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Ontario
CHAPTER 334

The Public Trustee Act

1.—(1) The Lieutenant Governor in Council may appoint a member of the Bar of Ontario of not less than five years standing to be the Public Trustee, and may appoint such persons as officers, clerks and servants in the office of the Public Trustee as are necessary for the purposes of this Act. R.S.O. 1950, c. 319, s. 2.

(2) The Public Trustee is a corporation sole under that name with perpetual succession and an official seal, who may sue and be sued in his corporate name. R.S.O. 1950, c. 319, s. 1.

2.—(1) The Lieutenant Governor in Council may appoint one or two persons to act as the deputy or the deputies, as the case may be, of the Public Trustee during his absence or illness, and while so acting each such deputy has all the powers and may perform any of the duties of the Public Trustee.

(2) In the case of the death of the Public Trustee, the deputy who in point of time is senior in appointment to office shall act as Public Trustee until the Public Trustee is appointed. 1958, c. 90, s. 1.

3. In the case of the illness or absence of the Public Trustee or if the office becomes vacant and no deputy has been appointed, the Attorney General is ex officio Public Trustee until another appointment is made. R.S.O. 1950, c. 319, s. 3 (4).

4. The salaries or other remuneration of the Public Trustee and of the officers, clerks and servants in his office shall be fixed by the Lieutenant Governor in Council and may be paid out of the moneys that are appropriated by the Legislature for that purpose or out of any fund established under this Act, as the Lieutenant Governor in Council from time to time directs. R.S.O. 1950, c. 319, s. 4.

5. The Public Trustee shall discharge the duties imposed upon him by The Crown Administration of Estates Act, The Charities Accounting Act and any other Act of the Legislature or by the Lieutenant Governor in Council, and he shall also make inquiries from time to time as to property that has
escheated, or become forfeited for any cause to the Crown, or in which the Crown in right of Ontario may be interested, and every person when required by the Public Trustee shall furnish him with such information as he requires, and in default of so doing is guilty of an offence and on summary conviction is liable to a fine of not more than $100, which fine shall be paid over to the Public Trustee. R.S.O. 1950, c. 319, s. 5, amended.

6. For the purposes of an inquiry under section 5 the Public Trustee has all the powers that may be conferred upon a commissioner under The Public Inquiries Act. R.S.O. 1950, c. 319, s. 6.

7.—(1) The Public Trustee, with his consent in writing, may be appointed trustee of any will or settlement or other instrument creating a trust or duty in the same manner as if he were a private trustee.

(2) The Public Trustee may be appointed sole trustee although the trust instrument contemplates two or more trustees, and any person who is a trustee with the Public Trustee may at any time retire from the trust upon passing his accounts and paying over the balance. R.S.O. 1950, c. 319, s. 7.

8.—(1) The Public Trustee shall make the charges prescribed by the regulations for his services against every estate that comes to his hand to be dealt with.

(2) All fees, charges, and expenses that would be allowed to a private trustee shall be allowed to the Public Trustee and shall be collected and accounted for in the manner prescribed by the regulations.

(3) Notwithstanding this or any other Act, the Public Trustee may in connection with any estate or trust administered or managed by him make a reasonable charge for any service performed by a member of the staff of his office where the service is one for which a charge would be allowed as a disbursement against the estate or trust if performed by a person retained, engaged or employed to perform such service by a private trustee, and every such charge shall for the purpose of such estate or trust be deemed to be a disbursement. R.S.O. 1950, c. 319, s. 8.

9.—(1) The fees, charges, and remuneration and refunds of all expenses and all income of the office of every description shall be paid by the Public Trustee into a separate account as prescribed by the regulations.
(2) There shall be paid out of such account the salaries or other remuneration, and the expenses of the Public Trustee and the officers, clerks and servants in his office.

(3) From any surplus in such account there may be established an assurance fund as provided by the regulations.

(4) Notwithstanding The Crown Administration of Estates Act, the Lieutenant Governor in Council may direct that moneys coming to the hand of the Public Trustee under that Act shall be placed to the credit of such account and applied to the purposes of subsection 2.

(5) The Lieutenant Governor in Council may from time to time direct the payment into the Consolidated Revenue Fund of any balance at the credit of such account.

(6) Payments into and out of such account shall be made in such manner and subject to such conditions as are prescribed in the regulations. R.S.O. 1950, c. 319, s. 9.

10.—(1) Where the Public Trustee acting in any capacity has in his hands property not exceeding $2,000 in value of a person who has died and to which his personal representative is entitled, the production to the Public Trustee of,

(a) an authenticated copy of the probate of the will of the deceased, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the Commonwealth or any colony, dependency or protectorate of any such country, or of any testamentary or testament-dative expéde in Scotland;

(b) an authentic copy of the will of the deceased, if it is in notarial form according to the law of the Province of Quebec; or

(c) if the deceased died elsewhere than in a place mentioned in clause a, any authenticated copy of the probate of his will, or of letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,

is sufficient justification and authority for the delivering of such property in pursuance of and in conformity with such probate, letters of administration, or other document.

(2) When the authenticated copy or other document of like import is produced to the Public Trustee under sub-
section 1, there shall be deposited with him a true copy thereof. 1960, c. 99, s. 1.

11. All sums required to discharge any liability for a loss that the Public Trustee, if he were a private trustee, would be personally liable to discharge, shall be made good out of the assurance fund or out of the Consolidated Revenue Fund, but neither the Public Trustee nor any of his officers nor the assurance fund is liable for any loss that would not have imposed liability upon a private trustee. R.S.O. 1950, c. 319, s. 10.

12. The Public Trustee may accept and administer any charitable or public trust. R.S.O. 1950, c. 319, s. 11.

13. Any money held by the Public Trustee that is available for investment shall be invested in securities issued by or guaranteed as to principal and interest by Ontario or Canada or by any agency of either. 1960, c. 99, s. 2.

14. The Lieutenant Governor in Council may make regulations,

(a) respecting the office of Public Trustee, imposing duties on the Public Trustee in addition to those imposed by this Act, and prescribing the trusts or duties he is authorized to accept or undertake under this Act, and the security, if any, to be given by the Public Trustee and his officers;

(b) for fixing the fees and charges in the office of the Public Trustee and the application and disposal of the same;

(c) respecting the transfer to and from the Public Trustee of any property;

(d) respecting the accounts to be kept and the auditing thereof;

(e) for the establishment of an assurance fund for the purpose of meeting any losses for which the office of Public Trustee may be liable;

(f) fixing the rate of interest to be allowed upon money in the hands of the Public Trustee and fixing the amount of interest to be charged upon advances made on behalf of any estate and the custody and control of securities held by him for investments;

(g) for constituting an advisory committee for the supervision of the investments or other dealings with
property by the Public Trustee, and for providing for the remuneration by fees, or otherwise, of the members of the committee;

(h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 319, s. 12; 1960, c. 99, s. 3.

15.—(1) The members of the advisory committee of the Public Trustee are visitors of the office of the Public Trustee.

(2) The committee may make such suggestions and recommendations with regard to the general policy respecting the management and conduct of the office of Public Trustee as is deemed advisable.

(3) The Public Trustee may consult with the committee from time to time as to methods of administration, staff and other matters relating to the office.

(4) The committee shall make an annual report to the Lieutenant Governor in Council respecting the performance of their duties and the exercise of their powers under this section. R.S.O. 1950, c. 319, s. 13.

16. Notwithstanding any rule or practice or any Act requiring security, it is not necessary for the Public Trustee to give any security for the due performance of his duty as executor, administrator, trustee, committee, or in any other office to which he may be appointed by order of the court or under any statute. R.S.O. 1950, c. 319, s. 14.