

ONTARIO



SEAL

 (Name of court)
 at _____
 Court office address

Court File Number _____

**Form 29B: Notice of
Garnishment
(periodic debt)**
Recipient

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: (garnishee's full legal name and address)

ALL DEDUCTIONS MADE UNDER THIS NOTICE MUST BE PAID TO

the clerk of the court

the Director of the Family Responsibility Office

at (address) _____

The payor (name) _____ has missed payments under a court order or domestic contract that is enforceable in this court or that is enforceable by a garnishment process from outside Ontario and recognized by this court. The recipient claims that you owe or will owe the payor a debt in the form of wages, salary, pension payments, rent, annuity or other debt that you pay out periodically or by instalments. (A debt to the payor includes both a debt payable to the payor alone and a debt payable jointly to the payor and one or more other persons.)

Check the first circle if you want the garnishment to deduct fixed dollar amounts. If you want the garnishment to deduct by way of percentage, check the second circle below.

Insert the dollar amount and frequency as stated in the periodic portion of the order or domestic contract.

"Accumulated debts" includes lump-sum orders, fines, forfeitures, accumulated arrears of periodic payments, court costs and interest.

Check this circle only if you want the garnishment to deduct by way of percentage.

Unless a court order says otherwise, you can deduct no more than 50% of the payor's wages to collect support and no more than 20% to collect money unrelated to support. There is no percentage ceiling on the deductions from non-wages.

YOU MUST IMMEDIATELY THEREFORE DEDUCT FROM ALL SUCH PAYMENTS MADE BY YOU,

to satisfy the payor's ongoing duty to make periodic payments under the order or domestic contract THE SUM OF \$ _____ on every (state frequency) _____ or the equivalent sum according to your regular or established cycle of payment to the payor; and

to reduce the payor's accumulated debts of \$ _____ to the recipient under the order or domestic contract, THE SUM OF \$ _____ on every (state frequency) _____ or the equivalent sum according to your regular or established cycle of payment to the payor, OR

YOU MUST IMMEDIATELY THEREFORE DEDUCT FROM ALL SUCH PAYMENTS MADE BY YOU,

_____ % of all wages that are now payable by you to the payor, and
 _____ % of any debt (other than wages) now payable by you to the payor periodically or by instalments.

AND YOU MUST PAY THIS DEDUCTION to the clerk or the Director (as indicated above) within 10 days after service of this notice upon you. If your debt is jointly owed to the payor and to one or more other persons, you must pay half of the amount now payable or that becomes payable or such fraction as the court may order.

THIS NOTICE LEGALLY BINDS YOU TO CONTINUE PAYING THESE DEDUCTIONS within 10 days after each payment becomes payable by you to the payor, until this notice is changed or terminated.

(Check below if appropriate.)

This notice of garnishment enforces the support provisions of a court order, domestic contract or paternity agreement.

Under subsection 4(1) of the *Creditors' Relief Act*, **YOU MUST GIVE THIS NOTICE OF GARNISHMENT PRIORITY OVER ALL OTHER NOTICES OF GARNISHMENT**, no matter when these other competing notices of garnishment were served to you. For details of the extent of this priority, you should talk to your own lawyer.

Your payment in accordance with this notice is, to the extent of the payment, a valid discharge of your debt to the payor and, in the case of a joint debt to the payor and one or more other persons, a valid discharge of your debt to the payor and the other person(s).

If your debt is jointly owed to the payor and to one or more other persons, **YOU MUST IMMEDIATELY MAIL a notice to co-owner of the debt (Form 29C) to the following persons:**

- (a) each other person to whom the joint debt is owed, at the address shown in your own records;
- (b) the recipient or the Director of the Family Responsibility Office, depending on who is enforcing the order; and
- (c) the clerk of the court.

A blank Form 29C should be attached to this notice. If it is missing, you should talk to your own lawyer or the court office.

If you have reason to believe that you should not be making the payments required of you by this notice, you have the right to serve and file a dispute in Form 29F at the court office within 10 days after service of this notice upon you. You may consult with your lawyer about this. A blank Form 29F (dispute from garnishee) should be attached to this notice. If it is missing, you should talk to your own lawyer or the court office. You can serve by any method set out in rule 6 of the *Family Law Rules*, including mail, courier and fax. If you serve Form 29F and file it at the court office, the court may hold a garnishment hearing to determine the rights of the parties. In the meantime, serving and filing a dispute does not stop the operation of this notice of garnishment.

If you are the payor's employer

- (a) Section 56.1 of Ontario's *Employment Standards Act* makes it unlawful to dismiss or suspend an employee or to threaten to do so on the ground that a garnishment process has been issued in respect of the employee;
- (b) section 7 of Ontario's *Wages Act* says that you cannot deduct more than:
 - (i) 50% of any wages (after statutory deductions) payable to your employee for the enforcement of support; and
 - (ii) 20% of any wages (after statutory deductions) payable to your employee for the enforcement of money not connected to support.

These percentages can be increased or decreased only by an order of the court. If a copy of such an order is attached to this notice or if it is ever served on you, you must use the percentage given in that court order; and

- (c) the *Family Law Rules* state you MUST give to the clerk of the court and to the person who asked for this garnishment, within 10 days after the end of the payor's employment with you, a written notice,
 - (i) indicating that the payor has ceased to be employed by you, and
 - (ii) setting out the date on which the employment ended and the date of the payor's last remuneration from you.

IF YOU DO NOT OBEY THIS NOTICE, THE COURT MAY ORDER YOU TO PAY THE FULL AMOUNT OWED AND THE COSTS INCURRED BY THE RECIPIENT.

IF YOU PAY ANYONE OTHER THAN AS DIRECTED ON THE FRONT OF THIS SHEET, THE COURT MAY ORDER YOU TO MAKE ANOTHER PAYMENT, BUT THIS TIME, TO THE PERSON NAMED IN THIS NOTICE.

Date of signature

Signature of the clerk of the court

NOTICE TO THE PAYOR: You have the right to serve and file a dispute in Form 29E at the court office within 10 days after service of this notice on you. You may want to talk to a lawyer about this. A blank Form 29E (dispute from payor) should have accompanied this notice when it was served on you. If it is missing, you should talk to your own lawyer or the court office immediately. You can serve by any method set out in rule 6 of the *Family Law Rules*, including mail, courier and fax. If you serve Form 29E and file it at the court office, the court may hold a garnishment hearing to decide the rights of the parties.

If the garnishee is your employer, the *Family Law Rules* say that you MUST, within 10 days after the end of your employment with the garnishee, give the clerk of the court and (depending on who is enforcing the garnishment) the recipient or the Director of the Family Responsibility Office, a written notice,

- (a) indicating that your employment with the garnishee is ended; and
- (b) setting out the date on which your employment ended and the date of your last pay from the garnishee.

Within 10 days after you start any new job or go back to your old one, you MUST give a further written notice giving the name and address of your new employer or saying that you have gone back to work with your former employer.