

The Distress Act Fees Amendment Regulations

being

[Chapter D-31 Reg 1](#) (effective October 3, 1985).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER D-31 REG 1

The Distress Act

Title

- 1 These regulations may be cited as *The Distress Act Fees Amendment Regulations*.

New First and Second Schedules

- 2 The First and Second Schedules to *The Distress Act* are repealed and the following substituted:

FIRST SCHEDULE

(Section 2.1)

Tariff of Costs for Distress for Rent

- 1 Seizure – 1% of the claim rounded off to the next highest whole dollar, but in any event not less than \$25 nor more than \$100.
- 2 Removal of all or part of goods distrained, when removal is necessary – the amount actually and reasonably incurred.
- 3 Storage – when real or actual possession is necessary, the amount actually and reasonably incurred.
- 4 Providing security at distrained premises – the current minimum wage rate per hour for the actual number of hours spent to a maximum of five days.
- 5 Advertising – the amount actually and reasonably incurred.
- 6 Taking inventory and appraising, when necessary – 5% of the value of the goods, with a minimum of \$15.
- 7 Fee for service:
 - (a) if a sale is held and the net proceeds of the sale are:
 - (i) \$500 or less – 10% of the proceeds;
 - (ii) more than \$500 but not more than \$1,500 – \$50 plus 5% of the amount over \$500;
 - (iii) more than \$1,500 – \$100 plus 3% of the amount over \$1,500;
 - (b) if the amount due is paid in whole or in part after seizure and before sale, the maximum fee that may be charged is 5% of the amount realized plus:
 - (i) the actual cost of removal and storage; and
 - (ii) the amount charged by any licensed auctioneer as a cancellation fee.
- 8 Fee of a licensed auctioneer – the amount actually and reasonably incurred.
- 9 Travel costs – the prevailing rate under the Public Service Regulations, being Saskatchewan Regulations 234/74, for each kilometre necessarily travelled in the course of acting under a warrant for distress or seizure, from the place where the warrant is received, or the office of the person making the distress, whichever is nearer, and return.

SECOND SCHEDULE

*(Section 3)***Tariff of Costs for Seizure under Security Agreements**

- 1 Receiving, entering and perusal of security agreement – \$15.
- 2 Locating and seizure – \$25.
- 3 Removing, keeping possession, taking inventory, appraising and selling – the amount actually and reasonably incurred.
- 4 Advertising – the amount actually and reasonably incurred.
- 5 Cancellation fee, if applicable, following seizure and before sale – \$25.
- 6 Fee on the sum realized following sale, if the amount realized from the sale is:
 - (a) \$500 or less – \$25;
 - (b) more than \$500 but not more than \$5,000 – \$25 plus 3% of the amount over \$500;
 - (c) more than \$5,000 – \$160 plus 1.5% of the amount over \$5,000.
- 7 Postage – the amount actually and reasonably incurred.
- 8 Travel costs – the prevailing rate under the Public Service Regulations, being Saskatchewan Regulations 234/74, for each kilometre necessarily travelled in the course of acting under a warrant for seizure, from the place where the warrant is received, or the office of the person directed to make seizure, whichever is nearer, and return.
- 9 If equipment belonging to the sheriff's office is used for towing in the course of acting under a warrant for seizure, an additional fee for travelling costs may be charged by the sheriff equal to one half of the rate charged in accordance with item 8 of this schedule.

11 Oct 85 cD-31 Reg 1 s2.

Sask. Reg. 157/77 repealed

- 3 Saskatchewan Regulations 157/77 are repealed.

11 Oct 85 cD-31 Reg 1 s3.