

Instructions for Enforcing a Judgment using Garnishment

If you are the plaintiff and you win the case, the court may order the defendant to pay you money. If the defendant is ordered to pay you money, the defendant (called the “debtor” after judgment, and you are called the “creditor”) may pay right away, or you may give the debtor more time to pay. If the debtor does not pay, there are steps you can take to get the money. This is called **enforcing** the judgment. There are fees for these steps.

If someone else owes the debtor money, you can ask the court to order that person to send the money to the court office. The court will then pay you. This is called garnishment. For example, if you know where the debtor has a bank account or where the debtor works, you can ask the court to have the debtor’s bank or employer pay money to the court.

Step 1: COMPLETE and FILE a Notice of Garnishment form and an Affidavit for Enforcement Request (Form 20P) with the court office. The clerk will stamp the notice. There is a fee.

Step 2: SERVE. You then serve a copy of the stamped notice of garnishment and a blank **Garnishee’s Statement** form (Form 20F) on the person or business that has the money (the “garnishee”) owed to the debtor. You also serve a copy of the stamped notice and the affidavit on the debtor. There are rules about how this must be done. See the Small Claims Court “**Guide to Serving Documents**” at the court office or online at www.attorneygeneral.jus.gov.on.ca . You can get copies of forms at the court office or online at www.ontariocourtforms.on.ca.

Step 3: TERMINATE. Once the judgment has been paid in full, the rules of the court require you to serve a **Notice of Termination of Garnishment** (Form 20R) on the garnishee and the court clerk. There are rules about how this must be done. See the Small Claims Court “**Guide to Serving Documents**” at the court office or online at www.attorneygeneral.jus.gov.on.ca. There is no fee.

For more information about enforcing a judgment, see the Small Claims Court “**After Judgment – Guide to Getting Results**” at the court office or online at www.attorneygeneral.jus.gov.on.ca.

DO NOT FILE THIS PAGE

Seal

Small Claims Court

Claim No.

Address

Phone Number

Creditor

Additional creditors listed on attached Form 1A.

Last name, or name of company		
First Name	Second Name	Also Known as
Address (street number, apt., unit)		
City/Town	Province	Phone Number
Postal Code		Fax Number
Representative		LSUC Number
Address (street number, apt., unit)		
City/Town	Province	Phone Number
Postal Code		Fax Number

Debtor

Last name, or name of company		
First Name	Second Name	Also Known as
Address (street number, apt., unit)		
City/Town	Province	Phone Number
Postal Code		Fax Number

Garnishee

Last name, or name of company		
First Name	Second Name	Also Known as
Address (street number, apt., unit)		
City/Town	Province	Phone Number
Postal Code		Fax Number

NOTE: THE CREDITOR SHALL SERVE THIS NOTICE on the debtor with an Affidavit for Enforcement Request (Form 20P) and serve on the garnishee this notice with a blank Garnishee's Statement (Form 20F).

Les formulaires des tribunaux sont affichées en anglais et en français sur le site www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des formats accessibles.

TO THE GARNISHEE:

The creditor has obtained a court order against the debtor. The creditor claims that you owe or will owe the debtor a debt in the form of wages, salary, pension payments, rent, annuity or other debt that you pay out in a lump-sum, periodically or by instalments. (A debt to the debtor includes both a debt payable to the debtor alone and a joint debt payable to the debtor and one or more co-owners.)

YOU ARE REQUIRED TO PAY to the clerk of the _____ Small Claims Court
(Garnishment issuing court)

- (a) all debts now payable by you to the debtor, **within 10 days** after this notice is served on you; **and**
 (b) all debts that become payable by you to the debtor after this notice is served on you and **within 6 years** after this notice is issued, **within 10 days** after they become payable.

The total amount of all your payments to the clerk is not to exceed \$ _____ .
(Amount unsatisfied)

THIS NOTICE IS LEGALLY BINDING ON YOU until it expires or is changed, renewed, terminated or satisfied. If you do not pay the total amount or such lesser amount as you are liable to pay, you must serve a Garnishee's Statement (Form 20F) on the creditor and debtor, and file it with the clerk within 10 days after this notice is served on you.

EACH PAYMENT, payable to the Minister of Finance, MUST BE SENT with a copy of the attached garnishee's payment notice to the clerk at the above court address.

If your debt is jointly owed to the debtor and to one or more co-owners, you must pay the debtor's appropriate share of the amount now payable, or which becomes payable, or such a percentage as the court may order.

The amounts paid into court shall not exceed the portion of the debtor's wages that are subject to seizure or garnishment under Section 7 of the Wages Act (information available at: www.attorneygeneral.jus.gov.on.ca and www.e-laws.gov.on.ca). The portion of wages that can be garnished may be increased or decreased only by order of the court. If such a court order is attached to this notice or is served on you, you must follow the direction in that court order.

_____, 20_____

(Signature of clerk)

CAUTION TO GARNISHEE:	IF YOU FAIL TO PAY to the clerk the amount set out in this notice and do not file a Garnishee's Statement (Form 20F) disputing garnishment, JUDGMENT MAY BE OBTAINED AGAINST YOU BY THE CREDITOR for payment of the amount set out above, plus costs. If you make a payment to anyone other than the clerk of the court, you may be liable to pay again [R. 20.08(17) and (18)].
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NOTE:	Any party or interested person may complete and serve a Notice of Garnishment Hearing (Form 20Q) to determine any matter related to this notice. To obtain forms and self-help materials, attend the nearest Small Claims Court or access the following website: www.ontariocourtforms.on.ca .
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The top portion of the garnishee’s payment notice, below, is to be completed by the creditor before the Notice of Garnishment is issued. Where it is anticipated that more than one payment will be made by the garnishee, the creditor should supply extra copies of the garnishee’s payment notice. Additional copies of the garnishee’s payment notice are available at court offices or online at www.ontariocourtforms.on.ca (see Form 20E or 20E.1).

GARNISHEE’S PAYMENT NOTICE

Make payment by cheque or money order payable to the Minister of Finance and send it, along with this payment notice to the clerk of the court at the following address:

Court address: _____

Claim No.: _____

Creditor: _____

Debtor: _____

Garnishee: _____

TO BE COMPLETED BY GARNISHEE FOR EACH PAYMENT

Date of payment: _____, 20 _____

Amount enclosed: \$ _____