# The Vehicle Impoundment (Public Order) Regulations, 2007

# being

Chapter T-18.1 Reg 4 (effective February 28, 2007) as amended by Saskatchewan Regulations 34/2018.

# 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 T-18.1 REG 4

# The Traffic Safety Act

### Title

1 These regulations may be cited as *The Vehicle Impoundment (Public Order)* Regulations, 2007.

# Interpretation

- **2**(1) In these regulations:
  - (a) "Act" means The Traffic Safety Act;
  - (b) "Form" means a Form as set out in the Appendix;
  - (c) "tow truck operator" means a person who operates a towing vehicle or a tow truck.
- (2) For the purposes of these regulations and Division 3 of Part XV of the Act, "owner" means the person in whose name a motor vehicle is registered pursuant to the laws of the jurisdiction in which the motor vehicle is registered.

9 Mar 2007 cT- 18.1 Reg 4 s2.

### Notice of seizure

- **3**(1) The prescribed form of a notice of seizure and impoundment or immobilization pursuant to Division 3 of Part XV of the Act is Form A.
- (2) The original copy of Form A is to include all required information, but copies provided to other persons may contain fields that are blacked out.

9 Mar 2007 cT-18.1 Reg 4 s3; 18 May 2018 SR 34/2018 s3.

# Service of notice of seizure

- 4 If a peace officer seizes a motor vehicle pursuant to section 174 of the Act, the peace officer shall serve the notice of seizure and impoundment or immobilization on the driver and the owner of the motor vehicle:
  - (a) personally; or
  - (b) by registered mail.

9 Mar 2007 cT-18.1 Reg 4 s4.

# Prescribed fees, costs and charges for garage keeper

**5**(1) A garage keeper who impounds or immobilizes a motor vehicle pursuant to section 175 of the Act is entitled to the fees, costs and charges set out in *The Vehicle Impoundment (General) Regulations*, 2014.

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(2) For the purposes of subsection (1), the provisions respecting fees, costs and charges in *The Vehicle Impoundment (General) Regulations, 2014* apply, with any necessary modifications, to garage keepers who impound or immobilize a motor vehicle pursuant to section 175 of the Act.

9 Mar 2007 cT-18.1 Reg 4 s5; 18 May 2018 SR 34/2018 s4.

# Duties of garage keeper

**6** A garage keeper who impounds or immobilizes a motor vehicle, or a tow truck operator who assists the garage keeper for the purpose of impounding or immobilizing a motor vehicle pursuant to Division 3 of Part XV of the Act, shall make an inventory of the motor vehicle's contents and a report on the condition of the motor vehicle in Form B.

9 Mar 2007 cT-18.1 Reg 4 s6.

# Prescribed maximum amount - section 175 of the Act

- 7 For the purposes of clause 175(4)(a) of the Act, the prescribed maximum amount is the total amount of the fees, costs and charges prescribed pursuant to section 5 relating to the impoundment or immobilization of the motor vehicle by the garage keeper for the period:
  - (a) commencing on the date of the seizure; and
  - (b) ending on the tenth day following the day on which the garage keeper receives the certificate of the designated official authorizing the garage keeper to release the motor vehicle.

9 Mar 2007 cT- 18.1 Reg 4 s7.

# Report and return of garage keeper - sale of motor vehicle

8 Within 14 days after selling a motor vehicle pursuant to section 176 of the Act, the garage keeper who sold the motor vehicle shall make a return to the designated official in Form C.

9 Mar 2007 cT-18.1 Reg 4 s8.

# Application of proceeds of sale

- **9**(1) If a garage keeper sells a motor vehicle pursuant to section 176 of the Act, the garage keeper shall apply the proceeds of the sale to the satisfaction of any lien that the garage keeper has pursuant to subsection 175(2) of the Act.
- (2) If, after applying the proceeds of a sale in the manner prescribed in subsection (1), any excess remains, the garage keeper shall forward the excess to the designated official.
- (3) If the designated official receives money pursuant to subsection (2), the designated official shall:
  - (a) apply the money towards the satisfaction of:
    - (i) first, any security interest or other interest perfected against the motor vehicle pursuant to *The Personal Property Security Act, 1993*; and

- (ii) second, any outstanding fees incurred by the designated official as a result of the seizure and impoundment or immobilization of the motor vehicle; and
- (b) except if clause 186(2)(b) of the Act applies or if any charge for a proscribed offence against a person who was in the motor vehicle at the time it was seized has not been disposed of, forward any balance remaining to the owner of the motor vehicle.
- (4) Notwithstanding subsection (3), the designated official is not required to refund any amount pursuant to clause (3)(b) unless the amount exceeds \$1.

9 Mar 2007 cT-18.1 Reg 4 s9.

# Prescribed value of motor vehicle

10 For the purposes of Division 3 of Part XV of the Act, the prescribed value of a motor vehicle is the fair market value of the motor vehicle as determined by the designated official.

9 Mar 2007 cT-18.1 Reg 4 s10.

# Declaration by garage keeper

- 11(1) For the purposes of clause 177(2)(b) of the Act, the statutory declaration by a garage keeper declaring that the amount of the lien arising out of the seizure and impoundment or immobilization exceeds the garage keeper's estimate of the value of the motor vehicle is to be in Form D.
- (2) For the purposes of clause 177(6)(a) of the Act, the administrator shall apply the refund towards satisfaction of:
  - (a) first, any lien that the garage keeper has pursuant to subsection 175(2) of the Act;
  - (b) second, any security interest or other interest perfected against the motor vehicle pursuant to *The Personal Property Security Act, 1993*; and
  - (c) third, any outstanding fees incurred by the designated official as a result of the seizure and impoundment or immobilization of the motor vehicle.

9 Mar 2007 cT-18.1 Reg 4 s11.

# Prescribed interest rate - amounts owing by owner to designated official

12 For the purposes of clause 178(4)(c) of the Act, the prescribed interest rate is the interest rate in effect pursuant to *The Pre-judgment Interest Act*.

9 Mar 2007 cT-18.1 Reg 4 s12.

# Application to justice for release of a motor vehicle

- **13**(1) A person who applies to a justice pursuant to Division 3 of Part XV of the Act for the release of a motor vehicle that has been seized and impounded or immobilized shall:
  - (a) apply in Form E; and
  - (b) pay a fee of \$100.

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- (2) A person making an application mentioned in subsection (1) shall deliver the application and the fee to the office of the Provincial Court of Saskatchewan nearest to the location where the motor vehicle was seized.
- (3) The clerk of the Provincial Court of Saskatchewan who receives an application and a fee pursuant to subsection (2) shall advise the applicant of the date, time and location for hearing the application.

9 Mar 2007 cT-18.1 Reg 4 s13.

# Procedure on application to justice for release of motor vehicle

- **14**(1) At the hearing of an application to a justice pursuant to Division 3 of Part XV of the Act:
  - (a) the applicant and any witness providing evidence for the applicant shall appear in person unless the justice is satisfied that it would be in the public interest to allow the applicant or the witness to provide evidence by telephone; and
  - (b) if requested by the justice to do so or if the designated official is of the opinion that given the circumstances of a particular application it would be appropriate to do so, the designated official may provide evidence in person or by telephone.
- (2) For the purposes of a hearing mentioned in subsection (1), the designated official shall file with the office of the Provincial Court of Saskatchewan to which the application was delivered a written report that includes the following information:
  - (a) the information mentioned in subsection 180(4) of the Act;
  - (b) information in the records of the administrator respecting any other motor vehicles registered to:
    - (i) the applicant, if other than the owner;
    - (ii) the owner;
    - (iii) the driver;
    - (iv) any other person who was in the motor vehicle when it was seized; and
    - (v) a member of the immediate family of any of persons mentioned in subclauses (i) to (iv);
  - (c) the criminal record for any proscribed offence of the driver and any other person who was in the motor vehicle when it was seized;
  - (d) a record of any previous seizures of motor vehicles pursuant to Division 3 of Part XV of the Act involving any of the persons mentioned in clause (b); and
  - (e) any other information that, in the opinion of the designated official, would be of assistance to the justice in deciding the application.

- (3) On the request of the applicant to a clerk of the Provincial Court of Saskatchewan, a copy of a report filed pursuant to subsection (2) is to be provided, without charge, to the applicant.
- (4) The justice may adjourn the application:
  - (a) to allow the applicant or the designated official time to obtain further information;
  - (b) if evidence is being provided by telephone and the justice determines that the taking of evidence by telephone is unsatisfactory, to allow the person giving evidence by telephone to appear in person before the justice; or
  - (c) if the justice considers it is necessary to determine the application.
- (5) If the applicant fails to appear at the hearing, the justice may consider the application in the absence of the applicant.

9 Mar 2007 cT-18.1 Reg 4 s14.

### Applications to designated official for release

- **15** A person who applies to the designated official for release of a motor vehicle pursuant to Division 3 of Part XV of the Act shall:
  - (a) apply in the form provided by the designated official; and
  - (b) subject to section 19, pay the designated official a fee of \$50.

9 Mar 2007 cT-18.1 Reg 4 s15.

# Application for certificate authorizing garage keeper to release a motor vehicle

- **16**(1) If a justice, a peace officer or the designated official authorizes the release of a motor vehicle pursuant to Division 3 of Part XV of the Act, the owner or a person authorized by the owner shall, subject to section 19, pay a release fee of \$50:
  - (a) to the designated official; or
  - (b) at any office of the Provincial Court of Saskatchewan.
- (2) A garage keeper shall not release a motor vehicle that was seized and impounded or immobilized pursuant to Division 3 of Part XV of the Act without first obtaining a certificate of the designated official issued pursuant to this section.
- (3) The designated official shall issue a certificate authorizing the garage keeper to release the motor vehicle on receipt of:
  - (a) if the release fee was paid to the designated official pursuant to clause (1)
  - (a), the release fee; or
  - (b) if the release fee was paid at an office of the Provincial Court of Saskatchewan pursuant to clause (1)(b), proof satisfactory to the designated official of payment of the release fee.

9 Mar 2007 cT-18.1 Reg 4 s16.

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# Required deposit by owner for release of motor vehicle

- 17 On an application for release pursuant to section 182 of the Act, the owner shall deposit with the designated official either of the following:
  - (a) cash, a certified cheque or a money order payable to the Minister of Finance in an amount equal to the fair market value of the motor vehicle as determined by the designated official;
  - (b) an irrevocable letter of credit payable to the Minister of Finance in an amount equal to the fair market value of the motor vehicle as determined by the designated official.

 $9 \, \mathrm{Mar} \, 2007 \, \mathrm{cT} \text{-} 18.1 \, \mathrm{Reg} \, 4 \, \mathrm{s} 17.$ 

# When designated official may release motor vehicle - prescribed circumstances

- 18 For the purposes of section 184 of the Act, the following are prescribed circumstances:
  - (a) an application is made to the designated official by a secured party for release of a motor vehicle against which the secured party registered a security interest pursuant to *The Personal Property Security Act, 1993* before the date on which the motor vehicle was seized;
  - (b) an application is made to the designated official by an owner for release of a motor vehicle that the owner had reported to the police as a stolen motor vehicle before the seizure of the motor vehicle;
  - (c) the designated official is satisfied that the motor vehicle was seized in error;
  - (d) the designated official is satisfied that no person who was in the motor vehicle at the time it was seized will be charged with a proscribed offence arising out of the circumstances leading to the seizure.

9 Mar 2007 cT-18.1 Reg 4 s18.

# When designated official may pay garage keeper's fees

- **19** If the designated official authorizes the release of a motor vehicle pursuant to Division 3 of Part XV of the Act, the designated official may:
  - (a) pay the fees, costs and charges that the garage keeper is entitled to pursuant to Division 3 of Part XV of the Act and these regulations; and
  - (b) exempt the person applying for release of the motor vehicle pursuant to Division 3 of Part XV of the Act or a certificate authorizing release of the motor vehicle pursuant to section 16 from paying the fee prescribed in those sections.

9 Mar 2007 cT-18.1 Reg 4 s 19.

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# Personal property that may be removed

- **20** For the purposes of subsection 187(3) of the Act, the following types of personal property are prescribed as personal property that may be removed from a motor vehicle:
  - (a) child restraint systems;
  - (b) infant restraint systems;
  - (c) booster cushions;
  - (d) devices for the use of the handicapped.

9 Mar 2007 cT-18.1 Reg 4 s20.

# R.R.S. c.H-3.1 Reg 19 repealed

21 The Vehicle Impoundment (Public Order) Regulations are repealed.

9 Mar 2007 cT-18.1 Reg 4 s21.

# Coming into force

**22** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

9 Mar 2007 cT-18.1 Reg 4 s22.

# VEHICLE IMPOUNDMENT (PUBLIC ORDER), 2007



# VEHICLE IMPOUNDMENT AGAINST SEXUAL EXPLOITATION NOTICE OF SEIZURE AND IMPOUNDMENT OR IMMOBILIZATION

Form A

THIS VEHICLE MAY ONLY BE RELEASED	ON RECEIPT OF A CE	RTIFICATE SIGNED B	Y THE DESIGNATED OFFICIAL
DRIVER INFORMATION		POLI	CE FILE #:
Name of Driver:		VOI:	S15HW0 -HI
(Last Name)		(First Name)	(Initial)
Drivers Licence #: Saskatchewan			
Or Other Jurisdiction:(Province/St	ate)		(Number)
Date of Birth:	200	Telephone:	
NAME OF OTHER PERSONS IN MOTOR	VEHICLE AT TIME		
Name:	VIIIICIII IIII	JI SELECTE	
(Last Name)	(Firs	t Name)	(Initial)
Date of Birth:	<u> </u>		
VEHICLE INFORMATION			
icence Plate or Certificate Number:		Issuing Province/Sta	ate:
lear: Colour:	Make/model: _		V.I.N.:
Registered Owner: Same as driver 🔲 Or 🔔			
Name of Registered Owner:			
(Last Name)		(First Name)	(Initial)
rivers Licence #: Saskatchewan			
Or Other Jurisdiction:	)		Nt 1
(F	Province/State)		(Number)
Address:(Street or Box Number)	(City)	(Province/Stat	e) (Postal Code)
	(61.3)	(1101Hiocybactu	(1 shall obtas)
Celephone:			
The undersigned Peace Officer has reasonable course of committing an offence under section. The following individuals have been cha	n 211, 213, 286.1, 286.2	and 286.3, and has the	
The motor vehicle was seized at:		cation)	
			: hrs.
n:,	(Lc		: hrs.
on:,	(Lc		: hrs.
on:,	(Lc	(Business Name)	: hrs.
on:	(Address of Business Impo	(Business Name)	: hrs.
n:,,,	(Address of Business Impo	(Business Name)	. hrs.
on:,	(Address of Business Impo	(Business Name)	s

### CONDITIONS

The vehicle will be impounded regardless of who owns the vehicle. Once the vehicle is impounded the licence plates on the vehicle cannot be cancelled or transferred to another vehicle.

# APPLICATION FOR RELEASE FROM IMPOUNDMENT

- A. The owner can apply to the Designated Official for release of the vehicle from impoundment. Applications for release can be obtained from the police officer who seized the vehicle, from the Designated Official or from any office of the Provincial Court of Saskatchewan. The vehicle may be released, on payment of the \$50 application fee, in the following situations:
  - The Designated Official is satisfied that every person who was in the motor vehicle at the time it was seized
    and whom the peace officer seizing the motor vehicle had reasonable grounds to believe committed a proscribed
    offence, has enrolled in an approved prostitution offender program.
  - 2. Money or security equal to the value of the vehicle has been deposited with the Designated Official.
  - The application is made by a person who registered a security interest against the vehicle before it was seized.
  - 4. The Designated Official is satisfied that the vehicle was stolen.
  - 5. The Designated Official is satisfied that the vehicle was seized in error.
  - The Designated Official is satisfied that no person who was in the motor vehicle at the time it was seized will be charged with a proscribed offence arising out of the circumstances leading to the seizure.
- 3. The owner (or other person affected by the impoundment) can also apply to the court for release of the vehicle from impoundment. Application for release of a vehicle can be filed at the Provincial Court House nearest to the location where the vehicle was seized, upon payment of the \$100 application fee and presentation of this notice of seizure. A hearing will be set up within ten business days. Results of the hearing whether or not the vehicle will be released will be provided by telephone. The vehicle may be released in the following situations:
  - 1. The driver was in possession of the vehicle without the owner's knowledge and consent.
  - The owner could not have reasonably known that the vehicle was being driven in the course of committing an offence under section 211, 213, 286.1, 286.2 and 286.3.
  - 3. The continued impoundment would pose a serious threat to the health of any person.
  - The continued impoundment would cause extreme hardship for person(s) other than a person who was in the vehicle when it was seized.
  - 5. There are other grounds justifying release and it is not contrary to the public interest to release the vehicle.

### RELEASE COST

If release is granted, the owner must obtain a Certificate Authorizing Release. The \$50 release fee may be paid at any office of the Provincial Court of Saskatchewan by certified cheque, money order or cash. Payments may also be made by debit card, MasterCard or Visa at some offices of the Provincial Court of Saskatchewan. The garage keeper where the vehicle is impounded will be authorized to release the vehicle on receiving from the Designated Official a Certificate Authorizing Release. All towing and storage costs must be paid to the garage keeper before the vehicle can be released.

For more information, please call (306) 787-9713.

UNDER THE TRAFFIC SAFETY ACT, SECTION 187(2) — NO PERSON SHALL REMOVE THE LICENCE PLATES FROM A MOTOR VEHICLE, OR ATTEMPT TO TRANSFER THE LICENCE PLATES, OR TRANSFER THE OWNERSHIP, OR TRANSFER OR CANCEL THE REGISTRATION OF A MOTOR VEHICLE SEIZED AND IMPOUNDED OR IMMOBILIZED.

UNDER THE TRAFFIC SAFETY ACT, SECTION 187(3) – NO PERSON SHALL REMOVE PERSONAL PROPERTY THAT IS ATTACHED TO A MOTOR VEHICLE OR THAT IS CONNECTED WITH THE OPERATION OF A MOTOR VEHICLE THAT HAS BEEN SEIZED AND IMPOUNDED OR IMMOBILIZED, OTHER THAN CHILD RESTRAINT SYSTEMS, INFANT RESTRAINT SYSTEMS, BOOSTER CUSHIONS AND DEVICES FOR THE USE OF THE HANDICAPPED.

## NOTE

The original copy of this form is to include all required information, but copies provided to other persons may contain fields that are blacked out.

# VEHICLE IMPOUNDMENT (PUBLIC ORDER), 2007

# FORM B Inventory and Report

[Section 6]

Owner's Name:			_ Add	Address:				
Driver's Name:					_ Add	ress:		
Plate Number: Province/Sta			State:					
			VIN:			Colour:		
	Yes	No		Yes	No		Condition	
Windshield Wipers			Keys			L.F. Tire		
Rear view mirror			Registration			R.F. Tire		
Side view mirror			Spotlight(s)			L.R. Tire		
Cassette player			Fog Light(s)			R.R. Tire		
Radio			Battery			Spare Tire		
Aerial			Gas cap			Fender		
CD Player			Beauty rims			Body		
Car Warmer			Hub caps			Roof		
CDs/Cassettes			Jack			Hood		
Radar Detector			Headlights			Grill		
Child Car Seats			Tail Lights			Bumper (front)		
Upholstery			Roof rack			Bumper (rear)		
Seat Covers			Hood ornament					
Remarks: (other equi	pmeni,	, 10015, C	onution of glass, conf	tems of g	iove be	na unu urunk, etc.)		
					g:		Towing Charges: \$	
Towing Company Nar						15 16		
Address:				L	ocatio	on and Postal Cod	e:	
Driver's/Owner's Sig	nature	•			_	Tow Truck Opera	ttor's Signature	
Location of Impound	lment							
Garage Name:								
Location:								
Garage Keeper's Sign	ature:							
			~~~~~			~~~~~~		
Designated official		2 0	arage Keener	2 0	/0	merator	4 Tow Truck Operator	

# FORM C

# Report and Return of Garage Keeper —Sale

[Section 8]

of	
carrying on the business of garage keeper at	
, , , , , , , , , , , , , , , , , ,	(address)
DO SOLEMNLY DECLARE:	
with respect to the following vehicle:	
Year Make/Model:	.:VIN:
Plate Number:	Province of Issue:
This vehicle was sold/disposed of on	for the amount of \$
	(Date)
Attached is a copy of the bill of sale and the	•
The towing cost for this vehicle is \$	;
towed by	
	(Company Name)
	(Address)
The storage cost for the above vehicle is \$	
	,
stored by	(Company Name)
	(Address)
I MAKE THIS SOLEMN DECLARATION effect as if made under oath and by virtue o	I conscientiously believing it to be true and knowing that it is of the same force and the Canada Evidence Act.
Declared before me at	
Saskatchewan this	
of,	C ————————————————————————————————————
,	
A Commissioner for Oaths in and for Saskatch	newan -
A Commissioner for Oaths in and for Saskatch  My Appointment expires	

# VEHICLE IMPOUNDMENT (PUBLIC ORDER), 2007

# Form D

# **Declaration of Garage Keeper**

[Section 11]

S	TATUTORY DECLARATION_					
I,	, of					
ca	arrying on the business of a garage keeper at,					
D	O SOLEMNLY DECLARE, with respect to the following vehicle:					
Ye	ear, Make/Model: VIN:					
	late Number: Province of Issue:					
1	THAT by reason of subsection 175(2) of <i>The Traffic Safety Act</i> , I have a lien on the above vehicle for					
	(specify, e.g. towing and/or storage)					
2	THAT my lien is, as at the day of , , in the amount of \$					
3	THAT in my opinion the vehicle is worth no more than \$					
4	THAT attached is a copy of the lien search done through <i>The Personal Property Security Act, 1993</i> .					
	MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and fect as if made under oath and by virtue of the <i>Canada Evidence Act</i> .					
D	eclared before me at					
Sa	askatchewan this day					
of	Garage keener's Signature					
	Garage keeper's Signature					
_	4 Commissioner for Oaths in and for Saskatchewan					
I	My Appointment expires,					
R	EQUEST FOR CONSENT TO SALE					
I,	, having solemnly declared the					
	ontents of the above Statutory Declaration, request the consent of the designated official to the sale of the above vehicle at ablic auction pursuant to subsection 176(1) of <i>The Traffic Safety Act</i> .					
D	ISPOSITION BY DESIGNATED OFFICIAL					
	The designated official consents to consent to the sale of the above vehicle.					
	The designated official declines to consent to the sale of the above vehicle.					
	(Signature of Designated Official) (Date)					
	1-2 Designated official 3 Garage keeper					

# FORM E

# Application to Justice for Release of Motor Vehicle

[ $Clause\ 13(1)(a)$ ]

This is an application for release of a motor vehicle tha (a copy of Form A, Notice of Seizure and Impoundment			
<b>Note:</b> An application fee of \$100 must accompany th or cash. Payments may also be made by debit card, Mast	is application. I	Payment ma	ay be made by certified cheque, money order
I am the owner of the motor vehicle: Yes	No (If	not the own	er, explain interest in vehicle)
(Signature of Applicant)			(Date)
Name of Applicant:			
Address:			
Telephone Number:			
FOR OFFICIAL USE ONLY			
Date Application Fee Received Fax to Design	Office of Pr		urt Receiving Fee 084
HEARING OF AN APPLICATION FOR RELEASE			
For the use of the Provincial Court Clerk:			
Date and time of hearing:			
Place of hearing:			
Method used to advise applicant of date, time and place	e of hearing:		
		(Signature	of Court Clerk)
DISPOSITION OF APPLICATION			
Designated official is ordered to release motor vehicle:	Yes		No
Designated official is ordered to return application fee:	Yes		No
(Signature of Justice or Court Clerk) NOTICE TO APPLICANT		(Date)	
R	IGHT OF APPI	EAL	
A person who is dissatisfied with this decision may appea this decision.		, -	•
If release of the vehicle is authorized, a Certificate Author payment of the release fee of \$50. You may pay the fee at any or cash. Payments may be made by debit card, MasterCard of Authorizing Release by Garage Keeper will be faxed direct payment of the issuance fee.  FOR OFFICIAL USE ONLY	office of the Provor Visa at some of	Garage Kee vincial Court ffices of the	eper will be issued by the Designated Official or in Saskatchewan by certified cheque, money orde Provincial Court of Saskatchewan. The Certificat

Date \$50 Release Fee Received

Office of Provincial Court Receiving Fee