

1914

c 173 Innkeepers' Act

Ontario

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Bibliographic Citation

Innkeepers' Act, RSO 1914, c 173

Repository Citation

Ontario (1914) "c 173 Innkeepers' Act," *Ontario: Revised Statutes*: Vol. 1914: Iss. 1, Article 176.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1914/iss1/176>

CHAPTER 173.

An Act respecting Innkeepers and Others.

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

1. This Act may be cited as *The Innkeepers' Act*. 1 Geo. V. Short title. c. 49, s. 1.

2. In this Act,

Interpretation.

(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

(b) "Innkeeper" shall mean the keeper of any such place. 1 Geo. V. c. 49, s. 2.

3.—(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. Lien on baggage, etc., for accommodation, etc., furnished.

(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. And power to sell. Notice of sale.

(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. Particulars in notice.

(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. Proceeds of sale. application of.

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.

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

(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.

Advertisement of intended sale.

(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.

Proceeds of sale, application of.

(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. 1 Geo. V. c. 49, s. 3.

Limitation of innkeeper's liability.

4.—(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:

Except where default or neglect.

(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;

or unless deposited with him for safe keeping.

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

Conditions of liability.

(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. 1 Geo. V. c. 49, s. 4.

5. If an innkeeper refuses to receive for safe custody, as mentioned in clause (b) of subsection 1 of the next preceding section, 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. 1 Geo. V. c. 49, s. 5.

Consequences of failure to take charge of goods.

6. 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 4 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. 1 Geo. V. c. 49, s. 6.

Copy of section 4 to be conspicuously exhibited.

7. The lien of an innkeeper or boarding-house keeper upon the wearing apparel of any servant or labourer shall not extend to any greater sum than \$6, and on payment or tender of that sum, or of any less sum due, such wearing apparel shall be immediately given up, whatever may be the amount due by such servant or labourer. 1 Geo. V. c. 49, s. 7.

Limitation of lien on wearing apparel of servant or labourer to \$6.