



UNIVERSITY OF CALGARY  
FACULTY OF LAW



The Faculty of Law and the Canadian Institute of Resources Law

**Saturday Morning at the Law School**  
Sponsored by Alberta Law Foundation

December 5, 2015, 10:00–12:00 noon, MFH Room 3360

## **Unsecured Creditors' Remedies in Alberta – Selected Aspects**

**Prepared and presented by  
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**Disclaimer:** This presentation is general information only and not legal advice. It is an overview of selected aspects of the topic. The information provided is intended to generate public interest in the subject matter. To the extent practical, questions about the topic may be taken during the presentation or at the conclusion.

- 1. The language of unsecured creditors' remedies - defined terms**
- 2. Enactments**  
*Civil Enforcement Act (CEA / the "Act")*  
*Civil Enforcement Regulation (CE Reg / the "Reg")*
- 3. Prejudgment (extraordinary) remedies**  
Attachment Order (CEA) or *Mareva* injunction (common law)  
Garnishment (before judgment)
- 4. Judgment enforcement remedies – "writ proceedings"**  
Seizure and sale of personal property  
Sale of land  
Garnishment (after judgment)
- 5. Law of Exemptions**  
Examples / Social policy
- 6. Recent and ongoing law reform**  
Alberta Law Reform Institute – Rules of Court Project (timeline: 2001-2010)  
Alberta Justice, CE Reg – Regulatory Review (timeline: 2013-2015)

## **BIBLIOGRAPHY**

### **LEGISLATION**

*Civil Enforcement Act*, RSA 2000, c C-15, online: Canadian Legal Information Institute (**CanLII**).

*Civil Enforcement Regulation*, Alta Reg 276/1995, online: **CanLII**.

**CanLII** is a free online source for federal and provincial enactments (not official).

**CanLII** is a non-profit organization managed by the Federation of Law Societies of Canada. Its goal is to make Canadian law freely accessible on the Internet. But CanLII is not free. It is funded exclusively by members of Canada's law societies – about \$35 per practitioner a year – with the Law Society of Alberta budgeting \$344,000 to CanLII in 2015. This website provides access to court judgments, tribunal decisions, statutes and regulations from all Canadian jurisdictions.

### **SECONDARY MATERIAL: REPORTS**

**Alberta Law Reform Institute (ALRI)**, Rules of Court Project, *Enforcement of Judgments and Orders*, Consultation Memorandum No 12.11, August 2004, online: ALRI <http://www.law.ualberta.ca/alri/>.

\_\_\_\_\_, *Enforcement of Money Judgments*, 2 volumes, 1991, online: ALRI.

\_\_\_\_\_, *Prejudgment Remedies for Unsecured Claimants*, 1988, online: ALRI.

**ALRI** is the official law reform agency for the Province of Alberta. It provides independent comprehensive advice to the Government of Alberta and other agencies to ensure that the law and administration of justice are kept up to date and serve Albertans to the best extent possible.

**ALRI** is dedicated to advancing just and effective laws through independent legal research, consultation and analysis.

**ALRI** delivers law reform proposals through specific projects.

### **SECONDARY MATERIAL: WEBSITE**

**Alberta Courts Resolution and Court Administration Services**, online: <https://albertacourts.ca/resolution-and-court-administration-serv/sheriff-civil-enforcement>.

Office of the Sheriff – Civil Enforcement regulates the civil enforcement industry by responding to complaints and monitoring civil enforcement agency activities. The Office of the Sheriff oversees civil enforcement agency and bailiff training.

### **OTHER MATERIAL**

Alberta, *Getting and Enforcing Your Judgment in Alberta*, online: Alberta Courts <https://albertacourts.ca/docs/default-source/Court-of-Queen's-Bench/getting-and-enforcing-your-judgment-in-alberta.pdf?sfvrsn=0>.