



Motor Vehicle Accident Claims Program (MVAC)

Guide to Administrator's Forms

About the Administrator's Forms

If you are injured in an accident caused by an uninsured or unknown driver and a judgment for personal injury cannot be paid by the uninsured party(ies), you can obtain payment through Motor Vehicle Accidents Claims (MVAC), upon completion of specific application forms.

These fillable and printable forms are available to the claimant, their lawyer or representative once it has been determined that MVAC will pay the judgment. Proper completion of the forms helps to speed processing of the payment.

Please carefully complete these forms in its entirety.

(Note: Motor Vehicle Accident Claims cannot complete the forms on your behalf as MVAC is not the plaintiff's representative or agent. A lawyer is recommended to help you complete these forms.

General questions may be directed to TBF.MVACJudgementForms@gov.ab.ca

For information on the MVAC personal injury claim process or to obtain copies of the required forms:
<https://www.alberta.ca/injured-by-an-uninsured-or-unknown-driver.aspx>

Completing the forms:

There are two types of claims where the Motor Vehicle Accident Claims Program may be involved in paying a judgment:

1. Where the at-fault party(ies) is known and named in the judgment as having to pay.
2. Where the at-fault party(ies) is unknown and cannot be found, so a judgment has been made against the Administrator of The Motor Vehicle Accident Claims Act.

Improperly completed forms will be returned and you will be required to resubmit them, which will delay payment.

Documents required and instructions

For each type of form, the follow documents are required:

Statutory Declaration (Form VI)

- ☐ Complete all fields on the form. Put "NA" or "Nil" for any items that are not applicable.
- ☐ When completing Item 18 (application for payment) list the amounts as awarded in the judgment. If claiming costs subsequent to judgment (for example, the costs of a process server), receipts must be attached to support the amount claimed.
- ☐ Ensure the plaintiff has signed the declaration, and that it has been witnessed by and in the presence of a Commissioner for Oaths.

Visit <https://www.alberta.ca/motor-vehicle-accident-claims-program.aspx> for more information.

Assignment of Judgment (Form VIII)

This form is only required if there is a known defendant(s) that is required to pay. If the judgment is against the Administrator, this form is not required. **NOTE: must not be signed and dated until the Judgment has been granted.**

- ☐ Complete all fields on the form.
- ☐ The amount assigned to the Administrator **cannot be more** than the amount awarded in the judgment. Only those amounts awarded in the judgment can be assigned. Do not include any extras that are not in the judgment itself (i.e. subsequent costs, forms completion fee).
- ☐ Ensure the plaintiff (**assignor**) and the witness have signed and dated the assignment, **after** the date the judgment was granted. (For those unfamiliar with signing formal documents, the witness is to be present while the plaintiff signs in order for the document to be valid.)
- ☐ Leave the space for the **assignee's** signature at the bottom of the form blank. The Administrator of Motor Vehicle Accident Program signs there. Do not allow a process server or anyone else to stamp or write in this block.
- ☐ Ensure that the Affidavit of Execution is completed on the back of the form. This section affirms that the witness saw the plaintiff sign the document. A Commissioner for Oaths must then commission the signature of the witness.
- ☐ Serve a **copy** of the assignment of judgment on the defendant(s) (see notes about service later in this document). Complete an Affidavit of Service and have it sworn before a Commissioner for Oaths giving details as to how service was conducted. Affidavit of Service may be filed on the court file to complete the record, but it is not invalid if not filed
- ☐ Provide a **signed** assignment of judgment to MVAC

Certificate

This form is only required if the plaintiff retained a lawyer to conduct their action

- ☐ Ensure that the plaintiff and witness have executed the upper part of the form.
- ☐ Ensure that the lawyer and witness have executed the lower part of the form, and it is dated.
- ☐ Provide the **signed** certificate to MVAC.

Note: MVAC will not reimburse legal fees or other charges for re-submission of forms that were incorrectly completed.

Serving the Assignment

Pursuant to Section 5(4) of the Motor Vehicle Accident Claims Act, the plaintiff is required to serve a copy of the assignment of judgment on the judgment debtor (the defendant named in the order to pay) or obtain an order dispensing with service, before the Administrator can make payment. **Note:** service of an assignment of judgment is only required if there is a known defendant that is required to pay. If the judgment is against the Administrator, this form and service are not required.

The Assignment of Judgment is not a subsequent document in the court proceedings; it is part of the statutory declaration for payment that is separate from the action in which the Judgment is granted. An Order for Substitutional Service, wherein there is a paragraph that refers to “subsequent documents”, “further documents” or “other documents”, will no longer be accepted.

- The assignment is to be served on the defendant(s) before it has been signed by the Administrator. The Administrator will execute it on receipt of the final documents.
- Personal service on the defendant(s) is required, unless there is an Order of the court for substitutional service or an Order Dispensing with Service.

Visit <https://www.alberta.ca/motor-vehicle-accident-claims-program.aspx> for more information.

- If personal service cannot be achieved, service by registered mail will be acceptable in the following circumstances:
 - If delivery of the item is confirmed. Delivery confirmation can be obtained on the Canada Post website at www.canadapost.ca, under "Delivery Confirmation". (Enter the item number from the post office receipt for the registered letter. The status of the item is tracked until it is either delivered to the recipient or returned to sender.) The signature page can be printed and attached with the Affidavit of Service. The signature must be that of the defendant, and not someone signing on their behalf, or
 - If the plaintiff has previously obtained an order allowing for service of documents on the defendant(s) by registered mail (for example, such an order is sometimes granted when service of the originating claim has been difficult)
 - As such, previous Orders that do not specifically refer to service of the Assignment of Judgment will not be accepted, or
 - If the plaintiff is granted an order for substitutional service allowing them to serve documents in another manner, including by registered mail, or
 - If an order deeming service sufficient is granted. When a plaintiff has served by registered mail because other methods were not successful, they may apply to the court for an order deeming that service by registered mail was sufficient.
- If the defendant cannot be served, it may be necessary to obtain either an Order for Substitutional Service (to serve the document in another manner, such as by posting the item to the door of the defendant's residence), or an Order Dispensing with Service (which is an Order of the court that the assignment does not need to be served.)

Final checklist

Use the checklist below to ensure you have completed and attached everything needed to apply for payment.

Judgment against a known Defendant (Section 4 Claims)

- ☐ Filed judgment
- ☐ Bill of costs, if the amount of the costs is not stated in the judgment
- ☐ Assignment of judgment
- ☐ Affidavit of service of the assignment of judgment by personal service **Note: Exhibits are required**, an Order for Substitutional Service, or an Order dispensing with service
- ☐ Statutory declaration
- ☐ Certificate (if applicable)

Submitting your forms

Completed forms and documents can be emailed to: TBF.MVACJudgementForms@gov.ab.ca

Note: when emailing the completed forms, you are not required to mail the original copies.

Alternatively, you can mail your completed documents to:

The Administrator of Motor Vehicle Accident Claims
Suite 600, Sun Life Place
10123 - 99 Street Edmonton, AB T5J 3H1

If there are no discrepancies, once the completed documents are received by the Administrator, processing the cheque usually takes two to four weeks. Cheques **are not** issued from the Administrator's office, they are mailed directly by the Government of Alberta central accounting department, via Canada Post once printing is complete. For that reason, the Administrator cannot offer courier pick-up or delivery of cheques.

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