on.

A checklist of questions that you might ask is available at on the Law Society of BC's website (Practice Support – Checklist Manual – Litigation).

You can only conduct an examination in aid of execution once a year (see Rule 13-4(4)), so make sure that your examination is thorough and you find out everything you need to know about the debtor's financial status. Think carefully about the kind of information you need and prepare your questions ahead of time.

The examination in aid of execution application will give you a picture of the judgment debtor's financial situation and how you are most likely to get paid. It may also lead to an agreement for payment from the debtor. If it does not, there are several steps you can take to get payment. The two most common are garnishment of the debtor's wages or bank account or seizing the debtor's assets or property.

### **Subpoena to debtor**

A subpoena to debtor is another procedure to help you find out about the judgment debtor's financial situation. This application is described in Rule 13-3. A subpoena to debtor application differs from an examination in aid of execution in that the hearing is held before an examiner – usually a registrar or a master of the court.

You must issue a subpoena to debtor (Form 56) and file an affidavit. (For help preparing an affidavit, see the guidebook, *A Guide to Preparing Your Affidavit*.) If the debtor is a company, you can name the person that you want to attend the hearing, such as a director, officer, or employee of the company. If the debtor is a partnership, you can name any partner to attend.

Your affidavit must show that the debtor has not paid and that bailiffs are not seizing assets under a writ of execution. You must also pay the expenses of the debtor to attend court. You must serve Form 56 at least 7 days before the examination. You may call other witnesses, too, if they can provide information about the judgment debtor's financial situation.

The questions that you can ask the debtor are more limited than in an examination in aid of execution. The questions that you can ask about are set out in Rule 13-3(4):

- the debtor's income and property;
- the debts owed to and by the debtor;
- if the debtor has disposed of any property; and
- the ability of the debtor to pay the judgment now or in the future.

After asking the debtor questions, under oath, about his or her financial situation, the examiner can make an order for repayment of the judgment, on terms. For example, the examiner may order that the judgment debtor pay you \$500 per month until the debt is paid or payment of the entire debt before a fixed date.

The subpoena to debtor application will give you a picture of the judgment debtor's financial situation and how you are most likely to get paid. It may also lead to an agreement for payment from the debtor. If it does not, there are several steps you can take to get payment. The two most common are garnishment of the debtor's wages or bank account or seizing the debtor's assets or property.

## Garnish the debtor's wages

Garnish means "attach", as in garnishing the debtor's wages. Garnishment is a way to get the debtor's money, like wages or money in the bank, paid to you. For example, if you know that the debtor is employed, you might garnish his or her salary. This means that money from the judgment debtor's paycheque is into court, and then to you.

Garnishment of wages is an effective and less

expensive remedy when the debtor is employed, and you should consider this option before taking other steps to collect the money owed to you on your judgment. Garnishment of a debtor's wages often prompts the debtor to negotiate a repayment schedule.

The forms to use for garnishment of wages are set out in Schedule 1 to the *Court Order Enforcement Act*. Use Form B, Affidavit in Support of Garnishing Order After Judgment and Form D, Garnishing Order After Judgment. These forms are attached to this guidebook.

The typical procedure for garnishing the debtor's wages is as follows:

1. Prepare an affidavit to support your garnishing order. The affidavit sets out:
  - the details of the court order you are enforcing;
  - the amount owing;
  - that someone else (e.g., an employer) owes money to the debtor;
  - that person or company is in BC (including the address).
2. Fill out the garnishing order (Form D).
3. File the garnishing order and your affidavit in the court registry. (There is a filing fee.) The registry will give you the copies you need for service. You are entitled to some expenses in addition to the money that is owed to you (e.g., the filing fee; service fees; fees for swearing the affidavits).
4. Serve the garnishing order on the garnishee (i.e., the employer).
5. The garnishee pays the money into court.
6. Serve the garnishing order on the debtor, and file an affidavit of service.
7. The money will be paid into court.

8. Serve a “notice of payment out” on the debtor. This notice says that you will ask the court to pay the money to you. If the debtor does not respond for 10 days, you can file proof that you served the debtor with the notice of payment and apply to the court for the money. The court will then pay the money to you. You do not have to use a special form to ask the court to pay the money out to you. You can write a letter, setting out what money has been paid into court and what is owed to you, or you can prepare a form similar to the example attached to this guidebook.
9. If the debtor agrees that you are entitled to the money, he or she can sign a consent form and it will be paid to you immediately.

There is a limit on the amount of wages that can be garnished. It is usually a maximum of 30% of the debtor’s net income after statutory deductions. Employment insurance and social assistance payments cannot be garnished.

Note also that a garnishing order only applies to wages that become payable within 7 days from the date the affidavit in support was sworn. So, the order must be timed to coincide with the debtor’s pay period and a new order must be prepared for every subsequent pay period. For example, if the debtor is paid twice a month, and his or her next payday is July 15, your affidavit must be sworn no earlier than July 8th. When you deliver the garnishing order to the debtor’s employer, you will be able to get some money only from the July 15th paycheque. You will have to go through the procedure again for every pay period, and this could take a very long time.

## Garnish the debtor’s bank account

Money in the debtor’s chequing or savings account can be garnished as long as it is not held jointly with someone who does not owe you money. For example, if the debtor’s savings account is held jointly with

his wife, you are not entitled to money from that account. The debtor’s RRSP account cannot be garnished.

The garnishment procedure is described above in garnishment of wages. The garnishing order only applies to money in the accounts at the bank branch that is served. So, for example, if the debtor has bank accounts at the Royal Bank at 123 Main Street, the garnishing order does not apply to another bank account that the debtor has at the Royal Bank on Central Street.

## Seize the debtor’s assets

If you know that the debtor owns assets, like a car, you can ask the court bailiff to take the car and sell it at public auction. This procedure is costly, so you want to be sure that sale of the asset will generate enough money to pay the debt that is owed to you.

The *Court Order Enforcement Act* states that certain assets are exempt from seizure:

### Jointly owned property

You cannot seize anything that the debtor owns jointly with someone else.

### Personal property

- debtor can keep all necessary clothing;
- debtor can keep medical aids for himself or herself, or a dependent;
- debtor can keep \$4,000 of household goods;
- debtor can keep \$10,000 of tools of the trade; and
- debtor can keep \$5,000 from a motor vehicle.

### Principal residence

- debtor can keep \$12,000 equity of his or her principal residence if it is in the Greater Vancouver district;
- debtor can keep \$9,000 equity of his or her personal residence if it is anywhere else in BC.

The most common items that are seized are motor vehicles. If you have not conducted an examination in aid of execution or a subpoena to debtor, you may want to find out what vehicles the debtor owns, and whether it is owned jointly with someone else. To do this, you can send a copy of the judgment to ICBC at:

ICBC, Vehicle Records Search  
Room 154, 151 W. Esplanade St.  
North Vancouver, BC V7M 3H9

There is a fee for this service. (Call 1-800-464-5050 or 604-661-2233 for more information.)

Next, you need to find out if there is a security agreement or lien registered against the debtor's vehicle. You can conduct a search at the personal property registry and there is a fee for this service. You can do this at your local Government Agent office, Motor Vehicle Licensing office, or at:

Personal Property Registry  
Ministry of Finance  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 9V3

More information can be obtained by calling (250-356-8600).

The usual procedure for seizing the debtor's assets is as follows. This example assumes that a car is being seized:

1. Go to the court registry and tell the registrar that you want an order for seizure and sale.
2. The court registrar will approve the order, forward it to the court bailiff, and give a copy to you. Give the bailiff a copy of the information you received about the car.
3. You will have to give a deposit of money to the court bailiff to cover the cost of seizure.

4. At the time of seizure, the bailiff will inform the debtor what is exempt from seizure. The debtor will have the opportunity to pay the debt before the car is seized.
5. If the debtor cannot pay, the bailiff seizes the car and sells it, usually at auction.

The bailiff may not seize the car if its value is not great enough to cover the bailiff's fee and the charges for towing, storage, auction, etc.

## Register your judgment against the debtor's land

If the debtor owns land in BC, you can register your judgment against the land. The debtor cannot sell or mortgage the land until the judgment is paid. It is an effective procedure, but it may take many years before you are paid.

If you do not know if the debtor owns land, you can do a name search at the land title office, for a fee. If you discover that the debtor owns land, ask the court registry for a certificate of judgment (*Court Order Enforcement Act*, Schedule 2). There is a fee for this certificate. Next, take the certificate to the land title office where the land is located. For a fee, you can register the certificate of judgment against the debtor's property. The registration is good for two years. You have to renew it when the registration expires.

If the property is owned in joint tenancy (e.g., the debtor and his or her spouse own the family home), you can still register your judgment against it. If the debtor dies, however, the property belongs to the other joint tenant absolutely, and your registration has no effect.

While it is possible to force the sale of the debtor's land, it is a complicated and expensive procedure. It should only be done with the assistance and advice of a lawyer.

## Get Help With Your Case

Before you start your claim, you should think about resolving your case without going to court (see the guidebook, *Alternatives to Going to Court*). If you do not have a lawyer, you will have to learn about the court system, the law that relates to your case, what you and the other side need to prove, and the possible legal arguments for your case. You will also need to know about the court rules and the court forms that must be used when you bring a dispute to court.

### Legal Information Online

All *Guidebooks for Representing Yourself in BC Supreme Court Civil Matters*, along with additional information, videos and resources for Supreme Court family and civil cases are available on the Justice Education Society website: [www.SupremeCourtBC.ca](http://www.SupremeCourtBC.ca).

Clicklaw gives you information about many areas of law and free services to help you solve your legal problems: [www.Clicklaw.bc.ca](http://www.Clicklaw.bc.ca).

The Supreme Court of BC's website has information for people who are representing themselves in court: [www.courts.gov.bc.ca/supreme\\_court/self-represented\\_litigants/](http://www.courts.gov.bc.ca/supreme_court/self-represented_litigants/)

### Legal information services

The Vancouver Justice Access Centre's, Self-help and Information Services includes legal information, education and referral services for Supreme Court family and civil cases. It is located at 290 - 800 Hornby Street in Vancouver (open Monday to Friday): [www.SupremeCourtSelfHelp.bc.ca](http://www.SupremeCourtSelfHelp.bc.ca).

For information about other Justice Access Centre services in Vancouver and Nanaimo, see: [www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/jac](http://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/jac)

### Legal advice

You may be eligible for free (pro bono) legal advice. Access ProBono Society of BC's website gives you information about the legal assistance that is available to you: [www.AccessProBono.ca](http://www.AccessProBono.ca).

### Legislation

BC Legislation (statutes), regulations, and Rules of Court can be found at: [www.BCLaws.ca](http://www.BCLaws.ca).

### Court rules and forms

Supreme Court forms can be completed in 3 ways:

1. Completed online and filed at: [www.justice.gov.bc.ca/cso/index.do](http://www.justice.gov.bc.ca/cso/index.do)
2. Completed online, printed and filed at the registry
3. Printed, completed manually and filed at the registry

Court forms that can be completed online are available at:

[www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms)

Printable court forms are available at: [www.SupremeCourtBC.ca/civil/forms](http://www.SupremeCourtBC.ca/civil/forms)

### Common legal terms

You can find out the meaning of legal terms at: [www.SupremeCourtBC.ca/glossary](http://www.SupremeCourtBC.ca/glossary)

### Family law

For information about family law claims, see: [www.FamilyLaw.LSS.bc.ca](http://www.FamilyLaw.LSS.bc.ca)

This guidebook is part of a series:

## Guidebooks for Representing Yourself in Supreme Court Civil Matters.

Produced by: [www.JusticeEducation.ca](http://www.JusticeEducation.ca)

Funded by: [www.LawFoundationBC.org](http://www.LawFoundationBC.org)



© July 2010. Justice Education Society of BC

ISBN 978-0-9866690-4-0

The Society acknowledges the contributions of the Ministry of Attorney General.

# NOTES

## Form 23

(Rule 7-2 (13) )

*[Style of Proceeding]*

1

### APPOINTMENT TO EXAMINE FOR DISCOVERY

*[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

To: .....*[name of person to be examined]*.....

TAKE NOTICE that you are required to attend for your examination for discovery at the place, date and time set out below. If you are not a named party, or a representative of a named party, to this action, you must, unless the court otherwise orders, bring with you all documents in your possession or control, not privileged, relating to the matters in question in this action. Please note the provisions of the Supreme Court Civil Rules reproduced below.

Place: .....

Date: .....*[dd/mmm/yyyy]*.....

Time: .....

Date: .....*[dd/mmm/yyyy]*.....

Signature of [ ] party wishing to conduct  
examination [ ] lawyer for party(ies) wishing to  
conduct examination

.....*[type or print name]*.....

Rules 22-7 (5) and 22-8 (4) of the Supreme Court Civil Rules state in part:

“22-7 (5) ... if a person, contrary to these Supreme Court Civil Rules and without lawful excuse,

- (a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for his or her examination for discovery, ...

then

- (f) if the person is the plaintiff or petitioner, a present officer of a corporate plaintiff or petitioner or a partner in or manager of a partnership plaintiff or petitioner, the court may dismiss the proceeding, and

- (g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim had been filed.

22-8 (4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court’s power to punish contempt of court.”



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## NOTES

Court forms are available at: [www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms)

They can be completed online and filed electronically using Court Services Online:  
[www.justice.gov.bc.ca/cso/index.do](http://www.justice.gov.bc.ca/cso/index.do).

They can also be printed and completed manually; or completed online, printed and filed.

**You do not have to file this form in the registry, but serve it on the party you want to examine.**

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
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# NOTES

## Form 55

(Rule 13-2 (29) )

*[Style of Proceeding]*

### ACKNOWLEDGMENT OF PAYMENT

*[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

1

2, 3

4

I ACKNOWLEDGE PAYMENT of \$..... in [ ] full [ ] partial satisfaction of the judgment dated  
.....[dd/mmm/yyyy]..... .

Date: .....[dd/mmm/yyyy].....

Signature of party receiving payment

.....[type or print name].....

Signed .....[dd/mmm/yyyy]..... in the presence of

.....[name].....

.....[address].....

.....[occupation].....

# NOTES

## Form 56

(Rules 13-3 (1) and 14-1 (8) and Section 6 (3) of Appendix B)

1

*[Style of Proceeding]*

### SUBPOENA TO DEBTOR

2

*[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

To: .....*[name]*.....

TAKE NOTICE that the amount set out in the endorsement below is now owing by the debtor

3

.....*[name]*..... on the order dated .....*[dd/mmm/yyyy]*....., a copy of which is attached.

YOU ARE REQUIRED TO APPEAR PERSONALLY at the courthouse at .....*[address]*.....  
at .....*[time of day]*..... on .....*[dd/mmm/yyyy]*..... to be examined on oath as to:

- (a) the income and property of the debtor,
- (b) the debts owed to and by the debtor,
- (c) the disposal the debtor has made of any property, and
- (d) the means the debtor has, or has had, or in future may have, of satisfying the order.

**WARNING:** Failure to attend at the hearing of this subpoena can result in your arrest and committal to prison WITHOUT DELIVERY TO YOU OF ANY FURTHER NOTICE OR DOCUMENT.

Date: .....*[dd/mmm/yyyy]*.....

Signature of [ ] creditor [ ] lawyer for creditor(s)

.....*[type or print name]*.....

Address for service of creditor(s): .....

#### ENDORSEMENT OF AMOUNT PAYABLE

*[Set out, in the form of an account, the amount of the debt or instalment owing, the costs incurred on the order and of proceedings subsequent to the order, the amounts paid and dates of payment, the interest owing and how computed.]*

4

Subtotal \$.....

5

Add Expenses of service by sheriff [*to be endorsed by officer serving at the time of service*] \$.....

6

Total amount payable \$.....

If the total amount payable is paid to the creditor or into court for the account of the creditor before the date of the hearing, you are excused from attending.

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# NOTES

Court forms are available at: [www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms)

They can be completed online and filed electronically using Court Services Online:  
[www.justice.gov.bc.ca/cso/index.do](http://www.justice.gov.bc.ca/cso/index.do).

They can also be printed and completed manually; or completed online, printed and filed.

## **File this form in the court registry and personally serve it on the debtor.**

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
  2. Name of debtor that you wish to examine.
  3. Date the court gave judgment in your favour.
  4. The subtotal is the amount owing after the creditor calculates the amounts described in the instructions above this space.
  5. The sheriff will advise you about the cost of service.
  6. Total the two sums.
-

# NOTES

## Form B

### Affidavit in Support of Garnishing Order After Judgment

In the ..... Court of .....

**1** Between ..... ,  
Plaintiff,

and

.....,  
Defendant.

**2** I, ....., of ....., [*occupation*], make oath and say:

(1) I am the person entitled to enforce the judgment or order referred to in this Affidavit.

Or

(1) I am the solicitor of the person entitled to enforce the judgment or order referred to in this Affidavit.

Or

(1) I am acting for the person entitled to enforce the judgment or order referred to in this Affidavit, and I am aware of the facts referred to in this Affidavit.

**3**  
**4, 5**  
**6**  
**7** (2) On a judgment entered [*or order made, as the case may be*] in this action, the above named ..... (hereafter called the "judgment debtor") was found to be indebted to the above named..... for \$....., and the whole sum remains due [*or and of which* \$..... still remains due, *as the case may be*], and it is justly due and owing by..... to ..... after making all just discounts.

(3) That to the best of my information and belief [*name, address and description of the garnishee*], the garnishee, is indebted, under obligation or liable to the judgment debtor and that the garnishee is in the jurisdiction of this court.

Sworn before me, *etc.*

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## NOTES

Court forms are available at: [www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms)

They can be completed online and filed electronically using Court Services Online:  
[www.justice.gov.bc.ca/cso/index.do](http://www.justice.gov.bc.ca/cso/index.do).

They can also be printed and completed manually; or completed online, printed and filed.

### **File this form in the court registry.**

1. This is the same information that is in the style of proceeding of all your court documents.
  2. Your name goes here.
  3. Put the judgment debtor's name here.
  4. Your name goes here.
  5. Put in the amount that the court ordered the judgment debtor to pay you, and indicate if the entire amount remains unpaid, or the amount that is still owed to you.
  6. Put the judgment debtor's name here.
  7. Your name goes here.
-

# NOTES

## Form D

### Garnishing Order After Judgment

When making payment into court this action number must be quoted.

Action No. .... / .....  
Year

In the Supreme Court of  
British Columbia

**1** Before

*District Registrar*

**2** Between .....  
Plaintiff

and

.....  
Defendant

and

.....  
Garnishee.

**3** On reading the affidavit of ..... sworn ..... [month, day, year] I order that, except as otherwise ordered, all debts, obligations and liabilities owing, payable or accruing due from the garnishee [or garnishees or any of them] to the defendant be attached up to the total amount set out below and paid into court. If any of the debts, obligations and liabilities are owing, payable or accruing due for wages, then only as much of them as is permitted by section 3 of the *Court Order Enforcement Act* are to be attached and paid into court [see over].

Date:..... [month, day, year].

.....  
*Registrar*

To the Defendant(s):

To the Garnishee(s):

(Name) .....

(Name) .....

(Address) .....

(Address).....

4

	\$	Cents
Amount due on judgment [ <i>or balance of it as the case may be</i> ]	.....	.....
Cost of attachment proceedings	.....	.....
Total amount attached	.....	.....

**NOTICE TO GARNISHEE**

If you do not pay into court at once the amount of your indebtedness to the defendant or judgment debtor, or the amount limited by the above attaching order, or if you do not dispute your liability, an order may be made against you for the payment of the full amount with costs.

If you dispute your liability you should at once file a dispute note, and the registrar will then send you notice of the day on which you are to appear in court.

"Owing, payable or accruing due" means owing, payable or accruing due at the time this order was served on you but, in the case of wages or salary, includes wages or salary that will, in the ordinary course of employment, become due and payable within 7 days after the day on which the affidavit first above mentioned was sworn.

**NOTICE TO EMPLOYER**

Section 27 of the *Court Order Enforcement Act* makes it an offence to dismiss or demote an employee or terminate a contract of employment of an employee merely because of the service of a garnishing order on the employer issued under this Act.

**NOTICE TO DEFENDANT**

To prevent further garnishment proceedings you may apply to the registrar or the court and, if considered just in all the circumstances, an order may be made releasing all or part of this garnishment and providing for payment of the judgment against you by installments.



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Court forms are available at: [www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/sup-civil-forms)

They can be completed online and filed electronically using Court Services Online:  
[www.justice.gov.bc.ca/cso/index.do](http://www.justice.gov.bc.ca/cso/index.do).

They can also be printed and completed manually; or completed online, printed and filed.

## **File this form in the court registry and serve it on the other party.**

1. Put the registrar's name here.
  2. This is the same information that is in the style of proceeding of all your court documents.
  3. Put the name of the person(s) who swore the affidavit(s) that you used in your application for the garnishing order.
  4. You can add reasonable costs of the attachment proceeding, including what you have paid in service and filing fees. See s. 10 of the *Court Order Enforcement Act*.
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No. [ ]  
[ ] Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

Between: [ your name ] Plaintiff  
And: [ name of judgement debtor ] Defendant  
And: [ name of garnishee, such as the debtor's employer ] Garnishee

**NOTICE OF INTENDED APPLICATION FOR PAYMENT OUT**

To: [ name of judgement debtor ]

TAKE NOTICE that an application will be made by the Plaintiff, (Judgement Creditor), herein pursuant to Section 13(1)(a) of the *Court Order Enforcement Act*, RSBC 1996, c. 78, and amendments thereto, for payment out of Court to the Judgement Creditor of money paid into court by the Garnishee as set out in the Notices of Payment into Court attached to this Notice within 10 days from the date of service of this document unless you file with the Court notice of your intention to dispute payment out.

Garnishing Order	Date of Payment In	Amount
June 8, 2010	August 24, 2010	\$548.21
June 19, 2010	September 16, 2010	\$548.21

[ List the money that has been paid into court. See example to the left. ]

**Total: \$1,644.63**

Dated at [ location ], British Columbia this [ date ].

\_\_\_\_\_  
[ your signature ]

This Notice is filed by [ your name, address and telephone number].