

1950

c 30 Bailiffs Act

Ontario

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CHAPTER 30

The Bailiffs Act

1. In this Act,

Interpre-
tation.

- (a) "bailiff" means any 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 provisional judicial district;
- (d) "county court" includes district court. 1941, c. 6, 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. 1941, c. 6, s. 2. Scope of authority.

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 such appointment by prepaid 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 the application to the clerk of the county court. 1941, c. 6, s. 3.

Issue and
filing of
certificate.

4.—(1) Upon receiving an application certified by the judge as in subsection 3 of section 3 provided, the county court clerk shall,

- (a) issue a certificate of qualification to the applicant;
- (b) file the application and judge's certificate in the files of 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. 1941, c. 6, 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.

Notice and
recording of
cancellation.

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

- (a) send a notice of the cancellation of the certificate of qualification to the holder thereof by prepaid

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. a When certificate deemed to be cancelled.

(4) Nothing in this section shall prevent the making of a further application for a certificate of qualification. 1941, c. 6, s. 5. Further application.

6. This Act shall not apply to any person appointed as a bailiff under *The Division Courts Act* or to any person acting as a sheriff's bailiff. 1941, c. 6, s. 6. When Act not to apply. Rev. Stat., c. 106.

7. Nothing in this Act shall affect the right of a municipal council to pass by-laws for licensing, regulating and governing bailiffs under *The Municipal Act*. 1941, c. 6, s. 7. Right of municipal councils. Rev. Stat., c. 243.

8. Every person who violates any of the provisions of this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. 1941, c. 6, s. 8. Penalty.

9. The Lieutenant-Governor in Council may, Regulations.

(a) make regulations respecting applications for certificates, examination of applicants, the issue and cancellation of certificates, and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act;

(b) prescribe forms;

(c) prescribe fees payable under this Act. 1941, c. 6, s. 9.

