

## Courts of Justice Act

### R.R.O. 1990, REGULATION 194

#### RULES OF CIVIL PROCEDURE

##### REMOVAL OR WITHDRAWAL OF WRIT FROM SHERIFF'S FILE

###### ***Sheriff's Procedure — Executed and Expired Writs***

[60.15 \(1\)](#) When a writ has been fully executed or has expired, the sheriff shall so indicate in his or her file, and the writ shall be removed from the active file, transferred to a separate file of executed, expired and withdrawn writs and retained there. O. Reg. 14/04, s. 27.

###### ***Sheriff's Procedure — Withdrawn Writs***

[\(2\)](#) When a writ is withdrawn, the sheriff shall record the date and time of the withdrawal, and if the writ is withdrawn as against all the debtors named in it, it shall be removed from the active file, transferred to a separate file of executed, expired and withdrawn writs and retained there. O. Reg. 14/04, s. 27.

###### ***Withdrawal of Writ by Person Who Filed It***

[\(3\)](#) A party or lawyer who has filed a writ with a sheriff may withdraw it as against one or more of the debtors named in it by giving the sheriff written instructions to that effect. O. Reg. 14/04, s. 27.

[\(4\)](#) A party who has filed a writ with a sheriff may withdraw it as against one or more of the debtors named in it by filing a withdrawal of writ electronically under subrule 4.05.1 (2). O. Reg. 14/04, s. 27.

###### ***Withdrawal of Writ on Debtor's Request***

[\(5\)](#) When a judgment debt has been released by an order of discharge or by a certificate of full performance under the *Bankruptcy and Insolvency Act* (Canada), the debtor may request that the writ be withdrawn by giving the sheriff,

(a) a written request to withdraw the writ (Form 60O); and

(b) a certified copy of the order of discharge or a copy of the certificate of full performance. O. Reg. 260/05, s. 12.

[\(6\)](#) On receiving the documents described in subrule (5), the sheriff shall forthwith send the creditor, by mail addressed to the creditor at the address shown on the writ, a copy of the documents and a notice that the writ will be withdrawn unless the creditor,

(a) makes a motion for an order under the *Bankruptcy and Insolvency Act* (Canada) that the judgment debt is not released by the order of discharge or certificate of full performance; and

(b) within 30 days after the date of the sheriff's notice, serves the sheriff with a copy of the notice of motion and a copy of all affidavits and other material served for use on the motion. O. Reg. 260/05, s. 12.

[\(7\)](#) The sheriff shall withdraw the writ after the day that is 30 days after the date of the notice to the creditor, unless the creditor has taken the steps described in clause (6) (b). O. Reg. 14/04, s. 27.

[\(8\)](#) If the creditor takes the steps described in clause (6) (b), the sheriff shall not withdraw the writ at the debtor's request unless the court orders otherwise. O. Reg. 14/04, s. 27.

FORM 600

*Courts of Justice Act*

REQUEST TO WITHDRAW A WRIT

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

*(General heading)*

REQUEST TO WITHDRAW A WRIT

TO: the Sheriff of the *(name of county or district)*

Under an order of this court in the favour of *(name of creditor)* made on *(date)*, *(name of debtor)* was ordered to pay the sum of \$..... *(where applicable, add each month or as may be)* with interest at the rate of ..... per cent per year commencing on *(date)* and costs of \$ ..... *(as fixed or assessed)* with interest at the rate of ..... per cent per year commencing on *(date)*.

*(name of debtor)* states as follows:

Order of Discharge

1. The order has been released by an order of discharge under the *Bankruptcy and Insolvency Act* (Canada). A certified copy of the order is attached.
2. The debtor has no debts under section 178 of that Act.

OR

Certificate of Full Performance

1. The order has been released by a certificate of full performance under the *Bankruptcy and Insolvency Act* (Canada). A copy of the certificate is attached.
2. The debtor has no debts under section 178 of that Act.

*(name of debtor)* requests that the writ of seizure and sale issued with respect to the order be withdrawn under rule 60.15 of the *Rules of Civil Procedure*.

Date .....

\_\_\_\_\_  
*(Signature of debtor)*

*(Name, address and telephone number of debtor or debtor's lawyer)*



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