

1960

## c 189 Innkeepers Act

Ontario

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## CHAPTER 189

## The Innkeepers Act

## 1. In this Act,

Interpre-  
tation

- (a) "inn" includes an hotel, inn, tavern, public house or other place of refreshment, the keeper of which is by law responsible for the goods of his guests;
- (b) "innkeeper" means the keeper of any such place. R.S.O. 1950, c. 182, s. 1, *amended*.

2.—(1) An innkeeper, boarding-house keeper or lodging-house keeper has a lien on the goods of his guest, boarder or lodger for the value or price of any food or accommodation furnished to him or on his account. Lien on goods for accommodation, etc.

(2) In addition to all other remedies provided by law, he has the right, in case the same remains unpaid for three months, to sell by public auction the goods of the guest, boarder or lodger, on giving one week's notice of the intended sale by advertisement in a newspaper published in the municipality in which the inn, boarding house, or lodging house is situate or, in case there is no newspaper published in the municipality, in a newspaper published nearest to the inn, boarding house or lodging house. Power to sell

(3) The advertisement shall state the name of the guest, boarder or lodger, the amount of his indebtedness, the time and place of sale, and the name of the auctioneer, and shall give a description of the goods to be sold. Particulars in notice

(4) The innkeeper, boarding-house keeper or lodging-house keeper may apply the proceeds of the sale in payment of the amount due to him and the costs of the advertising and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor. R.S.O. 1950, c. 182, s. 2 (1-4), *amended*. Proceeds of sale, application

3.—(1) The keeper of a livery stable or a boarding stable has a lien on every horse or other animal boarded at or carriage left in his livery stable or boarding stable for his reasonable charges for boarding and caring for the horse, animal or carriage. Lien on horses and carriages

Lien on horses, etc., and power to sell

(2) Where an innkeeper, boarding-house keeper, lodging-house keeper, livery-stable keeper or boarding-stable keeper has a lien upon a horse, other animal or carriage for the value or price of any food or accommodation supplied, or for care or labour bestowed thereon, he has, in addition to all other remedies provided by law, the right, in case the same remains unpaid for two weeks, to sell by public auction the horse, animal or carriage on giving two weeks notice of the intended sale by advertisement in a newspaper published in the municipality in which the inn, boarding house, lodging house, livery stable or boarding stable is situate or, in case there is no newspaper published in the municipality, in a newspaper published nearest to the inn, boarding house, lodging house, livery stable or boarding stable.

Advertisement of intended sale

(3) The advertisement shall state the name, if known, of the person or persons who brought the horse, animal or carriage to the inn, boarding house, lodging house, livery stable or boarding stable, the amount of the indebtedness, and the name of the auctioneer, and shall give a description of the horse, animal or carriage.

Proceeds of sale, application

(4) The innkeeper, boarding-house keeper, lodging-house keeper, livery-stable keeper or boarding-stable keeper may apply the proceeds of the sale in payment of the amount due to him, and the costs of the advertisement and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor. R.S.O. 1950, c. 182, s. 2 (5-8).

Limitation of innkeeper's liability

4.—(1) No innkeeper is liable to make good to any guest of his any loss of or injury to goods brought to his inn, not being a horse or other live animal, or any gear appertaining thereto, or a carriage, to a greater amount than the sum of \$40 except,

except where default or neglect

(a) where the goods have been stolen, lost, or injured through the wilful act, default, or neglect of the innkeeper or a servant in his employ;

or unless deposited with him for safe-keeping

(b) where the goods have been deposited expressly for safe custody with the innkeeper.

Conditions of liability

(2) In case of such deposit, it is lawful for the innkeeper, if he thinks fit, to require, as a condition of his liability, that the goods shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the goods. R.S.O. 1950, c. 182, s. 3, *amended*.

Consequences of failure to take charge of goods

5. If an innkeeper refuses to receive for safe custody, as mentioned in clause *b* of subsection 1 of section 4, any goods of his guest or if the guest, through any default of the inn-

keeper, is unable to deposit such goods, the innkeeper is not entitled to the benefit of this Act in respect thereof. R.S.O. 1950, c. 182, s. 4.

6. Every innkeeper shall cause to be kept conspicuously posted up in the office and public rooms and in every bedroom in his inn a copy of section 4 printed in plain type, and he is entitled to the benefit thereof in respect of such goods only as are brought to his inn while such copy is so posted up. R.S.O. 1950, c. 182, s. 5, *amended*.

Copy of section 4 to be conspicuously exhibited

7.—(1) Subject to subsection 5, where the claim under the lien of an innkeeper, lodging-house keeper or boarding-house keeper upon the goods of his guest exceeds the amount due in respect of one week's board or lodging, the guest may, on payment or tender of that amount, obtain possession of the goods at any time before sale thereof whatever may be the amount due by the guest, unless a magistrate upon application to him otherwise orders.

Limitation upon lien of innkeeper, etc.

(2) In case of a retention or seizure by an innkeeper, lodging-house keeper or boarding-house keeper, the guest or owner of the goods seized may apply to a magistrate who may in a summary manner make such order as to the custody of the goods as seems fair to him under the circumstances, notwithstanding the lien created by this Act or otherwise. R.S.O. 1950, c. 182, s. 6 (1, 2).

Jurisdiction of magistrate

(3) Every person who contravenes subsection 1 or an order made under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 or to imprisonment for not more than thirty days, or to both. R.S.O. 1950, c. 182, s. 6 (3), *amended*.

Offence

(4) Notwithstanding any other provision of this Act, a magistrate acting under subsections 1 to 3 shall exercise his absolute discretion as to the disposal of any matter coming before him under such subsections.

Discretion of magistrate

(5) Where possession of the goods of a guest is claimed by an innkeeper under his lien thereon, the guest or the owner of the goods is only entitled to obtain possession thereof under subsection 1 by an order of a magistrate upon application made by the guest or owner for such order and after notice of the application has been given in writing to the innkeeper in accordance with the directions of the magistrate. R.S.O. 1950, c. 182, s. 6 (4, 5).

Application for recovery where goods held by innkeeper

