

What is a land registration?

As soon as a maintenance order or agreement is filed with the Family Maintenance Enforcement Program (FMEP), we are responsible under the *Family Maintenance Enforcement Act* for monitoring and enforcing that order.

That means we have the authority to take certain actions to make sure the person who is supposed to pay maintenance (called the payor) makes his or her maintenance payments.

One of those actions is to register the maintenance order against land owned by a payor where the payor falls behind in his or her

scheduled maintenance payments or to ensure that any arrears that might accrue in the future can be recovered from the payor's interest in the property.

The land registration secures all amounts due under the maintenance order including future payments. It may be issued even if the payments under the maintenance order are up to date, and it will remain in place even after any arrears are paid in full, as long as there are maintenance payments due in the future under the order or agreement.

Does that mean FMEP will sell or foreclose on a payor's home, for example?

No, it does not mean that FMEP will sell or require the payor or his family to move out of their home. A registration against land means that:

- the payor may need our consent before selling, refinancing, or transferring ownership of the land; and
- the payor must use part or all of the proceeds from the sale of the land to pay the maintenance arrears and, in some cases, the payor may also be required to use the proceeds to provide security for future maintenance.

When and where do you register an order against land?

We will register the maintenance order against land owned by the payor:

- if the payor falls behind in his or her scheduled maintenance payments; or
- where, even though the payor is up to date on his or her maintenance payments, FMEP decides that the registration is necessary as security for future maintenance payments.

In some cases we will also register the maintenance order against land where the recipient requests that we do so.

We register the maintenance order against land through the office of BC Land Title & Survey Authority.

What happens when a payor wants to sell or refinance the land?

Notaries, lawyers and financial institutions check to find out whether there is a lien on land when selling, refinancing, or transferring the property when a land title search is done, the notary, lawyer or financial institution will be informed

that FMEP has a registration in place against the property and they or the payor will need to contact us to arrange for payment of arrears, if any, before the land transaction can go through.

It is important FMEP be contacted well in advance of a closing date, as by law, we must give the recipient notice of the land discharge or postponement. This can take time.

How long will the registration stay in place?

The land registration will stay in place as long as the maintenance order or agreement is filed with FMEP, or until the land is sold.

The registered maintenance order secures all amounts due under the order, including future maintenance payments, so it will remain in place even if scheduled payments under the maintenance order are up to date.

If the land registration is removed because FMEP case is closed, the recipient may decide to register the maintenance order against the land on his or her own.

How can I get more information about the land registration?

For general information about the land registration and a variety of other topics go to our website fmep.gov.bc.ca or call InfoLine:

Metro Vancouver: 604 775-0796
Greater Victoria: 250 356-5995
Elsewhere in BC: 1-800-668-3637

For specific information about your case, sign into your web account on our website, or call an Enquiry Representative at one of our offices:

Lower Mainland Client Office
604 678-5670 or 1-800-663-9666

Victoria Client Office
250 220-4040 or 1-800-663-3455

Northern & Interior Client Office
250 434-6020 or 1-800-663-3933

For information about family justice issues and services, visit the BC Government's Family Justice website.

In addition, FMEP must charge any payor who is in arrears, a fee of \$150 when a discharge or postponement is provided. The fee is normally taken out of the proceeds of the land sale. This fee is not charged when the payor is not in arrears.

Tips for Payors

- We asked that you send your payments to FMEP using online or telephone banking through your financial institution. See your Notice of Filing or go to our website for more information on this payment method.
- If you are unable to send your payments electronically, you can mail cheques made payable to the recipient to:

FMEP Payment Services
Box 9233,
Victoria BC V8W 9J1
- Please be sure to send your payments with enough time for them to be received at FMEP by the due date.
- Do not pay the recipient directly. You are required by law to send all maintenance payments to FMEP.
- We cannot change your maintenance order or agreement. If you are having trouble making your scheduled maintenance payments, you may need to obtain a new court order or agreement. In the meantime, we are required to make sure you pay the maintenance you owe now.
- If you have fallen behind in your payments, please contact us. We will work with you to develop a plan for paying the arrears in addition to making your ongoing maintenance payments.