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## **DEBT COLLECTION: A STEP-BY-STEP LEGAL GUIDE**

**Release No. 24, August 2018**

### **What's New in this Update:**

**This practical and authoritative work guides you through the process of collecting outstanding debts. Inside find:**

- An initial interview checklist
- Tips on locating the debtor
- Initiating legal actions — ordinary and simplified procedure
- Obtaining Judgment by Default and on Motion for Summary Judgment
- Enforcement procedures including Examination in Aid of Execution, Garnishment, Seizure and Sale of Assets, Required Searches before Seizure
- Precedents and procedures specific to Mortgage Actions, including Foreclosure
- Small Claims Court rules, procedures and forms
- Collection of Solicitor Accounts pursuant to the *Solicitors Act*

Also provided is a sample demand letter, the procedures involved in court as well as forms and precedents referencing the *Rules of Civil Procedure*, the *Small Claims Court Rules* and various Acts, relevant to collections.

This release provides updates to the Words and Phrases section. Legislative amendments have been made to the Schedule of Fees — Superior Court of Justice and Court of Appeal Fees — O. Reg. 293/92. Additionally, updates have been made in the commentary to reflect the Office of the Superintendent of Bankruptcy's Directive No.33, which established "licensed insolvency trustee" as the new professional designation for "trustee in bankruptcy."

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## HIGHLIGHTS

**Words and Phrases — Words and Phrases — On the Examination — British Columbia** — Rule 13-4(11) [of Supreme Court Civil Rules, B.C. Reg. 168/2009, relating to examinee’s requirement to produce documents] does not expressly address what “on the examination” means. Those words, however, have been judicially considered on several occasions. They have consistently been interpreted to mean, and require, that a judgment debtor or a person being examined under Rule 13-4(5) produce and deliver relevant records or documents in their possession prior to their examination: *The Resolution and Collection Corporation v. Nishiyama*, 2017 CarswellBC 3177, 2017 BCSC 2085 (B.C. S.C.) at para. 37 Voith J.