

BOARD POLICIES

ASSESSMENT

At the Workers' Compensation Board meeting held on June 23, 1983 the following policy was agreed upon and adopted:

No. 9

Collection of Assessments

DEMAND LETTERS:

If an employer owes money to the Board as a result of an assessment or special assessment and has failed to pay the full amount of the assessment on or before its due date, then the Board should write and remind the employer of the obligation and advise that unless either the assessment is paid in full or the employer contacts the Board and makes arrangements suitable to the Board for making the payment, within 21 days, the Board will commence legal proceedings to collect the unpaid portion of the assessment.

A draft copy of the type of letter that should be sent to the employer is attached as Schedule I.

The letter should always be sent by double registered mail so that the Board will be able to determine whether it has been received by the employer.

DISTRESS WARRANTS:

If an employer fails to pay all or any part of an assessment or special assessment on or before its due date, the Board is entitled to distrain against the goods and chattels of the employer for the unpaid portion of the assessment.

The remedy of distress is somewhat archaic and fraught with legal pitfalls. If the Board wishes to enforce payment of its assessments by exercising its remedy of distress, then it should be referred to our Legal Consultant on the Board's behalf.

CERTIFICATES OF ASSESSMENT:

If an employer fails to pay all or any part of an assessment or special assessment within the time required in the demand letter, the Board should issue a Certificate of Assessment.

WRITS OF SEIZURE AND SALE:

Once a Certificate of Assessment is filed with the Supreme Court, the payment of the assessment may be enforced by a Writ of Seizure and Sale.

To prepare a Writ of Seizure and Sale, simply attach a certified copy of the Certificate of Assessment to the form attached as Schedule II.

An original and four copies of the Writ should be submitted to the Clerk of the Supreme Court at the same time the Certificate of Assessment is submitted for filing and should be accompanied by a covering letter and a cheque in the amount of the fees for filing the Certificate. The fee for filing the Certificate is \$30.00. There is no fee charged for issuing a Writ of Seizure and Sale. The cheque should be made payable to the Territorial Treasurer.

A draft copy of the covering letter that should be sent to the Clerk of the Supreme Court is attached as Schedule III.

EXECUTION OF WRITS OF SEIZURE AND SALE:

Once copies of the Writ of Seizure and Sale are returned to the Board, they should be sent to the Sheriff for execution. The Sheriff should be instructed to register the Writ in the Land Titles Office, so that the interests of the employer in real property governed by the provisions of the Land Titles Act will be bound by the Writ.

Further instructions to the Sheriff concerning the seizure and sale of personal property can be given at a later date after the Board has conducted personal property searches.

A draft copy of the covering letter that should be sent to the Sheriff is attached as Schedule IV. The letter should be accompanied by a cheque in favour of the Receiver General for Canada in the amount of \$2.00 in payment of their registration fees and a second cheque in favour of the Territorial Treasurer in the amount of \$30.00 in payment of the Sheriff's fees.

PERSONAL PROPERTY SEARCHES:

The purpose of conducting personal property searches is to determine the description of any assets that may be owned by the employer so that the Sheriff can be instructed to seize and sell specific items of property in order to satisfy the Board's Writ of Seizure and Sale. Personal property searches should be conducted at the same time that the Board files its Certificate of Assessment with the Supreme Court and requests the issuance of a Writ of Seizure and Sale.

If personal property searches fail to reveal assets owned by the employer, then the Board should contact the Sheriff to inform of the results of its searches and request that the Writ marked "Nulla Bona" be returned. The term "Nulla Bona" literally means no goods and is the term that will be used by the Sheriff to indicate that no goods of the employer have been found within the Yukon Territory that could be seized and sold in order to satisfy the Writ. A draft copy of the type of letter that should be sent to the Sheriff is attached as Schedule V.

Once a Writ is returned Nulla Bona the provisions of the Collections Act can be invoked to examine the employer under oath as to the assets and means. The Board should contact our

legal consultant to conduct the examination. If the examination reveals that the employer has eligible assets, then we will direct the Sheriff to seize and sell them. If the examination reveals that the employer is owed money by third parties, then commence garnishment proceedings so that the money owed to the employer is paid directly to the Board.

MOTOR VEHICLES SEARCH:

To determine whether an employer owns one or more vehicles, the Board will write to the Motor Vehicles Branch of the Government of the Yukon Territory and request that they conduct a search of their records.

A draft copy of a letter requesting a motor vehicles search is attached as Schedule VI.

PERSONAL PROPERTY SECURITY INTEREST SEARCHES:

To determine the description of personal property of the employer that is subject to the security interests of third parties, the Board may conduct a search of the records of security interests in personal property maintained by the Department of Consumer and Corporate Affairs of the Government of the Yukon Territory. These searches may be conducted by attending at the office of the Department and reviewing the records maintained pursuant to the provisions of the former Assignment of Book Debts Act, the former Bills of Sale Act, the former Conditional Sales Act, the former Corporation Securities Registration Act, the Personal Property Security Act and pursuant to the former registration provisions of the Companies Act.

If a search of the records maintained prior to the enactment of the Personal Property Security Act reveals a security interest in personal property of the employer, the actual security agreement can be examined and a description of the encumbered property can be obtained.

When searching the records maintained pursuant to the provisions of the Personal Property Security Act, the Board will only be able to obtain general information concerning the type or kind of property subject to the security interests of third parties. In order to obtain a specific description of the encumbered property, the Board will have to write to the secured party and request and then examine a copy of the security agreement.

A copy of the form that is used for requesting a search of the records maintained pursuant to the Personal Property Security Act.

An example of the type of letter that should be sent to a secured party requesting a copy of the security agreement is attached as Schedule VII.

The letter to the secured party requesting a copy of the security agreement must be served on the secured party. It may be served by registered mail addressed to the post office address of the secured party that appears on the Activity Report of the Personal Property Security Registry.

MINING CLAIM SEARCHES:

In order to determine if an employer owns any mining claims, the Board will write to the Mining Recorders in the Dawson, Mayo, Watson Lake and Whitehorse Mining Districts and request that they search their records and provide the Board with a list of the claim numbers and claim names of all mining claims owned by the employer.

The Mining Recorders do not charge a fee for conducting these searches.

A draft copy of the letter that should be sent to each Mining Recorder is attached as Schedule VIII.

INSTRUCTIONS TO THE SHERIFF:

The Sheriff must be provided with express written instructions to seize specific property before the Sheriff will attempt to seize property pursuant to a Writ of Seizure and Sale.

If mining claims of the employer are to be seized, then the Board will have to provide the Sheriff with two additional certified copies of the Writ and a cheque in the amount of the fees charged by the Mining Recorder's Office for registering the Writ against the claims. The fee for registering a Writ against placer mining claims is \$2.00 for the first claim and \$1.00 for each additional claim thereafter. The fee for registering a Writ against quartz mining claims is \$2.50 for the first claim and \$1.00 for each additional claim thereafter.

A draft copy of the letter that should be sent to the Sheriff instructing the Sheriff to seize mining claims and other personal property is attached as Schedule IX.

RECOMMENDATIONS:

The easiest items of property to seize and sell pursuant to a Writ of Seizure and Sale are motor vehicles. If a motor vehicles search or a search of security interests in personal property reveals that the employer owns motor vehicles that have a value in excess of its judgment then it needn't conduct further searches or provide the Sheriff with instructions other than to seize and sell the motor vehicles if the vehicles are located in the Yukon Territory and their whereabouts is known.

The Sheriff should always be instructed to register a Writ of Seizure and Sale in the Land Titles Office.

As soon as possible after an account become past due, an audit should be performed. The Auditor will obtain a detailed listing

of Accounts Receivable showing correct name, address, amount owing, and services. Also a list of equipment fixtures, motor vehicles, etc. The Auditor should also obtain from the employer a statement showing how he intends to make payment and when.

NOTICE OF DISCONTINUANCE:

Schedule X

If the Board has commenced action in the Supreme Court by way of its certificate and the funds due the Board are received and the account satisfied, the Board should issue a notice of discontinuance to the Court which ceases the action. Two copies are required - one for the court and a file copy should be retained. There is no charge for this service.



B. Booth
Executive Director

SCHEDULE I

Demand Letter

DOUBLE REGISTERED MAIL

Yukon Gold Ltd.
600 Main Street
Whitehorse, Yukon Territory

ATTENTION:

Dear Sir/Madam:

RE: Unpaid Assessments

This letter is a reminder to you that you presently owe the Yukon Workers' Compensation Board \$.

This amount is (complete the sentence by inserting a brief description of the one or more assessments that make up the outstanding debt. As an example: "the unpaid balance of all assessments made by the Board against you for the years 1978, 1979, 1980, 1981 and 1982").

Unless the Board either receives a certified cheque in the amount of \$ or you contact the Board and are able to make arrangements that are suitable to the Board for the payment of this amount, on or before (21 days) 1983, the Board will promptly commence and pursue legal proceedings in order to collect it by way of Garnishee or Seizure.

Yours truly,

S.C. No. _____

IN THE SUPREME COURT OF THE YUKON TERRITORY

RE: THE WORKERS' COMPENSATION ACT,
Ch. 180, s. 82(1)

BETWEEN:

WORKERS' COMPENSATION BOARD for the
Yukon

BOARD,

AND:

EMPLOYER.

C E R T I F I C A T E

I HEREBY CERTIFY THAT:

(a) an employer's assessment was made against the Employer on
the day of , 19 , in the sum of \$;
(b) as of this day of , 19 , there
remains payable to the Board on the account of the Employer for the
assessment, the sum of \$.

Executive Director
Workers' Compensation Board

BY VIRTUE OF SECTION 82 OF THE WORKERS' COMPENSATION ACT, THIS CERTIFICATE,
WHEN FILED IN THE SUPREME COURT OF THE YUKON TERRITORY, BECOMES AN ORDER OF
THE SUPREME COURT OF THE YUKON TERRITORY, AND MAY BE ENFORCED AS A JUDGMENT
OF THE SUPREME COURT OF THE YUKON TERRITORY.

IN THE SUPREME COURT OF THE YUKON TERRITORY

RE: THE WORKERS' COMPENSATION ACT,
Ch. 180, S. 82(1)

Between

WORKERS' COMPENSATION BOARD
for the Yukon

Board,

and

Employer.

C E R T I F I C A T E

WORKERS' COMPENSATION BOARD
Suite 300, 4114 Fourth Avenue
Whitehorse, Yukon

File No.:

SCHEDULE II

IN THE SUPREME COURT OF THE YUKON TERRITORY

S.C. No.

BETWEEN:

THE YUKON WORKERS' COMPENSATION BOARD

PLAINTIFF

AND:

DEFENDANT(S)

WRIT OF SEIZURE AND SALE

TO: The Sheriff, Whitehorse, Yukon Territory

You are commanded forthwith to seize and sell at public auction or by tender for the best available price, sufficient of the goods, chattels, lands and premises of the Defendant, _____, to realize the sums set out on the back of this writ, which are payable by virtue of the attached Order of this Honourable Court, together with your costs, fees and expenses, for executing this writ.

After carrying out the above instructions you shall pay to the person specified on the back of this writ from the amount realized the sum or sums that are payable and account therefore by return to the Court.

BY THE COURT

CLERK OF THE COURT

This writ was caused to be issued by the Yukon Workers' Compensation Board, whose address for delivery and service is Suite 300, 4114 Fourth Avenue, Whitehorse, Yukon.

Name and address of person whose goods, chattels, lands and premises are to be seized:

Amount remaining due and payable on judgment:

\$ _____

Amount of costs remaining due and payable:

\$ _____

Amount of interest on judgment and costs remaining due and payable:

5% per annum from _____

Costs of party entitled to execution:

\$30.00

Sheriff's costs:

\$ _____

Total: _____

Identity of person entitled to payment of judgment:

The Yukon Workers' Compensation Board
Suite 300, 4114 Fourth Avenue
Whitehorse, Yukon

IN THE SUPREME COURT OF THE YUKON TERRITORY

S.C. No. _____

BETWEEN:

THE YUKON WORKERS' COMPENSATION BOARD

PLAINTIFF

AND:

DEFENDANT(S)

WRIT OF SEIZURE AND SALE

SCHEDULE III

Covering letter to the Clerk of the Supreme Court
concerning the filing of the Certificate of Assessment
and the issuance of a Writ of Seizure and Sale

Clerk of the Supreme Court
Supreme Court
Government of the Yukon
P.O. Box 2703
Whitehorse, Yukon
Y1A 2C6

Dear Sir/Madam:

RE: The Yukon Workers' Compensation Board v

We have enclosed an original and a certified true copy of the Certificate of Assessment of the Yukon Workers' Compensation Board and pursuant to the provisions of Section 82(2) of the Workers' Compensation Act request that you file the original Certificate with the Court and then return to our office a Certified true copy of the Certificate with the particulars of filing endorsed on its face.

We have also enclosed an original and _____ copies of a Writ of Seizure and Sale which we request that you issue. Please endorse as a filed copy the certified true copies of the Certificate of Assessment attached to each copy of the Writ and then return the copies of the Writ to our office.

In payment of the fees for filing the Certificate and issuing the Writ, we have issued and enclosed a cheque in favour of the Territorial Treasurer in the amount of \$ _____.

Yours truly,

SCHEDULE IV

Covering letter to the Sheriff concerning the
execution of a Writ of Seizure and Sale

The Sheriff
Box 2703
Whitehorse, Yukon

Dear Sir/Madam:

RE: The Yukon Workers' Compensation Board v

Please attend to the execution of the enclosed Writ of Seizure and Sale. We have enclosed six certified copies of the Writ and ask that you arrange to have a copy registered at the Land Titles Office and a duplicate registered copy returned to our office.

In payment of your fees and the registration fees at the Land Titles Office, we have enclosed two cheques, one in favour of the Receiver General for Canada in the amount of \$2.00 and one in favour of The Sheriff in the amount of \$30.00.

Please keep us informed of your progress in executing the Writ and advise us of any property of the Judgment Debtor that may have already been seized and sold or that is currently under seizure.

Thank you for your assistance.

Yours truly,

SCHEDULE V

Letter to the Sheriff requesting a return of
Nulla Bona on a Writ of Seizure and Sale

The Sheriff
Box 2703
Whitehorse, Yukon

Dear Sir/Madam:

RE: The Yukon Workers' Compensation Board v

We have conducted a search of all of the records of personal property security interests maintained by the Department of Consumer and Corporate Affairs, the records maintained by the Motor Vehicles Branch of the Department of Consumer and Corporate Affairs, and the records maintained by each of the Mining Recorders in the Mayo, Watson Lake, Dawson and Whitehorse Mining Districts and have been unable to discover any assets of

_____.

Would you please endorse a return of Nulla Bona on the Writ of Seizure and Sale that was issued in our favour against _____ and then send a copy of the Writ to our office.

Yours truly,

SCHEDULE VI

Letter to the Motor Vehicles Branch of
the Government of the Yukon Territory
requesting a Motor Vehicles Search

Yukon Territorial Government
Motor Vehicles Branch
Whitehorse, Yukon

Dear Sir/Madam:

RE: Motor Vehicle Search

Would you please review your records and provide
us with a description of all motor vehicles owned by

Thank you for your assistance.

Yours truly,

SCHEDULE VII

Letter to Secured Parties requesting a copy
of the security agreement executed by the
employer

Dear Sir/Madam:

RE: Security Interests granted by _____
and registered pursuant to the provisions of the
Personal Property Security Act

_____ presently owes the Yukon
Workers' Compensation Board \$ _____ .

This amount is (complete the sentence by inserting a
brief description of the one or more assessments that make up the
outstanding debt. As an example: "the unpaid balance of all
assessments made by the Board against _____ for
the years 1981, 1982 and 1983").

By virtue of Section 82(4) of the Workers' Compensation
Act, the Yukon Workers' Compensation Board has a charge in the
amount of the unpaid balance referred to above upon the property
or proceeds of property of _____, including
monies payable to, for or on account of _____, within
the Territory and this charge has priority over all assignments by
way of security, debts, liens, charges, mortgages or other
encumbrances whatsoever, whenever created or to be created.

Pursuant to Section 17, of the Personal Property Security
Act, we hereby provide you with written notice that we require you
to send or to deliver to the Board, at the above noted address, a
copy of all security agreements and any amendments thereto that
have been executed in your favour by _____.

Yours truly,

SCHEDULE VIII

Letter Requesting a Search of Mining Claims

Mining Recorder
Dawson Mining District
Dawson City, Yukon

Dear Sir/Madam:

RE: Mining Claims Owned by _____

Would you please review your records and provide us with the claim name, claim number and renewal date, of all placer and quartz mining claims owned by _____.

Thank you for your assistance.

Yours truly,

SCHEDULE IX

Letter of Instructions to the Sheriff

The Sheriff
Box 2703
Whitehorse, Yukon

Dear Sir/Madam:

RE: The Yukon Workers' Compensation Board v

We have enclosed _____ certified copies of a Writ of Seizure and Sale against _____ and request that you proceed as soon as possible to seize and sell the following mining claims located in the Dawson Mining District.

Claim Number

Claim Name

38421
38423

Golden Goose I
Golden Goose II

In payment of the fees for registering the Writ in the Mining Recorder's office in the Dawson Mining District, we have issued and enclosed a cheque in favour of the Receiver General of Canada in the amount of \$3.00. Please arrange to have the duplicate registered copy of the Writ returned to our office.

We also request that you proceed as soon as possible to seize and sell a 1979 GMC Suburban with serial number ABC969842 and Yukon Licence Plate number DRC-6. We believe that this vehicle may be found at 600 Main Street, Whitehorse, Yukon.

Please keep us informed of your progress in attempting to seize and sell the property referred to above.

Yours truly,

SCHEDULE X

IN THE SUPREME COURT OF THE YUKON TERRITORY

S.C. No.

BETWEEN:

THE YUKON WORKERS' COMPENSATION BOARD

PLAINTIFF

AND:

DEFENDANT

NOTICE OF DISCONTINUANCE

TAKE NOTICE that the Plaintiff hereby wholly discontinues this action as against the Defendant.

DATED at the City of Whitehorse, in the Yukon Territory, this day of , A.D., 19 .

Executive Director

TO: Clerk of the Supreme Court of the Yukon Territory

THIS NOTICE OF DISCONTINUANCE is filed by whose address
of the , Whitehorse, Yukon Territory.
for delivery is