



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

MAINTENANCE ENFORCEMENT ACT REGULATIONS

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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MAINTENANCE ENFORCEMENT ACT
Chapter M-1
REGULATIONS

Pursuant to section 18 of the *Maintenance Enforcement Act* R.S.P.E.I. 1988, Cap. M-1, Council made the following regulations:

1. Prescribed amounts

For the purposes of clause 6.1(1)(b) of the Act, the amount prescribed is the sum of three months of support payable by the payor. (*EC41/13*)

2. Crediting of maintenance payments

- (1) Subject to subsections (2) to (5), money paid on account of a maintenance order shall be credited
- (a) first to the periodic payment most recently due in respect of the maintenance order;
 - (b) then to any balance of arrears in respect of the maintenance order;
 - (c) then to any other amount due in respect of the maintenance order, other than deterrent charges or fees payable to the Director or costs awarded to the Director; and
 - (d) lastly to any and all deterrent charges and fees payable to the Director and costs awarded to the Director, in respect of the maintenance order, that are due.

Idem

- (2) With respect to each item listed in subsection (1),
- (a) an amount owed with respect to child support shall be credited before an amount owed with respect to spousal support; and
 - (b) the payee shall receive any amount owed to the payee in respect of a maintenance order before a third party who is entitled to an amount under the order.

Payee receiving benefit or assistance

- (3) If a payee
- (a) is receiving a benefit or assistance under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1 or the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3; and
 - (b) has, as a condition of receiving the benefit or assistance, assigned amounts paid or payable under a maintenance order to the Minister of Community Services and Seniors,

money paid on account of a maintenance order shall be credited

- (c) first to any and all amounts due to a third party who is entitled to an amount under the maintenance order;
- (d) then to any and all amounts due to the Minister of Community Services and Seniors in respect of the maintenance order;
- (e) then to any and all amounts due to the payee in respect of the maintenance order;
- (f) then to any and all deterrent charges and fees payable to the Director and costs awarded to the Director, in respect of the maintenance order, that are due; and
- (g) lastly to any other amount due in respect of the maintenance order.

Payee ceases to receive benefit or assistance

- (4) If a payee described in subsection (3) ceases receiving a benefit or assistance under the *Child Protection Act* or the *Social Assistance Act*, money paid on account of a maintenance order shall be credited
- (a) first to any and all amounts due to the payee in respect of the maintenance order;
 - (b) then to any and all amounts due to a third party who is entitled to an amount under the maintenance order;
 - (c) then to any and all amounts due to the Minister of Community Services and Seniors in respect of the maintenance order;
 - (d) then to any and all deterrent charges and fees payable to the Director and costs awarded to the Director, in respect of the maintenance order, that are due; and
 - (e) lastly to any other amount due in respect of the maintenance order.

Multiple maintenance orders

- (5) Notwithstanding subsections (1) to (4), where two or more maintenance orders in respect of the same payor are filed with the Director, the Director may allocate any money paid on account of any one of the maintenance orders among all of the creditors under the maintenance orders, unless otherwise specified by the court. (EC41/13)

3. Account balance

- (1) If a balance of money paid on account of a maintenance order remains after satisfying any and all amounts due in respect of the order, in accordance with section 2, the Director may, within 30 days of receiving the payment, credit all or part of the balance to
- (a) the next periodic payment due in respect of the maintenance order; or
 - (b) another maintenance order filed with the Director in respect of the same payor.

Ibid

- (2) Where the Director does not credit all or part of the balance in accordance with subsection (1), the Director shall forthwith
- (a) credit or forward the balance as instructed by the payor; or
 - (b) pay out the balance to the payor.

Payor not located

- (3) Notwithstanding subsection (2), if the Director is unable to comply with subsection (2) within six months after the 30 days has expired under subsection (1) because the payor cannot be located, the Director shall pay any balance remaining on account of the maintenance order into the Operating Fund. (EC41/13)



4. Deterrent charges

- (1) Where the Director requires a payor to pay a deterrent charge under clause 8.1(1)(a) of the Act, the amount of the deterrent charge payable is \$25 for each month during which the payor fails to pay maintenance under a maintenance order or fails to comply with a payment condition in accordance with clause 8.1(1)(a) of the Act.

Ibid

- (2) Where the Director requires a payor to pay a deterrent charge under clause 8.1(1)(b) of the Act, the amount of the deterrent charge payable is \$50 for each dishonoured or stopped payment under clause 8.1(1)(b) of the Act. (EC41/13)

5. Service fees

The following service fees are prescribed for the following steps taken by the Director to enforce a maintenance order:

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| (a) | issuing a payment order under subsection 3(4) of the Act..... | \$ 50 |
| (b) | requesting a person or public body to provide information under section 6 of the Act | \$ 25 |
| (c) | making a report respecting the payor to a credit reporting agency under section 6.1 of the Act..... | \$ 50 |
| (d) | registering a maintenance order against the land of a person against whom an obligation to pay money under the maintenance order is enforceable, under subsection 10(1) of the Act | \$150 |
| (e) | taking proceedings respecting default under section 11 of the Act..... | \$200 |
| (f) | giving notice of potential action, or taking action, under section 12.1 of the Act respecting the suspension or revocation of privileges of a payor under the <i>Highway Traffic Act</i> R.S.P.E.I. 1988, Cap. H-5 | \$ 50 |
| (g) | taking proceedings to obtain an order under the <i>Garnishee Act</i> R.S.P.E.I. 1988, Cap. G-2..... | \$100 |
| (h) | taking proceedings to obtain a writ of execution under the <i>Judgment and Execution Act</i> R.S.P.E.I. 1988, Cap. J-2 | \$100 |
| (i) | issuing a garnishment summons under the <i>Garnishment and Pension Diversion Act</i> (Canada)..... | \$ 50 |
| (j) | making an application for the release of information or for a license denial under the <i>Family Orders and Agreements Enforcement Assistance Act</i> (Canada) | \$ 50 |

(EC41/13)