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BILL 43

**MONEY JUDGMENT ENFORCEMENT
CONSEQUENTIAL AMENDMENTS AND
TRANSITIONAL PROVISIONS ACT**

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Explanatory Notes

CLAUSES

1 TO 74: *[Various statutes]* make amendments consequential to the *Money Judgment Enforcement Act*.

BILL 43 – 2023

**MONEY JUDGMENT ENFORCEMENT
CONSEQUENTIAL AMENDMENTS AND
TRANSITIONAL PROVISIONS ACT**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – ATTORNEY GENERAL AMENDMENTS

Civil Resolution Tribunal Act

1 The following sections are added to Part 6 of the Civil Resolution Tribunal Act, S.B.C. 2012, c. 25:

Definition for this Part

56.91 In this Part, “**judgment statement**” has the same meaning as in section 9 [definitions for Part 3] of the *Money Judgment Enforcement Act*.

Requesting validated copy

- 56.92** (1) A person, including a person who was not a party to the claim, may request a validated copy of
- (a) a final decision of the tribunal in relation to a claim category,
 - (b) a consent resolution order in relation to a tribunal small claim, or
 - (c) a final decision of the tribunal in relation to a tribunal small claim.
- (2) On receipt of a request under subsection (1), a tribunal must provide the validated copy as requested.
- (3) For the purposes of the *Money Judgment Enforcement Act*, a validated copy referred to in subsection (1) is enforceable as if it were a judgment of the court.

CLAUSES

1 TO 74: *[Various statutes – continued]*

2 Section 57 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) A final decision of the tribunal in relation to a claim category, other than a tribunal small claim, may be enforced by
 - (a) filing, in the Supreme Court, a validated copy of the order giving effect to the final decision, or
 - (b) submitting a judgment statement to the registrar of the money judgment registry to give effect to the final decision. , **and**

(b) in subsection (2) by striking out “filed” and substituting “registered”.

3 Section 58.1 is repealed and the following substituted:

Enforcement of small claims decisions

- 58.1** (1) A consent resolution order in relation to a tribunal small claim may be enforced by
 - (a) filing a validated copy of the order in the Provincial Court, or
 - (b) submitting a judgment statement to the registrar of the money judgment registry to give effect to the order.
- (2) A final decision of the tribunal in relation to a tribunal small claim may be enforced by
 - (a) filing, in the Provincial Court, a validated copy of the order giving effect to the final decision, or
 - (b) submitting a judgment statement to the registrar of the money judgment registry to give effect to the final decision.

4 The following section is added:

Registration of tribunal decision on request

- 58.3** At the request of a party, including a person deemed to be a party under section 58.2, the tribunal may register any of the following tribunal orders with the money judgment registry in accordance with section 11 [*registration in money judgment registry*] of the *Money Judgment Enforcement Act*:
- (a) a final decision of the tribunal in relation to a claim category referred to in section 57 of this Act if the decision requires one person to pay another person money;
 - (b) a consent resolution order in relation to a tribunal small claim referred to in section 58.1 of this Act if the order requires one person to pay another person money;

CLAUSES

1 TO 74: *[Various statutes – continued]*

- (c) a final decision of the tribunal in relation to a tribunal small claim referred to in section 58.1 of this Act if the decision requires one person to pay another person money.

Class Proceedings Act

- 5 ***Section 33 (4) of the Class Proceedings Act, R.S.B.C. 1996, c. 50, is amended by striking out “execution of judgments and the distribution of awards under this Division and may stay the whole or any part of an execution” and substituting “enforcement of judgments and the distribution of awards under this Division and may stay the whole or any part of an enforcement proceeding”.***

Court of Appeal Act

- 6 ***Section 46 (3) of the Court of Appeal Act, S.B.C. 2021, c. 6, is repealed and the following substituted:***
 - (3) For the purposes of the *Money Judgment Enforcement Act*, a certificate of costs issued by the registrar under subsection (1) (b) may be registered in the money judgment registry as if it were a judgment of the Supreme Court.

Court Order Enforcement Act

- 7 ***Section 3 of the Court Order Enforcement Act, R.S.B.C. 1996, c. 78, is amended***
 - (a) in subsection (1) in the definition of “debts, obligations and liabilities” by striking out “unless judgment has been recovered on it against the garnishee”,***
 - (b) by repealing subsection (2) and substituting the following:***
 - (2) A judge or registrar may, on an application made without notice to any person by a plaintiff in an action, and on an affidavit that the plaintiff makes themselves or that is made by the plaintiff’s solicitor or some other person aware of the facts, stating
 - (a) that a judgment has not been recovered and
 - (i) an action is pending,
 - (ii) the time of the action’s commencement,
 - (iii) the nature of the cause of action, and
 - (iv) the actual amount of the debt, claim or demand,
 - (b) that the debt is justly due and owing, after making all just discounts,

CLAUSES

1 TO 74: *[Various statutes – continued]*

(c) that any other person, hereafter called the garnishee, is indebted or liable to the defendant, and is in the jurisdiction of the court, and

(d) with reasonable certainty, the place of residence of the garnishee, order that all debts due from the garnishee to the defendant are attached to the extent necessary to answer the judgment to be recovered, or the order made, as the case may be. , *and*

(c) in subsection (7) by adding “or” at the end of paragraph (a), by striking out “or” at the end of paragraph (b) and by repealing paragraph (c).

8 *Section 6 (3) is repealed and the following substituted:*

(3) Service of all garnishing orders, notices and process required to be served on the government as garnishee must be effected by serving them on the government in accordance with the regulations.

9 *Section 14 is repealed and the following substituted:*

Enforcement proceedings

14 An enforcement proceeding or other proceedings may be taken to enforce the order.

10 *Section 24 (1) is repealed and the following substituted:*

(1) In addition to all other powers vested in the Supreme Court, a judge or registrar of that court may, on the application of a plaintiff and on an affidavit similar to an affidavit required under section 3, order that all debts stated by affidavit to be, or believed to be, owing or accruing from a partnership, firm or company to the defendant are attached to answer the judgment to be recovered.

11 *Part 5 is repealed.*

12 *The following Part is added:*

PART 6 – REGULATIONS

Power to make regulations

118 The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

CLAUSES

1 TO 74: *[Various statutes – continued]*

Court Rules Act

- 13 *Section 1 (7) (c) of the Court Rules Act, R.S.B.C. 1996, c. 80, is amended by striking out “and after”.*

Crown Proceeding Act

- 14 *Section 13 of the Crown Proceeding Act, R.S.B.C. 1996, c. 89, is amended by adding the following subsection:*

(7) A money judgment may not be registered in the money judgment registry in respect of a judgment against the government.

Family Maintenance Enforcement Act

- 15 *Section 14.1 (2) (b) of the Family Maintenance Enforcement Act, R.S.B.C. 1996, c. 127, is amended by striking out “, or is a garnishee under section 18,” and substituting “or a notice of seizure under the Money Judgment Enforcement Act”.*

- 16 *Section 14.2 (2) (b) is amended by striking out “, or is a garnishee under section 18,” and substituting “or a notice of seizure under the Money Judgment Enforcement Act”.*

- 17 *Section 18 is repealed.*

- 18 *Section 25 (2) (a) is repealed and the following substituted:*

(a) for the purpose of attaching or seizing any money that is due to a debtor, be named as the attachee in a notice of attachment or a notice of seizure under the *Money Judgment Enforcement Act* that is used to enforce a maintenance order, or .

- 19 *Section 26 is amended*

(a) by repealing subsection (1) and substituting the following:

(1) A notice of maintenance order may be registered in a land title office in the same manner as a charge is registered, and upon being registered, the notice of maintenance order is enforceable against land as if it were an order of the Supreme Court. , *and*

(b) by repealing subsection (5) and substituting the following:

(5) Section 211.2 (1) of the *Land Title Act* does not apply in respect of a notice of maintenance order registered under this section.

CLAUSES

1 TO 74: *[Various statutes – continued]*

- 20** *Section 28 (1) is amended by striking out “regardless of when an enforcement process is issued or served” and substituting “and any judgment registered in the money judgment registry”.*
- 21** *Section 47 (1) is amended by striking out “an order under section 18 (2)” and substituting “a notice of seizure under the Money Judgment Enforcement Act that is used to enforce a maintenance order”.*
- 22** *Section 51 (2) is amended*
- (a) in paragraph (j) by striking out “, attachees or garnishees” and substituting “or attachees”, and*
- (b) in paragraphs (k) and (l) by striking out “garnishment under section 18” and substituting “a notice of seizure under the Money Judgment Enforcement Act that is used to enforce a maintenance order”.*

Foreign Money Claims Act

- 23** *Section 3 (b) of the Foreign Money Claims Act, R.S.B.C. 1996, c. 155, is amended by striking out “Court Order Enforcement Act” and substituting “Money Judgment Enforcement Act”.*

Fraudulent Preference Act

- 24** *Section 8 of the Fraudulent Preference Act, R.S.B.C. 1996, c. 164, is repealed and the following substituted:*

Conveyances void as against registered judgment

- 8** (1) In this section, “**enforcement charge**” has the same meaning as in section 1 of the *Money Judgment Enforcement Act*.
- (2) A disposition that, by the *Fraudulent Conveyance Act* or this Act or by any Act in force in British Columbia relating to conveyances prejudicial to creditors, is declared to be void is void as against the enforcement charge created by the registration in any land title office of a judgment under the *Money Judgment Enforcement Act*.

CLAUSES

1 TO 74: *[Various statutes – continued]*

Interpretation Act

25 *Section 29 of the Interpretation Act, R.S.B.C. 1996, c. 238, is amended by adding the following definitions:*

“**enforcement proceeding**” means an enforcement proceeding as defined in section 1 of the *Money Judgment Enforcement Act*;

“**money judgment**” means a money judgment as defined in section 1 of the *Money Judgment Enforcement Act*;

“**money judgment registry**” means a money judgment registry as defined in section 1 of the *Money Judgment Enforcement Act*; .

Law and Equity Act

26 *Section 35 of the Law and Equity Act, R.S.B.C. 1996, c. 253, is repealed.*

27 *Section 55 is repealed.*

Legal Profession Act

28 *Section 50 (8) of the Legal Profession Act, S.B.C. 1998, c. 9, is repealed and the following substituted:*

(8) A sheriff, deputy sheriff or civil enforcement officer executing an order under this Part has the same powers and entitlements to fees and disbursements as if they were a civil enforcement officer carrying out an enforcement proceeding under the *Money Judgment Enforcement Act*.

Limitation Act

29 *Section 1 of the Limitation Act, S.B.C. 2012, c. 13, is amended*

(a) by repealing the definitions of “extraprovincial judgment” and “writ of execution”, and

(b) by repealing the definition of “judgment” and substituting the following:

“**judgment**” means any of the following:

(a) a judgment, order or award of

(i) the Supreme Court of Canada relating to an appeal from a British Columbia court,

(ii) the British Columbia Court of Appeal,

(iii) the Supreme Court of British Columbia,

CLAUSES

1 TO 74: *[Various statutes – continued]*

- (iv) the Provincial Court of British Columbia, or
- (v) an arbitration to which the *Arbitration Act* applies;
- (b) an arbitral award to which the *Foreign Arbitral Awards Act* or the *International Commercial Arbitration Act* applies; .

30 *Sections 6 (2), 7 and 23 are repealed.*

31 *Section 20 (2) (e) is amended by striking out “or 7, as the case may be,”.*

Notaries Act

32 *Section 45 (5) of the Notaries Act, R.S.B.C. 1996, c. 334, is repealed and the following substituted:*

- (5) A sheriff and any sheriff’s officer or civil enforcement officer executing an order under section 43 have the same powers and entitlements to fees and disbursements as if they were a civil enforcement officer carrying out an enforcement proceeding under the *Money Judgment Enforcement Act*.

Property Law Act

33 *Section 32 of the Property Law Act, R.S.B.C. 1996, c. 377, is repealed and the following substituted:*

Enforcement of personal covenant

- 32** After the making of an order absolute for foreclosure or for cancellation of an agreement for sale, a mortgagee or vendor
- (a) has no right to enforce the personal covenant of the mortgagor or the purchaser to pay,
 - (b) may not commence or continue an enforcement proceeding and must discharge a judgment registered with respect to a judgment taken on the covenant to pay, unless by process of law the order absolute is set aside or reopened, and
 - (c) may not register the order in the money judgment registry.

Public Guardian and Trustee Act

34 *Section 21 (8) of the Public Guardian and Trustee Act, R.S.B.C. 1996, c. 383, is amended by adding “, and no enforcement proceeding may be commenced,” after “court”.*

CLAUSES

1 TO 74: *[Various statutes – continued]*

Utilities Commission Act

- 35 *Section 95 (2) of the Utilities Commission Act, R.S.B.C. 1996, c. 473, is amended by striking out “with the same effect and realizable in the same way as a judgment of the Supreme Court under the Court Order Enforcement Act” and substituting “with the same effect, and is enforceable against land, as if it were an order or judgment of the Supreme Court”.*

PART 2 – FINANCE AMENDMENTS

Commercial Liens Act

- 36 *Section 1 of the Commercial Liens Act, S.B.C. 2022, c. 9, is amended by adding the following definition:*

“**enforcement charge**” means a charge on personal property that is created by the registration of a money judgment under the *Money Judgment Enforcement Act*; .

- 37 *Section 7 (6) is repealed and the following substituted:*

- (6) For the purposes of subsection (5) and without limiting that subsection, each of the following persons is a third party who acquires an interest in the goods:
- (a) a judgment creditor who has an enforcement charge in the goods;
 - (b) a person described in section 21 (4) [*lien subordinate or unenforceable*].

- 38 *Section 18 (2) is amended*

(a) by adding the following paragraph:

- (b.1) an enforcement charge in the transferred goods that is created in the designated period, , *and*

(b) by repealing paragraphs (c), (d) and (e) and substituting the following:

- (e) the interest of a representative of creditors in the transferred goods, but only for the purposes of enforcing the money judgment that gave rise to the enforcement charge referred to in paragraph (b.1), .

- 39 *Section 19 (2) is amended*

(a) by adding the following paragraph:

- (d.1) an enforcement charge in the transferred goods that is created in the designated period, , *and*

CLAUSES

1 TO 74: *[Various statutes – continued]*

(b) by repealing paragraphs (e), (f) and (g) and substituting the following:

- (g) the interest of a representative of creditors in the transferred goods, but only for the purposes of enforcing the money judgment that gave rise to the enforcement charge referred to in paragraph (d.1), .

40 Section 20 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) Except as provided in this Act or any other Act, a perfected lien has priority over
 - (a) an interest that is created after the lien attaches, and
 - (b) an enforcement charge that is created after the lien attaches. ,

(b) in subsection (2) by adding the following paragraph:

- (a.1) an enforcement charge that is created before the lien attaches. , **and**

(c) by repealing subsection (2) (b).

41 Section 21 is amended

(a) by repealing subsections (1) and (2), and

(b) in subsection (3) by adding the following paragraph:

- (c) an enforcement charge that is created after the lien attaches and before the lien is perfected.

Creditor Assistance Act

42 The Creditor Assistance Act, R.S.B.C. 1996, c. 83, is repealed.

Financial Institutions Act

43 Section 76 (1) (b) (ii) of the Financial Institutions Act, R.S.B.C. 1996, c. 141, is amended by striking out “a writ,” and substituting “an”.

Manufactured Home Act

44 Section 22 (1) of the Manufactured Home Act, S.B.C. 2003, c. 75, is amended by striking out “writ,”.

CLAUSES

1 TO 74: *[Various statutes – continued]*

Pension Benefits Standards Act

45 Section 70 of the Pension Benefits Standards Act, S.B.C. 2012, c. 30, is amended

(a) in subsection (4) by striking out “an order of garnishment under section 18 (2) of that Act or an attachment order under section 24 of that Act” and substituting “an attachment order under section 24 of that Act or a notice of seizure under the Money Judgment Enforcement Act that is used to enforce a maintenance order as defined in the Family Maintenance Enforcement Act”,

(b) in subsection (5) (c) (i) by striking out “order of garnishment or attachment order referred to in subsection (4)” and substituting “attachment order or notice of seizure under the Money Judgment Enforcement Act referred to in subsection (4)”,

(c) in subsection (6) (a) by striking out “section 71.3 of the Court Order Enforcement Act” and substituting “section 158 of the Money Judgment Enforcement Act”, and

(d) by repealing subsection (6) (b) and substituting the following:

(b) if execution, seizure or attachment is pursued against additional voluntary contributions or optional ancillary contributions being withdrawn from a pension plan by a member, those additional voluntary contributions or optional ancillary contributions are deemed, for the purposes of that execution, seizure or attachment or an enforcement proceeding to be a debt due to the member for or with respect to the member’s salary or wages.

Personal Property Security Act

46 Section 14 (2) of the Personal Property Security Act, R.S.B.C. 1996, c. 359, is amended by striking out “, charged or made subject to an equitable execution under the circumstances described in section 20 (a) (i) or (ii)” and substituting “or charged”.

47 Section 20 (a) is repealed.

48 Section 21 is amended by striking out “a judgment creditor under section 20 (a) or”.

49 Section 22 (1) is amended by striking out “section 20 (a) and (b)” and substituting “section 20 (b)”.

50 Section 35 (6) is repealed.

CLAUSES

1 TO 74: *[Various statutes – continued]*

- 51 *Section 36 (6) is amended by striking out “the Court Order Enforcement Act a judgment” and substituting “the Money Judgment Enforcement Act a money judgment”.*
- 52 *Section 37 (5) is amended by striking out “the Court Order Enforcement Act, a” and substituting “the Money Judgment Enforcement Act, a money”.*
- 53 *Section 67 (1) (d) is amended by striking out “or take proceedings to obtain a certificate under the Creditor Assistance Act against the debtor”.*
- 54 *Section 78 (6) (a) is amended by striking out “section 20 (a) and (b)” and substituting “section 20 (b)”.*

Pooled Registered Pension Plans Act

- 55 *Section 9 (4) of the Pooled Registered Pension Plans Act, S.B.C. 2014, c. 17, is amended by striking out “an order of garnishment under section 18 (2) [garnishment] of that Act, an attachment order under section 24 [attachment orders] of that Act” and substituting “an attachment order under section 24 [attachment orders] of that Act, a notice of seizure under the Money Judgment Enforcement Act that is used to enforce a maintenance order as defined in the Family Maintenance Enforcement Act”.*

Property Transfer Tax Act

- 56 *Section 28 (4) of the Property Transfer Tax Act, R.S.B.C. 1996, c. 378, is repealed.*

Securities Transfer Act

- 57 *Sections 47, 48, 49, 50 and 51 of the Securities Transfer Act, S.B.C. 2007, c. 10, are repealed.*

Warehouse Receipt Act

- 58 *Section 15 of the Warehouse Receipt Act, R.S.B.C. 1996, c. 481, is amended by striking out “be levied under an execution,” and substituting “be seized under an enforcement proceeding”.*

CLAUSES

1 TO 74: *[Various statutes – continued]*

PART 3 – FORESTS AMENDMENTS

Forestry Service Providers Protection Act

59 *Section 17 of the Forestry Service Providers Protection Act, S.B.C. 2010, c. 16, is amended*

(a) by adding the following subsection:

(0.1) In this section, “**civil enforcement officer**” has the same meaning as in section 1 of the *Money Judgment Enforcement Act*, **and**

(b) by repealing subsection (3) and substituting the following:

- (3) When enforcing a lien under a court order,
- (a) a civil enforcement officer must seize and sell the forest products in the same manner as property is seized and sold by a civil enforcement officer under an enforcement proceeding under the *Money Judgment Enforcement Act*,
 - (b) a civil enforcement officer has the powers and immunities of an officer of the court, and
 - (c) the sale must have the same effect as a sale of the property under the *Money Judgment Enforcement Act*.

Woodworker Lien Act

60 *Section 6 (1) of the Woodworker Lien Act, R.S.B.C. 1996, c. 491, is repealed and the following substituted:*

- (1) If an enforcement proceeding has been commenced and no attachment has been issued, the proceedings for the enforcement of the lien must be by sale under the *Money Judgment Enforcement Act*.

61 *Section 9 (2) is amended by striking out “execution” and substituting “an enforcement proceeding”.*

PART 4 – LABOUR AMENDMENTS

Employment Standards Act

62 *Section 92 (2) (a) of the Employment Standards Act, R.S.B.C. 1996, c. 113, is amended by striking out “a writ of seizure and sale has been executed” and substituting “an enforcement proceeding has been completed”.*

CLAUSES

1 TO 74: *[Various statutes – continued]*

- 63 *Section 94 (1) is amended by striking out “a writ of seizure and sale” and substituting “an enforcement proceeding”.*

Workers Compensation Act

- 64 *Section 265 of the Workers Compensation Act, R.S.B.C. 2019, c. 1, is amended*
- (a) *in subsection (1) by adding “and is enforceable as if it were an order or judgment of the Supreme Court” after “or its assignee”, and*
- (b) *by repealing subsection (6) and substituting the following:*
- (6) Without limiting subsection (1), the Board may enforce its lien by submitting a judgment statement, as defined in section 9 of the *Money Judgment Enforcement Act*, to the registrar of the money judgment registry in respect of the lien.

PART 5 – MUNICIPAL AFFAIRS AMENDMENTS

Local Government Act

- 65 *Section 732 (1) of the Local Government Act, R.S.B.C. 2015, c. 1, is repealed and the following substituted:*
- (1) An enforcement instruction directing enforcement proceedings against an improvement district must be endorsed by the Supreme Court and must include the terms and conditions the court may specify.

**PART 6 – POST-SECONDARY EDUCATION AND
FUTURE SKILLS AMENDMENTS**

Chartered Professional Accountants Act

- 66 *Section 60 of the Chartered Professional Accountants Act, S.B.C. 2015, c. 1, is amended*
- (a) *by adding the following subsection:*
- (0.1) In this section, “**civil enforcement officer**” has the same meaning as in section 1 of the *Money Judgment Enforcement Act*. , *and*

CLAUSES

1 TO 74: *[Various statutes – continued]*

(b) by repealing subsection (6) and substituting the following:

- (6) A sheriff or civil enforcement officer executing an order under this Part has the same powers and entitlements to fees and disbursements as if they were a civil enforcement officer carrying out an enforcement proceeding under the *Money Judgment Enforcement Act*.

**PART 7 – PUBLIC SAFETY AND
SOLICITOR GENERAL AMENDMENTS**

Motor Vehicle Act

67 *Section 17 of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended*

(a) by adding the following subsection:

- (0.1) In this section, “**civil enforcement officer**” has the same meaning as in section 1 of the *Money Judgment Enforcement Act* . ,

(b) in subsection (2) by striking out “execution sale” and substituting “enforcement proceeding”, and

(c) in subsection (2) (a) by adding “, civil enforcement officer” after “sheriff”.

**PART 8 – WATER, LAND AND RESOURCE
STEWARDSHIP AMENDMENTS**

Drainage, Ditch and Dike Act

68 *Section 153 of Drainage, Ditch and Dike Act, R.S.B.C. 1996, c. 102, is repealed and the following substituted:*

Procedure on claims against commissioners

- 153** (1) In this section, “**civil enforcement officer**” and “**enforcement instruction**” have the same meaning as in section 1 of the *Money Judgment Enforcement Act*.

CLAUSES

1 TO 74: *[Various statutes – continued]*

- (2) Any enforcement instruction on a judgment against the commissioners must be endorsed with a direction to the civil enforcement officer to levy the amount of it by a levy, and the following rules apply to the proceedings arising from the enforcement instruction:
- (a) the sheriff or civil enforcement officer must deliver a copy of the enforcement instruction and endorsement to the clerk of the commissioners, with a statement in writing of the fees and of the amount required to satisfy the judgment, including in the amount the interest calculated to a day as near as is convenient to the day of service;
 - (b) if the amount, with interest on it from the day mentioned in the statement, is not paid to the sheriff or civil enforcement officer within one month after the service, the sheriff or civil enforcement officer must examine the plan and assessment roll filed, and must, in the same manner as taxes are levied by the commissioners for general purposes, make a levy, based on and in accordance with the assessment roll, sufficient to cover the amount due on the judgment, with the addition to it of the interest, the sheriff's or civil enforcement officer's own fees and the collector's percentage up to the time when the taxes will probably be available;
 - (c) the sheriff or civil enforcement officer must then issue precepts directed to the clerk of the commissioners, and must annex to every precept the roll of the rate, and must by the precept, after reciting the enforcement instruction, and that the commissioners have neglected to satisfy it, and referring to the plan filed under section 72, command the clerk to levy the rate at once on the land shown in that plan;
 - (d) if at the time the rate is levied a general rate roll is delivered to the clerk, the clerk must add a column to it, headed "Enforcement Rate in A.B. vs. Commissioners", and must insert in it the amount in the precept required to be levied on each person, and must levy the amount of the enforcement rate, and must, with all reasonable expedition, return to the sheriff or civil enforcement officer the precept with the amount levied on it, after deducting the percentage for collection;
 - (e) the sheriff or civil enforcement officer must satisfy the judgment and all fees on it, and pay the surplus, if any, to the clerk for the general purposes of the commissioners within 10 days after receiving it;
 - (f) all employees of the commissioners are, for all purposes connected with the sheriff or civil enforcement officer levying a rate to satisfy a judgment, deemed to be officers of the court out of which the judgment was issued, and are amenable to the court, and may be proceeded against by attachment or otherwise to compel them to perform the duties imposed on them, and a judge of the court out of which the judgment issues may make an order as necessary for carrying out these provisions.

CLAUSES

1 TO 74: *[Various statutes – continued]*

Land Title Act

69 *Section 1 of the Land Title Act, R.S.B.C. 1996, c. 250, is amended*

(a) *by adding the following definition:*

“**enforcement charge**” has the same meaning as in section 1 of the *Money Judgment Enforcement Act*; , *and*

(b) *by repealing the definition of “judgment” and substituting the following:*

“**judgment**” means

- (a) a money judgment, or
- (b) an order, judgment or other instrument that is, under an enactment, deemed to be or to be made registrable in the same manner as a money judgment under the *Money Judgment Enforcement Act*; .

70 *Section 205 is repealed.*

71 *Section 210 (1) (b) is amended by striking out “Part 5 of the Court Order Enforcement Act” and substituting “Part 3 of the Money Judgment Enforcement Act”.*

72 *The following sections are added:*

Application to register judgment

- 211.1 (1) In this section, “**judgment creditor**” includes, in a proper case, the clerk of the Provincial Court acting on behalf of the judgment creditor.
- (2) A judgment creditor may apply to register, against the title to specified land, a judgment or a renewal of the registration of a judgment, in the same manner as a charge is registered by delivering to the registrar a certificate of judgment or, if permitted by an enactment, a copy of an order, which is included in the words “certificate of judgment”.
- (3) A certificate of judgment must be
- (a) sealed with the seal of the court in which the judgment was entered or recovered, and
 - (b) signed by the registrar of the court.
- (4) A judgment entered or obtained in the Provincial Court is sufficient for registration purposes if it is certified to be a true copy by the clerk or judge of that court.

CLAUSES

1 TO 74: *[Various statutes – continued]*

- (5) A photocopy, satisfactory to the registrar, of a certificate of judgment registered under this section may be received by the registrar in support of an application to register
 - (a) the judgment against other specified land, or
 - (b) a renewal of a judgment,in the same manner and with the same effect as if the original certificate were produced.

Expiration and renewal of judgment

- 211.2** (1) Except for a nonexpiring judgment, the registration of a judgment ceases, at the expiration of 2 years after the date of the application for registration or the date of the last application to renew registration, to form a lien and charge on the land affected by the registration unless, before the expiration of the 2 years, an application is made to renew the registration of the judgment.
- (2) An application to renew the registration of a judgment may be made at any time before the end of 2 years after the registration or last renewal of registration of the judgment.
- (3) An application for the renewal of a judgment must comply with the requirements of this Act.
- (4) Section 12 of the *Money Judgment Enforcement Act* applies to renewals registered under this section.

73 Section 212 is amended

(a) in subsection (1) by striking out “despite section 86 (3) (c) of the *Court Order Enforcement Act*,” and

(b) by repealing subsection (3) and substituting the following:

- (3) If a judgment creditor claims an enforcement charge on land because of the judgment, the judgment creditor must, within the time set by the registrar’s notice, follow the procedure provided in Part 10 of the *Money Judgment Enforcement Act* for enforcing the judgment creditor’s charge and register a certificate of pending litigation.
- (4) If a judgment creditor does not follow the procedure referred to in subsection (3), the registrar may effect registration or cancellation, as applied for, free from the judgment, and cancel the judgment as to the estate or interest in the land so registered or as to the charge so cancelled.

74 Section 261 (a) is amended by striking out “*Court Order Enforcement Act*” and substituting “*Money Judgment Enforcement Act*”.

CLAUSE 75: *[Transition – definitions for this Part]* establishes definitions for the purposes of Part 9 of the Bill.

CLAUSE 76: *[Court Order Enforcement Act transition – application to claims established under the Creditor Assistance Act]* sets out rules that apply to *Creditor Assistance Act* claims enforced under Part 5 of the *Court Order Enforcement Act* before the *Money Judgment Enforcement Act* is brought into force.

CLAUSE 77: *[Court Order Enforcement Act transition – application to existing proceedings – writ of execution]* sets out rules that apply to proceedings on writs of execution commenced but not concluded under Part 5 of the *Court Order Enforcement Act* before the *Money Judgment Enforcement Act* is brought into force.

CLAUSE 78: *[Court Order Enforcement Act transition – application to existing proceedings – proceedings against land]* sets out rules that apply to proceedings against land commenced but not concluded under Part 5 of the *Court Order Enforcement Act* before the *Money Judgment Enforcement Act* is brought into force.

**PART 9 – COURT ORDER ENFORCEMENT ACT
TRANSITIONAL PROVISIONS**

Transition – definitions for this Part

75 In this Part:

“**effective date**” means the date that this Part comes into force;

“**former provisions**” means Part 5 of the *Court Order Enforcement Act* as it read immediately before its repeal by this Act;

“**judgment**” has the same meaning as in section 81 of the *Court Order Enforcement Act* as it read immediately before its repeal by this Act.

**Court Order Enforcement Act transition – application
to claims established under *Creditor Assistance Act***

76 The former provisions continue to apply in respect of a claim established under the *Creditor Assistance Act* for a period of one year after the effective date.

**Court Order Enforcement Act transition – application
to existing proceedings – writ of execution**

- 77 (1) In this section, an “**existing proceeding**” means a proceeding in relation to an unexpired writ of execution that, before the effective date, was commenced but not concluded under the former provisions.
- (2) After the effective date, a judgment creditor may continue an existing proceeding in accordance with the former provisions.
- (3) Subject to subsection (4), the former provisions continue to apply to an existing proceeding that is continued under subsection (2).
- (4) A judgment creditor may not renew a writ of execution under the former provisions.

**Court Order Enforcement Act transition – application
to existing proceedings – proceedings against land**

- 78 (1) In this section, an “**existing proceeding**” means a proceeding against land to enforce a judgment that, before the effective date, was commenced but not concluded under the former provisions.
- (2) After the effective date, a judgment creditor may continue an existing proceeding in accordance with the former provisions.
- (3) Subject to subsection (4), the former provisions apply in relation to an existing proceeding continued under subsection (2).
- (4) A judgment that, before the effective date, was registered under the former provisions is deemed to be registered in accordance with section 211.1 of the *Land Title Act*.

CLAUSE 78: *[Court Order Enforcement Act transition – application to existing proceedings – proceedings against land – continued]*

CLAUSE 79: *[Court Order Enforcement Act transition – application to existing proceedings – charging order]* sets out rules that apply to applications for charging orders in relation to proceedings on a judgment commenced but not concluded under Part 5 of the *Court Order Enforcement Act* before the *Money Judgment Enforcement Act* is brought into force.

CLAUSE 80: *[Court Order Enforcement Act transition – application to existing proceedings – garnishing order]* sets out rules that apply to garnishing orders obtained in respect of a judgment before the *Money Judgment Enforcement Act* is brought into force.

- (5) Subsection (4) must not be construed to affect the priority of a judgment registered under the former provisions.
- (6) For certainty, for the purposes of section 211.2 (1) of the *Land Title Act*, a reference to the date of the application for registration, or the date of the last application to renew registration, in relation to a judgment referred to in subsection (4) of this section, is to be read as a reference to the date of the application for registration, or the date of the last application to renew registration, under the former provisions.

Court Order Enforcement Act transition – application to existing proceedings – charging order

- 79**
- (1) In this section, an “**existing proceeding**” means a proceeding in relation to a judgment that, before the effective date, was commenced but not concluded under the former provisions.
 - (2) An application for a charging order may, within 90 days after the effective date, be filed in court in respect of an existing proceeding.
 - (3) The former provisions continue to apply in relation to an application referred to in subsection (2).

Court Order Enforcement Act transition – application to existing proceedings – garnishing order

- 80**
- (1) For certainty, Part 1 of the *Court Order Enforcement Act* continues to apply in relation to a garnishing order obtained by a judgment creditor in respect of a judgment before the effective date.
 - (2) A garnishing order referred to in subsection (1) remains valid only for a period of 30 days after the effective date.
 - (3) A judgment creditor may, within 60 days after the effective date, file an application in a court for payment out of money paid into court under a garnishing order referred to in subsection (1).

Commencement

- 81** This Act comes into force by regulation of the Lieutenant Governor in Council.