

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

DOMINION OF CANADA
PROVINCE OF BRITISH COLUMBIA
TO WIT:

IN THE MATTER OF

REGISTERED OWNER'S NAME

VEHICLE REGISTRATION NUMBER (IF APPLICABLE)

YEAR AND MAKE OF VEHICLE

MODEL OF VEHICLE

VEHICLE IDENTIFICATION NUMBER (VIN)

NAME OF LIEN HOLDER (INDIVIDUAL/FIRM)

In the Province of British Columbia, do solemnly declare that

1. On the _____ of _____, _____, I caused the above-described vehicle to be placed under seizure on behalf
(DAY) (MONTH) (YEAR)
of _____ ("the Lien holder") of _____
(NAME OF LIEN HOLDER) (ADDRESS OF LIEN HOLDER)
or on my own behalf, under the provisions of the *BC Commercial Liens Act*.
2. a) The said vehicle was left at _____ at _____
(NAME) (ADDRESS)
for storage or repairs purposes; or
b) The said vehicle was left without the occupier's consent at _____
(NAME)
at _____ (cross out a) or b)).
(ADDRESS)
3. The vehicle has been in the constant possession of the lien holder since _____ and
(DATE)
storage/repair charges of \$ _____ have not been paid so there has been a default under the *BC Commercial Liens Act*.
4. The lien holder has waited 20 days since default of the lien amount and has not been paid / paid in full.
5. A notice of disposition of the said vehicle was mailed or delivered to all interested parties and a period of not less than 20 days has elapsed between the date of hand delivery or the expected delivery of the mailed notice.
6. The lien holder made a proposal to take the vehicle in satisfaction of the lien by giving notice of the proposal to the vehicle owner and other interested parties. After notice was given, either
 - a) No response was received from the registered owner or interested party or the registered owner consented to the proposal or
 - b) The proposal was rejected by the registered owner or interested party.(cross out a) or b))
7. If no response to the proposal is received, the lien holder may transfer the vehicle to their name (a period of 30 days must elapse from the date of default).
8. After the proposal was rejected, and after waiting the 30-day waiting period from the date of default, the vehicle must be disposed by private sale or public sale; or disposed of by lease, subject to the owner's written consent.
9. If no proposal to take the vehicle in satisfaction of the lien was made, then the said vehicle was:
 - a) sold at a private or public sale for the sum of \$ _____ to _____
(NAME OF PURCHASER)
 - b) leased at a rate of \$ _____ month/week/other _____, excluding taxes and finance fees
10. _____ (the "Registered Owner") was advised by methods.
(NAME OF REGISTERED OWNER)
required by the *BC Commercial Liens Act* (section 60) by registered mail to his/her/their last known address that either the vehicle has been sold for \$ _____ and the monies were applied as follows:
vehicle storage charges / repair charges \$ _____ legal fees \$ _____
interest on overdue accounts \$ _____ balance due \$ _____ or was advised the vehicle was leased to
_____, _____ for \$ _____ per month/week excluding taxes and finance fees.
(NAME) (DATE)

11. I have complied with the provisions of the *BC Commercial Liens Act*.
12. In signing this declaration, and in consideration of the acceptance and processing of an application for transfer or registration of the vehicle from the name of the Registered Owner into the name of the Lien holder, I hereby agree to indemnify and save harmless the Insurance Corporation of British Columbia, its directors, officers, and employees, and any person appointed to act as its agent or authorized in writing to act on its behalf, and the Government of the Province of British Columbia, from any action, whether civil or criminal, that may arise as a result of the registration or transfer, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at _____
in the Province of British Columbia,

on the _____ of _____, _____

(DAY) (MONTH) (YEAR)

}

APPLICANT

SIGNATURE

A Notary Public in and for the Province of British Columbia
A Commissioner for Taking Affidavits for British Columbia

IN THE MATTER OF

STATUTORY DECLARATION
CANADA EVIDENCE ACT

BC Commercial Liens Act

Reason:

The *BC Commercial Liens Act* allows a lien holder including garages, mechanics, repairers, and warehousemen to secure payment for services such as repairs and storage of a vehicle. If payment is not made, the lien holder may enforce the lien by either selling the goods (following the Act's notice and sale requirements) or, if the debtor agrees, by keeping the vehicle or goods in satisfaction of the debt (following the Act's notice and sale requirements). The *BC Commercial Liens Act* and Section 192 of the *Motor Vehicle Act* also applies where a vehicle is abandoned on private property without the occupier's consent.

An Autoplan agent can provide you with a *Checklist for Seizure and Sale of a Vehicle under the BC Commercial Liens Act* (MV1438) to specify any additional documents that may be required.

The declaration is fill-in-the-blank form. In all cases, the declaration must be completed in full. The person giving the declaration must initial any changes to the form, including cross-outs. The declaration must be completed and sworn before either a notary public or commissioner for taking affidavits.

This type of transaction requires basic legal knowledge. Therefore, if you are unfamiliar with this process, refer to a lawyer for advice. Responsibility for complying with all statutory requirements lies with the lien holder.