

How many times have you been asked “What do you do for a living?” Most people can answer that question pretty easily. Unfortunately, I am not one of those people. My answer is usually somewhere along the lines of “I am the Director of Civil Enforcement for the largest Civil Enforcement Agency in Western Canada”. Most commonly this answer gets me a blank stare or a response like “What is a Civil Enforcement Agency” or my favorite “That sounds scary – what do you enforce?”

It still surprises me, that after more than 18 years of the Civil Enforcement Industry in Alberta being privatized, people still don’t understand what Civil Enforcement Agency is or what/who is a Civil Enforcement Bailiff is? So today, I am going to provide you some insight into the Civil Enforcement Industry and Civil Enforcement Bailiffs.

A Civil Enforcement Agency

On January 1, 1996, the Civil Enforcement Act of Alberta came into force and Sheriffs' Offices throughout the province closed and civil enforcement agencies were created. Civil enforcement agencies were appointed by the Sheriff of Alberta - Civil Enforcement, on behalf of the Crown to perform the following duties:

- Carrying out of seizures pursuant to writ proceedings or the right of distress
- Carrying out of evictions
- Selling of property that has been seized pursuant to writ proceeding or the right of distress
- Distribution of sales proceeds referred to above to persons who are lawfully entitled to these proceeds
- Carrying out of any other function or duties provided for or permitted under this or any other enactment
- Enforcement of orders of the court
- As per Section 9(5) of the Civil Enforcement Act *“the court shall not authorize any person who is not an agency to carry out the functions are to be performed only by an agency”*

The Sheriff of Alberta – Civil Enforcement became a regulatory body who oversees and regulates the Civil Enforcement Industry by responding to complaints and monitoring the activities of the appointed civil enforcement agencies.

All civil enforcement agencies within Alberta have an obligation to adhere to a strict Code of Conduct which includes:

- Discharge the agency’s responsibilities with integrity
- Treat all person’s fairly, courteously and with respect
- Provide equal and impartial services to all persons for whom the agency provides services
- Comply with all relevant acts and regulations in the Province of Alberta

*** A copy of the Civil Enforcement Agency’s full code of Conduct can be found in the Civil Enforcement Regulations – Schedule 1.*

So in answer to the question of “What is a Civil Enforcement Agency” I commonly respond “We conduct seizures, evictions and enforce court orders”. When I am asked “what do you enforce?” My most common response is “whatever the court tells me to enforce”.

A Civil Enforcement Bailiff

You may have heard people refer to a Civil Enforcement Bailiff as the “Sheriff”. This is an incorrect term. As noted above, there is currently only one Civil Enforcement Sheriff in Alberta and he does not act as a bailiff, he appoints and oversees bailiffs and agencies.

A Civil Enforcement Bailiff is defined as; *a person appointed to carry out, seizure of personal property, removal of seized personal property, evictions and other functions or duties provided for or permitted under this or any other enactment.*

As with an agency, the court cannot authorize any other person who is not a bailiff to carry out the functions of a bailiff. When acting as a Civil Enforcement Bailiff, the Bailiff is a peace officer whose authority is derived from the Civil Enforcement Act. Civil Enforcement Bailiffs are considered “Officers of the Court” and are obligated to act judicially when making decisions and shall comply with the directions of the court and judges in the exercise of the Court’s jurisdiction.

When carrying out their duties all Civil Enforcement Bailiffs must adhere to a strict Code of Conduct which includes:

- Treat all persons fairly, courteously and with respect
- Provide equal and impartial services to all persons
- Carry on the Bailiff’s person the badge and identification card issued by the Alberta Department of Justice showing that the bailiff is an active civil enforcement bailiff and produce the same upon request

*** A copy of the Civil Enforcement Bailiff’s full code of Conduct can be found in the Civil Enforcement Regulations – Schedule 2.*

A Civil Enforcement Bailiff’s authority extends to things like:

- A bailiff has the right to enter any location or premises of a debtor^{*1} for the purpose of carrying out a seizure, removal of seized goods or eviction of a debtor
- A bailiff may use reasonable force for the purpose of gaining access to a location or premises, enclosure, container or interior room of the premises
- A bailiff may remove for safekeeping the personal property that is under seizure
- A bailiff may appoint the debtor or other person as bailee of the person property

**1 - In the case of a residence of a debtor or other person a bailiff shall not enter the residence except in the presence of a person whom the bailiff believes to be an adult who lives in the residence and cannot use force to enter after entry has been refused.*

A Civil Enforcement Bailiff is restricted from doing the following:

- Use physical coercion against a debtor or any other parties
- Break and Enter into a residence or a third party premises without consent from the third party or an adult resident of the premises or a court order
- Mislead the public or a debtor with respect to their duties or authority under their appointment

I must admit working in the civil enforcement industry, for now almost 15 years, has been a very interesting experience, even if it sometimes very hard to explain to people what it is I really do.

If you have any questions with respect to what a civil enforcement agency or a civil enforcement bailiff can do to assist your or your clients, please do not hesitate to contact me directly at 403-668-8804 or at patricia.wilson@ccebailiff.ca

Patricia Wilson
Director, Civil Enforcement



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