

# Warehouse Lien Act, R.S.B.C. 1996, c. 480

Current version: in force since Apr 21, 1997

Link to the [latest version](http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-480/latest/) : <http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-480/latest/>

Stable link to [this version](http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-480/46737/) : <http://www.canlii.org/en/bc/laws/stat/rsbc-1996-c-480/46737/>

Currency: Last updated from the [BC Laws](#) site on 2010-05-14

---

Copyright (c) Queen's Printer,  
Victoria, British Columbia, Canada

## WAREHOUSE LIEN ACT [RSBC 1996] CHAPTER 480

### Contents

#### Section

- [1 Definitions](#)
- [2 Warehouse lien](#)
- [3 Notice of lien](#)
- [4 Enforcement of lien by sale of goods](#)
- [5 Substantial compliance](#)
- [6 Disposition of proceeds of sale](#)
- [7 Duty of warehouseman if charges paid before sale](#)
- [8 Manner of giving notices](#)
- [9 Construction of Act](#)

### Definitions

**1** In this Act:

**"goods"** includes personal property of every description that may be deposited with a warehouseman as bailee;

**"security interest"** means an interest in goods that secures payment or performance of an obligation;

**"warehouseman"** means a person lawfully engaged in the business of storing goods as a bailee for hire.

### Warehouse lien

**2** (1) Subject to section 3, every warehouseman has a lien on goods deposited with the warehouseman for storage, whether deposited by the owner of the goods or by the owner's authority, or by any person entrusted with the possession of the goods by the owner or by the owner's authority.

(2) The lien is for the amount of the warehouseman's charges for all of the following:

- (a) all lawful charges for storage and preservation of the goods;
- (b) all lawful claims for money advanced, interest, insurance, transportation, labour, weighing, cooping and other expenses in relation to the goods;
- (c) all reasonable charges for any notice required to be given under this Act, and for notice and advertisement of sale, and for sale of the goods if default is made in satisfying the warehouse lien.

### Notice of lien

**3** (1) If the goods on which a lien exists were deposited, not by the owner or by the owner's authority, but by a person entrusted by the owner or by the owner's authority with the possession of the goods, the warehouseman must, within 2 months after the date of the deposit, give notice of the lien to

- (a) the owner of the goods, and

(b) a person who has a security interest in the goods if a financing statement with respect to the security interest is registered at the date of the deposit of the goods.

(2) The notice must be in writing and contain the following:

(a) a brief description of the goods;

(b) a statement showing the location of the warehouse where the goods are stored, the date of their deposit with the warehouse, and the name of the person by whom they were deposited;

(c) a statement that a lien is claimed by the warehouse in respect of the goods under this Act.

(3) If the warehouse fails to give the notice required by this section, the lien, as against the person to whom the warehouse has failed to give notice, is void after the period of 2 months from the date on which the warehouse has knowledge of the person to whom the warehouse has failed to give notice.

#### **Enforcement of lien by sale of goods**

**4** (1) In addition to all other remedies provided by law for the enforcement of liens or for the recovery of warehouse's charges, a warehouse may sell by public auction, in the manner provided in this section, any goods on which the warehouse has a lien for charges which have become due.

(2) The warehouse must give written notice of the warehouse's intention to sell to the following persons:

(a) the person liable as a debtor for the charges for which the lien exists;

(b) the owner of the goods;

(c) any person who has a security interest in the goods where a financing statement with respect to the security interest is registered at the date of the deposit of the goods;

(d) any other person known by the warehouse to have or claim an interest in the goods.

(3) The notice must contain the following:

(a) a brief description of the goods;

(b) a statement showing the location of the warehouse where the goods are stored, the date of their deposit with the warehouse and the name of the person by whom they were deposited;

(c) an itemized statement of the warehouse's charges showing the sum due at the time of the notice;

(d) a demand that the amount of the charges as stated in the notice and further charges as may accrue must be paid on or before a day mentioned, not less than 21 days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination according to the due course of mail if it is sent by mail;

(e) a statement that, unless the charges are paid within the time mentioned, the goods will be advertised for sale and sold by public auction at a time and place specified in the notice.

(4) If the charges are not paid on or before the day mentioned in the notice, an advertisement of the sale, describing the goods to be sold, and stating the name of the person liable as debtor for the charges for which the lien exists and the time and place of the sale, must be published at least once a week for 2 consecutive weeks in a newspaper published in British Columbia and circulating in the locality where the sale is to be held.

(5) The sale must be held not less than 14 days from the date of the first publication of the advertisement.

#### **Substantial compliance**

**5** If a notice of lien under section 3 or a notice of intention to sell under section 4 has been given, but those sections have not been strictly complied with, if the court before which any question respecting the notice is tried or inquired into considers that those sections have been substantially complied with, or that it would be inequitable that the lien or sale would be void by reason of the noncompliance, no objection to the sufficiency of the notice must be allowed to prevail so as to release or discharge the goods from the lien or vitiate the sale.

#### **Disposition of proceeds of sale**

**6** (1) From the proceeds of the sale the warehouse must satisfy the warehouse lien and must pay over the surplus, if any, to the person entitled to it.

(2) The warehouse must, when paying over the surplus, deliver to the person to whom the warehouse pays it a statement of account showing how the amount has been computed.

(3) If the surplus is not demanded by the person entitled to it within 10 days after the sale, or if there are different claimants or the rights to it are uncertain, the warehouseer must pay the surplus into the Supreme Court on its order.

(4) The order referred to in subsection (3) may

(a) be made on an application without notice to anyone and on the terms and conditions as to costs and otherwise as the court may direct, and

(b) direct to what fund or name the amount of the surplus must be credited.

(5) At the time of paying the amount of the surplus into court the warehouseer must file in court a copy of the statement of account showing how the amount has been computed.

#### **Duty of warehouseer if charges paid before sale**

7 (1) At any time before the goods are sold, any person claiming an interest or right of possession in the goods may pay the warehouseer the amount necessary to satisfy the lien, including the expenses incurred in serving notices and advertising and preparing for the sale up to the time of the payment.

(2) The warehouseer must deliver the goods to the person making the payment if that person is the person entitled to the possession of the goods on payment of the warehouseer's charges on them, otherwise the warehouseer must retain possession of the goods according to the terms of the contract of deposit.

#### **Manner of giving notices**

8 If by this Act any notice in writing is required to be given, the notice must be given by delivering it to the person to whom it is to be given, or by mailing it in the post office, postage paid and registered, addressed to the person at the person's last known address.

#### **Construction of Act**

9 This Act must be interpreted and construed to give effect to its general purpose of making uniform the law of those provinces that enact it.

---

Copyright (c) Queen's Printer, Victoria, British Columbia, Canada

[Scope of Databases](#) | [RSS Feeds](#) | [Terms of Use](#) | [Privacy](#) | [Help](#) | [Contact Us](#) | [About](#)

by  for the  Federation of Law Societies of Canada