

MAINTENANCE LIEN FACT SHEET

Family Maintenance Enforcement Program

What is a maintenance lien?

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 a maintenance lien against the personal property - such as a motor vehicle, boat, trailer or manufactured home - of any payor who falls behind in his or her scheduled payments.

The lien gives FMEP rights to that property until the payor has paid all arrears.

Does that mean FMEP will seize a payor's car or truck, for example?

No, it does not mean that FMEP will physically remove any personal property. Rather, a maintenance lien against a car or other item of personal property means that the payor:

- cannot sell or transfer ownership of that property until the maintenance debt is paid, or

- must use all or part of the proceeds from the sale of that property to help pay the maintenance debt.

In the case of a manufactured home, it also means the payor cannot move the home from one location to another without FMEP approval.

When and where do you register a maintenance lien?

Any payor who falls behind in his or her scheduled payments should contact us to work out a plan for paying the arrears in addition to making regular maintenance payments. If the payor does not contact us to make payment

arrangements, we will register a maintenance lien against the payor's personal property with the Personal Property Registry (which includes the Manufactured Homes Registry).

How much will the lien be for?

The lien will be for the amount of maintenance owed by the payor on the date the lien is registered. The lien will increase with any

additional arrears, and will include any costs or fees the payor might owe to the Director of Maintenance Enforcement.

What happens when a payor wants to sell the property?

Auto dealers should always check to find out whether there is a lien against a vehicle brought in for trade or sale. So do most people making a major purchase, such as a car, RV or manufactured home.

When a potential buyer checks with the registry, he or she will be told that there is a lien against the property, and that they will be responsible for the lien if they buy the property – which means the sale will most likely not go through.

How long will the lien stay in place?

The lien will stay in place as long as the maintenance order or agreement is filed with FMEP, or until either:

- the arrears are paid, or

- the property is sold and the arrears are paid out of the proceeds of that sale.

Can the payor ask for a review of the lien?

We will send a notice telling the payor that we have filed the lien. If the payor believes there is an error - that he or she is not in arrears, for example – the payor may ask us to review the case. If we discover an error, we will withdraw the lien.

How can I get more information about the maintenance lien?

For general information about the maintenance lien 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.

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.