

# Stay of Enforcement

## Maintenance Enforcement Program

A stay of enforcement (“stay”) under section 32 of the *Maintenance Enforcement Act* is a court order which temporarily limits the MEP’s ability to enforce a maintenance order. A stay does not cancel arrears or stop ongoing maintenance from being charged.

Unless the court order directs otherwise, a stay lasts for nine months, and only applies to the enforcement of arrears, not to the enforcement of ongoing maintenance. This means the MEP is able to continue enforcing the payor’s ongoing maintenance payments even while a stay is in effect.

When a stay ends, the payor remains responsible for paying any arrears that were owed before the stay was granted or that accrued while the stay was in effect.

### Getting a stay of enforcement

Before the court grants a stay of enforcement, the payor must show the court they tried to make a payment arrangement with the MEP. If a payment arrangement was not made, the payor must show the court there was a valid reason why. When the payor provides the MEP with a Statement of Finances and the MEP is unable to set up a payment arrangement, the MEP provides the payor with written confirmation that a payment arrangement could not be made which the payor can present to the court.

For information about applying for a stay of enforcement, visit the Alberta’s Court and Justice Services website at <https://www.alberta.ca/court-and-justice-services.aspx>.

### Enforcement actions during a stay of enforcement

Not all enforcement actions are impacted by a stay. The MEP may continue to use the following actions when a stay is in effect, if there are arrears outstanding:

- Wage Support Deduction Notice to a payor’s employer, to collect the ongoing maintenance or amount(s) payable by the court-ordered payment arrangement
- Non-Wage Support Deduction Notice to collect lump-sum amounts payable to the payor, such as inheritances, settlements, lottery winnings, or any other non-wage lump-sum amount.
- Federal Support Deduction Notice
- Writ filed at the Personal Property Registry
- Lien against land (Land Titles registration)

The MEP may also not terminate and continue to use the following enforcement actions when a stay is in effect until the arrears are paid or the payor has paid up to three months of payments as required by the stay of enforcement order:

- Motor Vehicle Restriction and Driver’s Licence Suspension
- Federal Licence Denial

In most cases, the MEP will not use the following enforcement actions while a stay is in effect: Credit Bureau Reporting, Reporting to Professional Organizations, Seizures under the *Civil Enforcement Act*, and Hunting and Fishing Licence Restriction.

### Default penalties and interest during a stay of enforcement

The MEP does not charge default penalties or interest on amounts affected by a stay. To prevent these charges on amounts not affected by a stay, payors should make payments to the MEP according to the terms of their order. If this is not possible, payors should contact the MEP to set up a payment arrangement. The MEP will stop charging default penalties and interest, and adjust or remove certain enforcement actions, as long as payments required by the payment arrangement are made.

For more information, refer to the Information Sheets *Varying or Changing Your Court Order*, *Payment Arrangements* and *Referrals to Resources*, available on the MEP’s website.

- The MEP has other Information Sheets, on a variety of helpful topics. To see them, visit the MEP’s website at [alberta.ca/mep](http://alberta.ca/mep)
- To contact the MEP, phone 780-422-5555 or toll-free in Alberta at 310-0000
- To view information about your MEP file, go to the MEP’s website at [alberta.ca/mep](http://alberta.ca/mep) and select “MEP Accounts Online”