

1970

c 3 Absentees Act

Ontario

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CHAPTER 3

The Absentees Act

1. An absentee within the meaning of this Act means a person who, having had his usual place of residence or domicile in Ontario, has disappeared, whose whereabouts is unknown and as to whom there is no knowledge as to whether he is alive or dead. R.S.O. 1960, c. 2, s. 1.

Interpre-
tation

2.—(1) The Supreme Court may by order declare a person to be an absentee if it is shown that due and satisfactory inquiry has been made, or may direct such further inquiry to be made and proceedings to be taken as the court considers expedient before making any order.

Declaration
by court

(2) The application for the order may be made by the Minister of Justice and Attorney General, or by any one or more of the next of kin of the alleged absentee, by his or her wife or husband, creditor or other person.

Application,
who may
make

(3) Any person aggrieved or affected by the order has the right to appeal therefrom. R.S.O. 1960, c. 2, s. 2, *amended*.

Appeal

3. Upon application at any time, the court, if satisfied that such person has ceased to be an absentee, may make an order so declaring and superseding, vacating and setting aside the order declaring the person an absentee for all purposes except as to acts or things done in respect of the estate of the absentee while such order was in force. R.S.O. 1960, c. 2, s. 3.

Order
declaring
person no
longer
absentee

4. The court may make an order for the custody, due care and management of the property of an absentee, and a committee may be appointed for that purpose. R.S.O. 1960, c. 2, s. 4.

Adminis-
tration of
estate

5. A trust company with or without one or more persons may be appointed such committee. R.S.O. 1960, c. 2, s. 5.

Who may be
appointed
committee

6. Where a committee of the estate of an absentee has been appointed, the powers and duties of the court and committee are the same *mutatis mutandis* as the powers and duties of a court and of a committee of the estate of a mentally incompetent person under *The Mental Incompetency Act*. R.S.O. 1960, c. 2, s. 6.

Powers and
duties of
court and
committeeR.S.O. 1970,
c. 271

Powers of
committee
to expend
money out
of estate

7. The committee, subject to the direction of the court, has authority to expend moneys out of the estate of an absentee for the purpose of endeavouring to trace the absentee and in endeavouring to ascertain whether he is alive or dead. R.S.O. 1960, c. 2, s. 7.

Lands in
Ontario of
foreign
absentee

8. Where a person who has had his usual place of residence or domicile out of Ontario and who has an interest in land in Ontario has been declared to be an absentee by a court of competent jurisdiction, the Supreme Court may by order, upon being satisfied that the person has disappeared, that his whereabouts is unknown and that there is no knowledge as to whether he is alive or dead, appoint a committee with such authority to manage, sell or otherwise deal with his interest in such land as in the opinion of the court is in his best interests and those of his family. 1960-61, c. 1, s. 1.
