

SUPREME COURT OF YUKON

PRACTICE DIRECTION

CRIMINAL-10
CIVIL-14

*Civil Enforcement of Criminal
Restitution Orders
(Criminal Code, s. 741)*

This Practice Direction creates a process for filing a restitution order obtained in a criminal case for enforcement as a civil judgment. It applies to restitution orders for \$25,000.01 or more, regardless of what court it was obtained in. Restitution orders of \$25,000.00 and less are enforceable through Small Claims Court. Restitution orders can be filed for enforcement if the offender has missed a payment in a payment schedule or if the amount ordered has not been paid off by the date it is due.

Where a restitution order is a “stand-alone” order and not part of a probation order or a conditional sentence order, the Plaintiff (Victim) should fill out and file a Requisition (Form A-1). A certified true copy of the original order, available through the court registry, should be attached.

Where restitution order is part of a probation or conditional sentence order, the Plaintiff (Victim) should fill out a Requisition (Form A-2), the Affidavit in Support of an Order for Restitution (Form B) and the Draft Order for Restitution (Form C).

There is no cost associated with filing any of these forms. Standard court fees apply for filing subsequent enforcement documents (e.g. writ of garnishment).

Veale J.
March 23, 2017

File no. _____
(Form A-1)

SUPREME COURT OF YUKON

BETWEEN

Plaintiff (Victim)

AND

Defendant (Offender)

REQUISITION

REQUIRED:

REGISTRATION OF A STAND-ALONE RESTITUTION ORDER

1. The Act or Regulation relied on is the *Criminal Code* (section 741).
2. A certified true copy of the Restitution Order dated _____ is attached.

Date: _____

Signature of Plaintiff (Victim)

Print name

The Plaintiff's (Victim's) ADDRESS FOR DELIVERY (**Required:** Residential address or business address **AND** postal address in Yukon) is:

Optional

Fax number for delivery:

Email address:

Telephone:

The name and office address of the party's lawyer is:

File no. _____
(Form A-2)

SUPREME COURT OF YUKON

BETWEEN

Plaintiff (Victim)

AND

Defendant (Offender)

REQUISITION

REQUIRED:

TO OBTAIN AND REGISTER AN ORDER FOR RESTITUTION.

1. The Act or Regulation relied on is the *Criminal Code* (section 741).
2. A draft of the order required is attached (Form C).
3. A certified true copy of the Defendant's Probation Order or Conditional Sentence Order dated _____ is attached.
4. The affidavit of _____ in support of the application is attached.

Date: _____

Signature of Plaintiff (Victim)

Print name

The Plaintiff's (Victim's) ADDRESS FOR DELIVERY (**Required**: Residential address or business address **AND** postal address in Yukon) is:

Optional

Fax number for delivery:

Email address:

Telephone:

The name and office address of the party's lawyer is:

[name of deponent] _____ # _____
[date affidavit is sworn] _____

File no. _____
(Form B)

SUPREME COURT OF YUKON

BETWEEN

Plaintiff (Victim)

AND

Defendant (Offender)

AFFIDAVIT IN SUPPORT OF AN ORDER FOR RESTITUTION

I, _____, of _____
in Yukon, MAKE OATH AND SAY (or SOLEMNLY AFFIRM):

1. That I am the Plaintiff (Victim), and as such have personal knowledge of the matters set forth.
2. That a probation order or conditional sentence order containing an order for restitution was granted on _____.
date
3. That no appeal is pending.
4. That the Order was breached on _____ as a result
date
of the Defendant's (Offender's) failure to make the restitution payment as required.
5. That the amount outstanding as of this date is as follows:

Amount of Order: \$ _____

Paid on Account: \$ _____

Balance remaining owing on the said Order: \$ _____

That this Affidavit is sworn in support of an Order for Restitution and not for any improper purpose.

SWORN/AFFIRMED BEFORE ME at _____)
_____, Yukon,)
this ____ day of _____, _____.)
_____)

_____)
Deponent

COMMISSIONER OF OATHS/NOTARY
PUBLIC/ JUSTICE OF THE PEACE IN AND
FOR YUKON

Name: _____
Office: _____
Commission Expires: _____

SUPREME COURT OF YUKON

BETWEEN

Plaintiff (Victim)

AND

Defendant (Offender)

ORDER FOR RESTITUTION

BEFORE A JUDGE OF THE COURT) _____ DAY, THE _____ DAY OF
) _____, 20_____

ON THE APPLICATION of the Plaintiff (Victim), without a hearing and without notice and whereas:

(a) the Defendant is subject to a Probation Order [or Conditional Sentence Order] requiring the payment of restitution in the amount of _____ to the Plaintiff on _____,
scheduled payment date

(b) the Defendant did not pay restitution in accordance with the Probation Order [or Conditional Sentence Order], and

(c) the amount of restitution outstanding as of this date is _____,

THIS COURT ORDERS that:

1. Condition # _____ of the Probation Order [or Conditional Sentence Order] granting restitution in the amount of _____ is hereby converted to a civil judgment in the outstanding amount of _____;
2. The Defendant pay the amount of _____ to the Plaintiff. The Plaintiff may use all the enforcement mechanisms provided by the Rules of Court, and;
2. The requirement that the parties sign this order is waived.

By the Court

Clerk of the Court