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BRITISH COLUMBIA DEBTOR–CREDITOR LAW AND PRECEDENTS

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Release No. 2, June 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 substantially completes the process of making revisions and adding new text that will be necessary to accommodate the new *Money Judgment Enforcement Act* when it is proclaimed in force.

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This release contains:

- The conclusion of the new **Chapter 6** entitled "DISTRIBUTION OF FUNDS RECEIVED BY A CIVIL ENFORCEMENT OFFICER" appears in Appendix 6A of this Release.
- **Chapter 8** has been re-written to accommodate the provisions of the new *Money Judgment Enforcement Act* in relation to the appointment of a Receiver, Third Person Claims, Interpleader and Charging Orders.
- During the "roll-out" of the new text regarding the *Money Judgment Enforcement Act*, updates regarding new "case law" have been limited to cases that make a significant change in the law and decisions of the Court of Appeal such as the following:
  - **Chapter 1 Judgments:** The Court of Appeal in *VM Agritech Limited v. Smith*, 2026 BCCA 101 held that an Associate Judge of the Supreme Court has jurisdiction to hear and determine an application to set aside a default judgment. This case is considered in § 1:75 of Chapter 1.
  - **Chapter 7 Land & Certificates of Pending Litigation:** The question of whether the registration of a CPL against a parcel of land may be sustained on the basis of s. 215(1)(b) where the plaintiffs seek to have conveyances declared void under the show cause procedure of s. 9 of the *Fraudulent Preference Act* was considered in *1046056 B.C. Ltd. v. Liang*, 2026 BCSC 132. Several strata lots, against which C.P.L.s, were registered, were not owned directly by the defendant/judgment debtor but rather by a corporation whose shares were owned by him. The defendant's claim that the plaintiff's NOCC did make out a claim to an estate of interest in land under s. 215(1)(a) and the defendant's claim that registration of the CPL could not be sustained under s. 215(1)(b) of the *Land Title Act* are considered in text added to § 7:94.30.
  - **Chapter 9 Equitable Execution and Sequestration:** The factors that should be considered by a court in its determination of whether sequestration is an appropriate sanction were laid out in *Axion Ventures Inc. v. Bonner*, 2024 BCSC 46 at para. 76. These factors are quoted in a new § 9:95.50.
  - **Chapter 10 Fraudulent Conveyances:** Section 9 of the *Fraudulent Preferences Act* provides a "show cause" procedure whereby a judgment creditor may make an application to set aside a fraudulent conveyance without the need to commence a new action provided that the preconditions of s. 9 are satisfied. Section 9 was considered in *1046056 B.C. Ltd. v. Liang*, 2026 BCSC 132 in the context of an application to discharge CPLs that the plaintiff judgment creditor had registered against several strata lots that were not owned directly by the defendant/judgment debtor but rather by a corporation whose shares were owned by him. This case is considered in text added to § 10:76.