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Civil Enforcement
Bailiff Information
and Application Form

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1.0 Authority

Under the *Civil Enforcement Act* only civil enforcement agencies are authorized to seize property. Seizure is defined as taking possession of personal property. The Act requires that civil enforcement agencies use only civil enforcement bailiffs appointed by the Sheriff to carry out seizures.

Section 12 of the Act says that a bailiff can only carry out the duties or functions of a bailiff when the bailiff is employed or contracted by an agency. The Seizure Flow Chart on the next page shows the flow of seizure activities and the reporting arrangement.

The civil enforcement bailiff's authority comes from the *Civil Enforcement Act* and includes the following functions:

- ! Seizing property;
- ! Evictions; and
- ! Carrying out of any other functions or duties provided for or permitted under this Act or any other Act.

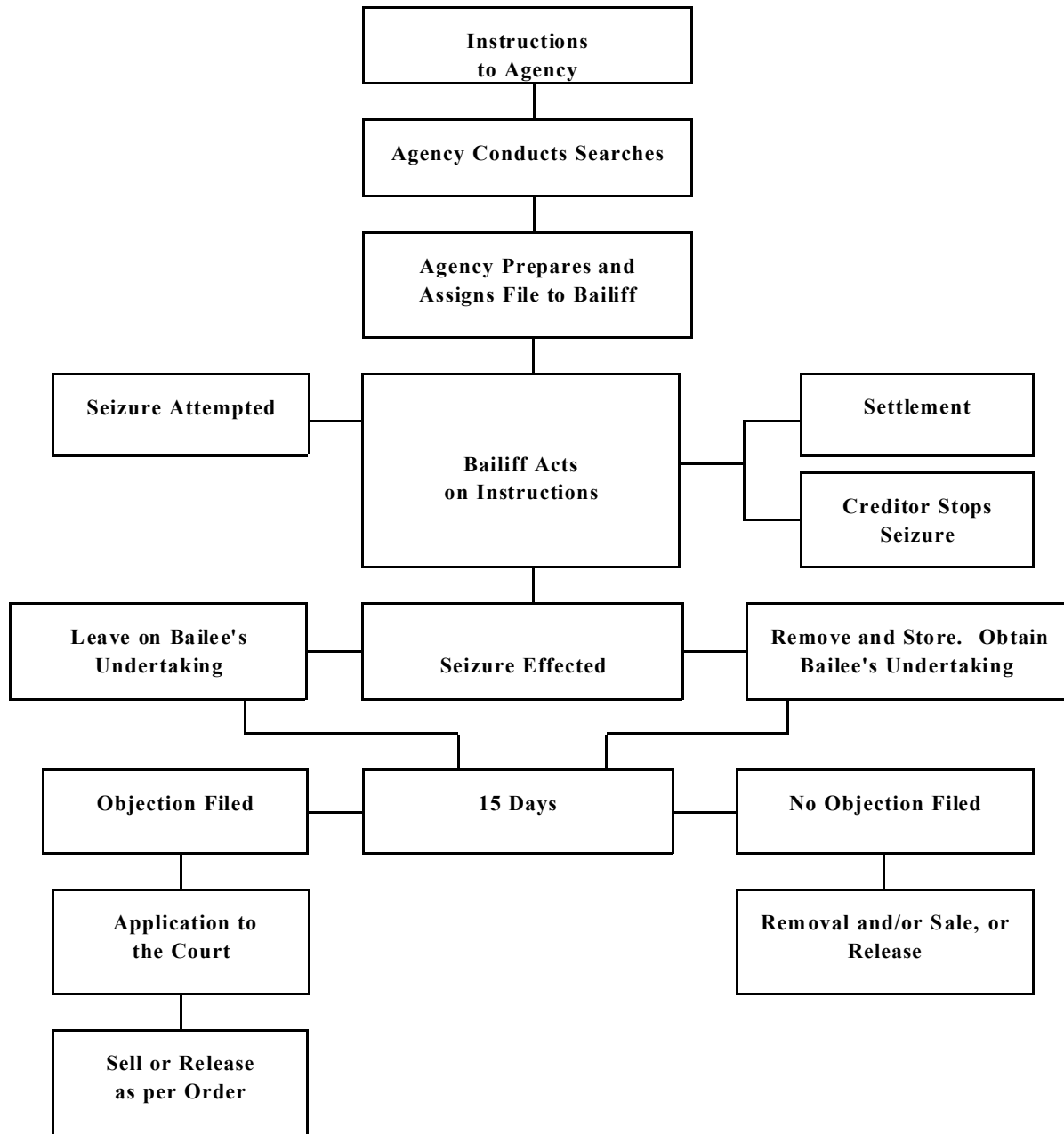
When carrying out your duties as a civil enforcement bailiff, you are a peace officer as defined by the Criminal Code of Canada.

There is a Code of Conduct for civil enforcement bailiffs which provides guidelines that civil enforcement bailiffs must follow. Failure to follow the Code of Conduct may result in disciplinary action and/or termination of the appointment. The Code of Conduct is on pages 8 and 9.

Civil Enforcement Bailiffs must act with integrity. They must perform their duties with impartiality and in a non-threatening, non-aggressive manner. They must also treat everyone fairly, courteously and with respect.

Seizure

Flow Chart



2.0 Duties

A civil enforcement bailiff acts on the instructions received from creditors. Creditors forward instructions to civil enforcement agencies who review the instructions, prepare seizure packages and issue the files to their bailiffs. A bailiff's responsibilities include:

- ! Review instructions and make arrangements, for the services of tow trucks, moving vans, etc. as needed;
- ! Determine the location of seizure based on the creditor's instructions;
- ! Attend at the location, identifying themselves to the debtor and explaining their reason for being there;
- ! Complete and serve the required documents on the debtor;
- ! Proceed with the seizure and/or removal. Ensure seized property is secured and protected, whether left with the debtor, removed, or placed in storage;
- ! Make inquiries and attempt to locate the debtor/property; if unable to find.
- ! Accept monies for settlement;
- ! Carry out court orders involving property;
- ! Establish a network for obtaining service from contractors or information for locating debtors;
- ! Communicate with creditors, lawyers, civil enforcement agencies, contractors, police agencies, government agencies and other bailiffs; and
- ! Report any unusual events to the civil enforcement agency and/or police.

3.0 Appointment

Civil enforcement bailiffs are appointed by the Sheriff - Civil Enforcement. However, a bailiff is not an Agent of the Crown. The Crown is not liable for anything done or omitted to be done by a bailiff.

Persons wishing to be appointed as civil enforcement bailiffs are required to submit the following to a civil enforcement agency:

- ! An Application for Appointment.
- ! An Affidavit establishing information such as identification, criminal convictions, court proceedings pending and prior applications for appointment as bailiff.
- ! A copy of the Applicant's completed application form for criminal record and fingerprint check, which has been forwarded to the RCMP Identification Services in Ottawa.

The Office of the Sheriff - Civil Enforcement, Edmonton should be shown as the Contributing Agency/Dept. on the fingerprint form, and the Applicant should ensure that he or she sends the appropriate fee to the RCMP, along with this form. For more information contact your local police agency, phone the RCMP in Ottawa at (613) 998-6362 or check out their website at www.rcmp-grc.gc.ca.

- ! Document showing successful completion of the prescribed training for civil enforcement bailiffs.

The Applicant must complete the Civil Enforcement Bailiff training provided by a civil enforcement agency and achieve a mark of at least 80% on an open book written exam.

Successfully completing the required training does not guarantee that the Sheriff will grant an appointment as a civil enforcement bailiff.

3.0 Appointment (continued)

- ! A non-refundable application fee of \$100.00 (cheque or money order payable to the Minister of Finance and Enterprise).

- ! Proof of Automobile Liability Insurance coverage in an amount not less than \$2,000,000, which must be maintained throughout the term of the bailiff appointment.

The civil enforcement agency will review the completed application, complete the agency's part on page 4 of the application, and then forward it to the Sheriff along with a letter from the civil enforcement agency justifying the need for the appointment.

Allow 2-4 weeks for the Sheriff's Office to review the application after it receives the criminal record and fingerprint check from RCMP Identification Services in Ottawa. Please note that their processing time can vary due to incoming workloads and can at times be in excess of one hundred and fifty (150) days.

The Sheriff may make inquiries or investigations that he or she considers appropriate in reviewing the application.

The Sheriff may make or refuse the appointment. If an appointment is made, it is for a period of not more than two years. An appointment may be renewed for further periods of 2 years each. A non-refundable fee of \$100.00 is payable on each renewal application.

Police officers, sheriffs or peace officers employed by the Department of Solicitor General and Public Security, persons employed with Alberta Justice or persons whose employment would be a conflict of interest with their duties as a bailiff are not eligible for appointment. If you are concerned that the Sheriff may reject your appointment on the basis that your current or past employment is incompatible with the proper exercise of your duties as a bailiff, you should contact the Sheriff prior to taking the prescribed training.

4.0 Abilities and Skills

In addition to in-depth knowledge of the legislation and regulations governing seizures, bailiffs need a variety of interpersonal skills including:

! Communication

Bailiffs are expected to deal effectively with many individuals and companies from a wide range of educational and ethnic backgrounds. Therefore, listening skills, speaking ability and negotiation skills will be tested daily. Written communication skills are also important. Reports must be clear and concise, as documents may be used in court. Reports must be carefully prepared with sufficient detail and factual information.

! Professionalism

The image presented to creditors, debtors and the general public is critical to the effectiveness and credibility of the bailiff. Sensitivity and awareness of the feelings of others are highly valued personal characteristics. Ability to preserve confidentiality is vital to carrying out bailiff work. Using discretion in gaining and disclosing information are important aspects of the work. The ability to develop cooperative working relationships with contacts, including police agencies and municipal offices is very helpful.

5.0 Termination

- ! The appointment is not in effect when the bailiff is not employed by or otherwise providing services for an agency.

- ! The Sheriff may suspend or cancel the appointment if the bailiff:
 - Is convicted of an indictable offence or an offence punishable by imprisonment for two years or more;
 - Contravenes the *Civil Enforcement Act* or any law concerning fraud, breach of trust or intentional bodily injury;
 - Fails to comply with any provision of the Code of Conduct for civil enforcement bailiffs;
 - Fails to pay a judgment for damages sustained by reason of an act or omission arising from the duties or responsibilities of the bailiff;
 - Has made an untrue statement in the application for appointment as a bailiff;
 - Fails to comply with the Sheriff's written direction;
 - In the Sheriff's opinion, is not a fit and proper person to hold a bailiff appointment;
 - Fails to take ongoing training as required by the Sheriff; and
 - Fails to comply with an undertaking provided under section 22(3)(d) [Civil Enforcement Regulation].

- ! If an appointment is suspended or cancelled by the Sheriff or the bailiff ceases employment with the civil enforcement agency, the bailiff must return to the Sheriff the bailiff's identification card and badge, and shall not carry out any duties or functions of a bailiff. When an appointment has been cancelled, it cannot be reactivated except through a new application including the required fee.

**Code of Conduct for
Civil Enforcement Bailiffs
Schedule 2 (*Civil Enforcement Regulation*)**

1. A civil enforcement bailiff must
 - (a) discharge all of the bailiff's responsibilities with integrity;
 - (b) treat all persons fairly, courteously and with respect;
 - (c) provide equal and impartial services to all persons for whom the bailiff provides services;
 - (d) comply with the provisions of
 - (i) the *Civil Enforcement Act*;
 - (ii) the regulations under the *Civil Enforcement Act*; and
 - (iii) any other law that governs the conduct of civil enforcement bailiffs in the discharge of their responsibilities;
 - (d.1) report all unlawful activities discovered during the course of carrying out his or her duties or functions under the *Act* to the instructing civil enforcement agency;
 - (e) when discharging the duties or functions of a civil enforcement bailiff,
 - (i) carry on the bailiff's person the badge and identification card issued by the Alberta Department of Justice showing that the bailiff is a civil enforcement bailiff, and
 - (ii) where requested to do so, produce for inspection that badge and identification card.

2. A civil enforcement bailiff must not
 - (a) carry on any collection agency business, private investigation business, or business engaged in the sale of seized property;
 - (b) directly or indirectly, purchase any property that has been the subject of seizure by the bailiff unless the bailiff has the consent to do so of the debtor and all affected creditors;

Civil Enforcement Bailiff Information and Application Form

Code of Conduct for Civil Enforcement Bailiffs (Continued)

- (c) perform any services while under the influence of alcohol or illicit drugs;
- (d) mislead or attempt to mislead anyone in the discharge of the bailiff's responsibilities;
- (e) directly or indirectly, demand or receive any fee, reward or gratuity for performing or not performing any services other than the fees charged by the civil enforcement agency under whose authority the bailiff is providing services;
- (f) except as authorized under the Act, use, or allow the use of, the bailiff's position or title to advance or benefit the private interests of the bailiff or of another person or organization or group of persons;
- (g) disclose any information of a confidential nature that comes to the bailiff's knowledge except as required to perform the services of the bailiff;
- (h) represent that the bailiff is a civil enforcement bailiff or use the badge or identification card referred to in section 1(e) except when acting under the authority of a civil enforcement agency.

A

Application for Appointment as a Civil Enforcement Bailiff

JUSTICE

Please print or type

Personal Data

PART I

NAME:

Surname First Middle

ADDRESS:

Street and Number City Postal Code

PHONE:

Home Business Cell

Please indicate status:

Canadian
Citizen

Landed
Immigrant

Work Permit
No. _____

Education

High School Grade Completed _____ Matriculation High School Diploma Other

TRADE, TECHNICAL, COLLEGE, UNIVERSITY, etc.

Institution Course of Study Years Completed Cert./Dip./Degree

Employment History

(Beginning with most recent)

The Sheriff's Office may contact previous employers

Employer:

Position Held:

From:

Date

To:

Date

Duties:

Immediate Supervisor:

Name

Title

Phone

Employer:

Position Held:

From:

Date

To:

Date

Duties:

Immediate Supervisor:

Name

Title

Phone

Employment History (cont'd)

Employer: _____

Position Held: _____ From: _____ To: _____
Date Date

Duties: _____

Immediate Supervisor: _____
Name Title Phone

Civil Enforcement Experience

Please describe experience relative to conducting seizures or other work providing familiarity with Civil Enforcement Procedures.

References

Identify persons, other than immediate supervisors named under Employment History, who you have worked with on a daily basis.

NAME: _____

ADDRESS: _____ PHONE: _____

NAME: _____

ADDRESS: _____ PHONE: _____

NAME: _____

ADDRESS: _____ PHONE: _____

Certification and Declaration

- ! I have attached an affidavit in the form set out in Part 2 of the application for appointment.

- ! I am not a police officer, sheriff or peace officer employed by the Department of Solicitor General and Public Security, or an employee of Alberta Justice.

- ! I have attached payment of the non-refundable \$100.00 application fee.

- ! I have attached documentation attesting to successful completion of the prescribed training for civil enforcement bailiffs.

- ! I have attached a copy of the completed fingerprint form, which has been forwarded to the RCMP Identification Services in Ottawa.

- ! I have attached proof of automobile liability coverage in an amount not less than \$2,000,000. I will maintain this insurance throughout the term of my appointment.

- ! I consent to having my name added to a published list of appointed civil enforcement bailiffs.

- ! I consent to having my name, home address, home phone number, cell number and badge number added to a list to be provided to Civil Enforcement Agencies only.

- ! I consent to the Sheriff - Civil Enforcement disclosing to the Civil Enforcement Agency which has submitted this application, the Sheriff's decision whether or not to appoint me as a Civil Enforcement Bailiff, such information only to be used by the Agency for the purposes of hiring Civil Enforcement Bailiffs.

I certify that the statements made by me in this application are true and complete. I understand that a false statement may result in the cancellation of my appointment as a bailiff.

Date

Signature of Applicant

**Application for Appointment
as a Civil Enforcement Bailiff
PART 2**

AFFIDAVIT

I _____, of the _____ of _____

in the Province of _____ make oath and say:

1. That I have applied for an appointment as a bailiff under the Civil Enforcement Act;
2. That I have not been convicted of any offence under a law in force in Canada or outside Canada, excluding minor traffic offences, other than the following:
3. That there are not any proceedings pending under any law in force in Canada or outside Canada, excluding minor traffic offences, other than the following:
4. That I have never been refused an appointment as a bailiff except as follows:
5. That I have never used a name other than the name given in this affidavit except as follows:

SWORN BEFORE ME at the _____ of _____

in the Province of Alberta, the _____

day of _____ A.D. _____

Applicant's Signature

A Commissioner for Oaths in and for the Province of Alberta

Print Name and Expiry Date