



## **THE NUNAVUT COURT OF JUSTICE**

### **PRACTICE DIRECTIVE #38**

#### ***FINE ENFORCEMENT PROCEEDINGS***

If all or part of a fine remains outstanding upon the expiration of the time to pay, the Clerk of the Court shall determine from Community Corrections whether the offender has made, or is making, any attempt to work off the outstanding indebtedness through a fine option program. If there is no indication that the offender is participating in such a program, the Clerk shall transmit any outstanding fine orders to the Fine Enforcement Officer for registration and collection.

Upon a fine order being registered, the Fine Enforcement officer shall take such steps as may be appropriate through civil process to recover the outstanding fine. The Fine Enforcement officer may, in his or her discretion:

- a. issue a demand letter to the fine defaulter warning of the civil consequences associated with non-payment of the fine;
- b. enter and record the particulars of any outstanding Fine Order in a General Registry Certificate to be registered against the fine defaulter.
- c. issue a writ of execution for the amount of monies unpaid on the fine.
- d. report particulars of the outstanding fine to the appropriate credit reporting agencies.
- e. issue and file a writ of attachment with the Canada Customs Revenue Agency with respect to any tax refund owing to the fine defaulter;
- f. serve notice on any Territorial government licensing authority including the Department of Motor Vehicles and Liquor Licensing authority to refuse issuance of any permit or license required by law until such time as the outstanding fine is paid in full.

g. issue a writ of garnishment to attach wages or monies owed to the fine defaulter by a 3rd party.

h. seize assets under the authority of the writ of execution and seek an order for sale thereafter to recover the outstanding fine.

In the event that the outstanding indebtedness is not recovered within one year of the fine order being registered with the Fine Enforcement Officer, the Clerk of the Court shall issue a Summons to Show Cause in Form 38A requiring the fine defaulter's attendance in Court.

If the fine defaulter fails to appear in Court as required, or, if the defaulter appears but fails to establish that the non payment was not wilful, the Court may issue a warrant of committal against the fine defaulter for such time in default of payment of the fine as is appropriate in the circumstances.

In the event that the fine defaulter does show cause, the Court may grant further time to pay on such conditions as seems advisable under the circumstances.

This practice directive comes into force immediately.

Issued this 1<sup>st</sup> day of May 2010 at the direction of the Judges of the Nunavut Court of Justice.

Mr. Justice R. Kilpatrick

Mr. Justice E. Johnson

Mr. Justice N. Sharkey

Madam Justice S. Cooper