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c 412 Replevin Act

Ontario

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CHAPTER 412

The Replevin Act

1. In this Act, "sheriff" includes any officer to whom an execution or other process is directed. R.S.O. 1960, c. 352, s. 1.

Interpretation

2. Where goods, chattels, deeds, bonds, debentures, promissory notes, bills of exchange, books of account, papers, writings, valuable securities or other personal property or effects have been wrongfully distrained or have been otherwise wrongfully taken or detained, the owner or other person capable of maintaining an action for damages therefor may bring an action of replevin for the recovery thereof and of the damages sustained by reason of the distraint, taking or detention. R.S.O. 1960, c. 352, s. 2.

Where goods may be replevied

3. An action of replevin shall not be brought for the recovery of personal property seized under process by and in the custody of a sheriff, or for the recovery of liquor within the meaning of *The Liquor Control Act* seized under any Act of the Legislature. R.S.O. 1960, c. 352, s. 3.

Goods seized under legal process
R.S.O. 1970, c. 249

4. Where a sheriff has in his hands an order of replevin and the property to be replevied or any part of it is reasonably supposed to be secured or concealed in a dwelling house of the defendant or of any other person holding it for him and the sheriff publicly demands at the door of the dwelling house delivery of the property to be replevied and it is not delivered to him within six hours after the demand, he may, and shall, if necessary, but during daylight only, break open the dwelling house for the purpose of replevying the property or any part of it, and, if found therein, shall make replevin according to the order. R.S.O. 1960, c. 352, s. 4.

Power of sheriff

5. Where the property to be replevied, or any part of it is reasonably supposed to be secured or concealed in an enclosure other than a dwelling house of the defendant or of any other person holding it for him and the sheriff publicly demands at the enclosure delivery of the property to be replevied and it is not forthwith delivered to him, he may, and shall, if necessary, at once break open the enclosure for the purpose of replevying the property, or any part thereof, and, if found therein, shall make replevin according to the order. R.S.O. 1960, c. 352, s. 5.

When concealed in other enclosure

When concealed on person, etc.

6. Where the property to be replevied or any part of it is reasonably supposed to be concealed either about the person or on the premises of the defendant or of any other person holding it for him and the sheriff demands from the defendant or such other person delivery thereof and delivery is neglected or refused, he may, and, if necessary shall, search and examine the person, and, subject to sections 4 and 5, the premises of the defendant or other person, for the purpose of replevying the property or any part of it, and, if found, shall make replevin according to the order. R.S.O. 1960, c. 352, s. 6.