NOTICE OF ATTACHMENT (gross pay)

UNDER THE *FAMILY MAINTENANCE ENFORCEMENT ACT*
SERVED BY THE DIRECTOR OF MAINTENANCE ENFORCEMENT
through the BC Family Maintenance Agency office at:

Court File No.:	
BCFMA Case ID.:	
Court Location:	
Attachment ID No.:	

NOTICE TO:

NAME   **ATTACHEE**

ADDRESS

                                                                          PHONE

CITY   PROV   POSTAL CODE

AND TO:

NAME   **DEBTOR**
NOW KNOWN AS (if applicable)
ALSO KNOWN AS (if applicable)
DOING BUSINESS AS (if applicable)

FOR THE BENEFIT OF:

NAME   **CREDITOR**
NOW KNOWN AS (if applicable)

TO ATTACHEE:

The Director of Maintenance Enforcement has served this Notice of Attachment to enforce a maintenance order against the DEBTOR.

1. You must deduct money from any sum you presently owe to the **DEBTOR**, or which you may owe the DEBTOR in the future, until (date).

    The DEBTOR owes the following amounts:

    (a) maintenance arrears of $ [amount] as of [date],

    (b) ongoing maintenance payments of $ [amount] which are due [date], and

    (c) any interest accrued on unpaid maintenance and/or outstanding default fees.

    You must assume that any ongoing maintenance payments which have become due since the date of this Notice have <u>not</u> yet been paid. Add ongoing maintenance payments in paragraph 1 (b) which have become due to the maintenance arrears in paragraph 1 (a).

2. To calculate the amount you must deduct and send to the BC Family Maintenance Agency, follow the instructions next to the box marked below and use the applicable formula on the reverse side of this Notice:

    ☐ (a) DEBTOR is entitled to exemptions and can claim a tax deduction for maintenance. Use Formula 1 (if the DEBTOR is an employee) or Formula 3 (if the DEBTOR is not an employee).

    ☐ (b) DEBTOR is entitled to exemptions but cannot claim a tax deduction for maintenance. Use Formula 2 (if the DEBTOR is an employee) or Formula 4 (if the DEBTOR is not an employee).

    ☐ (c) None of the money you owe the DEBTOR is exempt from attachment. Deduct the lesser of either the amount you owe the DEBTOR or the total amount due under paragraph 1 (a), (b) and (c).

    ☐ (d) For Employment Insurance, Canada Pension Plan, and Old Age Security payments, deduct the lesser of 25% of the payment or the total amount due under paragraph 1 (a), (b), and (c).

    After the amounts in this Notice are paid, contact BCFMA for an updated arrears balance, including the amounts owing under paragraph 1 (c).

3. Payments must be made by electronic means or sent by cheque within 5 days after you deduct them from money owing to the DEBTOR.
    Mail payments to: BCFMA Payment Services
                             Box 9233
                             Victoria, BC V8W 9J1

4. You **must complete and return** the enclosed Response by Attachee form within 10 days of receipt of this Notice, even if you do not owe anything to the DEBTOR.

5. **If you do not pay as set out in this Notice, or if you do not return the Response by Attachee form within 10 days after receiving the Notice, you may be taken to court and may be held liable for the amount you failed to pay.**

Dated   Signed

Delegate of the Director of Maintenance Enforcement

☐ **BCFMA copy**   ☐ **PAYOR copy**   ☐ **ATTACHEE copy**   ☐ **SERVICE copy**

6-2-8

DEDUCTION FORMULAS FOR GROSS PAY

A. <u>For Employees and Those Receiving Income Replacement</u> (Formula 1 or Formula 2)
To be applied to:
  a) wages, salary, commissions and other money paid by an employer to an employee.
  b) benefits payable on a periodic basis under a pension or superannuation plan or under the Workers' Compensation Act.
  c) benefits payable on a periodic basis for long or short term disability.

  i. Deduct and send the **<u>lesser</u>** of:
      a) the total of the amounts calculated according to the formula, or
      b) the total amount due under paragraphs 1 (a) and (b) on the face of this Notice of Attachment.

  ii. If the pay period frequency is not set out in the formula multiply the remuneration by the number of pay periods per year, divide by 12 to convert it to a monthly amount, and calculate the amount to deduct using the formula for monthly pay periods.

  iii. The formula applies to amounts paid on a regular pay schedule. For additional amounts paid separately from the regularly scheduled remuneration, use the formula for weekly pay periods.

FORMULA 1 – Debtor is an employee; Maintenance is tax deductible as noted in box 2 (a) on the face of this Notice of Attachment.
  To determine what you should send to BCFMA, add the remaining arrears and the most recently due new maintenance then calculate the amount to deduct by using this formula or by using Table 1 in the Family Maintenance Enforcement Act Regulation.

Pay Period Frequency	Debtor's Minimum Debtor receives first: (Gross Amount)	Amount to Send for the Creditor		
		Calculate 35% of Gross Amount between	Calculate 50% of Gross Amount between	Calculate 55% of Gross Amount above
Weekly	$150	$150.01 - $520	$520.01 - $1,155	$1,155
Every two weeks	$300	$300.01 - $1,040	$1,040.01 - $2,310	$2,310
Twice per month	$325	$325.01 - $1,125	$1,125.01 - $2,500	$2,500
Monthly	$650	$650.01 - $2,250	$2,250.01 - $5,000	$5,000

FORMULA 2 – Debtor is an employee; Maintenance is not tax deductible as noted in box 2 (b) on the face of this Notice of Attachment.
  To determine what you should send to BCFMA, add the remaining arrears and the most recently due new maintenance then calculate the amount to deduct by using this formula or by using Table 2 in the Family Maintenance Enforcement Act Regulation.

Pay Period Frequency	Debtor's Minimum Debtor receives first: (Gross Amount)	Amount to Send for the Creditor		
		Calculate 25% of Gross Amount between	Calculate 40% of Gross Amount between	Calculate 45% of Gross Amount above
Weekly	$150	$150.01 - $520	$520.01 - $1,155	$1,155
Every two weeks	$300	$300.01 - $1,040	$1,040.01 - $2,310	$2,310
Twice per month	$325	$325.01 - $1,125	$1,125.01 - $2,500	$2,500
Monthly	$650	$650.01 - $2,250	$2,250.01 - $5,000	$5,000

B. <u>For Those Who Are Not Employees</u> (Formula 3 or Formula 4)
  To be applied to fees paid for work or services where the debtor is not an employee.

FORMULA 3 – Debtor is not an employee; Maintenance is tax deductible as noted in box 2 (a) on the face of this Notice of Attachment.
  Deduct and send the **<u>lesser</u>** of:
  a) 50% of the amount payable to the Debtor, or
  b) the combined total amount due under paragraphs 1 (a) and (b) on the face of this Notice of Attachment.

FORMULA 4 – Debtor is not an employee; Maintenance is not tax deductible as noted in box 2 (b) on the face of this Notice of Attachment.
  Deduct and send the **<u>lesser</u>** of:
  a) 35% of the amount payable to the Debtor, or
  b) the combined total amount due under paragraphs 1 (a) and (b) on the face of this Notice of Attachment.