

## 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 the FMEP will sell or foreclose on a payor's home, for example?

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

- the payor cannot sell, refinance, or transfer ownership of the land without the consent of the FMEP; 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, the 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 the 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.

In addition, the FMEP must charge any payor who is in arrears, a fee of \$150.00 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.

## 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 the 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 the 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 a land registration and a variety of other topics, please:

Go to our website, [www.fmep.gov.bc.ca](http://www.fmep.gov.bc.ca); or

Call the FMEP InfoLine:

Metro Vancouver: 604-775-0796

Greater Victoria: 250-356-5995

Elsewhere in BC: 1-800-668-3637

For more specific information about your case, please call an FMEP Client Officer at one of our FMEP Regional Offices:

Metro Vancouver: 604-678-5670  
or 1-800-663-9666

Greater Victoria: 250-220-4040  
or 1-800-663-3455

Northern and Interior BC: 250-434-6020  
or 1-800-663-3933

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

## Tips for Maintenance Payors

- Instead of mailing your payments, you can send your payments to us through On-line Banking, Telephone Banking or ABM Banking. Please contact your regional office for details on how to set up this payment option.
- If you choose to mail your payments, be sure to allow enough time for them to arrive by the due date. (You may want to consider post-dated cheques.)
- Send your cheque or money order – made out to the recipient – to us at our Victoria office:

FMEP Payment Services  
Box 5599  
Victoria, BC V8R 6T7

- Always include your FMEP case number on your payment.
- Do not pay the recipient directly. You are required by law to send all maintenance payments to the FMEP.
- We cannot change your court 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, however, 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.