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BRITISH COLUMBIA DEBTOR-CREDITOR LAW AND PRECEDENTS

Lyman R. Robinson
Release No. 1, April 2026

This work is an authoritative review of the law and procedures for enforcing monetary judgments and orders in British Columbia. This valuable resource covers the procedural rules in the B.C. Supreme Court, the B.C. Small Claims Court and the Federal Court of Canada, accompanied with useful precedents. The topics included are pre-judgment proceedings, garnishment, execution against real and personal property, enforcement and fraudulent conveyances and preferences.

What's New in this Update:

This Release continues the process of making revisions to the Text that will be necessary to accommodate the new *Money Judgment Enforcement Act [MJE]* when it is proclaimed in force probably in 2026.

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This release contains:

A new Chapter 5 entitled “EXEMPTIONS FROM SEIZURE AND DISPOSITION”. The new Chapter 5 appears as Appendix 5A to the current Chapter 5 until the *Money Judgment Enforcement Act* is proclaimed in force. It includes the following topics:

- Who May Claim Exemptions,
- Exemptions Related to Income,
- Registered Plan Exemptions,
- Tangible Property Exemptions including the Principal Residence Exemption,
- Procedure re: Making a Claim for an Exemption,
- Validity of an Exemption Claim,
- Exemptions under Other Statutes, e.g. The *Indian Act*,
- Other Statutory Limitations Upon Seizure to Satisfy a Judgment.

After the *Money Judgment Enforcement Act* is proclaimed in force, the current Chapter 5 [Execution Against Personal Property] will be retained as an Appendix during the Transition period in respect of execution proceedings that were commenced before the effective date of the repeal Part 5 of the *Court Order Enforcement Act*.

The first portion of a new Chapter 6 entitled “DISTRIBUTION OF FUNDS RECEIVED BY A CIVIL ENFORCEMENT OFFICER”. The new Chapter 6 appears as Appendix 6A to the current Chapter 5 until the new legislation is proclaimed in force.

After the *Money Judgment Enforcement Act* is proclaimed in force, the current Chapter 6 [CREDITOR ASSISTANCE ACT] will be retained as an Appendix during the Transition period in respect of execution proceedings that were commenced before the effective date of the *Money Judgment Enforcement Act*.

During the “roll-out” of the new text regarding the *Money Judgment Enforcement Act*, updates regarding new “case law” will be limited to those cases that make a significant change or addition such as the following:

- **Chapter 7 Land:** Doctrine/Principle of Equitable Exoneration and the 2025 decision of the BCSC in *Royal Bank of Canada v. Liu*, 2025 BCSC 89, 2025 CarswellBC 141 is discussed in a new § 7:44.20 along with several earlier cases.
- **Chapter 10 Fraudulent Conveyances:** Territorial jurisdiction and the considerations that should guide a court in whether it should decline jurisdiction were considered in the 2025 BCSC decision of *Atom Holdings (Re)*, 2025 BCSC 2271. This case, s. 11 of the *Court Jurisdiction and Proceedings Transfer Act* and the common law principles of *forum non conveniens* are discussed in new § 10:73.5.