

12 Steps to Collecting BIA Levies in New Brunswick

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For Downtown New Brunswick

Step 1 - (January) When you receive the final Special Levy Report from the Province noting the transfers, write each property owner a letter explaining the transfer and what the levy is used for; attach an invoice for the levy and the penalty.

Step 2 - Field Inquiries. Inevitably, some property owners will insist that they have paid their tax bill to the province. Explain to them that if their bill was paid late, that the Province may not have applied their whole payment to tax and BIA Levy, but rather may have taken a portion of the payment as a late fee and the remainder as a credit on their account.

Give the property owner the number for the Dept. of Finance and tell them to ask the Department to advise you of the status. Put the onus on them to prove to you that it was paid.

Step 3 - (February On) Issue statements each month.

Step 4 - (April) If payment is not received, begin sending collection letters asking the property owner to forward payment immediately to avoid legal action.

Step 5 - (June) Notice of Legal Action - Send a letter advising that if payment is not received, you will commence legal action on July 15.

Step 6 - Prepare a Small Claim. Get a small claim form (75A) from any Clerk's Office of the Court of Queen's Bench and complete it (A Guide is also available from the Public Legal Education and Information Service of NB - 506-453-5369). Attach the statements, a copy of the BIA Act, and any other supporting materials. You must demonstrate that you are entitled to the payment. You may want to retain the services of a lawyer to complete the claim.

Step 7 - (July) File the claim(s) on the date you promised. A filing fee is required.

Step 8 - If a Dispute Note is filed, you will have to attend a hearing. The Clerks' Office will notify you of the time and date.

Step 9 - If a Dispute Note is not filed, file a Request for Judgement through the Court Clerk.

Step 10 - Once you receive the judgement (Form 75D) in your favour, advise the property owner that they are required by law to pay you. Send a copy of the judgement to them. Advise them that they have 30 Days to pay before you register the judgments against their property (lien).

Step 11 - On the date you promised, have a lawyer register the judgement in the PPRS (Personal Property registry System) and the Land Registry System. This is the most appropriate way for you to enforce the judgment.

Step 12 - Renew the registration as needed (every year for the PPRS and every five years for the Land Registry). The property cannot be sold or mortgaged until you are paid. It may be several years. You have other options including Seizure and Sale or Garnishment, both of which can be messy and expensive processes. Ask a lawyer about these options.

Note - If there is a bankruptcy, you may not receive your payment because there will likely be other creditors with priority status in the case.

Important - When you have received payment, you must discharge the judgement on both the PPRS and the Land Registry.