

1970

c 98 The County Courts Amendment Act, 1970

Ontario

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CHAPTER 98

An Act to amend The County Courts 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. Section 6 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 6,
re-enacted

6.—(1) In this section, "holiday" means, Holiday
defined

(a) a holiday as defined in *The Interpretation Act*; R.S.O. 1960,
c. 191

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday;

(2) Except on holidays when they shall be closed, county court and district court offices shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon. Office hours

2. Section 10 as amended by section 1 of *The County Courts Amendment Act, 1962-63*, section 11 as amended by section 1 of *The County Courts Amendment Act, 1966* and section 1 of *The County Courts Amendment Act, 1967*, and sections 12, 13 and 14 as re-enacted by section 2 of *The County Courts Amendment Act, 1961-62*, of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 10,
re-enacted:
s. 11,
repealed;
ss. 12-14
(1961-62,
c. 24, s. 2),
repealed

Sittings

10. In each year the sittings of each county or district court shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960,
c. 349

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. a,
amended

3.—(1) Clause *a* of subsection 1 of section 19 of *The County Courts Act*, as amended by clause *a* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. b,
amended

(2) Clause *b* of subsection 1 of the said section 19, as amended by clause *b* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. c,
amended

(3) Clause *c* of subsection 1 of the said section 19, as amended by clause *c* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. d,
amended

(4) Clause *d* of subsection 1 of the said section 19, as amended by clause *d* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. e,
amended

(5) Clause *e* of subsection 1 of the said section 19, as amended by clause *e* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. f,
amended

(6) Clause *f* of subsection 1 of the said section 19, as amended by clause *f* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. g,
amended

(7) Clause *g* of subsection 1 of the said section 19, as amended by clause *g* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$20,000” in the amendment of 1961-62 and inserting in lieu thereof “\$50,000”.

(8) Clause *h* of subsection 1 of the said section 19, as amended by clause *h* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500".

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. *h*,
amended

(9) Clause *h* of subsection 1 of the said section 19, as amended by clause *i* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$20,000" in the amendment of 1961-62 and inserting in lieu thereof "\$50,000".

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. *h*,
amended

(10) Clause *i* of subsection 1 of the said section 19, as amended by clause *j* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500".

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. *i*,
amended

(11) Clause *j* of subsection 1 of the said section 19, as amended by clause *k* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500".

R.S.O. 1960,
c. 76, s. 19,
subs. 1, cl. *j*,
amended

(12) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$20,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "\$50,000".

R.S.O. 1960,
c. 76, s. 19,
subs. 2,
amended

(13) Subsections 3, 4 and 5 of the said section 19 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 76, s. 19,
subs. 3-5,
re-enacted

- (3) Where the notice mentioned in subsection 2 is given, the plaintiff may, within fifteen days after the entry of appearance if the defendant has given the notice in his appearance, or within fifteen days after the filing of the statement of defence if the defendant has given the notice in his statement of defence, on praecepe require all papers and proceedings in the action to be transmitted to the proper office of the Supreme Court in the county or district in which the action was brought, and the action is transferred to the Supreme Court when the papers and documents are so transmitted.
- (4) Where the plaintiff does not exercise the right conferred by subsection 3 within the period set out therein, the defendant may, within ten days after the expiration of such period, apply to a judge of

Transfer to
Supreme
Court by
plaintiff

Transfer to
Supreme
Court by
defendant

the Supreme Court for an order transferring the action to that court.

When
jurisdiction
established

(5) If no application is made or praecipe issued under subsection 3 or 4 within the time prescribed therein or if an application made under subsection 4 has been refused, subject to subsection 6 and to section 20, the jurisdiction of the court to try and dispose of the action shall be deemed to be established.

Application
of section

(14) This section does not apply to actions commenced before this section comes into force.

Commence-
ment

4.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1971.

Idem

(3) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The County Courts Amendment Act, 1970*.