

**Manitoba Small Claims Court**  
**Checklist – Collecting on Your Judgment**

**Introduction**

- The Certificate of Decision confirms the decision of the court. If there is an award of money, this becomes a judgment of the court, which is registered with the credit bureaus across Canada.
- The judgment is good for 10 years. Contact the court before the expiry of the judgment for information on how to extend the judgment if any portion of it is still not satisfied.
- The party who is successful and receives a judgment is referred to as the judgment creditor, and the party that the judgment is against is referred to as the judgment debtor. There are several methods available through the court to assist the judgment creditor in collecting on the judgment. The judgment creditor may use one or more of the following methods of enforcement.
- The filing fees for garnishments, certificates of judgment, and writs of seizure and sale may be added to the amount of the judgment.

***Notice of Garnishment (Queen's Bench Rule 60)***

- You must prepare and file the Notice of Garnishment (**Form 60E**) with the court. The filing fee is \$50. You must then serve the Notice of Garnishment on the garnishee (for example, the judgment debtor's employer, bank, or credit union) by personal service or registered mail.

***(a) Wages or salary of the judgment debtor***

- The rules of court allow a judgment creditor to garnish from the employer of the judgment debtor some of his or her wages or salary toward satisfying the judgment. You would have to know where the judgment debtor is employed to take this step.
- The garnishee must pay a portion of the wages or salary owing to the judgment debtor into court.
- The Notice is subject to certain exemptions and the judgment debtor may take steps to have the garnishment set aside by the court.
- A Notice of Garnishment for wages remains in effect for one year after it is served on the garnishee.
- Depending on how much money is owed on the judgment, you may have to obtain further garnishments in order to collect the full amount of the judgment.

***(b) Bank/Credit Union Accounts***

- A Notice of Garnishment can also be served on bank/credit union accounts of the judgment debtor.
- You need to know where the judgment debtor holds a bank or credit union account.
- The garnishment requires the bank/credit union (garnishee) to pay into court all funds up to the amount stated in the Notice.
- The Notice is effective only on the day it is served.

### ***Certificate of Judgment***

- A Certificate of Judgment (**Schedule A of The Judgments Act**) can be registered against the judgment debtor's real property (land) that she or he owns.
- You can obtain a Certificate of Judgment from the court office where your judgment is registered. There is a \$20.00 fee for this process.
- You must then register the Certificate of Judgment at the Land Titles Office for the area where the judgment debtor owns land.
- This creates what is called a lien on the property of the judgment debtor. The name of the judgment debtor **must** appear on the title of the property or land.
- The title can be transferred to a new owner **only** if the amount of the judgment is paid to the judgment creditor.
- For information on how a judgment creditor might take action to collect on the lien and whether there are any time limits, see the *Judgments and Orders* link at the following Land Titles site:  
[http://www.gov.mb.ca/tpr/land\\_titles/surveys/docs/cecc/cecc14\\_judgments.pdf](http://www.gov.mb.ca/tpr/land_titles/surveys/docs/cecc/cecc14_judgments.pdf)

### ***Writ of Seizure and Sale***

- This document directs Sheriff Services to seize and sell belongings of the judgment debtor equal to the amount owing on the judgment.
- There is a \$20 filing fee to obtain the writ. There are also additional fees charged by Sheriff Services such as towing, storage, appraisal, auctioning, and advertising. These fees are deducted from the money collected from the sale of the seized belongings. Because this method of enforcement can cost several hundred dollars, it is suggested the judgment creditor contact the nearest Sheriff Services office for further information.

### ***Satisfaction of the Judgment (no fee)***

- A Notice of Satisfaction (**Queen's Bench Rule 59** and **Form 59C**) or letter stating the judgment has been paid in full should be filed with the court by the judgment creditor to complete and close the court file.

### ***Judgment Debtor – Credit Rating***

If you are not able to get the judgment creditor to sign the Notice of Satisfaction and you wish to have the judgment updated on your credit rating, you must:

- File a Notice of Motion (**Form 37A**) and supporting Affidavit (**Form 4D**) with the Court of Queen's Bench for an order declaring that the judgment is satisfied.
- The supporting affidavit should have attached to it any and all documents to prove you have paid the judgment/debt in full.
- The cost to file the Notice of Motion is \$75.
- A hearing will be scheduled before a Court of Queen's Bench judge.