

# Garnishments & Maintenance Orders



This information is only a guide to garnishments of wages, maintenance/support orders. We suggests you consult legal counsel if an order is served against an employee.

In most jurisdictions exemption amounts can be prorated if employees are remunerated more frequently than once a month. Also, in some cases, judges have the authority to vary exemption amounts specified under a garnishment or maintenance order.

Listed by jurisdiction: Federal, British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Newfoundland & Labrador, Prince Edward Island, Yukon, Northwest Territories, Nunavut

## **Federal**

Garnishment Amount	Follows provincial law for defining amounts exempt from garnishment, however, not bound by provincial law and may set its own exemption levels.
Links/Resources	<b>Canada Revenue Agency</b> <ul style="list-style-type: none"><li>• <a href="#">English</a></li><li>• <a href="#">French</a></li></ul> <b>Revenu Québec</b> <ul style="list-style-type: none"><li>• <a href="#">English</a></li><li>• <a href="#">French</a></li></ul>

## **British Columbia**

Reference	<i>Court Order Enforcement Act (s.3(5))Family Maintenance Enforcement Act (s.13)</i>
Garnishment Amount	70% of wages is exempt from seizure; however, in no case shall amount exempted be less than \$100 per month for a single employee with no dependants, and \$200 a month for a person with one or more dependants.
Maintenance Orders / Enforcement	Exemption will depend on the type of order (tax deductible or not), type of payment to the employee, and pay period frequency. Consult Act/Regulations.
Links/Resources	<a href="#">British Columbia Family Maintenance Enforcement Program</a>

## **Alberta**

Reference	<i>Civil Enforcement Act (s.81(1)) and Regulation (s.39(2))Maintenance Enforcement Act (s.17) and Regulation (s.13)</i>
Garnishment Amount	Exemption equals the employee's minimum exemption plus one-half of any amount employee's net pay exceeds the minimum exemption.minimum monthly earnings exemption is \$800, plus \$200 per dependant.maximum monthly earnings exemption is \$2,400, plus \$200 per dependant.
Maintenance Orders / Enforcement	For notices of continuing attachment issued before May 1, 2005: monthly earnings exemption equals \$525 plus 30% of the employee's net wages or salary that exceeds \$525.Support deduction notices issued on or after May 1, 2005: 60% of employee's gross wages/month are exempt; If employee's gross wages are \$15,000 or less, employers may contact MEP to increase the exemption to 80%.
Links/Resources	<a href="#">Alberta Justice and Solicitor General</a>

### **Saskatchewan**

Reference	<i>The Attachment of Debts ActThe Enforcement of Maintenance Orders Act, 1997</i>
Garnishment Amount	\$500/month, plus \$100 for each dependant.
Maintenance Orders / Enforcement	No established amounts; judges have authority to set exemptions.
Links/Resources	<a href="#">Gouvernement of Saskatchewan – The Enforcement of Maintenance Orders Act, 1997</a>

### **Manitoba**

Reference	<i>The Garnishment Act (s.5)Family Maintenance Act (s.7)</i>
Garnishment Amount	70% of wages exempt; however, exemption shall not be less than \$250/month for an employee with no dependants or \$350/month for an employee with dependants.
Maintenance Orders / Enforcement	\$250/month.
Links/Resources	<a href="#">Gouvernement of Manitoba- Family Justice Maintenance Enforcement Program</a>

### **Ontario**

Reference	<i>Wages Act, Creditors' Relief ActRules of Civil Procedure (R. 60.08(11))Family Responsibility and Support Arrears Enforcement Act, 1996</i>
Garnishment Amount	80% net wages exempt.
Maintenance Orders / Enforcement	50% net wages for support payments.
Links/Resources	<a href="#">Ontario Ministry of Community and Social Services</a>

### **Quebec**

Reference	<i>Code of Civil ProcedureAn Act to facilitate the payment of support</i>
Garnishment Amount	70% of wages in excess of \$180/week plus \$30/week for each dependant in excess of two, for employees who are supporting a spouse, have a dependent child or are the main support of a relative. In all other cases, 70% of wages exceeding \$120/week are exempt.

Maintenance Orders / Enforcement Links/Resources	50% of an employee's gross salary or wages.  <a href="#">Services Quebec – Citizens: Support-Payment Collection Program</a> <a href="#">Revenu Quebec – Support Payments</a>
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#### **New Brunswick**

Reference	<i>Garnishee Act (s.31)Support Enforcement Act</i>
Garnishment Amount	100% (provincial law exempts employee's salary/wages from garnishment for regular debts and liens).
Maintenance Orders / Enforcement	No specific amounts exempted – support payments based on individual financial circumstances through Courts and on provincial child support guidelines.
Links/Resources	<a href="#">Gouvernement of New Brunswick – The Family Support Orders Service</a>

#### **Nova Scotia**

Reference	<i>Creditors' Relief Act and the Civil Procedure Rule (Rule 79.08)Maintenance Enforcement Act</i>
Garnishment Amount	85% of gross wages (net wage cannot fall below \$450/week after garnishment has been deducted for employees supporting a family; \$330/week for other employees).
Maintenance Orders / Enforcement	Exemptions for Family Court orders for support or maintenance determined by Court.
Links/Resources	<a href="#">Gouvernement of Nova Scotia – Maintenance Enforcement Program</a>

#### **Newfoundland & Labrador**

Reference	<i>Judgment Enforcement Act (Part VIII) and Regulations (s.49(1))Support Orders Enforcement Act, 2006</i>
Garnishment Amount	Employees supporting a spouse or co-habiting partner: \$1,019/month; Employees supporting a spouse or co-habiting partner and one dependant: \$1,059/month; Employees supporting a spouse or co-habiting partner and more than one dependant: \$1,059/month plus \$47 for each subsequent dependant; Employees supporting one or more dependants: \$963/month plus \$47 for each dependant in excess of one; Any other persons: \$649/month.
Maintenance Orders / Enforcement	No specific amounts (exemption depends on marital status and number of dependants).
Links/Resources	<a href="#">Newfoundland Department of Justice – Support Enforcement Program</a>

#### **Prince Edward Island**

Reference	<i>Garnishee Act (s.17) and the Rules of Civil Procedure (Rule 60)Maintenance Enforcement Act (s.11(4.1))</i>
Garnishment Amount	Exemption determined by court based on individual's essential needs and number of dependants.
Maintenance Orders / Enforcement	No specific amounts exempted.
Links/Resources	<a href="#">Gouvernement of Prince Edward Island – Maintenance Enforcement Program</a>

### **Yukon**

Reference	<i>Garnishee Act (s.22)</i> <i>Maintenance Enforcement Act (s.14, 15)</i>
Garnishment Amount	70% net wages, provided amount exempted is not less than \$600/month for a single employee. For employee supporting one to three dependants, exemption amount on monthly basis must not be less than \$1,000. If employee supporting at least four dependants, minimum monthly exemption amount to increase by \$150/month for fourth and each additional dependant.
Maintenance Orders / Enforcement	No specific amounts exempted.
Links/Resources	<a href="#">Gouvernement of Yukon – Maintenance Enforcement Program</a>

### **Northwest Territories**

Reference	<i>Creditors Relief Act</i> <i>Exemptions Act (s.7(2)) and Regulations (s.2)</i> <i>Maintenance Orders Enforcement Act (s.14, 17(5)) and Regulations (s.9(2))</i>
Garnishment Amount	70% of an employee's net monthly salary/wages exempted, with specified minimum amount prescribed by regulation (\$1,000 plus \$250 for each dependant). For garnishee summons issued before January 1, 2008 additional exemptions apply.
Maintenance Orders / Enforcement	50% of an employee's net wages are exempt. If 50% of the employee's net wages is less than \$600 per calendar month, \$600 per month is exempt, plus \$80 for each dependent child in the employee's custody. Prior to July 1, 2009, the exempted amount could not be less than \$300 per month, with a further \$80 exempt for each dependent child.
Links/Resources	<a href="#">Gouvernement of Northwest Territories – Maintenance Enforcement Program</a>

### **Nunavut**

Reference	<i>Creditors Relief Act</i> <i>Exemptions Act and Exemptions Regulations</i> <i>Maintenance Orders Enforcement Act (s.17(5))</i>
Garnishment Amount	\$1,500, plus \$300 per month per dependant, or 70% of employee's net pay, up to \$3,500/month, plus \$300/month for each dependant, whichever higher.
Maintenance Orders / Enforcement	Not less than \$300 a month; If debtor has dependent children in his or her custody, further \$80/month is exempt for each child.
Links/Resources	<a href="#">Nunavut Department of Justice</a> (Nunavu's Family Support Office website is not currently available, but representatives can be reached at <a href="mailto:maintenanceenforcement@gov.nu.ca">maintenanceenforcement@gov.nu.ca</a> )

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