

1950

c 275 Petty Trespass Act

Ontario

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Bibliographic Citation

Petty Trespass Act, RSO 1950, c 275

Repository Citation

Ontario (1950) "c 275 Petty Trespass Act," *Ontario: Revised Statutes*: Vol. 1950: Iss. 3, Article 60.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1950/iss3/60>

CHAPTER 275

The Petty Trespass Act

1. Every person who unlawfully enters into, comes upon or passes through or in any way trespasses upon any land the property of another person which is wholly enclosed or is a garden or lawn, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$1 and not more than \$10, whether any damage has or has not been occasioned thereby. R.S.O. 1937, c. 154, s. 1. Penalty for trespass.

2. Every person found committing such a trespass may be apprehended without warrant by any peace officer, or by the owner of the land on which it is committed, or the servant of, or any person authorized by such owner, and be forthwith taken before the nearest justice of the peace to be dealt with according to law. R.S.O. 1937, c. 154, s. 2. Arrest of trespasser without warrant.

3. Nothing in this Act shall authorize any justice of the peace to hear and determine any case of trespass in which the title to land, or to any interest therein, is called in question or affected; but every such case shall be dealt with according to law in the same manner as if this Act had not been passed. R.S.O. 1937, c. 154, s. 3. Saving cases involving title to land.

4. Nothing in sections 1 and 2 shall extend to any case where the person trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, or to any case within section 539 of the *Criminal Code* (Canada). R.S.O. 1937, c. 154, s. 4. Saving persons claiming a right. R.S.C. 1927, c. 36.

5. The council of a township may pass by-laws for declaring that in the case of land, the boundary line or any part of the boundary line of which passes through a marsh or swamp or any land covered with water, the same, so far as respects that part of the boundary line which so passes, shall be deemed to be wholly enclosed within the meaning of this Act if posts are maintained along such part at distance which permit of each being clearly visible from the next post. R.S.O. 1937, c. 154, s. 5. By-laws to declare boundaries in marshes.



