



Court File Number

(Name of court)

at _____
Court office address

**Form 29A: Notice of
Garnishment
(lump-sum 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 one or more lump-sum amounts. (A debt to the payor includes both a debt payable to the payor alone and a joint debt payable to the payor and one or more other persons.)

YOU MUST THEREFORE PAY TO the clerk of the court or the Director of the Family Responsibility Office (as indicated above)

- (a) within 10 days after service of this Notice upon you, ALL MONEY THAT IS NOW PAYABLE BY YOU TO THE PAYOR; and
- (b) within 10 days after any future amount becomes payable, ALL MONEY THAT BECOMES PAYABLE BY YOU TO THE PAYOR.

The total amount of your payments is not to exceed \$ _____ (insert the dollar amount by adding the sums in paragraphs 5, 6, 7 and 8 of the statement of money owed or such lesser amount as the recipient chooses to have enforced by way of garnishment.)

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 is legally binding on you until it is changed or terminated.

(Check box below if appropriate.)

This notice of garnishment enforces the support provisions of a court order or domestic contract. 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 on 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 a dispute in Form 29F on the parties and file it 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* make 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 the 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 that 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* says 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.