

1960

c 409 Unclaimed Articles Act

Ontario

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CHAPTER 409

The Unclaimed Articles Act

1. This Act applies in the case of,

Application
of Act

(a) any article of clothing or household goods,

- (i) that is deposited with a person for cleaning, pressing, dyeing, glazing, washing or repairing, and
- (ii) that, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than six months,

in respect of which the agreed or reasonable charges for the services mentioned in subclause i are unpaid;

(b) any article of clothing or household goods,

- (i) that is deposited with a person for storage, whether or not it is also deposited for cleaning, pressing, dyeing, glazing, washing or repairing, and
- (ii) that, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than two years,

in respect of which the agreed or reasonable charges for storage are unpaid for any period of not less than twelve months; and

(c) any article,

- (i) that is deposited with a jeweller or watchmaker for repair or other treatment, and
- (ii) that, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than one year,

in respect of which the agreed or reasonable charges for the services rendered are unpaid. R.S.O. 1950, c. 401, s. 1; 1951, c. 89, s. 1; 1957, c. 125, s. 1.

2.—(1) Upon the expiration of the period mentioned in subclause ii of clause a or subclause ii of clause b or subclause ii of clause c of section 1, as the case may be, the person with whom an article is deposited may cause a notice

Notice of
intended
disposal

to be served by registered mail upon the owner of the article or the person who deposited the article addressed to him at his last known address stating,

- (a) the amount of the agreed or reasonable charges in respect of the article; and
- (b) that, if such charges are not paid within thirty days of the date of the service of the notice, the article will be disposed of. 1957, c. 125, s. 2.

Notice may cover more than one article

(2) Any notice under this section may be in respect of more than one article belonging to or deposited by the same person. R.S.O. 1950, c. 401, s. 2 (2).

Where notice cannot be given

3. Where the whereabouts of the owner of and the person depositing an article cannot be ascertained and after all reasonable inquiries it is found that section 2 cannot be complied with, the person with whom an article is deposited may, without effecting service of notice as required by section 2, dispose thereof in the manner prescribed by section 4. R.S.O. 1950, c. 401, s. 3.

Disposal of articles

4.—(1) Upon the expiration of the thirty-day period mentioned in subsection 1 of section 2, the person with whom the article is deposited may dispose of it,

- (a) by giving it to a charitable organization or by giving it to any organization in order that it may be used for charitable purposes; or
- (b) in the case of an article,
 - (i) that has been declared by the owner or person depositing it to have a value of not more than \$100, or
 - (ii) in the absence of such a declaration, having a reasonable market value of not more than \$100,

by selling it.

Record of articles disposed of

(2) Every person who disposes of articles under this section shall maintain a record of the articles disposed of and the persons or organizations to whom they are disposed. R.S.O. 1950, c. 401, s. 4.

Application of proceeds

(3) Where an article is sold under subsection 1, the person selling it shall apply the proceeds of the sale in payment of his charges and shall upon application pay over the surplus to the person entitled thereto. 1957, c. 125, s. 3.

5. Where an article has been disposed of under this Act, ^{Proof of facts} *prima facie* evidence of compliance with this Act or of the existence of any fact or the doing of any act may be given in any court by the affidavit of a person having actual knowledge thereof. R.S.O. 1950, c. 401, s. 5.

6. Where an article has been disposed of under this Act, ^{Relinquish claims for charges} the person who disposed of it shall thereby relinquish all claims against the owner or person depositing it for unpaid charges for services upon or storage of the article. R.S.O. 1950, c. 401, s. 6.

7. This Act does not affect the right of any person to ^{Exceptions} proceed in the manner prescribed by *The Warehousemen's Lien Act* or by *The Mechanics' Lien Act*. R.S.O. 1950, c. 401, s. 7. ^{R.S.O. 1960, cc. 423, 233}

