

1960

c 29 Bailiffs Act

Ontario

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CHAPTER 29

The Bailiffs Act

1. In this Act,

Interpre-
tation

- (a) "bailiff" means a person acting or holding himself out as being prepared to act for or on behalf of any other person in the seizure and sale or seizure only of chattels, or in any eviction, or the collection of rent or taxes by distress, or the repossession of goods or chattels under a conditional sale or lien contract, hire purchase agreement, chattel mortgage or other form of security;
- (b) "certificate of qualification" means a certificate of qualification issued under this Act;
- (c) "county" includes united counties and a provisional judicial district;
- (d) "county court" includes a district court. R.S.O. 1950, c. 30, s. 1.

2.—(1) No person shall act as a bailiff unless he is the holder of a certificate of qualification. Certificate
required

(2) Every person who is the holder of a certificate of qualification may act as a bailiff in any part of Ontario. Scope of
authority R.S.O. 1950, c. 30, s. 2.

3.—(1) Every application for a certificate of qualification shall be made in writing to the clerk of the county court of the county in which the applicant intends to carry on business as a bailiff and shall state, Application
for
certificate

- (a) the name and place of residence of the applicant;
- (b) the place where the applicant intends to carry on business;
- (c) the qualifications of the applicant and his experience as a bailiff;

- (d) any circumstances indicating that a bailiff is needed for the public convenience in the place where the applicant intends to carry on business as a bailiff;
- (e) whether the applicant has previously held a certificate of qualification and, if so, the county in which the certificate was issued; and
- (f) whether any certificate of qualification at any time held by the applicant has been cancelled and, if so, the date of and the name of the judge who directed the cancellation and the reasons therefor.

Examination
of
applicant

(2) Upon receiving an application, the clerk of the county court shall arrange an appointment with the judge of the county court for the examination of the applicant and shall notify the applicant of the time and place of the appointment by registered mail.

Certification
of
application

(3) If upon the examination of the applicant the judge finds him qualified to act as a bailiff and is of opinion that a bailiff is needed for the public convenience in the place where the applicant intends to carry on business as a bailiff, he shall so certify upon the application and forward it to the clerk of the county court. R.S.O. 1950, c. 30, s. 3.

Issue and
filing of
certificate

4.—(1) Upon receiving an application certified by the judge, the clerk of the county court shall,

- (a) issue a certificate of qualification to the applicant;
- (b) file the application and judge's certificate in his office; and
- (c) record the issue of the certificate of qualification in a book kept for that purpose.

Change of
address

(2) Every holder of a certificate of qualification shall forthwith report every change of his address to the clerk of the county court from which his certificate of qualification was issued. R.S.O. 1950, c. 30, s. 4.

Cancellation
of
certificate

5.—(1) A judge of any county court may direct the clerk of any county court from which a certificate of qualification has been issued to cancel such certificate and every such direction shall be accompanied by a statement of the reason for directing the cancellation.

(2) Upon the receipt of a direction made under subsection 1, the clerk of the county court shall, Notice and recording of cancellation

- (a) send a notice of the cancellation of the certificate of qualification to the holder thereof by registered mail at the last address furnished by him to the clerk of the county court;
- (b) file the direction and statement of reasons accompanying it with the application and judge's certificate; and
- (c) record the cancellation in the book kept for recording the issue of certificates of qualification.

(3) Upon compliance with clause *a* of subsection 2 a certificate shall be deemed to be cancelled. When certificate deemed to be cancelled

(4) Nothing in this section prevents the making of a further application for a certificate of qualification. R.S.O. 1950, c. 30, s. 5. Further application

6. This Act does not apply to a person appointed as a bailiff under *The Division Courts Act* or to a person acting as a sheriff's bailiff. R.S.O. 1950, c. 30, s. 6. Where Act not to apply R.S.O. 1960, c. 110

7. Nothing in this Act affects the right of a municipal council to pass by-laws for licensing, regulating and governing bailiffs under *The Municipal Act*. R.S.O. 1950, c. 30, s. 7. Right of municipal councils R.S.O. 1960, c. 249

8. Every person who contravenes this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1950, c. 30, s. 8. Offence

9. The Lieutenant Governor in Council may make regulations, Regulations

- (a) respecting applications for certificates, examination of applicants, and the issue and cancellation of certificates;
- (b) prescribing forms and providing for their use;
- (c) prescribing fees payable under this Act;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 30, s. 9, *amended*.

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