

## Publisher's Note

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### ANNOTATED BRITISH COLUMBIA COURT ORDER ENFORCEMENT ACT

William D. Holder & John C. Fiddick

Release No. 1, July 2022

#### Publisher's Special Release Note 2021

The pages in this work were reissued in September 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the September 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This service offers a comprehensive and practical look at court order enforcement in the Province of British Columbia. It is designed to keep you current with the latest amendments to the law and new decisions, as well as decrease the amount of time you spend looking for them. Benefit from: annotations and commentary; a discussion of options available to creditors in terms of seizure and sale proceedings; the correct form and content of affidavits in garnishment proceedings; a review of the *Creditor Assistance Act*, and forms and precedents such as a precedent section on the enforcement of foreign judgments against assets situated in British Columbia.

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

In this release case law has been updated throughout the service with updates to annotations for the *Court Order Enforcement Act* and the *Court Jurisdiction and Proceedings Transfer Act*.

### **Highlights**

*Court Order Enforcement Act* — Section 3 — In this case, legal fees were invoiced in US Dollars. The Notice of Civil Claim and the affidavit filed in support of the garnishing order asserted a debt in Canadian Dollars. Master Elwood held that the best practice would have been for the applicant to state the debt in the currency in which it was incurred and to provide admissible evidence of the exchange rate to Canadian dollars on the date of the application for a garnishing order. That said, the learned Master did not find the failure to follow this “best practice” was sufficient to cause the amount claimed to be unliquidated or the basis for the garnishing order to be confusing or misleading. Moreover, it was not necessary to set out the exchange rate in the supporting affidavit. In the result, the garnishing order was upheld. *Avalos Y Abogados v. Defiance Silver Corp.*, 2021 BCSC 2244.

*Court Jurisdiction and Proceedings Transfer Act* — Section 3(b) — The filing of a Counterclaim constitutes a new cause of action so as to result in a defendant having attorned to the jurisdiction of the Court under section 3(b) of the Act. *Thunderstruck Resources Ltd. v. Bonga Xpolaration Drilling Supplies Ltd.*, 2022 BCSC 404.

### **ProView Developments**

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed

- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages

