

Federal Court



Cour fédérale

**Date: 20170216**

**Docket: T-1193-13**

**Citation: 2017 FC 197**

**Vancouver, British Columbia, February 16, 2017**

**PRESENT: The Honourable Mr. Justice Shore**

**BETWEEN:**

**THE ADMINISTRATOR OF  
THE SHIP-SOURCE OIL POLLUTION FUND**

**Plaintiff/  
Judgment Creditor**

**and**

**VAUGHN HOLLIS**

**Defendant/  
Judgment Debtor**

**ORDER**

**UPON *EX PARTE* MOTION** in writing dated February 15, 2017, on behalf of the Plaintiff/Judgment Creditor pursuant to Rule 369(1) of the *Federal Courts Rules* for an order that:

1. any amounts due or accruing by the Garnishee to the Judgment Debtor shall be attached to answer the Judgment of Madam Prothonotary Milczynski pronounced on January 29, 2014;

2. the Garnishee appear before this Court with an affidavit previously served on counsel for the Judgment Creditor on or before February 23, 2017 at the following address: 2700-700 West Georgia Street, Vancouver, British Columbia, so as to state under oath the amounts due or accruing by it to the Judgment Debtor;
3. the Garnishee not divest the said amounts before the Court has decided to whom they shall be allocated;
4. where the Garnishee fails to swear oath, it could be sentenced to pay the debt in principal, interest and costs, including the costs of this motion; and
5. the hearing for the issuance of a Final Garnishment Order be set for March 2, 2017 at 9:30 a.m. at the Federal Court in Vancouver at 701 West Georgia Street, Vancouver, British Columbia;

**AND UPON** reading the motion record filed on behalf of the Plaintiff/Judgment Creditor;

**AND UPON** reading the affidavit of Steven Carey and viewing the supporting documents, including the Order of Madam Prothonotary Milczynski issued on January 29, 2014 ordering judgment of the amount of \$103,428.74 plus \$4,199.36 in interest with post-judgment interest accruing at a per diem rate of \$8.50;

**WHEREAS** pursuant to the terms of these orders and judgments, the Defendant/Judgment Debtor is indebted to the Plaintiff/Judgment Creditor for the amount of \$117,080.10;

**WHEREAS** on February 15, 2017, the amount of \$117,808.10 remained due and unpaid;

**THIS COURT ORDERS that:**

1. Any amount due or accruing by the Garnishee, Royal Bank of Canada, located at 500 West 2<sup>nd</sup> Avenue, Prince Rupert, British Columbia, V8J 3T6 (the Garnishee) to the Defendant/Judgment Debtor, Vaughn Hollis (the Defendant), shall be attached to answer the above-mentioned order and judgment.
2. The Garnishee shall appear before this Court with an affidavit previously served on counsel for the Plaintiff/Judgment Creditor (the Plaintiff) on or before February 23, 2017, at the following address: 2700-700 West Georgia Street, Vancouver, British Columbia, so as to state under oath the amounts due or accruing by it to the Defendant.
3. The Garnishee shall not divest the said amounts before the Court has decided to whom they shall be allocated.
4. Where the Garnishee fails to swear oath, it could be sentenced to pay the debt in principal, interest and costs, including the costs of this motion.
5. The hearing for the issuance of a Final Garnishment Order shall be set for March 2, 2017 at 9:30 a.m. at the Federal Court at 701 West Georgia Street, Vancouver, British Columbia.

“Michel M.J. Shore”

---

Judge