

1980

c 36 Bail Act

Ontario

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CHAPTER 36

Bail Act

1. In cases in which a person has been committed for trial and is admitted to bail, the Crown attorney shall, and, in any other case in which a person is admitted to bail, the Crown attorney may, deliver or transmit a certificate of lien (Form 1) to the sheriff of the county in which the land mentioned therein is situate. R.S.O. 1970, c. 37, s. 1.

Crown
attorney
to deliver
or transmit
certificate
of lien

2. Upon the receipt of a certificate of lien, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the surety shown on the certificate of lien. R.S.O. 1970, c. 37, s. 2.

Endorse-
ment and
index book

3.—(1) The sheriff forthwith upon the receipt of a certificate of lien affecting land under the land titles system shall deliver or transmit to the land registrar a copy of the certificate of lien without his endorsement.

Sheriff to
deliver or
transmit
copy to
land titles
office

(2) Upon the receipt of a copy of a certificate of lien, the land registrar shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the surety shown on the certificate of lien. R.S.O. 1970, c. 37, s. 3.

Entry in
index book

4. Where the land mentioned in the certificate of lien is under the registry system, the Crown, as soon as the entry mentioned in section 2 is made, has a lien against the surety's property mentioned in the certificate of lien for an amount equal to the amount for which he offered himself as a surety as shown in the certificate of lien. R.S.O. 1970, c. 37, s. 4.

Where land
under
registry
system

5. Where the land mentioned in the certificate of lien is under the land titles system, the Crown, as soon as the entry mentioned in subsection 3 (2) is made, has a lien against the surety's property mentioned in the certificate of lien for an amount equal to the amount for which he offered himself as a surety as shown in the certificate of lien. R.S.O. 1970, c. 37, s. 5.

Where land
under land
titles
system

Certificate
re execution
against
lands

6. Where a certificate respecting executions against lands is required from a sheriff or land registrar, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown on the index book mentioned in section 2 or subsection 3 (2), as the case may be, that is the same as the name shown on the certificate. R.S.O. 1970, c. 37, s. 6.

Crown
attorney
to deliver
or transmit
copy of
certificate
of discharge

7. As soon as a surety is discharged, the lien is discharged, and the Crown attorney shall deliver or transmit a certificate of discharge (Form 2) to the sheriff to whom the certificate of lien was delivered or transmitted. R.S.O. 1970, c. 37, s. 7.

Disposal of
certificate
of lien in
sheriff's
office

8. Upon the receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the surety from the index book kept pursuant to section 2. R.S.O. 1970, c. 37, s. 8.

Sheriff to
deliver or
transmit
copy of
certificate
of discharge
to land
registrar

9.—(1) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff forthwith upon the receipt of the certificate of discharge shall deliver or transmit to the land registrar a copy of the certificate of discharge.

Disposal of
certificate
of lien in
land titles
office

(2) Upon the receipt of a copy of a certificate of discharge from the sheriff, the land registrar shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the surety from the index book kept pursuant to subsection 3 (2). R.S.O. 1970, c. 37, s. 9.

FORM 1

(Section 1)

CERTIFICATE OF LIEN

I,, Crown attorney for the.....
..... of, hereby certify
that..... of the
of is a surety for bail in the
sum of \$..... for the appearance of.....
The surety has real property as follows:

Street address.....
Lot and plan number.....

(or if in land titles)

Parcel number.....

Dated at..... this day of,
19....

.....
Crown Attorney
for the County of.....

R.S.O. 1970, c. 37, Form 1.

FORM 2

(Section 7)

CERTIFICATE OF DISCHARGE

The certificate of lien, dated the..... day of
19...., wherein..... was named
surety for the appearance of in the amount
of \$....., is discharged.

Dated at..... this day of,
19....

.....
Crown Attorney
for the County of

R.S.O. 1970, c. 37, Form 2.

