

1937

c 241 Innkeepers Act

Ontario

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CHAPTER 241.

The Innkeepers Act.

Interpretation.

1. In this Act,—

"Inn."

(a) "Inn" shall include an hotel, inn, tavern, public house or other place of refreshment, the keeper of which is by law responsible for the goods and property of his guests; and

"Innkeeper."

(b) "Innkeeper" shall mean the keeper of any such place. R.S.O. 1927, c. 210, s. 1.

Lien on baggage, etc., for accommodation, etc., furnished.

2.—(1) Every innkeeper, boarding-house keeper and lodging-house keeper shall have a lien on the baggage and property of his guest, boarder or lodger for the value or price of any food or accommodation furnished to him or on his account.

Power to sell.

(2) In addition to all other remedies provided by law he shall have the right, in case the same remains unpaid for three months, to sell by public auction the baggage and property of such guest, boarder or lodger, on giving one week's notice by advertisement in a newspaper published in the municipality in which the inn, boarding-house, or lodging-house is situate, or in case there is no newspaper published in the municipality, in a newspaper published nearest to such inn, boarding-house, or lodging-house, of the intended sale.

Notice of sale.

Particulars in notice.

(3) The advertisement shall state the name of the guest, boarder or lodger, the amount of his indebtedness, the time and place of sale, and the name of the auctioneer, and shall give a description of the baggage or other property to be sold.

Proceeds of sale, application of.

(4) The innkeeper, boarding-house keeper, or lodging-house keeper may apply the proceeds of the sale in payment of the amount due to him, and the costs of such advertising and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor.

Lien on horses and carriages.

(5) Every keeper of a livery stable or a boarding stable shall have a lien on every horse or other animal boarded at or carriage left in such livery stable or boarding stable for his reasonable charges for boarding and caring for such horse, animal or carriage.

(6) Where an innkeeper, boarding-house keeper, lodging-house keeper, livery stable keeper or boarding stable keeper has a lien upon a horse, other animal or carriage for the value or price of any food or accommodation supplied, or for care or labour bestowed thereon, he shall, in addition to all other remedies provided by law, have the right, in case the same remains unpaid for two weeks, to sell by public auction such horse, animal or carriage on giving two weeks' notice by advertisement in a newspaper published in the municipality in which the inn, boarding-house, lodging-house, livery stable or boarding stable is situate, or, in case there is no newspaper published in the municipality, in a newspaper published nearest to such inn, boarding-house, lodging-house, livery stable or boarding stable of the intended sale.

Lien on horses, etc., and power to sell.

(7) The advertisement shall state the name, if known, of the person or persons who brought such horse, animal or carriage to the inn, boarding-house, lodging-house, livery stable or boarding stable, the amount of the indebtedness, and the name of the auctioneer, and shall give a description of the horse, animal or carriage.

Advertisement of intended sale.

(8) The innkeeper, boarding-house keeper, lodging-house keeper, livery stable keeper or boarding stable keeper may apply the proceeds of the sale in payment of the amount due to him, and the costs of such advertisement and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor. R.S.O. 1927, c. 210, s. 2.

Proceeds of sale, application of.

3.—(1) No innkeeper shall be liable to make good to any guest of such innkeeper any loss of or injury to goods or property brought to his inn, not being a horse or other live animal, or any gear appertaining thereto, or any carriage, to a greater amount than the sum of \$40 except,—

Limitation of innkeeper's liability.

(a) where such goods or property have been stolen, lost, or injured through the wilful act, default, or neglect of such innkeeper or any servant in his employ;

Except where default or neglect.

(b) where such goods or property have been deposited expressly for safe custody with such innkeeper.

or unless deposited with him for safe keeping.

(2) In case of such deposit it shall be lawful for such innkeeper, if he thinks fit, to require, as a condition of his liability, that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same. R.S.O. 1927, c. 210, s. 3.

Conditions of liability.

Consequences of failure to take charge of goods.

4. If an innkeeper refuses to receive for safe custody, as mentioned in clause *b* of subsection 1 of section 3 any goods or property of his guest, or if such guest, through any default of such innkeeper, is unable to deposit such goods or property the innkeeper shall not be entitled to the benefit of this Act in respect thereof. R.S.O. 1927, c. 210, s. 4.

Copy of section 3 to be conspicuously exhibited.

5. Every innkeeper shall cause to be kept conspicuously posted up in the office and public rooms and in every bedroom in his inn a copy of section 3 printed in plain type, and he shall be entitled to the benefit thereof in respect of such goods or property only as are brought to his inn while such copy is so posted up. R.S.O. 1927, c. 210, s. 5.

Limitation upon lien of innkeeper, etc.

6.—(1) Subject to the provisions of subsection 5 where the claim under the lien of any innkeeper, lodging-house keeper or boarding-house keeper upon the goods of his guest exceeds the amount due in respect of one week's board or lodging, such guest may on payment or tender of that amount, obtain possession of such goods at any time before sale thereof whatever may be the amount due by the guest, unless a magistrate upon application to him shall otherwise order.

Jurisdiction of magistrate.

(2) In case of any retention or seizure by any innkeeper, lodging-house keeper or boarding-house keeper, the guest or owner of the goods seized may apply to a magistrate who may in a summary manner make such order as to the custody of the goods as may seem fair to him under the circumstances of the case notwithstanding the lien created by this Act or otherwise.

Penalties.

(3) In case of a contravention of this section complaint may be laid before a magistrate who shall deal with the matter under *The Summary Convictions Act* and in case of disobedience to any order made, may punish the offending party by fine not exceeding \$50 or by imprisonment not exceeding thirty days, or both.

Rev. Stat., c. 136.

Discretion of magistrate.

(4) Notwithstanding anything in this Act contained a magistrate acting under the provisions of subsections 1 to 3 shall exercise his absolute discretion as to the disposal of any matter coming before him under such subsections.

Application for recovery where goods held by innkeeper.

(5) Where possession of the goods of a guest is claimed by an innkeeper under his lien thereon, the guest or the owner of such goods shall only be entitled to obtain possession thereof under the provisions of subsection 1 by an order of a magistrate upon application made by the guest or owner for such order and after notice of the application has been given in writing to the innkeeper in accordance with the directions of the magistrate. 1933, c. 21, s. 2.