

Checklist for Seizure and Sale of a Vehicle under the BC Commercial Liens Act

- Purpose:**
- a) To allow a lien holder to seize a vehicle for unpaid authorized repairs.
 - b) To allow a lien holder to seize a vehicle when storage costs are unpaid.
 - c) To allow a property owner to seize a vehicle abandoned on private property without the vehicle owner's consent.

Requirements:

- ☐ Proof of ownership (Vehicle Registration) or a printout of the Vehicle Registration and Licencing Inquiry from Driver Testing and Vehicle Information.
- ☐ Notice of disposition mailed or delivered to all interested parties (a period of 20 days must elapse between the date of hand delivery or the expected delivery of mailed notice).

The Lien holder may make a proposal to take the vehicle in satisfaction of the lien by giving notice of proposal to the vehicle registered owner and other interested parties.

- ☐ If no proposal is made or the proposal is rejected, the Lien holder may dispose of the vehicle by private sale, public sale; or disposed of by lease, subject to the owner's written consent (a period of 30 days must elapse from the date of default).
- ☐ If no response to the proposal is received the Lien holder may transfer the vehicle into their name (a period of 30 days must elapse from the date of default).
- ☐ *Declaration of Seizure and Sale of a Vehicle under the BC Commercial Liens Act (MV1439)* completed and notarized.
- ☐ *Transfer/Tax Form (APV9T)*
 - a) If the vehicle owner consented to the lien holder's proposal to take the vehicle in satisfaction of the lien — the vehicle registered owner signs the transfer form as seller and the lien holder signs the transfer form as purchaser.
 - b) If the vehicle owner doesn't respond to the lien holder's proposal to take the vehicle in satisfaction of the lien — the lien holder signs and writes 'unanswered proposal per BC Commercial Liens Act' on seller signature line of the transfer form and the lien holder signs the transfer form as purchaser.
 - c) If the vehicle owner rejects the lien holder's proposal to take the vehicle in satisfaction of the lien — the lien holder signs and writes 'unanswered proposal per BC Commercial Liens Act' on seller signature line of the transfer form and the purchaser signs the transfer form as purchaser.
 - d) A bailiff may sign on behalf of the lien holder in the seller signature area but may not sign the Purchaser signature area unless the bailiff has a notarized Power of Attorney from the Lien holder.

If the vehicle is not registered in BC:

- ☐ Vehicle identification number (VIN) inspection by Autoplan agent.
- ☐ *Vehicle Import Form (Form 1)* from Canada Customs and Revenue Agency, if the vehicle is not registered in Canada.
- ☐ *Casual Goods Accounting Document (BSF715)* **or** *Casual Goods Accounting Document (B15)* **or** *Canada Customs Coding Form (B3)* **or** *Personal Effects Accounting Document (B4E)* from Canada Customs, if the vehicle is not registered in Canada.
- ☐ Weigh scale certificate (ask the Autoplan agent if this is required).
- ☐ *Vehicle Inspection Report (MV3199 or MV3104)*.

If the Lien holder keeps the vehicle:

- ☐ Lien holder must make a proposal to take the vehicle in satisfaction of the lien by giving notice of proposal to the vehicle registered owner and all interested parties **AND** that proposal must be accepted or no response to the proposal received (a period of 30 days must elapse from the date of default).
- ☐ Lien holder pays the tax.

If the Lien holder sells the vehicle:

- ☐ Two Transfer forms are required.
 - First Transfer Form (registered owner to the Lien holder)
 - If the Purchaser and Lien holder go to office together the Lien holder can claim tax exemption. Check YES after Exemption From Tax Being Claimed on *Transfer/Tax Form (APV9T)* and note 'Lien holder Seizure' in COMMENTS line to claim an exemption from tax because of immediate subsequent transfer.
 - Second Transfer Form (Lien holder to purchaser)
 - Purchaser pays the tax.
- ☐ The vehicle registered owner notified by registered mail the vehicle was sold and how the monies were applied.

This checklist is provided as a courtesy. Responsibility for complying with all statutory requirements lies with the lien holder.