

1980

## c 142 Escheats Act

Ontario

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## CHAPTER 142

## Escheats Act

## 1. In this Act,

Interpre-  
tation

- (a) "heir" means a person beneficially entitled to property of an intestate;
- (b) "property" means real property or personal property. R.S.O. 1970, c. 149, s. 1.

2.—(1) Where any property has become the property of the Crown by reason of the person last seised thereof or entitled thereto having died intestate and without lawful heirs, or has become forfeited for any cause to the Crown, the Public Trustee may cause possession thereof to be taken in the name of the Crown, or, if possession is withheld, may cause an action to be brought for the recovery thereof, without an inquisition being first made.

Proceedings  
for recovery  
of property

(2) The proceedings in the action shall be in all respects similar to those in other actions for the recovery of property. R.S.O. 1970, c. 149, s. 2.

Practice

3. Notwithstanding section 2, where mining lands as defined in the *Mining Act* have become forfeited to the Crown, such mining lands shall be dealt with and disposed of as Crown lands in the manner provided in the *Mining Act*. R.S.O. 1970, c. 149, s. 3.

Saving as to  
mining  
landsR.S.O. 1980,  
c. 268

4. The Lieutenant Governor in Council may grant any property that has become the property of or has become forfeited to the Crown as mentioned in section 2, or any part thereof, or any interest therein, to any person for the purpose of transferring or restoring it to a person having a legal or moral claim upon the person to whom it had belonged, or of carrying into effect any disposition of it that such person may have contemplated, or of rewarding a person making discovery of the escheat or forfeiture, as to the Lieutenant Governor in Council seems proper. R.S.O. 1970, c. 149, s. 4.

Grant of  
forfeited  
property

5. Any such grant may be made without actual entry or taking possession of such property or inquisition being first made, and, if possession of the property is withheld,

Rights of  
grantee

the person to whom the grant is made may institute proceedings for the recovery thereof in a court of competent jurisdiction. R.S.O. 1970, c. 149, s. 5.

Release or  
waiver of  
forfeiture

**6.** Where any such forfeiture takes place, the Lieutenant Governor in Council may waive or release any right to which the Crown may thereby have become entitled so as to vest the property, either absolutely or otherwise, in the person who would have been entitled thereto but for the forfeiture, and the waiver or release may be either for valuable consideration or otherwise and may be upon such terms and conditions as to the Lieutenant Governor in Council seems proper. R.S.O. 1970, c. 149, s. 6.

Sale of  
real estate

**7.—(1)** Where possession of any real estate or an interest therein has been taken by the Public Trustee under this Act, the Lieutenant Governor in Council may direct the sale of such real estate at such price and upon such terms as is determined, and the Public Trustee is thereupon authorized to sell, in accordance with the directions of the order in council, the whole or a part of such real estate or an interest therein and to convey it to the purchaser.

Sale of  
personal  
estate

**(2)** Where possession of any personal estate has been taken by the Public Trustee under this Act, he may sell it at such price and upon such terms as to him seem proper. R.S.O. 1970, c. 149, s. 7.