

1970

c 81 The Conditional Sales Amendment Act, 1970

Ontario

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CHAPTER 81

An Act to amend The Conditional Sales Act

Assented to November 13th, 1970
Session Prorogued November 13th, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Conditional Sales Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 61, s. 1,
amended

(ba) "prescribed form" means a form provided or approved under this Act by the registrar;

(ca) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 61, s. 1,
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to
Provincial
Secretary

2.—(1) Subclause i of clause a of subsection 1 of section 2 of *The Conditional Sales Act*, as re-enacted by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967*, is amended by striking out "full" so that the subclause shall read as follows: R.S.O. 1960,
c. 61, s. 2,
subs. 1, cl. a
(1967, c. 11,
s. 1),
sub.cl. i,
amended

(i) the name and address of the purchaser.

(2) Subclause ii of clause a of subsection 1 of the said section 2 is amended by striking out "full" in the first line, so that the subclause shall read as follows: R.S.O. 1960,
c. 61, s. 2,
subs. 1, cl. a
(1967, c. 11,
s. 1),
sub.cl. ii,
amended

(ii) the name and address of the seller and of his assignee, if any.

Where names, etc., not set forth in full

(3) A contract registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the contract, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960, c. 61, s. 2, subs. 5, re-enacted

(4) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Consumer goods, etc.

(5) Clause *b* of subsection 1 does not apply to a contract that is executed on or after the 1st day of January, 1971,

(a) respecting goods that are used or acquired for use primarily for personal, family or household purposes where the amount secured by the contract does not exceed \$300; or

(b) respecting goods that are used or acquired for use other than for personal, family or household purposes and the goods are,

(i) manufactured goods, including pianos, organs and other musical instruments, that at the time possession is delivered have the name and address of the seller painted, printed, stamped or engraved thereon or plainly attached thereto, or

(ii) household furniture other than pianos, organs and other musical instruments.

R.S.O. 1960, c. 61, s. 5, subs. 1 (1967, c. 11, s. 2), re-enacted

3.—(1) Subsection 1 of section 5 of *The Conditional Sales Act*, as re-enacted by section 2 of *The Conditional Sales Amendment and Repeal Act, 1967*, is repealed and the following substituted therefor:

Renewal statement to be filed

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within thirty days next preceding the expiration of three years from the day of the registration of such

copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered.

(2) A renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee or to set forth the registration number of the original copy of the contract unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the renewal statement and in such case the judge or court may make such order as the judge or court considers appropriate.

Where names, etc., not set forth in full

4. Section 7 of *The Conditional Sales Act* is amended by inserting after "statement" in the second line "or in the contents of a prescribed form", so that the section shall read as follows:

R.S.O. 1960, c. 61, s. 7, amended

7. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement or in the contents of a prescribed form that does not mislead does not invalidate the registration or destroy the effect of it.

Immaterial errors

5. *The Conditional Sales Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 61, amended

16. Where required by the regulations made under this Act, a contract, or a renewal, assignment or discharge of a contract shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth in the prescribed form the information prescribed by the regulations.

When instruments tendered for registration to be accompanied by statement

17. The Lieutenant Governor in Council may make regulations,

Regulations

(a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;

(b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information,

and for requiring the forms of statements to be used shall be those provided or approved by the registrar;

(c) defining any expression used in the regulations;

R.S.O. 1960,
c. 191

(d) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Conditional Sales Amendment Act, 1970*.