

APPENDIX

Appendix 1: Table of Main Exemption Statutes and Regulations

British Columbia

Court Order Enforcement Act, R.S.B.C. 1996, c. 78, ss. 71-72, as am. by S.B.C. 1997-27-2, 3.
Court Order Enforcement Exemption Regulation, B.C. Reg. 28/98, ss. 2-3.

Alberta

Civil Enforcement Act, R.S.A. 2000, c. C-15, s. 88 as am. by S.A. 2002, c. 17 s. 1;
Civil Enforcement Regulation, Alta. Reg. 276/95, s. 37, as am. by Alta. Reg. 203/2002, s. 8.

Saskatchewan

Exemptions Act, R.S.S. 1978, c. E-14, s. 2, as am. by 1979, c. 69, s. 14; 1980-81, c. 83, s. 14;
1983, c. 41, s. 2; 1984-85-86, c. 38, s. 15; 1988-89, c. 52, s. 8; *Saskatchewan Farm Security Act*,
S.S. 1988-89, c. S-17.1, s. 66, as am. by 1989-90, c. 22, s. 11; 1994, c. 30, s. 4; 2000, c. L-5.1, s.
481.

Manitoba

Executions Act, C.C.S.M., c. E160, ss. 23, 25-26, as am. by S.M. 1997, c. 33, s. 18; S.M. 2001, c.
31, s. 22.; *Judgments Act*, C.C.S.M. 1987, c. J10, s. 13.

Ontario

Execution Act, R.S.O. 1990, c. E.24, s. 2, 13, as am. by S.O. 2000, c. 26, Sch. A, s. 8.

Quebec

Code of Civil Procedure, R.S.Q. 1977, c. C-25, arts. 552-553.2, as am. by 1977, c. 73, ss. 17-18;
1979, c. 37, s. 29; 1980, c. 21, s. 4; 1982, c. 17, s. 26; 1982, c. 58, s. 21; 1986, c. 55, ss. 3-5; 1988,
c. 17, s. 4; 1989, c. 55, ss. 30-31; 1992, c. 57, ss. 296-98; 1996, c. 5, s. 41; 1999, c. 14, s. 9; 2002,
c. 6, s. 101.

New Brunswick

Memorials and Executions Act, R.S.N.B. 1973, c. M-9, ss. 11, 33, as am. by 1979, c. 143, s. 33;
1980, c. 31, s. 1 1986, c. 4, s. 34; *Personal Property Security Act*, S.N.B. 1993, c. P-7.1, s. 58.

Nova Scotia

Judicature Act, R.S.N.S. 1989, c. 240, s. 45; *Value of Chattels Exempt from Seizure Regulations*,
N.S. Reg. 112/85, s. 1; *Personal Property Security Act*, S.N.S. 1995-1996, c.13, s. 59

Prince Edward Island

Judgment and Execution Act, R.S.P.E.I. 1988, c. J-2, s. 24, as am. by 1990, c. 25, ss. 1-2.
Personal Property Security Act, S.P.E.I. 1997, c. 33, s. 58(3).

Newfoundland and Labrador

Judgment Enforcement Act, S.N.L. 1996 c. J – 1.1, s. 131; *Judgment Enforcement Regulations*,
1999, N.L.R. 102/99, s. 48. ; *Personal Property Security Act*, S.N.L. 1998 c. P-7.1, s. 59(3).

Yukon

Exemptions Act, R.S.Y. 2002, c. 80, s. 2.

Northwest Territories

Exemptions Act, R.S.N.W.T. 1988, c. E-9, s. 2, as am. by S.N.W.T. 1995, c. 11, s. 20, as
duplicated for Nunavut by s. 29 of the *Nunavut Act*, S.C. 1993, c. 28.

Appendix 2: Food/Fuel

Alberta [required -12 months]: *Civil Enforcement Act*, s. 88(a).

Saskatchewan [Cash equivalent of food and fuel until next harvest]: *Exemptions Act*, s. 2(1)(3);
Saskatchewan Farm Security Act, s. 66(c).

Manitoba [6 months or cash equivalent]: *Executions Act*, s. 23(1)(c).

Ontario [\$10 000]: *Execution Act*, s. 2(2) Including household furnishings.

Quebec [Necessary]: *Code of Civil Procedure*, art. 552(2).

NB [Necessary 3 months.]: *Memorials and Executions Act*, s. 33(1)(c).

Nova Scotia [Necessary]: *Judicature Act*, s. 45(1)(b).

PEI [\$2 000]: *Judgment and Execution Act*, s. 24(b) including household furnishings.

Newfoundland and Labrador [12 months food, necessary fuel]: *Judgment Enforcement Act*, s.
131(1)(a). *Judgment Enforcement Regulations*, s. 48(1)(e); *PPSA*, s. 59(3)(a).

Yukon [12 months.]: *Exemptions Act*, s. 2(c).

Northwest Territories [12 months.]: *Exemptions Act*, s. 2(c).

UNIFORM LAW CONFERENCE OF CANADA

Appendix 3: Clothing

British Columbia [Necessary]: *Court Order Enforcement Act*, s. 71(1)(a).
Alberta [Necessary \$4 000]: *Civil Enforcement Act*, s. 88(b); *Civil Enforcement Regulation*, s. 37(1)(a).
Saskatchewan [Necessary]: *Exemptions Act*, s. 2(1)(1); *Saskatchewan Farm Security Act*, s. 66(a).
Manitoba [Necessary]: *Executions Act*, s. 23(1)(b).
Ontario [Necessary \$5 000]: *Execution Act*, s. 2(1).
Quebec [Necessary]: *Code of Civil Procedure*, art. 552(2).
New Brunswick [Necessary]: *Memorials and Executions Act*, s. 33(1)(b).
Nova Scotia [Necessary]: *Judicature Act*, s. 45(1)(a).
PEI [Necessary]: *Judgment and Execution Act*, s. 24(a).
Newfoundland and Labrador [Necessary \$4 000]: *Judgment Enforcement Act*, s. 131(1)(b); *Judgment Enforcement Regulations*, s. 48(1)(a); **[Necessary] PPSA**, s. 59(3)(b).
Yukon [Necessary]: *Exemptions Act*, s. 2(b).
Northwest Territories [Necessary]: *Exemptions Act*, s. 2(b).

Appendix 4: Furnishings and Appliances

British Columbia [\$4 000]: *Court Order Enforcement Act*, s. 71(1)(b);
Court Order Enforcement Exemption Regulation, s. 2(a).
Alberta [\$4 000]: *Civil Enforcement Act*, s. 88(c). *Civil Enforcement Regulation*, s. 37(1)(b).
Saskatchewan [\$4 500]: *Exemptions Act*, s. 2(1)(2); **[\$10 000]** *Saskatchewan Farm Security Act*, s. 66(b).
Manitoba [\$4 500]: *Executions Act*, s. 23(1)(a).
Ontario [\$10 000]: *Execution Act*, s. 2(2) including food, fuel.
Quebec [Necessary \$6 000]: *Code of Civil Procedure*, art. 553(1).
New Brunswick [Necessary]; *Memorials and Executions Act*, s. 33(1)(a); **[\$5 000]:** *PPSA* s. 58(3)(a)
Nova Scotia [Necessary]: *Judicature Act*, s. 45(1)(a); **[\$6500]:** *PPSA*, s. 59(3)(a).
PEI [2000]: *Judgment and Execution Act*, s. 24(b); **[\$5 000]:** *PPSA*, s. 58(3)(a);
NL [\$4 000]: *Judgment Enforcement Act*, s. 131(1)(c). *Judgment Enforcement Regulations*, s. 48(1)(b);
[No regulations which set value of PPSA exemption]: *PPSA*, s. 59(3)(c)
Yukon [\$200]: *Exemptions Act*, s. 2(a); **Northwest Territories [\$200]:** *Exemptions Act*, ss. 2(1)(a), (2).

Appendix 5: Motor Vehicle

British Columbia [\$5 000 or \$2 000]: *Court Order Enforcement Act*, s. 71(1)(c);
Court Order Enforcement Exemption Regulation, s. 2(b)-(c).
Alberta [\$5 000]: *Civil Enforcement Act*, s. 88(d); *Civil Enforcement Regulation*, s. 37(1)(c).
Saskatchewan [Livelihood]: *Exemptions Act*, s. 2(1)(5); **[motor vehicle for 12 months or one livelihood vehicle]:** *Saskatchewan Farm Security Act*, ss. 66(d)(e).
Manitoba [\$3 000 non farmer]: *Executions Act*, s. 23(1)(f);
[vehicle for agricultural operations]: *Executions Act*, s. 23(1)(e)(ii).
Ontario [\$5 000]: *Execution Act*, s. 2(6) but see *Re Fields*, [2004] O.J. No. 1924 (C.A.)
Quebec: See Tools of Trade.
NB [Livelihood \$3000] *Memorials and Executions Act*, s. 33(1)(e); **[Livelihood \$6 500]:** *PPSA* s. 58(3)(b)
Nova Scotia [\$3 000]: *Judicature Act*, s. 45(1)(f); **[Livelihood \$6500]:** *PPSA* s. 59(3)(b).
PEI [\$3 000]: *Judgment and Execution Act*, s. 24(a.1); **[Livelihood \$6500]:** *PPSA*, s. 58(3)(b).
Newfoundland and Labrador [\$2 000]: *Judgment Enforcement Act*, s. 131(1)(d); *Judgment Enforcement Regulations*, s. 48(1)(c); **[No regs. which set value of PPSA exemption]:** *PPSA*, s. 59(3)(d)
Yukon & Northwest Territories: see tools of trade.

Appendix 6: Medical And Dental Aids

British Columbia: *Court Order Enforcement Act*, s. 71(1)(e).
Alberta: *Civil Enforcement Act*, s. 88(e).
Manitoba: *Executions Act*, s. 23(1)(i).
Quebec: *Code of Civil Procedure*, art. 553(9.1).
New Brunswick: *Memorials and Executions Act*, s. 33(1)(h); *PPSA*, s. 58(3)(c).
Nova Scotia: *Judicature Act*, s. 45(1)(d); *PPSA*, s. 59(3)(c).
PEI: *PPSA*, s. 58(3)(c); **NL:** *Judgment Enforcement Act*, s. 131(1)(e); *PPSA*, s. 59(3)(e).

PRELIMINARY PAPER ON THE LAW OF PERSONAL EXEMPTIONS FROM SEIZURE

Appendix 7: General Tools of Trade

British Columbia [\$10 000]: *Court Order Enforcement Act*, s. 71(1)(d); *Court Order Enforcement Exemption Regulation*, s. 2(d).
Alberta [\$10 000]: *Civil Enforcement Act*, s. 88(h); *Civil Enforcement Regulation*, s. 37(1)(d).
Saskatchewan [\$4 500 plus professional books]: *Exemptions Act*, ss. 2(1)(6)-(7).
Manitoba [\$7 500]: *Executions Act*, s. 23(1)(f).
Ontario [\$10 000]: *Execution Act*, s. 2(3).
Quebec [No set limit]: *Code of Civil Procedure*, art. 552(3).
New Brunswick [\$6 500]: *Memorials and Executions Act*, ss. 33(1)(e).
Nova Scotia [\$1 000]: *Judicature Act*, s. 45(1)(e); *Value of Chattels Exempt from Seizure Regulations*, s. 1.
Prince Edward Island [\$2 000]: *Judgment and Execution Act*, s. 24(c).
NL [\$10 000]: *Judgment Enforcement Act*, ss. 131(1)(i)(i); *Judgment Enforcement Regulations*, s. 48(1)(g).
Yukon [\$600]: *Exemptions Act*, s. 2(d); **Northwest Territories [\$600]:** *Exemptions Act*, s. 2(1)(d).

Appendix 8: Agricultural and Fishing Items

Alberta: *Civil Enforcement Act*, s. 88(i).
Saskatchewan: *Farm Security Act*, ss. 66(d)(e)(f)(g)(i)(j).
Manitoba: *Executions Act*, ss. 23(1)(d)-(e), (h).
Ontario: *Execution Act*, ss. 2(4)-(5).
Quebec: *Code of Civil Procedure*, art. 552(3).
New Brunswick: *Memorials and Executions Act*, ss. 33(1)(d), (f).
Nova Scotia: *Judicature Act*, ss. 45(1)(c), (e); *Value of Chattels Exempt from Seizure Regulations*, s. 1.
Prince Edward Island: *Judgment and Execution Act*, ss. 24(d)(i)-(ii).
NL: *Judgment Enforcement Act*, ss. 131(1)(i)(ii)-(iv). *Judgment Enforcement Regulations*, s. 48(1)(g).
Yukon and Northwest Territories: see Tools of Trade.

Appendix 9: Residence

BC [\$12 000 Capital or Vancouver Districts] [\$9 000 rest of B.C.]: *Court Order Enforcement Act*, s. 71.1(1); *Court Order Enforcement Exemption Regulation*, s. 3(a)-(b).
Alberta [\$40 000]: *Civil Enforcement Act*, s. 88(g); *Civil Enforcement Regulation*, s. 37(1)(e).
Saskatchewan [\$32 000, homestead]: *Exemptions Act* ss. 2(1)(10)-(12).
Manitoba [\$2 500]: *Judgments Act*, ss. 13(1)(c)-(d); **[Farm house]** *Judgments Act*, ss. 13(1)(b).
Quebec [\$10 000]: *Code of Civil Procedure*, art. 553.2.
Newfoundland and Labrador [\$10 000]: *Judgment Enforcement Act*, s. 131(1)(h); *Judgment Enforcement Regulations*, s. 48(1)(f).
Yukon: *Exemptions Act*, s. 2(e); **Northwest Territories [\$3 000]:** *Exemptions Act*, s. 2(1)(e).

Appendix 10: Land

Alberta [160 acres farm land]: Farmer: *Civil Enforcement Act*, s. 88(f).
Saskatchewan [160 acres homestead]: *Exemptions Act*, s. 2(10);
Saskatchewan Farm Security Act, s. 66(k).
Manitoba [160 acres farm land]: Farmer: *Judgments Act*, s. 13(1)(a)-(b)(d).
New Brunswick: see *Memorials and Executions Act*, s. 11.
Prince Edward Island: see *Judgment and Execution Act*, s. 26(2).
Yukon: *Exemptions Act*, s. 2(e); **Northwest Territories:** *Exemptions Act*, s. 2(1)(e).

Appendix 11: Sentimental Items

Manitoba: *Executions Act*, s. 23(1)(g).
Quebec: *Code of Civil Procedure*, arts. 553(1)-(2).
New Brunswick [Pets]: *Memorials and Executions Act*, s. 33(1)(g).
Newfoundland and Labrador [\$500 Sentimental items] [pets]:
Judgment Enforcement Act, ss. 131(1)(f)-(g); *Judgment Enforcement Regulations*, s. 48(1)(d).

UNIFORM LAW CONFERENCE OF CANADA

Appendix 12: Personal Insolvency Task Force Report

Canada, Office of the Superintendent of Bankruptcy, *Personal Insolvency Task Force: Final Report* (Ottawa: The Office, 2002) at 25-26

The recommendations of the Task Force are as follows:

- a) There should be a federal exemptions list which the debtor, and only the debtor, can select in preference to the otherwise applicable provincial or territorial exemptions.
- b) Debtors will have to make their election promptly following their assignment in bankruptcy or the making of a bankruptcy order. Where there is a joint assignment by related debtors, both parties must elect to be governed in their entirety by the federal or provincial list of exemptions; they cannot "cherry pick" among the different items in each list. If there is a deadlock between the debtors, they will be deemed to have elected the federal exemptions.
- c) The specific exemptions and exemption levels recommended by the Task Force are:
 1. Apparel & household furnishings \$7,500
 2. Medically prescribed aids and appliances and medication for use or consumption by the debtor or the debtor's family No limit
 3. One motor vehicle whether used for personal, trade or business purposes \$3,000
 4. Tools of the trade and professional books but *not* including motor vehicles used in the trade or business \$10,000
 5. Debtor's residence, defined to include a house, apartment, mobile home and house boat \$5,000
- d) There should be an exemption for real and personal property used by a debtor whose livelihood is derived from farming, fishing, forestry and other activities related to the natural resource sector of the economy. The amount of the exemption should be governed by applicable provincial/territorial law but is to be not less than \$10,000 and not more than \$20,000.
- e) Registered pension plans and tax exempt life insurance annuities, but not Registered Retirement Savings Plans or RRSPs, shall continue to be governed by applicable federal or provincial law.
- f) The above exemptions (other than exemptions governed by item (e)) shall extend to proceeds from the sale of, or the raising of a mortgage on, the exempt property.
- g) Exemption levels are to be adjusted to the CPI as determined by regulation under the BIA or, preferably, by exercise of the Superintendent's Directive powers. The value of property for the purpose of the above exemptions shall be the fair market value of the property at the time of the assignment or the making of the bankruptcy order.
- h) The exemptions will not apply in respect of a creditor's claim arising out of a maintenance, alimony and other family related support order governed by federal or provincial law.
- i) The federal statutory exemptions, if elected by the debtor, cannot be waived by a debtor before the debtor's bankruptcy in favour of the debtor's unsecured creditors, and cannot be waived in favour of a secured creditor holding an unenforceable lien as described below in the Task Force recommendation concerning non-purchase money security interests.