

1980

c 120 Disorderly Houses Act

Ontario

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CHAPTER 120

Disorderly Houses Act

1. In this Act,

Interpre-
tation

- (a) "court" means the county or district court of the county or district in which a place is situate;
- (b) "place" includes a house, building, office, room or other premises or any part thereof, whether enclosed or not, and whether used permanently or temporarily, and whether there is or is not exclusive right of user. R.S.O. 1970, c. 130, s. 1.

2.—(1) Upon the application by originating notice of motion of the Attorney General or any other person, the court may make an order closing any place with respect to which a conviction has been made within the preceding three months under section 185, 186 or 193 of the *Criminal Code* (Canada) against its use for all or any purposes for any period not exceeding one year. R.S.O. 1970, c. 130, s. 2 (1); 1972, c. 1, s. 9 (7).

Closing
orderR.S.C. 1970,
c. C-34

(2) Notice of the motion shall be served upon the registered owner and the lessee, tenant or other occupant of such place if they can be found within the county or district, and, if they cannot so be found, service may be made by delivering a copy of the notice to an inmate of such place apparently not under sixteen years of age, or in such other manner as the court directs.

Service of
notice

(3) A copy of the conviction under the hand of a provincial judge or clerk of the peace is admissible in evidence as *prima facie* proof of the conviction and that the place therein described was the place with respect to which the conviction took place and of the date thereof.

Proof of
conviction

(4) An order made under this section does not affect the rights of any person in the place described therein acquired after the making of such order without notice, in good faith and for valuable consideration. R.S.O. 1970, c. 130, s. 2 (2-4).

Rights of
innocent
purchaser

3.—(1) Upon the application by originating notice of motion of the registered owner or other person having an interest in a place that is closed pursuant to an order made under section 2 and upon his establishing his good faith and

Suspensory
order

- his ignorance of the unlawful use to which the place was put and upon his furnishing a cash bond in the sum of \$1,000, or such greater sum as the court may determine, to be deposited in court as security that the place will not be used during the term of the order for any purpose contrary to section 185, 186 or 193 of the *Criminal Code* (Canada), the court may make an order suspending the operation of the order that closed the place. R.S.O. 1970, c. 130, s. 3 (1).
- R.S.C. 1970, c. C-34
- Service of notice (2) Notice of the motion shall be served upon the Attorney General and upon the Crown attorney of the county or district in which the place is situate. R.S.O. 1970, c. 130, s. 3 (2); 1972, c. 1, s. 9 (7).
- Further conviction (3) Upon the conviction of any person for an offence against either of the sections mentioned in subsection (1) with respect to such place after the giving of such security, the court may upon summary application order the forfeiture of the bond and the payment to the Crown of the money deposited thereunder, and such order shall direct that the order made under section 2 has full force and effect and may be registered in the same manner as the order made under section 2. R.S.O. 1970, c. 130, s. 3 (3).
- Registration 4. An order made under section 2 or 3 may be registered in the land registry office in which the title to the place described in the order is recorded. R.S.O. 1970, c. 130, s. 4.
- Limited occupancy 5.—(1) Upon the application by originating notice of motion of the registered owner or other person having an interest in a place that is closed pursuant to an order made under section 2 and upon his establishing that the place or its contents is or are likely to suffer damage by reason of the closing order, the court may make an order containing such conditions and limitations as the court sees fit to impose and permitting the occupation of the place so far as may be necessary to prevent it or its contents from suffering damage. R.S.O. 1970, c. 130, s. 5 (1).
- Service of notice (2) Notice of the motion shall be served upon the Attorney General and upon the Crown attorney of the county or district in which the place is situate. R.S.O. 1970, c. 130, s. 5 (2); 1972, c. 1, s. 9 (7).
- No appeal 6. There is no appeal from an order made under this Act. R.S.O. 1970, c. 130, s. 6.
- Rules of practice 7.—(1) The rules relating to practice and procedure in the county and district courts, except in so far as they are varied or amended by the Lieutenant Governor in Council, apply to proceedings under this Act.

(2) The Lieutenant Governor in Council may make rules ^{Power to make rules} prescribing,

- (a) the practice and procedure under this Act;
- (b) the forms to be used under this Act. R.S.O. 1970, c. 130, s. 7.

8. Where an order has been made under section 2 and the place described therein is used in contravention of the ^{Violation of closing order} order,

- (a) the registered owner of the place; and
- (b) any person found in the place while it is being so used,

shall be deemed to have contravened the order, unless, in the case of a person mentioned in clause (b), he was there for a lawful purpose, the proof whereof is upon him. R.S.O. 1970, c. 130, s. 8.

9.—(1) Every person who contravenes any of the provisions of ^{Offence} this Act or of any order made hereunder is guilty of an offence and on conviction is liable to imprisonment for a term of not less than one month and not more than twelve months.

(2) Where a person convicted under subsection (1) is a corpora- ^{Where person a corporation} tion, it is liable to a fine of not less than \$1,000 and not more than \$5,000. R.S.O. 1970, c. 130, s. 9.

