



LAND TITLES OFFICE

Information Bulletin 2011-03 Filing of Writs of Seizure and Sale

The longstanding practice at the Government of Yukon's Land Titles Office has been to accept for filing writs of execution that have been delivered to the Registrar by members of the Law Society and agents for certain government departments.

It has recently come to our attention that this practice could lead to the mistaken belief that such direct filing protects the creditor's interests under the writ of execution. This is not the view of the Land Titles Office based upon the provisions of the *Creditors Relief Act*, the *Executions Act* and the *Land Titles Act*.

To clarify the appropriate process to be used by parties who wish to have their writ of execution registered in the Land Titles Office, the practice of accepting such writs for filing from any party other than the Sheriff (or alternatively, a qualified officer that she has instructed to act on her behalf) has ceased immediately. Parties must register their writ of execution with the Sheriff's Office and then direct the Sheriff in writing to file it in the Writ Book at Land Titles Office.

Under the provisions of the *Land Titles Act* and the *Executions Act*, the Sheriff has the sole power to offer land for sale under a writ of execution. A critical and necessary first step is that a creditor must place its writ "in the hands of the Sheriff". If the writ of execution is not placed in the hands of the Sheriff then the Sheriff has no legal notice of that writ and consequently the creditor will not be able to benefit from the statutory relief provided under the *Creditors Relief Act*.

Once a writ of execution is placed in the hands of the Sheriff, pursuant to s. 22 of the *Executions Act* and s. 119(1) of the *Land Titles Act*, a creditor must instruct the Sheriff in writing to "deliver a copy of the writ to the registrar", and pay the prescribed fee. Once that writ is duly filed, it has the effect specified in s. 119(3) and (4) of the *Land Titles Act*.

Disclaimer: This information bulletin is not legal advice, and must not be relied upon for legal purposes. This document is solely intended to provide information to the public. This document may be amended from time to time depending upon changes to legislation.

Writs of execution are subject to s. 119(5) of the *Land Titles Act* and therefore, must be renewed within two years of filing in the Writ Book in order to remain legally valid.

Disclaimer: This information bulletin is not legal advice, and must not be relied upon for legal purposes. This document is solely intended to provide information to the public. This document may be amended from time to time depending upon changes to legislation.

September XX, 2011
Land Titles Office
Department of Justice