

**IN THE TERRITORIAL COURT OF THE NORTHWEST
TERRITORIES**

IN THE MATTER OF:

GUY PEMBERTON

- and -

JOHNNY LENNIE

**REASONS FOR DECISION
of the
HONOURABLE JUDGE B. E. SCHMALTZ**

Heard at: Inuvik, Northwest Territories
July 14, 2014

Reasons filed: July 16, 2014

Plaintiff/Judgment Creditor on his own behalf

Defendant/Judgment Debtor on his own behalf

Pemberton v. Lennie, 2014 NWTTC 19

Date: 07-16-14
File: T3 CV 2012 000017

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER BETWEEN:

GUY PEMBERTON

Plaintiff/
Judgment Creditor

- and -

JOHNNY LENNIE

Defendant/
Judgment Debtor

[1] On December 12, 2012, Guy Pemberton filed a claim against Johnny Lennie. The matter proceeded to trial in Territorial Court on February 20, 2014, and Judgment was awarded in favour of Guy Pemberton in the amount of \$2,600.00 plus costs.

[2] On June 20, 2014, a Garnishee Summons issued on this matter to Mr. Lennie's employer, the Government of the Northwest Territories, Department of Industry, Tourism and Investment in the amount of \$3,484.72.

[3] On June 27, 2014, Mr. Lennie filed a Notice of Motion for an order exempting his wages from garnishment.

[4] Section 58 of the *Territorial Court Civil Claims Rules* states:

(1) A judgment debtor may apply to a territorial judge by notice of motion for an order exempting all or part of his or her wages or salary from garnishment on satisfying the territorial judge that there are good and valid reasons for exempting all or part of the wages or salary of the judgment debtor.

(2) In making an order under subsection (1), the territorial judge may order a conditional exemption on such terms and conditions as may seem just.

[5] In Johnny Lennie's Affidavit in Support of this Application he states: "I will pay to the court \$100 per month for Claim #T3CV 2012000017." In his submissions on this Application, Johnny Lennie stated that he earns \$120,000.00 per year and has monthly expenses including rent, utilities, a truck payment, a further "loan" payment, and he has two adult children in post-secondary school.

[6] Mr. Lennie's argument was that if his wages were garnisheed in the normal course, others in his care would suffer.

[7] Mr. Pemberton opposes this Application. Mr. Pemberton lent Mr. Lennie money in June 2007; in December 2012, Mr. Pemberton brought this action for repayment of the loan; the matter proceeded to trial in February 2014. Mr. Lennie proposes a plan that would now require Mr. Pemberton to wait another three years before he is paid back all the money, which would result in it being very close to 10 years after the initial loan that Mr. Pemberton would finally be repaid.

[8] I find Mr. Lennie's proposed repayment plan completely unreasonable. In reviewing this file, and also taking into account Mr. Lennie's attitude in Court including his continued protestation that he does not owe Mr. Pemberton this money, though he has not appealed the judgment of February 20, 2014, I find that Mr. Lennie is doing whatever he can to frustrate the process which would enable Mr. Pemberton to collect on the Judgment made against Mr. Lennie. I find no good or valid reason to exempt all or part of Mr. Lennie's wages from garnishment.

[9] Mr. Lennie's Application to exempt all or part of his wages from being garnisheed is dismissed.

Bernadette E. Schmaltz
Territorial Court Judge

Dated at Inuvik, Northwest Territories
this 16th day of July, 2014

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