International Comparative Legal Guides

Enforcement of Foreign Judgments 2026

A practical cross-border resource to inform legal minds

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CDR Commercial Dispute Resolution

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1 Country Finder

1.1 Please set out the various regimes applicable to recognising and enforcing judgments in your jurisdiction and the names of the countries to which such special regimes apply.

Applicable Law/Statutory Regime	Relevant Jurisdiction(s)	Corresponding Section Below
Canada–United Kingdom Civil and Commercial Judgments Convention Act, RSC 1985, c C-30 (Canada). *Reciprocal Enforcement of Judgments (UK) Act*, RSO 1990, c R.6 (Ontario). *Court Order Enforcement Act*, RSBC 1996, c 78 (British Columbia). [Note that this statute will be superseded at an undetermined future date by the *Money Judgment Enforcement Act*. This chapter continues to refer to the *Court Order Enforcement Act* as it remains in force as of February 2026.] *International Conventions Implementation Act*, RSA 2000, c 1-6 (Alberta). *The Canada–United Kingdom Judgments Enforcement Act*, SS 1988–89, c C-0.1 (Saskatchewan). *The Canada–United Kingdom Judgments Enforcement Act*, CCSM, c J21 (Manitoba). *Canada and the United Kingdom Reciprocal Recognition and Enforcement of Judgments Act*, RSNL 1990, c C-3 (Newfoundland and Labrador). *Reciprocal Enforcement of Judgments Act*, RSNL 1990, c R-4 (Newfoundland and Labrador). *Canada and United Kingdom Reciprocal Recognition and Enforcement of Judgments Act*, RSNS 1989, c 52 (Nova Scotia). *Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters (Canada–United Kingdom) Act*, RSNB 2016, c 109 (New Brunswick). *Canada–United Kingdom Judgments Recognition Act*, RSPEI 1988, c C-1 (Prince Edward Island). *Reciprocal Enforcement of Judgments (Canada–UK) Act*, RSNWT (Nu) 1988, c R-2 (Nunavut). *Reciprocal Enforcement of Judgments (Canada–UK) Act*, RSNWT 1988, c R-2 (Northwest Territories). *Reciprocal Enforcement of Judgments (UK) Act*, RSY 2002, c 190 (Yukon).	United Kingdom (UK).	Section 3.
Foreign Extraterritorial Measures Act, RSC 1985, c F-29 (Canada).	United States of America (U.S.).	Section 3.

2 General Regime

2.1 Absent any applicable special regime, what is the legal framework under which a foreign judgment would be recognised and enforced in your jurisdiction?

In all Canadian provinces and territories except for the province of Quebec, absent an applicable statutory regime (as listed above in section 1), the enforceability of a foreign judgment is determined by the common law rules governing recognition and enforcement, which are discussed below.

In Quebec, the enforceability of a foreign judgment is governed by the *Civil Code of Quebec*.

2.2 What constitutes a 'judgment' capable of recognition and enforcement in your jurisdiction?

At common law, a foreign judgment may be recognised if:

- it is a final judgment (although this requirement has been waived in certain limited circumstances);
- it was granted by a court of competent jurisdiction; and
- it is of a nature that the principle of comity requires the Canadian court to enforce. (*Pro Swing Inc. v. Elta Golf Inc.*, 2006 SCC 52 at para. 31.)

If it is a judgment for the payment of money, it must be for a definite sum. (*Pro Swing Inc. v. Elta Golf Inc.*, 2006 SCC 52 at para. 10.)

If it is a non-monetary judgment:

- the order must be clear (i.e., someone unfamiliar with the case must be able to ascertain what is required to comply with the terms of the judgment);
- the obligation imposed by the order must be "complete and defined"; and
- the order must not be penal. (*Pro Swing Inc. v. Elta Golf Inc.*, 2006 SCC 52 at paras 91, 95 and 100.)

2.3 What requirements (in form and substance) must a foreign judgment satisfy in order to be recognised and enforceable in your jurisdiction?

First, the judgment creditor must prove that the foreign court had jurisdiction to issue the judgment in question. The judgment creditor can prove this either by showing that the foreign court had a real and substantial connection with the litigants or with the subject matter of the dispute, or that one of the traditional bases of jurisdiction (e.g., presence in the jurisdiction or attornment) was satisfied. (*Chevron Corp. v. Yaiguaje*, 2015 SCC 42 at paras 27 and 54.)

Second, the general rule is that the foreign judgment must be final – i.e., the court that made the order must not have the power to rescind or vary it. (*Pro Swing Inc. v. Elta Golf Inc.*, 2006 SCC 52 at para. 31; and *Re Cavell Insurance Co.* (2006) 80 OR (3d) 500 at para. 42 (C.A.).) It should be noted that one very limited exception to the finality rule exists in a case where the order in question related to the procedures to be followed at a meeting of creditors entitled to vote on a proposed arrangement. (*Re Cavell Insurance Co.* (2006) 80 OR (3d) 500 at para. 54 (C.A.).)

2.4 What (if any) connection to the jurisdiction is required for your courts to accept jurisdiction for recognition and enforcement of a foreign judgment?

No additional requirements apply in order for a Canadian court to determine whether a foreign judgment should be recognised and enforced. Thus, there is no need for the judgment creditor to prove, for example, that the judgment creditor is present or that it has assets in the enforcing jurisdiction. (*Chevron Corp. v. Yaiguaje*, 2015 SCC 42 at para. 3.)

2.5 Is there a difference between recognition and enforcement of judgments? If so, what are the legal effects of recognition and enforcement respectively?

As a practical matter, courts are generally asked to both recognise and enforce a foreign judgment, as the judgment creditor usually has been unable to have the judgment fully satisfied. However, there is a difference between the two concepts. "Enforcement" refers to the process of compelling the judgment debtor to honour its obligations imposed by the judgment. In order to have a judgment enforced, it must first be recognised. "Recognition" refers to the process of having the local court treat the judgment as a final pronouncement as to the rights of the parties. For example, a party may seek to have a foreign judgment recognised (but not enforced) in order to establish a plea of *res judicata*.

2.6 Briefly explain the procedure for recognising and enforcing a foreign judgment in your jurisdiction.

If the judgment creditor is proceeding pursuant to common law, the judgment creditor is required to commence a proceeding (either an action or an application, depending on the jurisdiction) in the local superior court seeking recognition and enforcement of the foreign judgment. Where the foreign judgment is for the payment of money, the claim for relief should seek an order that the judgment debtor pay the requisite sum to the judgment creditor. The judgment creditor in such cases typically seeks summary judgment on the claim.

If, however, the judgment creditor is proceeding pursuant to one of the statutory regimes listed in section 1 above regarding the UK, then the specific procedure set out in the applicable statute should be followed.

2.7 On what grounds can recognition/enforcement of a judgment be challenged? When can such a challenge be made?

Assuming that the preconditions to enforcement of a foreign judgment (set out in question 2.3 above) have been met, there are three main defences to an action to enforce a foreign judgment: fraud (i.e., if the foreign judgment was obtained by fraud); lack of natural justice (i.e., if the foreign proceeding did not conform to the principles of natural justice – including notice and the right to be heard); and public policy (i.e., it would be contrary to Canadian public policy to enforce the foreign judgment). (*Beals v. Saldanha*, 2003 SCC 72 at para. 35; and *Pro Swing Inc. v. Elta Golf Inc.*, 2006 SCC 52 at para. 12.) Canadian courts have traditionally been reluctant to apply the public policy defence. (Castel & Walker, *Canadian Conflict of Laws*, looseleaf, sixth ed. (Toronto: *LexisNexis*, 2005) §14.1, pp 14–16; and *Beals v. Saldanha*, 2003 SCC 72 at para. 75.) For a recent example of this reluctance, see *Costco Wholesale Corporation v. TicketOps Corporation*, 2023 ONSC 573 at paras 53 and 92.

In addition, Canadian courts will generally not enforce judgments that are obtained under foreign taxing statutes or penal statutes.

In the case of a non-monetary judgment, additional defences may be raised, as the court will consider factors including:

- whether the terms of the order are clear and specific enough to ensure that the defendant will know what is expected of the defendant;
- whether the order is limited in scope;
- whether the originating court has retained the power to issue further orders;
- whether enforcement is the least burdensome remedy for the Canadian justice system;
- whether the Canadian litigant is exposed to unforeseen obligations;
- whether third parties are affected by the order; and
- whether the use of judicial resources is consistent with what would be permitted for domestic litigants. (*Pro Swing Inc. v. Elta Golf Inc.*, 2006 SCC 52 at para. 30.)

2.8 What, if any, is the relevant legal framework applicable to recognising and enforcing foreign judgments relating to specific subject matters?

As noted above, the traditional rule is that Canadian courts will not enforce foreign judgments obtained under tax statutes, criminal or quasi-criminal statutes. (Dicey and Morris, *The Conflict of Laws*, 12th ed. (London: *Stevens & Sons*, 1993) at p. 103.) However, there are exceptions. For example, Quebec will recognise tax judgments from jurisdictions that will similarly recognise and enforce obligations resulting from the taxation laws of Quebec. (*Civil Code of Quebec*, art. 3162.)

There are also statutes providing for the reciprocal enforcement of family law support orders in most provinces.

The Canadian government has legislative powers to prohibit compliance with foreign judgments that adversely affects Canadian interests in relation to international trade or commerce, especially in relation to foreign antitrust laws. (*Foreign Extraterritorial Measures Act*, RSC 1985, c F-29 (Canada).)

2.9 What is your court's approach to recognition and enforcement of a foreign judgment when there is: (a) a conflicting local judgment between the parties relating to the same issue; or (b) local proceedings pending between the parties?

If the foreign judgment conflicts with an existing Canadian judgment, the foreign judgment will not be enforced. (*South Pacific Import Inc. v. Ho*, 2009 BCCA 163 at paras 55–56.)

In Quebec, a foreign judgment will not be recognised if there is a proceeding pending before the Quebec courts between the same parties and dealing with the same subject matter. (*Civil Code of Quebec*, art. 3155(4).)

2.10 What is your court's approach to recognition and enforcement of a foreign judgment when there is a conflicting local law or prior judgment on the same or a similar issue, but between different parties?

Canadian courts may enforce foreign judgments even in circumstances where the judgment was based on commercial activity that would not be lawful in Canada. Canadian courts have enforced foreign judgments for gambling debts, even though the contracts giving rise to the debts would have been illegal if made in Canada. See, e.g., *Boardwalk Regency Corp. v. Maalouf* (1992), 6 OR (3d) 737 (C.A.). They have also enforced judgments that bear an interest rate higher than what would be permitted under the analogous Canadian laws. See, e.g., *Lion Creek Properties, Ltd, LLP v. Sorobey*, 2015 ABQB 223.

A prior domestic judgment on a "similar issue", but between different parties, should not pose any impediment to the enforcement of the foreign judgment.

2.11 What is your court's approach to recognition and enforcement of a foreign judgment that purports to apply the law of your country?

The fact that the foreign judgment was based upon an application of Canadian law should not pose any impediment to recognition and enforcement.

2.12 Are there any differences in the rules and procedure of recognition and enforcement between the various states/regions/provinces in your country? Please explain.

Each province and territory has its own procedural rules, which will govern the specific process to be followed for obtaining an order recognising and enforcing a foreign judgment.

From a substantive point of view, the common law rules governing recognition and enforcement are the same across all of the Canadian common law jurisdictions. Quebec, however, employs a civil law substantive legal regime, embodied in the *Civil Code of Quebec*.

2.13 What is the relevant limitation period to recognise and enforce a foreign judgment?

Assuming that the judgment creditor is seeking to enforce a foreign judgment at common law, the general limitation period applies to such an action. The general limitation periods vary from province to province. In most (but not all) instances, the general limitation period is two years. However, if the judgment creditor is proceeding under one of the statutory reciprocal enforcement regimes listed in section 1 above regarding the UK, then the applicable statute should be consulted to see if a different limitation period applies. For specific details on limitation periods, a judgment creditor should consult the specific text of the limitations statute in the jurisdiction in which they are seeking to enforce the judgment.

3 Special Enforcement Regimes Applicable to Judgments from Certain Countries

3.1 With reference to each of the specific regimes set out in question 1.1, what requirements (in form and substance) must the judgment satisfy in order to be recognised and enforceable under the respective regime?

The Foreign Extraterritorial Measures Act, RSC 1985, c F-29 (Canada) mandates that any judgment given under the law of the U.S. entitled *Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996* shall not be recognised or enforceable in any manner in Canada.

For specific requirements regarding judgments from the UK, a judgment creditor should consult the specific text of the statute in the jurisdiction(s) in which it is seeking to enforce the judgment. Generally, however, the specific regimes have the following requirements (in form and substance) that the foreign judgment must satisfy in order to be recognised and enforced.

From a reciprocal jurisdiction
In order to be recognised and enforceable under any of the statutory regimes applicable to specific locations rather than all foreign jurisdictions, the judgment must have been given by a reciprocating jurisdiction.

Meet the definition of "judgment"
The *Canada–United Kingdom Civil and Commercial Judgments Convention Act*, providing for reciprocal enforcement of judgments in civil and commercial matters, adopted federally in Canada and by the individual provinces and territories in the specific regimes listed in section 1 above, defines a judgment as "any decision, however described (judgment, order and the like), given by a court in a civil or commercial matter, and includes an award in proceedings on an arbitration if the award has become enforceable in the territory of origin in the same manner as a judgment given by a court in that territory". The Convention focuses on monetary judgments, and specifically excludes and does not apply to certain other types of orders or judgments (such as orders for the periodic payment of maintenance, orders for recovery of taxes, judgments on appeal from non-court bodies, and matrimonial or custody or status orders). In some other specific regimes, "judgment" is also limited to judgments whereby "money is payable" (e.g., the *Reciprocal Enforcement of Judgments Act*, RSO 1990, c R.5 (Ontario), the *Court Order Enforcement Act*, RSBC 1996, c 78 (British Columbia), and the *Reciprocal Enforcement of Judgments Act*, RSA 2000, c R-6 (Alberta)). In others still, a judgment is not definitionally limited to only monetary awards, and there are provisions addressing the mechanisms by which an enforcing court, on application of a party, may make an order enabling them to enforce a non-monetary judgment (e.g., the *Enforcement of Foreign Judgments Act*, SS 2005, c E-9.121 (Saskatchewan)).

Comply with time limitations
The various statutes also have time limitations. Under the *Reciprocal Enforcement of Judgments (UK) Act*, RSO 1990, c R.6 (Ontario), for example, the judgment creditor must apply to a court in Ontario for registration of the judgment within six years after the date of the last judgment given. By contrast, under the *Court Order Enforcement Act*, RSBC 1996, c 78 (British Columbia) and the *Reciprocal Enforcement of Judgments Act*, RSPEI 1988, c R-6 (Prince Edward Island), the time frame is 10 years after the judgment became enforceable.

3.2 With reference to each of the specific regimes set out in question 1.1, does the regime specify a difference between recognition and enforcement? If so, what is the difference between the legal effect of recognition and enforcement?

While recognition and enforcement are different concepts (recognition of a foreign judgment allows a creditor to assert it as rendering the subject of such judgment *res judicata*, while enforcement allows a creditor to obtain money payable), these differences do not affect the registration rules to which the judgment will be subject under the statutory regimes.

Most of the specific regimes do not specify any difference between recognition and enforcement. The *Enforcement of Foreign Judgments Act*, SS 2005, c E-9.121 (Saskatchewan) does specify rules for a judgment creditor seeking to enforce a judgment in a different section from those seeking to recognise a judgment, but there are no substantive distinctions between the analyses. The Saskatchewan regime specifically notes in a section titled "Recognition of foreign judgments" that "the rules in this Part that determine whether a foreign judgment is unenforceable for lack of jurisdiction in the court of the state of origin over a party or subject-matter, or on account of fraud, public policy or a violation of the principles of procedural fairness and natural justice, also apply, with any necessary modification, in determining whether a foreign judgment is binding on the parties so as to be a defence to a claim, or conclusive of an issue, in an action in Saskatchewan".

3.3 With reference to each of the specific regimes set out in question 1.1, briefly explain the procedure for recognising and enforcing a foreign judgment.

In order to recognise and enforce a foreign judgment under one of the specific regimes, a judgment creditor must apply to register the judgment. For specific details on registration procedures, a judgment creditor should consult the specific text of the statute in the jurisdiction in which they are seeking to enforce the judgment.

Under the *Reciprocal Enforcement of Judgments (UK) Act*, RSO 1990, c R.6 (Ontario), the practice and procedure for registration is governed by the law of the registering (Ontario) court. A judgment creditor may apply for registration within six years from the date of judgment or final appeal. They should include in their application (1) the original court judgment sought to be enforced or a certified copy thereof, (2) a certified translation of the judgment, if other than English, (3) proof of the notice given to the judgment debtor in the original court, and (4) particulars of other matters required by the Ontario court.

Under the *Reciprocal Enforcement of Judgments Act*, RSA 2000, c R-6 (Alberta), a judgment creditor may apply to the Court of King's Bench within six years after the date of the judgment to have the judgment registered. The application can be made *ex parte* if the judgment debtor was either personally served in the original action or appeared or otherwise submitted to the jurisdiction of the original court, and the time period for appeal has expired or been dismissed. The judgment creditor must include in their *ex parte* application a certificate issued from the original court (signed by a judge or the clerk of that court) setting out the particulars of the judgment, in the form prescribed by Regulation 487/1981.

3.4 With reference to each of the specific regimes set out in question 1.1, on what grounds can recognition/enforcement of a judgment be challenged under the special regime? When can such a challenge be made?

For specific details on challenges to recognition and enforcement, a judgment creditor should consult the specific text of the statute in the jurisdiction in which they are seeking to enforce the judgment.

Under the *Reciprocal Enforcement of Judgments (UK) Act*, RSO 1990, c R.6 (Ontario), registration of a judgment can be challenged, and the court will not register it, in circumstances including where the judgment is already satisfied, where it was obtained by fraud, where its enforcement would be "contrary to public policy", or where, in the view of the registering (Ontario) court, the judgment debtor either is entitled to immunity from the jurisdiction of that court or was entitled to immunity in the original court and did not submit to its jurisdiction.

Under the *Reciprocal Enforcement of Judgments Act*, RSNL 1990, c R-4 (Newfoundland and Labrador), registration will not be ordered where a judgment debtor shows, among other things, that the original court acted without jurisdiction or without

authority, that the judgment debtor was not properly served or did not submit to the court's jurisdiction, that the judgment was obtained by fraud, that "for reasons of public policy or for some similar reason" would not have been entertained by the registering (Newfoundland and Labrador) court, or that the judgment debtor would have a "good defence" if an action were brought on the judgment.

4 Enforcement

4.1 Once a foreign judgment is recognised and enforced, what are the general methods of enforcement available to a judgment creditor?

The specific methods of enforcement available to a judgment creditor depend on the province or territory that recognised it. A foreign judgment that has been recognised in one province or territory cannot be automatically enforced outside of its borders. If enforcement in multiple Canadian provinces and territories is required to satisfy the foreign judgment, then recognition proceedings in each would be required.

Generally, there are many enforcement tools available to judgment creditors, including various writs (such as writs of seizure and sale), garnishment and the appointment of a receiver. See, e.g., Ontario's *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 and the *Execution Act*, RSO 1990, c E.24. Garnishment is an equitable remedy compelling payment by a third party to the creditor for debts owing from the third party to the judgment debtor. A sheriff or bailiff can also be employed to assist in execution. A judgment debtor (or others) may be examined under oath in relation to matters pertinent to enforcement once the foreign judgment has been recognised, such as the location of cash and property. Certain assets may be exempt from seizure.

5 Other Matters

5.1 Have there been any noteworthy recent (in the last 12 months) legal developments in your jurisdiction relevant to the recognition and enforcement of foreign judgments? Please provide a brief description.

In *Sinclair v. Venezia Turismo*, 2025 SCC 27, the Supreme Court of Canada (SCC) refined the circumstances under which Canadian courts may exercise jurisdiction over international disputes. While not an enforcement decision *per se*, the *Sinclair* decision would be expected to inform how Canadian courts might assess whether a foreign court properly assumed jurisdiction for the purposes of determining if a foreign judgment was capable of being recognised and enforced in Canada.

The Canadian plaintiffs, who were in Italy on vacation, used their credit card concierge service to arrange transportation from the Venice airport to their hotel. The concierge secured a water taxi through a third-party provider. While in transit, the water taxi crashed, injuring one of the plaintiffs. The plaintiffs sued in Ontario, seeking damages from several defendants, including Italian companies that owned and dispatched the water taxi (the "**Italian defendants**").

The Italian defendants moved to dismiss or stay the action on the basis that the Ontario court lacked jurisdiction. On appeal, the SCC ultimately assessed whether a real and substantial connection existed between the facts underlying the claim and Ontario. The SCC held the Ontario court had no jurisdiction over the Italian defendants, so dismissed the claim against them.

Although a connection existed between the dispute and the Ontario forum, specifically the credit card agreement between the plaintiffs and their credit card company, the SCC determined that this link was insufficient to establish jurisdiction in Ontario against the Italian defendants. The SCC emphasised that the Italian defendants were not parties to the agreement and could not reasonably have expected being sued in Ontario under its terms. The SCC further confirmed that the assessment of jurisdiction must be conducted separately for each defendant.

The case underscores that, in assessing jurisdiction based on contractual connections, Canadian courts evaluate not only the existence of a connection to the forum in which a dispute is brought but also the strength and significance of that connection.

5.2 Are there any particular tips you would give, or critical issues that you would flag, to clients seeking to recognise and enforce a foreign judgment in your jurisdiction?

Clients should pay critical attention to limitation period issues when seeking recognition and enforcement in Canada. Recognition and enforcement actions may be needed in multiple Canadian jurisdictions, and the applicable limitation periods vary between the provinces and territories. Alberta, British Columbia, Labrador, New Brunswick, Newfoundland, Nova Scotia, Ontario, and Saskatchewan have limitations legislation based on a basic litigation period triggered when the claim is, or ought to have been, discovered. Manitoba has a different discoverability regime, and the limitations statutes of Prince Edward Island and the territories are different still and do not address discoverability.

Peter Kolla is a partner in the Litigation and Dispute Resolution Group at Goodmans. His practice focuses on assisting clients with a wide variety of litigation and arbitration proceedings involving complex commercial and financial transactions, mergers and acquisitions disputes, and securities matters.

An experienced trial and appellate litigator, he has successfully tried to judgment a 10-figure award for his client, and has successfully defended cases in which his client was facing 10-figure damage exposure. Peter has appeared in the Ontario Superior Court of Justice, the Ontario Divisional Court, the Court of Appeal for Ontario, the Supreme Court of Canada, the Alberta Court of King's Bench, the Quebec Superior Court (Commercial Division), the Supreme Court of British Columbia, the Federal Court, the United States Bankruptcy Court for the District of Delaware, and has represented clients in Ontario Securities Commission investigations and proceedings and before the Law Society of Ontario discipline panels. Peter is recognised by *Benchmark Litigation Canada*, *The Canadian Legal Lexpert Directory*, *The Legal 500 Canada* and *Best Lawyers in Canada*, and is featured in the *Lexpert Special Edition: Litigation*.

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