

Subject: **ORDERS, CERTIFICATES AND AGREEMENTS UNDER
THE INCOME AND EMPLOYMENT SUPPORTS ACT**

BACKGROUND

The purpose of the Act is to provide benefits and training to eligible persons. It makes provision for the Director to collect any benefit repayment due to the Government under this Act or a former Act. (1) The orders, certificates or agreements authorized by this Act, once registered in the Land Titles Office, binds the interest that the debtor has in any land. (2)

REGISTRATION PROCEDURE

1. The Director shall take any action necessary to collect any debt due to the Government under this Act or a former Act by

- entering into an agreement with the debtor, or
- bringing an action in debt, or
- by filing with the Clerk of the Court at any judicial district in Alberta, a certificate of the Minister certifying the amount owing. (3)

The Director should be a party to an agreement submitted for registration. A Court Order should reference the Income and Employment Supports Recovery Act.

2. Witnesses and affidavits of attestation are not required in respect of the signatories to an agreement. (4) An address for the individual in respect of which the agreement is registered should be provided.

3. The certificate, agreement or order must be accompanied by a Creditor's Statement of Debtor's Land (5) (FORM S) certificates and orders must be court certified copies. One of the following examples is used to endorse the certificate of title:

- Agreement
"Income and Employment Supports Act"
Or
"Certificate pursuant to the Income and Employment Supports Act"
- Order
"Income and Employment Supports Act"

The SPIN2 document type to be used when creating a Document Registration Request (DRR) form is: Order – Endorsement

The code used for registration at Land Titles is: ORDE

4. **Cancellation of an Order, Certificate or Agreement** – The registration or an order, certificate or agreement shall be cancelled when a notice issued by the Director is submitted for registration stating:
- a) that the person is not required to make further payment under the order, certificate or agreement,
 - b) in the case of an order or certificate, that the order or certificate has terminated or has been revoked by an order of the Court of King's Bench, or
 - c) in the case of an agreement, that the agreement has terminated or has been discharged. (6)

A Court Order can also be used to cancel the registration of an order, certificate or agreement. (7)

The SPIN2 document type to be used when creating a Document Registration Request (DRR) form is: Discharge by Order

The code used for registration at Land Titles is: DISO

5. The Director may file a caveat in respect of assistance provided for certain payments. (8) The caveat creates a charge on the land. See [CAV-5](#) for the registration procedure.

6. **Maintenance Enforcement** – If an agreement or order is accompanied by a Notice of Filing from the Director or Maintenance Enforcement, (see procedure under [MAI-1, FORM A](#)). A Notice may also be submitted by the Director of Maintenance Enforcement in respect of a previously registered agreement or order.

The SPIN2 document type to be used when creating a Document Registration Request (DRR) form is: Notice of Maintenance

The code used for registration at Land Titles is: NOTM

7. **Postponement** – An agreement, certificate or order can be postponed by the Director.

8. No fee is charged for documents submitted for registration by the Director of Income and Employment Support.

STATUTE AND CASE REFERENCES

Statute references are for the Income and Employment Supports Act, unless otherwise indicated.

1. s. 35(1)
2. s. 39(2)
3. s. 38(2)
4. s. 159(j) Land Titles Act RSA 2000, c. L-4
5. s. 122(3) Land Titles Act RSA 2000, c. L-4
6. s. 39(3)
7. s. 39(4)
8. s. 40(1)