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c 333 Reciprocal Enforcement of Judgments Act

Ontario

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CHAPTER 333

The Reciprocal Enforcement of Judgments Act

1.—(1) In this Act,

Interpre-
tation.

- (a) "judgment" means any judgment or order of a court in any civil proceedings whereby any sum of money is payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the province or territory where it was made, become enforceable in the same manner as a judgment given by a court therein;
- (b) "judgment creditor" means the person by whom the judgment was obtained, and includes the executors, administrators, successors and assigns of that person;
- (c) "judgment debtor" means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given;
- (d) "original court" in relation to any judgment means the court by which the judgment was given;
- (e) "registering court" in relation to any judgment means the court in which the judgment is registered under this Act.

(2) Subject to rules of court, any of the powers conferred by this Act on any court may be exercised by a judge of the court. R.S.O. 1937, c. 124, s. 1.

Powers of
court, how
exercised.

2.—(1) Where a judgment of any superior, county or district court has been obtained outside Ontario in any other province or territory of Canada to which this Act applies, the judgment creditor may apply to a judge of the Supreme Court at any time within six years after the date of the judgment to have the judgment registered in that court, and on any such application the court may, subject to this Act, order the judgment to be registered accordingly.

Registration
of judgment.

(2) Reasonable notice of the application shall be given to the judgment debtor in all cases in which he was not personally served with process in the original action and did not appear or defend or otherwise submit to the jurisdiction of the original court, but in all other cases the order may be made *ex parte*.

Notice of
application
to register.

Registration
of judgment.

(3) The judgment may be registered by filing with the registrar or clerk of the registering court an exemplification or a certified copy of the judgment, together with the order for such registration, whereupon the judgment shall be entered as a judgment of the registering court. R.S.O. 1937, c. 124, s. 2.

Conditions
of registra-
tion.

3. No judgment shall be ordered to be registered under this Act if it is shown to the registering court that,

- (a) the original court acted without jurisdiction; or
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit during the proceedings to the jurisdiction of that court; or
- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or
- (d) the judgment was obtained by fraud; or
- (e) an appeal is pending, or the judgment debtor is entitled and intends to appeal against the judgment; or
- (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason would not have been entertained by the registering court; or
- (g) the judgment debtor would have a good defence if an action were brought on the original judgment. R.S.O. 1937, c. 124, s. 3.

Effect of
registration.

4. Where a judgment is registered under this Act,

- (a) the judgment shall, as from the date of the registration, be of the same force and effect, and subject to this Act, proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up in the registering court on the date of the registration; and
- (b) the registering court shall have the same control and jurisdiction over the judgment as it has over judgments given by itself; and
- (c) the reasonable costs of and incidental to the registration of the judgment, including the costs of obtaining an exemplification or certified copy thereof from the original court, and of the application for registration,

shall be recoverable in like manner as if they were sums payable under the judgment, such costs to be first taxed by the proper officer of the registering court, and his certificate thereof endorsed on the order for registration. R.S.O. 1937, c. 124, s. 4.

5. In all cases in which registration is made upon an *ex parte* order, notice thereof shall be given to the judgment debtor within one month after the registration, and the notice shall be served in the manner provided by the practice of the registering court for service of writs of process, or of notice of proceedings, and no sale under the judgment of any property of the judgment debtor shall be valid if made prior to the expiration of the period fixed by section 6 or such further period as the court may order. R.S.O. 1937, c. 124, s. 5.

Notice of registration on *ex parte* order.

6. In all cases in which registration is made upon an *ex parte* order, the registering court may on the application of the judgment debtor set aside the registration upon such terms as the court may think fit, and such application shall be made within one month after the judgment debtor has notice of the registration, and the applicant shall be entitled to have the registration set aside upon any of the grounds mentioned in section 3. R.S.O. 1937, c. 124, s. 6.

Setting aside *ex parte* order.

7. Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules of court for regulating the practice and procedure, including costs, in respect of proceedings of any kind under this Act. R.S.O. 1937, c. 124, s. 7; 1941, c. 55, s. 31.

Power to make rules of court.

8. Where the Lieutenant-Governor is satisfied that reciprocal provision has been or will be made by any other province or territory of Canada for the enforcement within that province or territory of judgments obtained in any superior, county or district court of Ontario, the Lieutenant-Governor may direct that this Act shall apply to that province or territory, and thereupon this Act shall apply accordingly. R.S.O. 1937, c. 124, s. 8 (1).

Application of Act.

9. Nothing in this Act shall deprive any judgment creditor of the right to bring an action for the recovery of the amount of his judgment instead of proceeding under this Act. R.S.O. 1937, c. 124, s. 9.

Effect of Act.

(NOTE—As of August 1st, 1950, this Act applied to Alberta, British Columbia, Manitoba, New Brunswick and Saskatchewan. See O. Reg. 20/47; O. Reg. 132/50.)

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