

What You Should Know About the Court-Ordered Seizure of Personal Property by Court Bailiffs

This information sheet has been written to let you know what your rights are when a Court Bailiff comes to make a court-ordered seizure of your personal property.

This information does not apply to corporate debtors.

When can a court bailiff take my personal property?

Court bailiffs can seize personal property when a court orders them to do so. This can happen when the court has determined that you owe money and haven't paid it as you were required to.

What papers should a court bailiff give me when making a seizure?

The court bailiff must provide you with the following:

- a copy of the court documents—these say exactly what the court has ordered
- a notice form (where applicable)—you should sign this to show that you understand the seizure process and have received the papers; if you refuse to sign, the court bailiff will make a note to this effect, but must proceed with the seizure
- a copy of this information sheet.

You should take particular note of the exemption amounts outlined on page 2 of this information sheet.

Can the court bailiff take things right now?

Yes. The court bailiff has the right to place property under seizure immediately, and may or may not physically remove it at this time.

Immediate seizure *does not* affect your right to choose certain property that the court bailiff cannot sell to pay the court judgment. This property is known as your "exemption" and you have two days to claim it. Your right to claim your exemption expires two days after the seizure or your notice of seizure.

Can court bailiffs come onto my property even if I don't want them to?

Yes. Court bailiffs are peace officers and have the right to enter your property.

Can I pay the court judgment right now to avoid having my property seized?

Yes. You can pay the full judgment *plus* the court bailiff's costs by cash, bank draft or money order. The bailiff can usually estimate costs accurately at that time.

Is there any way for me to get more time to pay?

Sometimes this is possible, but it is entirely up to the judgment of the creditor and the court bailiff. If you are prepared to pay the court judgment over time, it might be possible to work out a payment schedule. If you want to do this, you may suggest it to the court bailiff.

What if there has been a mistake and I have already paid the court judgment?

Tell the court bailiff about this and show him or her a receipt or other documents showing that you made the payment. Also, contact the person you made the payment to and ask that person to resolve the matter.

Do I have to let the court bailiff take whatever he or she wants?

Yes, but you are entitled to and may choose to exempt certain property, which means it can't be sold to pay the court judgment, unless the value of the item exceeds the exemption amount. **This is very important.** You have two days from when you were given the court documents to choose what goods you want to keep under your exemption and notify the court bailiff. If the court bailiff intends to remove property immediately, it's best for you to identify your exemptions before the removal. That way you avoid having to pay any storage or transportation costs involved in having the exempted property returned to you.

The things you get to keep or have returned to you are called "exempt goods". You are allowed to exempt the items listed on the next page:

Item	How much you can exempt
Necessary clothing....	all necessary clothing for you and your dependents
Medical aids.....	all necessary medical aids for you and your dependents
Household goods.....	\$4,000 worth (including furniture and appliances)
Tools of your trade.....	\$10,000 worth of tools or personal property used to earn a living
Motor vehicle.....	\$5,000 worth of equity in a single vehicle (unless you are in default on family maintenance payments, in which case you can only exempt \$2,000 worth of equity in a vehicle)
Equity in your home...	\$12,000 worth of equity if you live in the Greater Vancouver Regional District or Capital Regional District; otherwise, \$9,000 worth of equity

Are there situations in which I am not entitled to claim exempt goods?

If you are a corporation owing money, then you are not entitled to claim exempt goods. Also, you may not be entitled to claim exempt goods when the seizure relates to debts owed to government, including taxes.

Why am I allowed to keep this particular amount of property?

The law provides these exemptions to make sure that after a court-ordered seizure you are left with the basic necessities for maintaining a household and earning a living.

How do I figure out the value of my personal property?

Do your best to estimate the current value of things you want to include under your exemption. Notify the court bailiff. Court bailiffs are experienced at estimating the price that property is likely to receive when put up for sale. They will let you know whether your estimates are realistic.

What if we disagree over the value of my personal property?

If you disagree with the value a court bailiff places on your property, you can ask the court bailiff to arrange for a professional appraisal. If the appraisal shows that you are right, the court bailiff pays the cost of the appraisal. If you are wrong, the appraisal costs are added to the amount you owe.

Once my property has been seized, is it too late for me to pay the court judgment and get my things back?

You can pay the court judgment *plus* the court bailiff's expenses any time before the property is sold. Do this through the court bailiff. Once the property has been sold, you cannot get it back. You should ask the court bailiff when the goods will be put up for sale.

What rules do court bailiffs operate under?

Court bailiffs follow common law, provincial and federal legislation and a contract with the provincial government. The contract sets out rules that court bailiffs must follow.

How are court bailiff fees calculated?

Where the judgment amount has been fully or partially satisfied the court bailiff, within a few weeks, will give you an invoice detailing all the costs. If you want to verify that these costs are appropriate, you can ask the court bailiff or a court contract administrator (see below) to give you a copy of the province's fee schedule for court bailiffs. There are separate schedules for small claims court orders and Supreme Court orders.

Can I complain if I don't think I have been treated fairly by a court bailiff?

Yes. Complaints about the inappropriate actions of a court bailiff should be made to the court bailiff firm. If this does not resolve the problem, you may contact the contract administrator or the Ministry of Justice.

Civil Execution Contractors (Court Bailiffs) within the Province of British Columbia are:

- Accurate Court Bailiff Services
- Consolidated Civil Enforcement
- Expert Bailiffs
- North Central Bailiffs
- Canadian Western Civil Enforcement Ltd.
- IRSC Integrated Recovery Solutions Corp.
- Canada West Court Bailiffs

The contract administrator for the Court Bailiffs is:

Sheriff Peter Hamilton
2620 Mary Hill Road
Port Coquitlam, BC
V3C 3B2

Where can I get help to manage my debts?

Please check your local yellow pages for information concerning Credit and Debt Counselling. Normally there is a cost associated with this service.