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Civil Remedies Act, 2001

S.O. 2001, Chapter 28

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PART I  
PURPOSE

Purpose

**1** The purpose of this Act is to provide civil remedies that will assist in,

(a) compensating persons who suffer pecuniary or non-pecuniary losses as a result of unlawful activities;

(b) preventing persons who engage in unlawful activities and others from keeping property that was acquired as a result of unlawful activities;

(c) preventing property, including vehicles as defined in Part III.1, from being used to engage in certain unlawful activities; and

(d) preventing injury to the public that may result from conspiracies to engage in unlawful activities. 2001, c. 28, s. 1; 2007, c. 13, s. 26.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 26](http://www.ontario.ca/laws/statute/S07013" \l "s26) - 20/02/2008

Part I.1  
Administrative Forfeiture

Definitions

**1.1**In this Part,

“deadline date” means, in respect of an administrative forfeiture proceeding under this Part, the day that is 120 days after the later of,

(a) the day on which every person who is entitled to receive written notice of the proceeding under clause 1.3 (1) (b) has either,

(i) received the notice or been deemed to have received the notice, or

(ii) been the subject of a final attempt to serve the person under clause 1.3 (4) (b), and

(b) the day the notice required by subsection 1.3 (7) is published on a website of the Government of Ontario; (“date limite”)

“Director” means the Director of Asset Management – Civil appointed under section 15.1; (“directeur”)

“instrument of unlawful activity” has the same meaning as in section 7; (“instrument d’activité illégale”)

“notice of dispute” means a notice of dispute described in section 1.5; (“avis de contestation”)

“proceeds of unlawful activity” has the same meaning as in section 2; (“produit d’activité illégale”)

“property” means real or personal property, and includes any interest in property; (“bien”)

“public body” means,

(a) an entity with which the Director has an agreement under subsection 19 (1.1),

(b) an institution belonging to a class of institutions prescribed by the regulations made under this Act for the purposes of paragraph 1 of subsection 19 (4), or

(c) a chief of police as defined in subsection 2 (1) of the Community Safety and Policing Act, 2019; (“organisme public”)

“unlawful activity” means an act or omission that,

(a) is an offence under an Act of Canada, Ontario or another province or territory of Canada, or

(b) is an offence under an Act of a jurisdiction outside Canada, if a similar act or omission would be an offence under an Act of Canada or Ontario if it were committed in Ontario,

whether the act or omission occurred before or after this Part came into force. (“activité illégale”) 2020, c. 11, Sched. 3, s. 1 (1, 2).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021; [2020, c. 11, Sched. 3, s. 1 (2)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s2) - 01/04/2024

Property eligible for administrative forfeiture

**1.2**(1)  Property may be the subject of an administrative forfeiture proceeding under this Part if,

(a) it is personal property that is located in Ontario;

(b) it is held by or on behalf of a public body;

(c) no person has a prior registered interest in the property; and

(d) the property is not the subject of a proceeding under Part II, III, III.1 or IV. 2020, c. 11, Sched. 3, s. 1 (1).

Grounds to seek administrative forfeiture

(2)  The Attorney General may commence an administrative forfeiture proceeding against property if he or she has reason to believe that the property is proceeds of unlawful activity or an instrument of unlawful activity. 2020, c. 11, Sched. 3, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021

Commencing administrative forfeiture proceeding

**1.3**(1)  In order to commence an administrative forfeiture proceeding, the Attorney General must,

(a) file notice of the administrative forfeiture proceeding against the property in the registration system established under the Personal Property Security Act; and

(b) give written notice of the administrative forfeiture proceeding to,

(i) the person from whom the property was seized,

(ii) the public body that is holding the property or on whose behalf the property is being held, and

(iii) any other person whom the Attorney General has reason to believe may have an interest in the property. 2020, c. 11, Sched. 3, s. 1 (1).

Manner of giving notice

(2)  Subject to subsections (3) to (6), the Attorney General must make reasonable efforts to personally serve the notice required by subclauses (1) (b) (i) and (iii) on the person. 2020, c. 11, Sched. 3, s. 1 (1).

If person not available

(3)  If the person is not available to be served a notice required by subclause (1) (b) (i) or (iii), the Attorney General shall make two additional attempts to serve the person over the course of the next 14 days. 2020, c. 11, Sched. 3, s. 1 (1).

Final service

(4)  If the two additional attempts to serve the person are not successful,

(a) the notice shall be left at the person’s last known address; or

(b) if there is no last known address associated with the person, the Attorney General shall make one more final attempt to serve the person. 2020, c. 11, Sched. 3, s. 1 (1).

Deemed receipt of notice

(5)  A notice that has been left at a person’s last known address in accordance with clause (4) (a) is deemed to have been served personally on the person on the day it was left at that address. 2020, c. 11, Sched. 3, s. 1 (1).

Exception

(6)  The Attorney General is not required to give notice to a person referred to in subclause (1) (b) (i) or (iii) if the Attorney General does not have any information respecting the person’s location. 2020, c. 11, Sched. 3, s. 1 (1).

Notice to the public

(7)  The Attorney General shall give public notice of the administrative forfeiture proceeding against the property by publishing notice of the proceeding on a website of the Government of Ontario. 2020, c. 11, Sched. 3, s. 1 (1).

Contents of notice

(8)  A notice required by clause (1) (b) or subsection (7) must include,

(a) a file number assigned to the forfeiture by the Attorney General;

(b) a description of the property that is subject to forfeiture;

(c) the name of the public body or police service that seized the property;

(d) the date the property was seized and the place of seizure;

(e) a statement that the property is either a proceed of unlawful activity or an instrument of unlawful activity;

(f) a statement that the property may be forfeited to the Crown in right of Ontario;

(g) a procedure for submitting a notice of dispute to the Attorney General, and a statement that a person who wishes to oppose forfeiture of the property may submit a notice of dispute to the Attorney General in accordance with that procedure; and

(h) a statement that a notice of dispute must be submitted to the Attorney General within 120 days after receipt of the notice of proceeding. 2020, c. 11, Sched. 3, s. 1 (1, 3).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021; [2020, c. 11, Sched. 3, s. 1 (3)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s3) - 01/04/2024

Public body to maintain possession of property

**1.4**(1)  Subject to subsection (2) and to any orders made under this Act, a public body that receives a notice of administrative forfeiture from the Attorney General shall maintain the property that is subject to forfeiture and ensure that it is not released to any person, despite any other claim, interest or right of possession in the property, until,

(a) the Attorney General notifies the public body that the Attorney General is withdrawing from seeking forfeiture of the property under this Act;

(b) the Attorney General notifies the public body in accordance with subsection 1.8 (2) that the property has been forfeited; or

(c) the public body receives notice of an order made pursuant to Part II, III, III.1 or IV that forfeits the property to the Crown in right of Ontario or otherwise deals with possession of the property. 2020, c. 11, Sched. 3, s. 1 (1).

Exception, perishable or rapidly depreciating property

(2)  Despite subsection (1), a public body may take any action in relation to perishable or rapidly depreciating property that is subject to forfeiture if it has received prior authorization from the Attorney General. 2020, c. 11, Sched. 3, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021

Disputing administrative forfeiture

**1.5**(1)  A person who claims to have an interest in property may oppose the forfeiture of that property by submitting a notice of dispute to the Attorney General in accordance with this section. 2020, c. 11, Sched. 3, s. 1 (1).

Notice of dispute requirements

(2)  The notice of dispute must include,

(a) either,

(i) the file number specified in the notice issued under section 1.3, or

(ii) a description that identifies the property;

(b) the name of the person claiming an interest in the property;

(c) the particulars of the person’s interest in the property;

(d) the basis upon which the person disputes forfeiture of the property; and

(e) the address for service of the person opposing forfeiture of the property. 2020, c. 11, Sched. 3, s. 1 (1).

Deadline

(3)  A notice of dispute must be received by the Attorney General on or before the deadline date. 2020, c. 11, Sched. 3, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021

If Attorney General receives notice of dispute

**1.6**(1)  Within 45 days after receiving a notice of dispute in respect of property, the Attorney General shall,

(a) either commence proceedings against the property under Part II, III, III.1 or IV or withdraw from seeking forfeiture of the property under this Act; and

(b) give notice of the commencement of the new proceedings, or the withdrawal from seeking forfeiture of the property under this Act, to,

(i) every person and public body that received notice of the administrative forfeiture proceeding under clause 1.3 (1) (b), and

(ii) each person who submitted a notice of dispute in respect of the property. 2020, c. 11, Sched. 3, s. 1 (1).

Discharge of notice

(2)  After receiving a notice of dispute in respect of property, the Attorney General shall discharge the notice registered pursuant to clause 1.3 (1) (a) as soon as is practicable. 2020, c. 11, Sched. 3, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021

Attorney General’s power to withdraw or convert to other proceedings

**1.7**(1)  The Attorney General may, at any time and on his or her own initiative,

(a) withdraw from seeking forfeiture of property under this Act; or

(b) discontinue an administrative forfeiture proceeding and commence proceedings under Part II, III, III.1 or IV. 2020, c. 11, Sched. 3, s. 1 (1).

Notice

(2)  If the Attorney General takes either of the actions described in subsection (1),

(a) the notice registered pursuant to clause 1.3 (1) (a) shall be discharged by the Attorney General as soon as is practicable; and

(b) the Attorney General shall give notice of the action to each person and public body that received notice of the administrative forfeiture proceeding under clause 1.3 (1) (b). 2020, c. 11, Sched. 3, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021

Forfeiture if no notice of dispute

**1.8**(1)  If the Attorney General does not receive a notice of dispute on or before the deadline date, the property specified in the notice of administrative forfeiture proceeding published under subsection 1.3 (7) is forfeited to the Crown in right of Ontario on the day after the deadline date. 2020, c. 11, Sched. 3, s. 1 (1).

Notice to public body

(2)  The Attorney General shall prepare a notice of forfeiture that confirms the property has been forfeited to the Crown in right of Ontario and give a copy of the notice to the public body in possession of the property. 2020, c. 11, Sched. 3, s. 1 (1).

Release of property

(3)  The public body shall release the property to the Director upon receipt of the notice of forfeiture. 2020, c. 11, Sched. 3, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021

Special purpose account

**1.9**(1)  If property forfeited to the Crown in right of Ontario under this Part is money or is converted to money, the money shall be deposited in a separate, interest bearing account in the Consolidated Revenue Fund. 2020, c. 11, Sched. 3, s. 1 (1).

Same

(2)  For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose. 2020, c. 11, Sched. 3, s. 1 (1).

Payments out of account for Crown’s costs

(3)  If money is deposited in an account under subsection (1), the Minister of Finance shall make payments out of the account, at the request of the Director and in the amounts determined by the Director under subsection (8), to compensate the Crown in right of Ontario for its costs incurred in,

(a) conducting the proceeding under this Part with respect to the property;

(b) determining whether the proceeding under this Part should be commenced; and

(c) preserving, managing or disposing of the property under this Part. 2020, c. 11, Sched. 3, s. 1 (1).

Other payments out of account

(4)  Subject to the regulations made under this Act and after making the payments, if any, out of the account under subsection (3), the Minister of Finance may make payments out of the account described in subsection (1) for the following purposes:

1. To compensate persons, or the estates of deceased persons, who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, as a result of the unlawful activity that the property was used to engage in or that resulted in the acquisition of the property.

2. To assist victims of unlawful activities or the estates of deceased victims of unlawful activities or to prevent unlawful activities that result in victimization.

3. To compensate the Crown in right of Ontario for costs incurred in respect of any proceeding under this Part that relates to the property, other than the costs described in subsection (3), and for pecuniary losses suffered as a result of the unlawful activity that the property was used to engage in or that resulted in the acquisition of the property, including costs incurred in remedying the effects of the unlawful activity.

4. To compensate a municipal corporation, or a public institution that belongs to a class prescribed by the regulations made under this Act, for pecuniary losses that were suffered as a result of the unlawful activity that the property was used to engage in or that resulted in the acquisition of the property, and that are costs incurred in remedying the effects of the unlawful activity.

5. If, according to the criteria prescribed by the regulations made under this Act, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 to 4, such other purposes as are prescribed by the regulations. 2020, c. 11, Sched. 3, s. 1 (1).

Director’s election to give priority to persons who suffered loss

(5)  The Director may elect not to request payment out of the account under subsection (3) if, in his or her opinion, all or substantially all of the money in the account is needed to compensate the persons who are entitled to compensation under paragraph 1 of subsection (4). 2020, c. 11, Sched. 3, s. 1 (1).

Payment for Crown’s costs after payment to persons who suffered loss

(6)  If the Director elects not to request payment under subsection (3), the Minister of Finance shall, at the request of the Director and in the amounts determined by the Director under subsection (8), make payments to compensate the Crown in right of Ontario for its costs incurred as described in subsection (3) out of the account, after the payments are made to compensate the persons who are entitled to compensation under paragraph 1 of subsection (4). 2020, c. 11, Sched. 3, s. 1 (1).

Payment for Crown’s costs out of other accounts

(7)  If the amount of money in the account is insufficient to satisfy the Crown’s costs pursuant to a request made by the Director under subsection (3) or (6), the Minister of Finance shall make payments to compensate the Crown in right of Ontario for its unsatisfied costs out of another account into which money is deposited under subsection (1) as a result of another proceeding, after payments have been made out of that account to compensate the persons who are entitled to compensation out of that account under paragraph 1 of subsection (4) and to compensate the Crown for its costs incurred in respect of that account. 2020, c. 11, Sched. 3, s. 1 (1).

Determination of Crown’s costs

(8)  The amount of the Crown’s costs under subsection (3) or (6) shall be determined by the Director on any basis, or combination of them, that he or she considers appropriate in the circumstances, including,

(a) a flat rate for every forfeiture;

(b) a flat rate for every step taken;

(c) an hourly rate;

(d) the actual costs; or

(e) a percentage of the value of the property forfeited. 2020, c. 11, Sched. 3, s. 1 (1).

Related activities

(9)  If money is required to be deposited under subsection (1) in respect of two or more unlawful activities and the Minister of Finance is of the opinion that the unlawful activities are related, the money may be deposited into a single account and, for the purpose of payments out of the account, a reference in subsection (4) to “the unlawful activity” that the property was used to engage in or that resulted in the acquisition of the property shall be deemed to be a reference to any of the unlawful activities. 2020, c. 11, Sched. 3, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021

Failure to deliver notice of dispute

**1.10**(1)  A person who claims to have had an interest in the property at the time it was forfeited under section 1.8 but who failed to submit a notice of dispute on or before the deadline date may commence an action for damages against the Crown in right of Ontario. 2020, c. 11, Sched. 3, s. 1 (1).

Onus on plaintiff

(2)  The plaintiff in an action commenced under this section must establish that,

(a) he or she has an interest in the property; and

(b) he or she had a reasonable excuse for the failure to submit a notice of dispute to the Attorney General on or before the deadline date. 2020, c. 11, Sched. 3, s. 1 (1).

Same, proceeds of unlawful activity

(3)  If the Crown in right of Ontario establishes that the property was proceeds of unlawful activity, the plaintiff’s action will be unsuccessful unless the plaintiff establishes that he or she is an uninvolved interest holder, as defined in section 2, of the property. 2020, c. 11, Sched. 3, s. 1 (1).

Same, instrument of unlawful activity

(4)  If the Crown in right of Ontario establishes that the property was an instrument of unlawful activity, the plaintiff’s action will be unsuccessful unless the plaintiff establishes that he or she is a responsible owner, as defined in section 7, of the property. 2020, c. 11, Sched. 3, s. 1 (1).

Exception, forfeiture clearly not in interests of justice

(5)  Subsections (3) and (4) do not apply if the court is satisfied that the forfeiture of the property to the Crown in right of Ontario was clearly not in the interests of justice. 2020, c. 11, Sched. 3, s. 1 (1).

Owner

(6)  If an action under this section is successful, the court shall order the Crown in right of Ontario to pay to the plaintiff the greater of,

(a) the fair market value of the plaintiff’s interest in the property, as determined by the court, on the day the Attorney General published notice of the administrative forfeiture proceeding on a website of the Government of Ontario; and

(b) the liquidated value of the plaintiff’s interest in the property that was realized on the forfeiture or disposition of the property. 2020, c. 11, Sched. 3, s. 1 (1).

Payment or settlement

(7)  The Minister of Finance shall, at the request of the Director, make payments out of a special purpose account in which property, or the proceeds from selling property, is deposited in order to,

(a) comply with an order of the court made under subsection (6) in respect of the property; or

(b) settle a proceeding or an anticipated proceeding under this section in respect of the property which, in the Director’s opinion, could result in a judgment against the Crown. 2020, c. 11, Sched. 3, s. 1 (1).

If money insufficient

(8)  If the amount of money in the special purpose account is insufficient to satisfy a request made by the Director under subsection (7), the Minister of Finance shall make payments to satisfy the request for the unsatisfied amount out of another account into which money is deposited under subsection 1.9 (1) as a result of another proceeding, after payments have been made out of that account to compensate the persons who are entitled to compensation out of that account under paragraph 1 of subsection 1.9 (4). 2020, c. 11, Sched. 3, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 1 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s1s1) - 01/03/2021

PART II  
PROCEEDS OF UNLAWFUL ACTIVITY

Definitions

**2** In this Part,

“Director” means the Director of Asset Management – Civil appointed under section 15.1; (“directeur”)

“proceeds of unlawful activity” means property acquired, directly or indirectly, in whole or in part, as a result of unlawful activity, whether the property was acquired before or after this Act came into force, but does not include proceeds of a contract for recounting crime within the meaning of the Prohibiting Profiting from Recounting Crimes Act, 2002; (“produit d’activité illégale”)

“property” means real or personal property, and includes any interest in property; (“bien”)

“uninvolved interest holder” means, with respect to property that is proceeds of unlawful activity, a person who did not, directly or indirectly, acquire the property as a result of unlawful activity committed by the person, and who,

(a) was the rightful owner of the property before the unlawful activity occurred and was deprived of possession or control of the property by means of the unlawful activity,

(b) acquired the property for fair value after the unlawful activity occurred and did not know and could not reasonably have known at the time of the acquisition that the property was proceeds of unlawful activity, or

(c) acquired the property from a person mentioned in clause (a) or (b); (“détenteur innocent d’un intérêt”)

“unlawful activity” means an act or omission that,

(a) is an offence under an Act of Canada, Ontario or another province or territory of Canada, or

(b) is an offence under an Act of a jurisdiction outside Canada, if a similar act or omission would be an offence under an Act of Canada or Ontario if it were committed in Ontario,

whether the act or omission occurred before or after this Part came into force. (“activité illégale”) 2001, c. 28, s. 2; 2002, c. 2, s. 19 (3); 2005, c. 33, s. 20; 2020, c. 11, Sched. 3, s. 2.

**Section Amendments with date in force (d/m/y)**

[2002, c. 2, s. 19 (3)](http://www.ontario.ca/laws/statute/S02002" \l "s19s3) - 01/07/2003

[2005, c. 33, s. 20](http://www.ontario.ca/laws/statute/S05033" \l "s20) - 15/12/2005

[2020, c. 11, Sched. 3, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s2s1) - 08/07/2020

Forfeiture order

**3** (1)  In a proceeding commenced by the Attorney General, the Superior Court of Justice shall, subject to subsection (3) and except where it would clearly not be in the interests of justice, make an order forfeiting property that is in Ontario to the Crown in right of Ontario if the court finds that the property is proceeds of unlawful activity. 2001, c. 28, s. 3 (1).

Action or application

(2)  The proceeding may be by action or application. 2001, c. 28, s. 3 (2).

Uninvolved interest holder

(3)  If the court finds that property is proceeds of unlawful activity and a party to the proceeding proves that he, she or it is an uninvolved interest holder of the property, the court, except where it would clearly not be in the interests of justice, shall make such order as it considers necessary to protect the uninvolved interest holder’s interest in the property. 2001, c. 28, s. 3 (3); 2020, c. 11, Sched. 3, s. 3 (1).

Same

(4)  Without limiting the generality of subsection (3), an order made under subsection (3) may,

(a) sever or partition any interest in the property or require any interest in the property to be sold or otherwise disposed of, to protect the uninvolved interest holder’s interest in the property; or

(b) provide that the Crown in right of Ontario takes the property subject to the interest of the uninvolved interest holder. 2001, c. 28, s. 3 (4); 2020, c. 11, Sched. 3, s. 3 (2, 3).

Limitation period

(5)  A proceeding under this section shall not be commenced after the 15th anniversary of the date proceeds of unlawful activity were first acquired as a result of the unlawful activity that is alleged to have resulted in the acquisition of the property that is the subject of the proceeding. 2001, c. 28, s. 3 (5).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 3 (1-3)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s3s1) - 08/07/2020

Disclosure order

**3.1**(1)  On motion of the Attorney General in a proceeding or intended proceeding under section 3, the Superior Court of Justice may make an order requiring a person to disclose to the Attorney General information or records in the custody or control of the person if the Court is satisfied that the information or records are reasonably required by the Attorney General in order to exercise the Attorney General’s powers or perform the Attorney General’s functions and duties under this Act. 2020, c. 11, Sched. 3, s. 4.

Timing

(2)  The Attorney General may apply for an order under subsection (1) before, at the time of or after,

(a) commencing proceedings under section 3; or

(b) applying for an order under section 4. 2020, c. 11, Sched. 3, s. 4.

Motion made without notice

(3)  An order under subsection (1) may be made on motion without notice for a period not exceeding 60 days. 2020, c. 11, Sched. 3, s. 4.

Costs

(4)  The Attorney General must pay to a person who is subject to an order under subsection (1) the reasonable costs of producing, reproducing or delivering the information or records. 2020, c. 11, Sched. 3, s. 4.

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 4](http://www.ontario.ca/laws/statute/S20011" \l "sched3s4) - 08/07/2020

Interlocutory order for preservation, management or disposition of property

**4** (1)  On motion by the Attorney General in a proceeding or intended proceeding under section 3, the Superior Court of Justice may make any or all of the following interlocutory orders for the preservation, management or disposition of any property that is the subject of the proceeding:

1. An order restraining the disposition or encumbrance of the property or its use as collateral under the Personal Property Security Act or otherwise.

2. An order for the possession, delivery or safekeeping of the property.

3. An order appointing a receiver or receiver and manager for the property.

4. An order for the sale or other disposition of the property if it is perishable or of a rapidly depreciating nature.

4.1 An order that any proceeds of sale or other disposition of the property be paid into court pending the conclusion of a proceeding under section 3.

5. An order to sever or partition any interest in the property or to require any interest in the property to be sold or otherwise disposed of, and for all or part of the proceeds of the severance, partition, sale or other disposition to be paid to the Crown in right of Ontario as compensation for its costs incurred in preserving, managing or disposing of the property and in enforcing or complying with any other order made under this subsection in respect of the property.

6. An order giving the Crown in right of Ontario a lien for an amount fixed by the courton the property or on other property specified in the order to secure performance of an obligation imposed by another order made under this subsection.

7. An order that notice of the proceeding or of any order made under this subsection be registered in a land registry office against the property or any other property specified in the order.

8. Any other order for the preservation, management or disposition of the property that the court considers just. 2005, c. 33, s. 21 (1); 2007, c. 13, s. 27 (1, 2).

Same

(2)  Except where it would clearly not be in the interests of justice, the court shall make an order under subsection (1) if the court is satisfied that there are reasonable grounds to believe that the property is proceeds of unlawful activity. 2005, c. 33, s. 21 (1).

Motion made without notice

(3)  An order under subsection (1) may be made on motion without notice for a period not exceeding 30 days. 2001, c. 28, s. 4 (3); 2007, c. 13, s. 27 (3).

Extension

(4)  If an order under subsection (1) is made on a motion without notice, a motion to extend the order may be made only on notice to every party affected by the order, unless the court is satisfied that because a party has been evading service or because there are other exceptional circumstances, the order ought to be extended without notice to the party. 2001, c. 28, s. 4 (4).

Same

(5)  An extension may be granted on a motion without notice for a further period not exceeding 30 days. 2001, c. 28, s. 4 (5); 2007, c. 13, s. 27 (4).

Liens on personal property

(6)  If an order under paragraph 6 of subsection (1) gives the Crown a lien on personal property,

(a) the Personal Property Security Act applies with necessary modifications to the lien, despite clause 4 (1) (a) of that Act;

(b) the lien shall be deemed to be a security interest that has attached for the purposes of the Personal Property Security Act; and

(c) the Attorney General may perfect the security interest referred to in clause (b) for the purposes of the Personal Property Security Act by the registration of a financing statement under that Act. 2001, c. 28, s. 4 (6); 2005, c. 33, s. 21 (2).

Assignment of duties to Director

(7)  When the Attorney General requests it, the court making an order under subsection (1) shall assign any duties with respect to the property to the Director. 2005, c. 33, s. 21 (3).

On-going management of property

(8)  If an order is made under subsection (1) assigning any duties in respect of the property to a person other than the Director, the person may do anything the court authorizes, either in that order or in an order made under subsection (9), for the on-going management or operation of the property before its final disposition, including,

(a) complying with the terms of any order to which the property is subject, including an order to comply with environmental, industrial, labour or property standards or to pay taxes, utility charges or other charges;

(b) making improvements to the property to maintain its economic value; or

(c) pledging, hypothecating, mortgaging or otherwise using the property as security. 2005, c. 33, s. 21 (3).

Same

(9)  On motion, on notice to all of the parties to the proceeding, by a person described in subsection (8), the court may make an order authorizing the person to take any action that the court considers just for the on-going management or operation of the property before its final disposition. 2005, c. 33, s. 21 (3).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 21 (1-3)](http://www.ontario.ca/laws/statute/S05033" \l "s21s1) - 15/12/2005

[2007, c. 13, s. 27 (1-4)](http://www.ontario.ca/laws/statute/S07013" \l "s27s1) - 04/06/2007

[CTS 20 SE 10 - 1](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

Legal expenses

**5** (1)  Subject to the regulations made under this Act, a person who claims an interest in property that is subject to an interlocutory order made under section 4 may make a motion to the Superior Court of Justice for an order directing that reasonable legal expenses incurred by the person be paid out of the property. 2001, c. 28, s. 5 (1).

Restrictions on order

(2)  The court may make an order under subsection (1) only if it finds that,

(a) the moving party has, in the motion,

(i) disclosed all interests in property held by the moving party, and

(ii) disclosed all other interests in property that, in the opinion of the court, other persons associated with the moving party should reasonably be expected to contribute to the payment of the legal expenses;

(b) the interests in property referred to in clause (a) that are not subject to the interlocutory order made under section 4 are not sufficient to cover the legal expenses sought in the motion. 2001, c. 28, s. 5 (2).

Special purpose account

**6** (1)  If property forfeited to the Crown in right of Ontario under this Part is money or is converted to money, the money shall be deposited in a separate, interest bearing account in the Consolidated Revenue Fund. 2001, c. 28, s. 6 (1).

Same

(2)  For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose. 2001, c. 28, s. 6 (2).

Payments out of account for Crown’s costs

(2.1)  If money is deposited in an account under subsection (1), the Minister of Finance shall make payments out of the account, at the request of the Director and in the amounts determined by the Director under subsection (3.4), to compensate the Crown in right of Ontario for its costs incurred,

(a) in conducting the proceeding under this Part or Part I.1 with respect to the property;

(b) in determining whether the proceeding under this Part or Part I.1 should be commenced;

(c) in preserving, managing or disposing of the property under this Part or Part I.1; and

(d) in enforcing or complying with orders made under this Part in respect of the property. 2005, c. 33, s. 22 (1); 2020, c. 11, Sched. 3, s. 5 (1).

Other payments out of account

(3)  Subject to the regulations made under this Act and after making the payments, if any, out of the account under subsection (2.1), the Minister of Finance may make payments out of the account described in subsection (1) for the following purposes:

1. To compensate persons, or the estates of deceased persons, who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, as a result of the unlawful activity.

2. To assist victims of unlawful activities, or the estates of deceased victims of unlawful activities, or to prevent unlawful activities that result in victimization.

3. To compensate the Crown in right of Ontario for pecuniary losses suffered as a result of the unlawful activity, other than the costs described in subsection (2.1), but including costs incurred in remedying the effects of the unlawful activity.

4. To compensate a municipal corporation, or a public institution that belongs to a class prescribed by the regulations made under this Act, for pecuniary losses that were suffered as a result of the unlawful activity and that are costs incurred in remedying the effects of the unlawful activity.

5. If, according to the criteria prescribed by the regulations made under this Act, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 to 4, such other purposes as are prescribed by the regulations. 2005, c. 33, s. 22 (2); 2020, c. 11, Sched. 3, s. 5 (2, 3).

Director’s election to give priority to persons who suffered loss

(3.1)  The Director may elect not to request payment out of the account under subsection (2.1) if, in his or her opinion, all or substantially all of the money in the account is needed to compensate the persons who are entitled to compensation under paragraph 1 of subsection (3). 2005, c. 33, s. 22 (2).

Payment for Crown’s costs after payment to persons who suffered loss

(3.2)  If the Director elects not to request payment under subsection (2.1), the Minister of Finance shall, at the request of the Director and in the amounts determined by the Director under subsection (3.4), make payments to compensate the Crown in right of Ontario for its costs incurred as described in subsection (2.1) out of the account, after the payments are made to compensate the persons who are entitled to compensation under paragraph 1 of subsection (3). 2005, c. 33, s. 22 (2).

Payment for Crown’s costs out of other accounts

(3.3)  If the amount of money in the account is insufficient to satisfy the Crown’s costs pursuant to a request made by the Director under subsection (2.1) or (3.2), the Minister of Finance shall make payments to compensate the Crown in right of Ontario for its unsatisfied costs out of another account into which money is deposited under subsection (1) as a result of another proceeding, after payments have been made out of that account to compensate the persons who are entitled to compensation out of that account under paragraph 1 of subsection (3) and to compensate the Crown for its costs incurred in respect of that account. 2005, c. 33, s. 22 (2).

Determination of Crown’s costs

(3.4)  The amount of the Crown’s costs under subsection (2.1) or (3.2) shall be determined by the Director on any basis, or combination of them, that he or she considers appropriate in the circumstances, including,

(a) a flat rate for every forfeiture;

(b) a flat rate for every step taken;

(c) an hourly rate;

(d) the actual costs; or

(e) a percentage of the value of the property forfeited. 2005, c. 33, s. 22 (2).

Related unlawful activities

(4)  If money is required to be deposited under subsection (1) in respect of two or more unlawful activities and the Minister of Finance is of the opinion that the unlawful activities are related, the money may be deposited into a single account and, for the purpose of payments out of the account, a reference in subsection (3) to “the unlawful activity” shall be deemed to be a reference to any of the unlawful activities. 2001, c. 28, s. 6 (4).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 22 (1, 2)](http://www.ontario.ca/laws/statute/S05033" \l "s22s1) - 15/12/2005

[2020, c. 11, Sched. 3, s. 5 (2)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s5s2) - 08/07/2020; [2020, c. 11, Sched. 3, s. 5 (1, 3)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s5s1) - 01/03/2021

PART III  
INSTRUMENTS OF UNLAWFUL ACTIVITY

Definitions

**7** (1)  In this Part,

“Director” means the Director of Asset Management – Civil appointed under section 15.1; (“directeur”)

“injury to the public” includes,

(a) any unreasonable interference with the public’s interest in the enjoyment of property,

(b) any unreasonable interference with the public’s interest in questions of health, safety, comfort or convenience,

(c) any expenses or increased expenses incurred by the public, including any expenses or increased expenses incurred by the Crown in right of Ontario, a municipal corporation or a public institution that belongs to a class prescribed by the regulations made under this Act, and

(d) a contravention of subsection 2 (1) or (4) of the Keeping Ontario Open for Business Act, 2022; (“préjudice causé au public”)

“instrument of unlawful activity” means property that is likely to be used to engage in unlawful activity that, in turn, would be likely to or is intended to result in the acquisition of other property, in injury to the public or in serious bodily harm to any person, and includes any property that is realized from the sale or other disposition of such property; (“instrument d’activité illégale”)

“property” means real or personal property, and includes any interest in property; (“bien”)

“responsible owner” means, with respect to property that is an instrument of unlawful activity, a person with an interest in the property who has done all that can reasonably be done to prevent the property from being used to engage in unlawful activity, including,

(a) promptly notifying appropriate law enforcement agencies whenever the person knows or ought to know that the property has been or is likely to be used to engage in unlawful activity, and

(b) refusing or withdrawing any permission that the person has authority to give and that the person knows or ought to know has facilitated or is likely to facilitatethe property being used to engage in unlawful activity; (“propriétaire responsable”)

“unlawful activity” means an act or omission that,

(a) is an offence under an Act of Canada, Ontario or another province or territory of Canada, or

(b) is an offence under an Act of a jurisdiction outside Canada, if a similar act or omission would be an offence under an Act of Canada or Ontario if it were committed in Ontario,

whether the act or omission occurred before or after this Part came into force. (“activité illégale”) 2001, c. 28, s. 7 (1); 2005, c. 33, s. 23; 2007, c. 13, s. 28 (1); 2022, c. 10, s. 18 (1, 2).

Instruments of unlawful activity

(2)  For the purpose of the definition of “instrument of unlawful activity” in subsection (1), proof that property was used to engage in unlawful activity that, in turn, resulted in the acquisition of other property, in injury to the public or in serious bodily harm to any person is proof, in the absence of evidence to the contrary, that the property is likely to be used to engage in unlawful activity that, in turn, would be likely to result in the acquisition of other property or in serious bodily harm to any person. 2001, c. 28, s. 7 (2); 2022, c. 10, s. 18 (3).

Same

(3)  Where property that is the subject of a proceeding or intended proceeding under section 8 was modified or soldor otherwise disposed of before an order is made under subsection 8 (1), the determination of whether the modified property or the property that was realized from the saleor other disposition of the property is an “instrument of unlawful activity” shall be based on whether the property was likely to be used to engage in unlawful activity before it was modified or soldor otherwise disposed of. 2007, c. 13, s. 28 (2).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 23](http://www.ontario.ca/laws/statute/S05033" \l "s23) - 15/12/2005

[2007, c. 13, s. 28 (1, 2)](http://www.ontario.ca/laws/statute/S07013" \l "s28s1) - 04/06/2007

[2022, c. 10, s. 18 (1-3)](http://www.ontario.ca/laws/statute/S22010" \l "s18s1) - 14/04/2022

Forfeiture order

**8** (1)  In a proceeding commenced by the Attorney General, the Superior Court of Justice shall, subject to subsection (3) and except where it would clearly not be in the interests of justice, make an order forfeiting property that is in Ontario to the Crown in right of Ontario if the court finds that the property is an instrument of unlawful activity. 2001, c. 28, s. 8 (1).

Action or application

(2)  The proceeding may be by action or application. 2001, c. 28, s. 8 (2).

Responsible owners

(3)  If the court finds that property is an instrument of unlawful activity and a party to the proceeding proves that he, she or it is a responsible owner of the property, the court, except where it would clearly not be in the interests of justice, shall make such order as it considers necessary to protect the responsible owner’s interest in the property. 2001, c. 28, s. 8 (3).

Property sold, disposed of

(3.1)  Where property that is the subject of a proceeding under this section is modified or sold or otherwise disposed of after the proceeding has been commenced but before an order is made under subsection (1), the proceeding shall be continued in respect of the modified property or property that is realized from the sale or other disposition and, if the original property would have been found to be an instrument of unlawful activity, the court shall make a finding that the modified or realized property is also an instrument of unlawful activity. 2007, c. 13, s. 29.

Protecting responsible owner’s interest

(4)  Without limiting the generality of subsection (3), an order made under subsection (3) may,

(a) sever or partition any interest in the property or require any interest in the property to be sold or otherwise disposed of, to protect the responsible owner’s interest in the property; or

(b) provide that the Crown in right of Ontario takes the property subject to the interest of the responsible owner. 2001, c. 28, s. 8 (4).

No limitation period

(5)  There is no limitation period for a proceeding under this section. 2001, c. 28, s. 8 (5).

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 29](http://www.ontario.ca/laws/statute/S07013" \l "s29) - 04/06/2007

Disclosure order

**8.1**(1)  On motion of the Attorney General in a proceeding or intended proceeding under section 8, the Superior Court of Justice may make an order requiring a person to disclose to the Attorney General information or records in the custody or control of the person if the Court is satisfied that the information or records are reasonably required by the Attorney General in order to exercise the Attorney General’s powers or perform the Attorney General’s functions and duties under this Act. 2020, c. 11, Sched. 3, s. 6.

Timing

(2)  The Attorney General may apply for an order under subsection (1) before, at the time of or after,

(a) commencing proceedings under section 8; or

(b) applying for an order under section 9. 2020, c. 11, Sched. 3, s. 6.

Motion made without notice

(3)  An order under subsection (1) may be made on motion without notice for a period not exceeding 60 days. 2020, c. 11, Sched. 3, s. 6.

Costs

(4)  The Attorney General must pay to a person who is subject to an order under subsection (1) the reasonable costs of producing, reproducing or delivering the information or records. 2020, c. 11, Sched. 3, s. 6.

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 6](http://www.ontario.ca/laws/statute/S20011" \l "sched3s6) - 08/07/2020

Interlocutory order for preservation, management or disposition of property

**9** (1)  On motion by the Attorney General in a proceeding or intended proceeding under section 8, the Superior Court of Justice may make any or all of the following interlocutory orders for the preservation, management or disposition of any property that is the subject of the proceeding:

1. An order restraining the disposition or encumbrance of the property or its use as collateral under the Personal Property Security Act or otherwise.

2. An order for the possession, delivery or safekeeping of the property.

3. An order appointing a receiver or receiver and manager for the property.

4. An order for the sale or other disposition of the property if it is perishable or of a rapidly depreciating nature.

4.1 An order that any proceeds of sale or other disposition of the property be paid into court pending the conclusion of a proceeding under section 8.

5. An order to sever or partition any interest in the property or to require any interest in the property to be sold or otherwise disposed of, and for all or part of the proceeds of the severance, partition, sale or other disposition to be paid to the Crown in right of Ontario as compensation for its costs incurred in preserving, managing or disposing of the property and in enforcing or complying with any other order made under this subsection in respect of the property.

6. An order giving the Crown in right of Ontario a lien for an amount fixed by the courton the property or on other property specified in the order to secure performance of an obligation imposed by another order made under this subsection.

7. An order that notice of the proceeding or of any order made under this subsection be registered in a land registry office against the property or any other property specified in the order.

8. Any other order for the preservation, management or disposition of the property that the court considers just. 2005, c. 33, s. 24 (1); 2007, c. 13, s. 30 (1, 2).

Same

(2)  Except where it would clearly not be in the interests of justice, the court shall make an order under subsection (1) if the court is satisfied that there are reasonable grounds to believe that the property is an instrument of unlawful activity. 2005, c. 33, s. 24 (1).

Property sold, disposed of

(2.1)  Where property that is the subject of a proceeding or intended proceeding under section 8 is modified or sold or otherwise disposed of, a motion under this section may be continued or brought in respect of the modified property or property that is realized from the sale or other disposition and, if the court would have made an order under subsection (1) in respect of the original property, the court shall make an order under subsection (1) in respect of the modified or realized property. 2007, c. 13, s. 30 (3).

Motion made without notice

(3)  An order under subsection (1) may be made on motion without notice for a period not exceeding 30 days. 2001, c. 28, s. 9 (3); 2007, c. 13, s. 30 (4).

Extension

(4)  If an order under subsection (1) is made on a motion without notice, a motion to extend the order may be made only on notice to every party affected by the order, unless the court is satisfied that because a party has been evading service or because there are other exceptional circumstances, the order ought to be extended without notice to the party. 2001, c. 28, s. 9 (4).

Same

(5)  An extension may be granted on a motion without notice for a further period not exceeding 30 days. 2001, c. 28, s. 9 (5); 2007, c. 13, s. 30 (5).

Liens on personal property

(6)  If an order under paragraph 6 of subsection (1) gives the Crown a lien on personal property,

(a) the Personal Property Security Act applies with necessary modifications to the lien, despite clause 4 (1) (a) of that Act;

(b) the lien shall be deemed to be a security interest that has attached for the purposes of the Personal Property Security Act; and

(c) the Attorney General may perfect the security interest referred to in clause (b) for the purposes of the Personal Property Security Act by the registration of a financing statement under that Act. 2001, c. 28, s. 9 (6); 2005, c. 33, s. 24 (2).

Assignment of duties to Director

(7)  When the Attorney General requests it, the court making an order under subsection (1) shall assign any duties in respect of the property to the Director. 2005, c. 33, s. 24 (3).

On-going management of property

(8)  If an order is made under subsection (1) assigning any duties in respect of the property to a person other than the Director, the person may do anything the court authorizes, either in that order or in order made under subsection (9), for the on-going management or operation of the property before its final disposition, including,

(a) complying with the terms of any order to which the property is subject, including an order to comply with environmental, industrial, labour or property standards or to pay taxes, utility charges or other charges;

(b) making improvements to the property to maintain its economic value; or

(c) pledging, hypothecating, mortgaging or otherwise using the property as security. 2005, c. 33, s. 24 (3).

Same

(9)  On motion, on notice to all of the parties to the proceeding, by a person described in subsection (8), the court may make an order authorizing the person to take any action that the court considers just for the on-going management or operation of the property before its final disposition. 2005, c. 33, s. 24 (3).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 24 (1-3)](http://www.ontario.ca/laws/statute/S05033" \l "s24s1) - 15/12/2005

[2007, c. 13, s. 30 (1-5)](http://www.ontario.ca/laws/statute/S07013" \l "s30s1) - 04/06/2007

[CTS 20 SE 10 - 1](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

Legal expenses

**10** (1)  Subject to the regulations made under this Act, a person who claims an interest in property that is subject to an interlocutory order made under section 9 may make a motion to the Superior Court of Justice for an order directing that reasonable legal expenses incurred by the person be paid out of the property. 2001, c. 28, s. 10 (1).

Restrictions on order

(2)  The court may make an order under subsection (1) only if it finds that,

(a) the moving party has, in the motion,

(i) disclosed all interests in property held by the moving party, and

(ii) disclosed all other interests in property that, in the opinion of the court, other persons associated with the moving party should reasonably be expected to contribute to the payment of the legal expenses;

(b) the interests in property referred to in clause (a) that are not subject to the interlocutory order made under section 9 are not sufficient to cover the legal expenses sought in the motion. 2001, c. 28, s. 10 (2).

Special purpose account

**11** (1)  If property forfeited to the Crown in right of Ontario under this Part is money or is converted to money, the money shall be deposited in a separate, interest bearing account in the Consolidated Revenue Fund. 2001, c. 28, s. 11 (1).

Same

(2)  For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose. 2001, c. 28, s. 11 (2).

Payments out of account for Crown’s costs

(2.1)  If money is deposited in an account under subsection (1), the Minister of Finance shall make payments out of the account, at the request of the Director and in the amounts determined by the Director under subsection (3.4), to compensate the Crown in right of Ontario for its costs incurred,

(a) in conducting the proceeding under this Part or Part I.1;

(b) in determining whether the proceeding under this Part or Part I.1 should be commenced;

(c) in preserving, managing or disposing of the property under this Part or Part I.1; and

(d) in enforcing or complying with orders made under this Part in respect of the property. 2005, c. 33, s. 25 (1); 2020, c. 11, Sched. 3, s. 7 (1).

Other payments out of account

(3)  Subject to the regulations made under this Act and after making the payments, if any, out of the account under subsection (2.1), the Minister of Finance may make payments out of the account described in subsection (1) for the following purposes:

1. To compensate persons, or the estates of deceased persons, who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, as a result of unlawful activity that the property was used to engage in.

2. To assist victims of unlawful activities, or the estates of deceased victims of unlawful activities, or to prevent unlawful activities that result in victimization.

3. To compensate the Crown in right of Ontario for costs incurred in respect of any proceeding under this Part or Part I.1 that relates to the property, other than the costs described in subsection (2.1), and for pecuniary losses suffered as a result of unlawful activity that the property was used to engage in, including costs incurred in remedying the effects of the unlawful activity.

4. To compensate a municipal corporation, or a public institution that belongs to a class prescribed by the regulations made under this Act, for pecuniary losses that were suffered as a result of unlawful activity that the property was used to engage in and that are costs incurred in remedying the effects of the unlawful activity.

5. If, according to the criteria prescribed by the regulations made under this Act, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 to 4, such other purposes as are prescribed by the regulations. 2005, c. 33, s. 25 (2); 2020, c. 11, Sched. 3, s. 7 (2-4).

Director’s election to give priority to persons who suffered loss

(3.1)  The Director may elect not to request payment out of the account under subsection (2.1) if, in his or her opinion, all or substantially all of the money in the account is needed to compensate the persons who are entitled to compensation under paragraph 1 of subsection (3). 2005, c. 33, s. 25 (2).

Payment for Crown’s costs after payment to persons who suffered loss

(3.2)  If the Director elects not to request payment under subsection (2.1), the Minister of Finance shall, at the request of the Director and in the amounts determined by the Director under subsection (3.4), make payments to compensate the Crown in right of Ontario for its costs incurred as described in subsection (2.1) out of the account, after the payments are made to compensate the persons who are entitled to compensation under paragraph 1 of subsection (3). 2005, c. 33, s. 25 (2).

Payment for Crown’s costs out of other accounts

(3.3)  If the amount of money in the account is insufficient to satisfy the Crown’s costs pursuant to a request made by the Director under subsection (2.1) or (3.2), the Minister of Finance shall make payments to compensate the Crown in right of Ontario for its unsatisfied costs out of another account into which money is deposited under subsection (1) as a result of another proceeding, after payments have been made out of that account to compensate the persons who are entitled to compensation out of that account under paragraph 1 of subsection (3) and to compensate the Crown for its costs incurred in respect of that account. 2005, c. 33, s. 25 (2).

Determination of Crown’s costs

(3.4)  The amount of the Crown’s costs under subsection (2.1) or (3.2) shall be determined by the Director on any basis, or combination of them, that he or she considers appropriate in the circumstances, including,

(a) a flat rate for every forfeiture;

(b) a flat rate for every step taken;

(c) an hourly rate;

(d) the actual costs; or

(e) a percentage of the value of the property forfeited. 2005, c. 33, s. 25 (2).

Related instruments of unlawful activity

(4)  If money is required to be deposited under subsection (1) in respect of two or more instruments of unlawful activity and the Minister of Finance is of the opinion that the instruments of unlawful activity are related, the money may be deposited into a single account and, for the purpose of payments out of the account, a reference in subsection (2.1), (3) or (3.4) to “the property” shall be deemed to be a reference to any of the instruments of unlawful activity. 2001, c. 28, s. 11 (4); 2005, c. 33, s. 25 (3); 2007, c. 13, s. 31.

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 25 (1-3)](http://www.ontario.ca/laws/statute/S05033" \l "s25s1) - 15/12/2005

[2007, c. 13, s. 31](http://www.ontario.ca/laws/statute/S07013" \l "s31) - 04/06/2007

[2020, c. 11, Sched. 3, s. 7 (2)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s7s2) - 08/07/2020; [2020, c. 11, Sched. 3, s. 7 (1, 3, 4)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s7s1) - 01/03/2021

Part III.1  
Unlawful Activities related to road safety

Definitions

**11.1**In this Part,

“approved ignition interlock device” has the same meaning as in section 41.2 of the Highway Traffic Act; (“dispositif de verrouillage du système de démarrage approuvé”)

“Director” means the Director of Asset Management – Civil appointed under section 15.1; (“directeur”)

“owner”, with respect to a vehicle, means,

(a) each person whose name appears on the vehicle portion and the plate portion of the permit, or

(b) if the vehicleis registered in a jurisdiction outside Ontario, each person whose name appears on the certificate of title or registration in that jurisdiction; (“propriétaire”)

“responsible vehicle owner” means an owner of a vehicle, or other person who has an interest in a vehicle,who has done all that can reasonably be done to prevent the vehiclefrom being used to engage in vehicular unlawful activity, including,

(a) promptly notifying appropriate law enforcement agencies whenever the person knows or ought to know that the vehiclehas been, is being or is likely to be used to engage in vehicular unlawful activity,

(b) refusing or withdrawing any permission that the person has authority to give if the person knows or ought to know that such permission has facilitated, is facilitating or is likely to facilitate the vehicle being used to engage in vehicular unlawful activity, and

(c) denying access to the vehicle or to the keys to the vehicle if the person knows or ought to know that the other person is using, has used or is likely to use the vehicle to engage in vehicular unlawful activity,

and does not include an owner of the vehicleor other person who has an interest in the vehicle who has given permission to another person to operate the vehicleif the owner or other person with an interest knows or ought to know that,

(d) the other person’s driver’s licence is suspended as a result of vehicular unlawful activity, or

(e) the vehicleis likely to be used to engage in vehicular unlawful activity; (“propriétaire de véhicule responsable”)

“vehicle” means,

(a) a vehicle within the meaning of the Highway Traffic Act, or

(b) a motorized snow vehicle within the meaning of the Motorized Snow Vehicles Act; (“véhicule”)

“vehicular unlawful activity” means an act or omission that,

(a) is an offence under section 320.14 or 320.15 or a predecessor to those sections of the Criminal Code (Canada) or another provision of the Criminal Code (Canada) that is prescribed by the regulations made under this Act,

(b) is an offence under subsection 53 (1.1) of the Highway Traffic Act or another provision of the Highway Traffic Act that is prescribed by the regulations made under this Act, subject to the conditions or in the circumstances prescribed by the regulation, or

(c) is an offence under an Act of a jurisdiction outside Ontario, if a similar act or omission would be an offence described in clause (a) or (b) if it were committed in Ontario,

whether the act or omission occurred before or after this Part came into force. (“activité illégale liée à l’utilisation d’un véhicule”) 2007, c. 13, s. 32; 2019, c. 8, Sched. 1, s. 40.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 32](http://www.ontario.ca/laws/statute/S07013" \l "s32) - 20/02/2008

[2019, c. 8, Sched. 1, s. 40](http://www.ontario.ca/laws/statute/S19008" \l "sched1s40) - 06/06/2019

Forfeiture order

**11.2**(1)  In a proceeding commenced by the Attorney General, the Superior Court of Justice shall, subject to subsection (4) and except where it would clearly not be in the interests of justice, make an order forfeiting a vehicle to the Crown in right of Ontario if the court finds that the vehicle,

(a) was or is likely to be used to engage in vehicular unlawful activity; and

(b) is owned by or is in the care, control or possession of a person whose driver’s licence has been suspended under the Highway Traffic Act for vehicular unlawful activity two or more times in the preceding 10 years. 2007, c. 13, s. 32.

Action or application

(2)  The proceeding may be by action or application. 2007, c. 13, s. 32.

Vehicle sold, disposed of

(3)  Where a vehicle that is the subject of a proceeding under this section is sold or otherwise disposed of after the proceeding has been commenced but before an order is made under subsection (1), the proceeding shall be continued in respect of any othervehicle or vehicles owned or in the care, control or possession of a person who, before the sale or other disposition of the original vehicle, owned or had the care, control or possession of the original vehicle and, if the original vehiclewould have been found to be subject to an order under subsection (1), the court shall make an order against the other vehicle or vehicles under subsection (1). 2007, c. 13, s. 32.

Responsible vehicle owners

(4)  If the court would make an order against a vehicle under subsection (1) and a party to the proceeding proves that he, she or it is a responsible vehicle owner of the vehicle,the court, except where it would clearly not be in the interests of justice, shall make such order as it considers necessary to protect the responsible vehicle owner’s interest in the vehicle. 2007, c. 13, s. 32.

Same

(5)  Without limiting the generality of subsection (4), an order made under subsection (4) may,

(a) sever any interest in the vehicleor require any interest in the vehicle to be sold or otherwise disposed of, to protect a responsible vehicle owner’s interest in the vehicle; or

(b) provide that the Crown in right of Ontario takes the vehicle subject to the interest of a responsible vehicle owner. 2007, c. 13, s. 32.

No limitation period

(6)  There is no limitation period for a proceeding under this section. 2007, c. 13, s. 32.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 32](http://www.ontario.ca/laws/statute/S07013" \l "s32) - 20/02/2008

Disclosure order

**11.2.1**(1)  On motion of the Attorney General in a proceeding or intended proceeding under section 11.2, the Superior Court of Justice may make an order requiring a person to disclose to the Attorney General information or records in the custody or control of the person if the Court is satisfied that the information or records are reasonably required by the Attorney General in order to exercise the Attorney General’s powers or perform the Attorney General’s functions and duties under this Act. 2020, c. 11, Sched. 3, s. 8.

Timing

(2)  The Attorney General may apply for an order under subsection (1) before, at the time of or after,

(a) commencing proceedings under section 11.2; or

(b) applying for an order under section 11.3. 2020, c. 11, Sched. 3, s. 8.

Motion made without notice

(3)  An order under subsection (1) may be made on motion without notice for a period not exceeding 60 days. 2020, c. 11, Sched. 3, s. 8.

Costs

(4)  The Attorney General must pay to a person who is subject to an order under subsection (1) the reasonable costs of producing, reproducing or delivering the information or records. 2020, c. 11, Sched. 3, s. 8.

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 8](http://www.ontario.ca/laws/statute/S20011" \l "sched3s8) - 08/07/2020

Interlocutory order for preservation, impounding, modification or disposition of vehicle

**11.3**(1)  On motion by the Attorney General in a proceeding or intended proceeding under section 11.2, the Superior Court of Justice may make any or all of the following interlocutory orders for the preservation, impounding, modification or disposition of any vehicle that is the subject of the proceeding:

1. An order restraining the disposition or encumbrance of the vehicle or its use as collateral under the Personal Property Security Act or otherwise.

2. An order for the vehicle to be impounded by the Director and for the vehicle to be released only on a further order of the court.

3. An order for the possession, delivery or safekeeping of the vehicle.

4. An order requiring that the vehiclebe equipped with an approved ignition interlock device.

5. An order for the sale or other disposition of the vehicle.

6. An order that any proceeds of sale or other disposition of the vehiclebe paid into court pending the conclusion of the proceeding under section 11.2.

7. An order to sever any interest in the vehicleor to require any interest in the vehicleto be soldor otherwise disposed of.

8. An order giving the Crown in right of Ontario a lien for an amount fixed by the courton the vehicleto secure performance of an obligation imposed by another order made under this subsection.

9. An order requiring the owner or owners to agree, as a condition of the vehiclenot being impounded or as a condition of the release of the vehiclefrom impoundment, that the vehicleshall not be operated by a person whose driver’s licence is suspended as a result of vehicular unlawful activity or has been suspended two or more times in the preceding 10 years as a result of vehicular unlawful activity.

10. An order for the vehicleto be impounded by the Director if an owner of the vehiclefails to comply with an order made under paragraph 4, 5, 6 or 9 or an order made under paragraph 11 relating to the operation of the vehicle, and for the vehicleto be released only on a further order of the court.

11. Any other order relating to the vehiclethat the court considers just. 2007, c. 13, s. 32.

Same

(2)  The court shall make an order under subsection (1) if the court is satisfied that there are reasonable grounds to believe that the vehicle is owned by or is in the care, control or possession of a person whose driver’s licence has been suspended under the Highway Traffic Act for vehicular unlawful activity two or more times in the preceding 10 years and that the vehicle,

(a) is impounded under the Highway Traffic Act as a result of vehicular unlawful activity; or

(b) was or is likely to be used to engage in vehicular unlawful activity. 2007, c. 13, s. 32.

Vehicle sold, disposed of

(3)  Where a vehicle that is the subject of a proceeding or intended proceeding under section 11.2 is sold or otherwise disposed of, a motion under this section may be continued or brought in respect of any other vehicle or vehicles owned or in the care, control or possession of a person who owned or had care, control or possession of the original vehicle and, if the court would have made an order under subsection (1) in respect of the original vehicle, the court shall make an order under subsection (1) in respect of such other vehicle or vehicles. 2007, c. 13, s. 32.

Release of impounded vehicle

(4)  A vehicleordered released under subsection (1) shall not be released,

(a) if it is still subject to impoundment under the Highway Traffic Act;

(b) if all of the costs incurred by the Crown relating to a proceeding or intended proceeding under this Part with respect to the preservation, impounding, modification or storage of the vehiclehave not been paid; or

(c) if the impound costs have not been paid to the operator of the impound facility. 2007, c. 13, s. 32.

Motion made without notice

(5)  An order under subsection (1) may be made on motion without notice for a period not exceeding 30 days. 2007, c. 13, s. 32.

Extension

(6)  If an order under subsection (1) is made on a motion without notice, a motion to extend the order may be made only on notice to every party affected by the order unless the court is satisfied that because a party has been evading service or because there are other exceptional circumstances, the order ought to be extended without notice to the party. 2007, c. 13, s. 32.

Same

(7)  An extension may be granted on a motion without notice for a further period not exceeding 30 days. 2007, c. 13, s. 32.

Liens on vehicles

(8)  If an order under paragraph 8 of subsection (1) gives the Crown a lien on a vehicle,

(a) the Personal Property Security Act applies with necessary modifications to the lien, despite clause 4 (1) (a) of that Act;

(b) the lien shall be deemed to be a security interest that has attached for the purposes of the Personal Property Security Act; and

(c) the Attorney General may perfect the security interest referred to in clause (b) for the purposes of the Personal Property Security Act by the registration of a financing statement under that Act. 2007, c. 13, s. 32.

Costs

(9)  The costs associated with the forfeiture, preservation, impounding, modification, storage or disposition of a vehicleunder this Part, including the costs of equipping the vehicle with an approved ignition interlock device, incurred by the Crown or any person are a debt due by the owner of the vehicleat the time the order was made to the Crown or person who incurred the costs, and the debt may be recovered in any court of competent jurisdiction. 2007, c. 13, s. 32.

Assignment of duties to Director

(10)  When the Attorney General requests it, the court making an order under subsection (1) shall assign any duties in respect of the vehicle to the Director. 2007, c. 13, s. 32.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 32](http://www.ontario.ca/laws/statute/S07013" \l "s32) - 20/02/2008

Special purpose account

**11.4**(1)  If a vehicleforfeited to the Crown in right of Ontario under this Part is converted to money, the money shall be deposited in a separate, interest bearing account in the Consolidated Revenue Fund. 2007, c. 13, s. 32.

Same

(2)  For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose. 2007, c. 13, s. 32.

Payments out of account for Crown’s costs

(3)  If money is deposited in an account under subsection (1), the Minister of Finance shall make payments out of the account, at the request of the Director and in the amounts determined by the Director under subsection (8), to compensate the Crown in right of Ontario for its costs incurred,

(a) in conducting the proceeding under this Part or Part I.1;

(b) in determining whether the proceeding under this Part or Part I.1 should be commenced;

(c) in preserving,impounding, modifying, storing, forfeiting or disposing of the vehicleunder this Part or Part I.1; and

(d) in enforcing or complying with orders made under this Part in respect of the vehicle. 2007, c. 13, s. 32; 2020, c. 11, Sched. 3, s. 9 (1).

Other payments out of account

(4)  Subject to the regulations made under this Act and after making the payments, if any, out of the account under subsection (3), the Minister of Finance may make payments out of the account described in subsection (1) for the following purposes:

1. To compensate persons, or the estates of deceased persons, who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, as a result of the vehicular unlawful activity that gave rise to the forfeiture.

2. To assist victims of vehicular unlawful activities, or the estates of deceased victims of vehicular unlawful activities, or to prevent vehicular unlawful activities that result in victimization.

3. To compensate the Crown in right of Ontario for costs incurred in respect of any proceeding under this Part or Part I.1 other than the costs described in subsection (3), and for pecuniary losses suffered as a result of the vehicular unlawful activity that gave rise to the forfeiture, including costs incurred in remedying the effects of that vehicular unlawful activity.

4. To compensate a municipal corporation, or a public institution that belongs to a class prescribed by the regulations made under this Act, for pecuniary losses that were suffered as a result of the vehicular unlawful activity that gave rise to the forfeiture and that are costs incurred in remedying the effects of that vehicular unlawful activity.

5. If, according to the criteria prescribed by the regulations made under this Act, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 to 4, such other purposes as are prescribed by the regulations. 2007, c. 13, s. 32; 2020, c. 11, Sched. 3, s. 9 (2-4).

Director’s election to give priority to persons who suffered loss

(5)  The Director may elect not to request payment out of the account under subsection (3) if, in his or her opinion, all or substantially all of the money in the account is needed to compensate the persons who are entitled to compensation under paragraph 1 of subsection (4). 2007, c. 13, s. 32.

Payment for Crown’s costs after payment to persons who suffered loss

(6)  If the Director elects not to request payment under subsection (3), the Minister of Finance shall, at the request of the Director and in the amounts determined by the Director under subsection (8), make payments to compensate the Crown in right of Ontario for its costs incurred as described in subsection (3) out of the account, after the payments are made to compensate the persons who are entitled to compensation under paragraph 1 of subsection (4). 2007, c. 13, s. 32.

Payment for Crown’s costs out of other accounts

(7)  If the amount of money in the account is insufficient to satisfy the Crown’s costs pursuant to a request made by the Director under subsection (3) or (6), the Minister of Finance shall make payments to compensate the Crown in right of Ontario for its unsatisfied costs out of another account into which money is deposited under subsection (1) as a result of another proceeding, after payments have been made out of that account to compensate the persons who are entitled to compensation out of that account under paragraph 1 of subsection (4) and to compensate the Crown for its costs incurred in respect of that account. 2007, c. 13, s. 32.

Determination of Crown’s costs

(8)  The amount of the Crown’s costs under subsection (3) or (6) shall be determined by the Director on any basis, or combination of them, that he or she considers appropriate in the circumstances, including,

(a) a flat rate for every forfeiture;

(b) a flat rate for every step taken;

(c) an hourly rate;

(d) the actual costs; or

(e) a percentage of the value of the vehicleforfeited. 2007, c. 13, s. 32.

Related vehicles

(9)  If money is required to be deposited under subsection (1) in respect of two or more vehicles and the Minister of Finance is of the opinion that the vehicles are related, the money may be deposited into a single account and, for the purpose of payments out of the account, a reference in subsection (3), (4) or (8) to “the vehicle” shall be deemed to be a reference to any of the vehicles. 2007, c. 13, s. 32.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 32](http://www.ontario.ca/laws/statute/S07013" \l "s32) - 20/02/2008

[2020, c. 11, Sched. 3, s. 9 (2)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s9s2) - 08/07/2020; [2020, c. 11, Sched. 3, s. 9 (1, 3, 4)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s9s1) - 01/03/2021

PART IV  
CONSPIRACIES THAT INJURE THE PUBLIC

Definitions

**12** In this Part,

“injury to the public” has the same meaning as in Part III; (“préjudice causé au public”)

“property” means real or personal property, and includes any interest in property; (“bien”)

“public” includes any class of the public; (“public”)

“unlawful activity” means an act or omission that,

(a) is an offence under an Act of Canada, Ontario or another province or territory of Canada, or

(b) is an offence under an Act of a jurisdiction outside Canada, if a similar act or omission would be an offence under an Act of Canada or Ontario if it were committed in Ontario,

whether the act or omission occurred before or after this Part came into force. (“activité illégale”) 2001, c. 28, s. 12; 2020, c. 11, Sched. 3, s. 10; 2022, c. 10, s. 18 (4).

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 10](http://www.ontario.ca/laws/statute/S20011" \l "sched3s10) - 01/03/2021

[2022, c. 10, s. 18 (4)](http://www.ontario.ca/laws/statute/S22010" \l "s18s4) - 14/04/2022

Attorney General’s proceeding based on conspiracy

**13** (1)  In a proceeding commenced by the Attorney General, the Superior Court of Justice may make any order that the court considers just if it finds that,

(a) two or more persons conspired to engage in unlawful activity;

(b) one or more of the parties to the conspiracy knew or ought to have known that the unlawful activity would be likely to result in injury to the public; and

(c) injury to the public has resulted from or would be likely to result from the unlawful activity. 2001, c. 28, s. 13 (1).

Action or application

(2)  The proceeding may be by action or application. 2001, c. 28, s. 13 (2).

Notice to public

(3)  The Attorney General shall give notice to the public of a proceeding under this section in accordance with the regulations. 2001, c. 28, s. 13 (3).

Orders

(4)  Without limiting the generality of subsection (1), an order made under subsection (1) may,

(a) for the purpose of preventing or reducing the risk of injury to the public, require any person to do or refrain from doing anything specified in the order; or

(b) require a party to the conspiracy referred to in clause (1) (a) to pay damages to the Crown in right of Ontario for any injury to the public resulting from the unlawful activity. 2001, c. 28, s. 13 (4).

Damages

(5)  Despite subsections (1) and (4), no order shall be made requiring the payment of damages to the Crown in right of Ontario if,

(a) another person gives the court written notice that the other person claims a right to those damages and has commenced or intends to commence a separate proceeding seeking payment, by a defendant to the proceeding under this section, of those damages; and

(b) the court is satisfied that the claim referred to in clause (a) is not frivolous or vexatious. 2001, c. 28, s. 13 (5).

Presumption of risk of injury to the public

(6)  For the purpose of clause (4) (a), proof that, during the period that began five years before the day the proceeding was commenced, a defendant engaged in or conspired to engage in unlawful activity on at least two occasions and, in each case, injury to the public resulted from the unlawful activity, is proof, in the absence of evidence to the contrary, that similar unlawful activity would create a risk of injury to the public. 2001, c. 28, s. 13 (6).

Limitation period

(7)  A proceeding under this section shall not be commenced after the 15th anniversary of the date the cause of action arose. 2001, c. 28, s. 13 (7).

Disclosure order

**13.1**(1)  On motion of the Attorney General in a proceeding or intended proceeding under section 13, the Superior Court of Justice may make an order requiring a person to disclose to the Attorney General information or records in the custody or control of the person if the Court is satisfied that the information or records are reasonably required by the Attorney General in order to exercise the Attorney General’s powers or perform the Attorney General’s functions and duties under this Act. 2020, c. 11, Sched. 3, s. 11.

Timing

(2)  The Attorney General may apply for an order under subsection (1) before, at the time of or after,

(a) commencing proceedings under section 13; or

(b) applying for an order under section 14. 2020, c. 11, Sched. 3, s. 11.

Motion made without notice

(3)  An order under subsection (1) may be made on motion without notice for a period not exceeding 60 days. 2020, c. 11, Sched. 3, s. 11.

Costs

(4)  The Attorney General must pay to a person who is subject to an order under subsection (1) the reasonable costs of producing, reproducing or delivering the information or records. 2020, c. 11, Sched. 3, s. 11.

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 11](http://www.ontario.ca/laws/statute/S20011" \l "sched3s11) - 08/07/2020

Interlocutory order

**14** (1)  On motion by the Attorney General in a proceeding or intended proceeding under section 13, the Superior Court of Justice may, for the purpose of preventing or reducing the risk of injury to the public, make such interlocutory order as the court considers just. 2001, c. 28, s. 14 (1).

Presumption of risk of injury to the public

(2)  Subsection 13 (6) applies, with necessary modifications, for the purpose of this section. 2001, c. 28, s. 14 (2).

Motion made without notice

(3)  An order under subsection (1) may be made on motion without notice for a period not exceeding 30 days. 2001, c. 28, s. 14 (3); 2007, c. 13, s. 33 (1).

Extension

(4)  If an order under subsection (1) is made on a motion without notice, a motion to extend the order may be made only on notice to every party affected by the order, unless the court is satisfied that because a party has been evading service or because there are other exceptional circumstances, the order ought to be extended without notice to the party. 2001, c. 28, s. 14 (4).

Same

(5)  An extension may be granted on a motion without notice for a further period not exceeding 30 days. 2001, c. 28, s. 14 (5); 2007, c. 13, s. 33 (2).

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 33 (1, 2)](http://www.ontario.ca/laws/statute/S07013" \l "s33s1) - 04/06/2007

Special purpose account

**15** (1)  If the Crown in right of Ontario receives money pursuant to an order made in a proceeding under this Part that requires a person to pay damages to the Crown, the money shall be deposited in a separate, interest bearing account in the Consolidated Revenue Fund. 2001, c. 28, s. 15 (1).

Same

(2)  For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose. 2001, c. 28, s. 15 (2).

Payments out of account for Crown’s costs

(2.1)  If money is deposited in an account under subsection (1), the Minister of Finance shall make payments out of the account, at the request of the Director and in the amounts determined by the Director under subsection (3.2), to compensate the Crown in right of Ontario for its costs incurred,

(a) in conducting the proceeding under this Part or Part I.1;

(b) in determining whether the proceeding under this Part or Part I.1 should be commenced;

(c) in preserving, managing or disposing of the property under this Part or Part I.1; and

(d) in enforcing or complying with orders made under this Part in respect of the property. 2005, c. 33, s. 26 (1); 2020, c. 11, Sched. 3, s. 12 (1).

Other payments out of account

(3)  Subject to the regulations made under this Act and after making the payments, if any, out of the account under subsection (2.1), the Minister of Finance may make payments out of the account described in subsection (1) for the following purposes:

1. To assist victims of unlawful activities, or the estates of deceased victims of unlawful activities, or to prevent unlawful activities that result in victimization.

2. To compensate the Crown in right of Ontario for costs incurred in respect of the proceeding under this Part or Part I.1, other than the costs described in subsection (2.1), and for pecuniary losses suffered as a result of unlawful activity that the proceeding related to, including costs incurred in remedying the effects of the unlawful activity.

3. To compensate a municipal corporation, or a public institution that belongs to a class prescribed by the regulations made under this Act, for pecuniary losses that were suffered as a result of unlawful activity that the proceeding related to and that are costs incurred in remedying the effects of the unlawful activity.

4. If, according to the criteria prescribed by the regulations made under this Act, the amount of money in the account is more than is required for the purposes referred to in paragraphs 1 to 3, such other purposes as are prescribed by the regulations. 2005, c. 33, s. 26 (2); 2020, c. 11, Sched. 3, s. 12 (2-4).

Payment for Crown’s costs in other proceedings

(3.1)  After making the payments, if any, out of the account under subsection (2.1) and paragraphs 2 and 3 of subsection (3), the Minister of Finance shall make payments, at the request of the Director and in the amounts determined by the Director under subsection (3.2), to compensate the Crown in right of Ontario for its costs incurred,

(a) in conducting any other proceeding under this Part;

(b) in determining whether any other proceeding under this Part should be commenced;

(c) in preserving, managing or disposing of any other property under this Part; and

(d) in enforcing or complying with orders made under this Part in respect of any other property. 2005, c. 33, s. 26 (2).

Determination of Crown’s costs

(3.2)  The amount of the Crown’s costs under subsection (2.1) or (3.1) shall be determined by the Director on any basis, or combination of them, that he or she considers appropriate in the circumstances, including,

(a) a flat rate for every forfeiture;

(b) a flat rate for every step taken;

(c) an hourly rate;

(d) the actual costs; or

(e) a percentage of the value of the property forfeited. 2005, c. 33, s. 26 (2).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 26 (1, 2)](http://www.ontario.ca/laws/statute/S05033" \l "s26s1) - 15/12/2005

[2020, c. 11, Sched. 3, s. 12 (2)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s12s2) - 08/07/2020; [2020, c. 11, Sched. 3, s. 12 (1, 3, 4)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s12s1) - 01/03/2021

Part IV.1  
Management of property

Definition

**15.0.1**In this Part,

“property” includes a vehicle, as defined in section 11.1. 2007, c. 13, s. 34.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 34](http://www.ontario.ca/laws/statute/S07013" \l "s34) - 20/02/2008

Director of Asset Management – Civil

**15.1**(1)  The Attorney General shall appoint a person to be the Director of Asset Management – Civil who shall be responsible for taking possession of and preserving, managing or disposing of or otherwise dealing with all property,

(a) forfeited to the Crown in right of Ontario under this Act or under the Prohibiting Profiting from Recounting Crimes Act, 2002; or

(b) that is the subject of an interlocutory order under subsection 4 (1), 9 (1), 11.3 (1) or 14 (1) of this Act or under subsection 5 (1)or 6 (2) of the Prohibiting Profiting from Recounting Crimes Act, 2002 under which the Director is assigned duties by the court. 2005, c. 33, s. 27; 2007, c. 13, s. 35.

Same

(2)  The Director shall perform any additional duties assigned to him or her by the Attorney General. 2005, c. 33, s. 27.

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 27](http://www.ontario.ca/laws/statute/S05033" \l "s27) - 15/12/2005

[2007, c. 13, s. 35](http://www.ontario.ca/laws/statute/S07013" \l "s35) - 20/02/2008

Acting Director

**15.2**(1)  The powers and duties of the Director of Asset Management – Civil may be exercised and performed by an employee of the Ministry appointed as Acting Director if,

(a) the Director is absent or unable to act; or

(b) the individual who was appointed Director has ceased to be the Director and no new Director has been appointed. 2005, c. 33, s. 27.

Same

(2)  An Acting Director shall be appointed by the Director or, if the Director is absent or unable to act, the Deputy Attorney General. 2005, c. 33, s. 27.

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 27](http://www.ontario.ca/laws/statute/S05033" \l "s27) - 15/12/2005

Director’s powers

**15.3**(1)  Subject to any limits contained in an order under subsection 4 (1), 9 (1), 11.3 (1) or 14 (1) of this Act or under subsection 5 (1) or 6 (2) of the Prohibiting Profiting from Recounting Crimes Act, 2002, the Director of Asset Management – Civil may preserve, manage, modify, store,sell or otherwise dispose of or deal with any property described in subsection 15.1 (1) that is not money in any manner that he or she considers proper. 2007, c. 13, s. 36 (1).

Same

(2)  Without limiting the generality of subsection (1), the Director may,

(a) tow, take possession of and preserve, store or manage the property for the length of time and on the terms that he or she considers proper;

(a.1) modify a vehicle to which Part III.1 applies by installing an approved ignition interlock device, as defined in that Part;

(b) convert the property to money at a price and on the terms that he or she considers proper;

(c) sell, assign, dispose of, use, give or transfer the property, or any interest in the property, at the price and on the terms that he or she considers proper;

(d) do anything he or she considers advisable for the on-going management or operation of property described in subsection (1) before its final disposition, including,

(i) complying with the terms of any order to which the property is subject, including an order to comply with environmental, industrial, labour or property standards or to pay taxes, utility charges or other charges, or

(ii) making improvements to the property to maintain its economic value; or

(e) sell or otherwise dispose of perishable or rapidly depreciating property. 2005, c. 33, s. 27; 2007, c. 13, s. 36 (2).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 27](http://www.ontario.ca/laws/statute/S05033" \l "s27) - 15/12/2005

[2007, c. 13, s. 36 (1, 2)](http://www.ontario.ca/laws/statute/S07013" \l "s36s1) - 20/02/2008

Management of property forfeited to the Crown

**15.4**(1)  Property that is forfeited to the Crown in right of Ontario under an order made under this Act shall be dealt with and disposed of by the Director of Asset Management – Civil as provided under this Part. 2005, c. 33, s. 27.

Escheats Act, 2015 does not apply

(2)  The Escheats Act, 2015 does not apply to property that is forfeited to the Crown in right of Ontario under an order made under this Act. 2015, c. 38, Sched. 4, s. 26.

*Fines and Forfeitures Act* does not apply

(3)  The Fines and Forfeitures Act does not apply to property that is forfeited to the Crown in right of Ontario under an order made under this Act. 2005, c. 33, s. 27.

Mining lands

(4)  Despite subsection 15.1 (1) and subsection (1) of this section, where mining lands as defined in the Mining Act have become forfeited to the Crown in right of Ontario under an order made under this Act, such mining lands shall be dealt with and disposed of as Crown lands in the manner provided in the Mining Act. 2005, c. 33, s. 27.

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 27](http://www.ontario.ca/laws/statute/S05033" \l "s27) - 15/12/2005

[2015, c. 38, Sched. 4, s. 26](http://www.ontario.ca/laws/statute/S15038" \l "sched4s26) - 10/12/2016

PART V  
GENERAL

Notice of proceedings, etc.

**15.5**(1)  In any proceeding or intended proceeding under Part II, III or III.1, the Attorney General shall give notice of the proceeding and of any interlocutory motion to be brought in respect of such proceeding or intended proceeding to the following persons in accordance with the rules of court as if such persons were parties to the proceeding:

1. Where the property that is the subject of the proceeding or intended proceeding is registered under the Land Titles Act, every person appearing by the parcel register to have an interest in the property.

2. Where the Registry Act applies to the property that is the subject of the proceeding or intended proceeding, every person appearing by the abstract index to have an interest in the property.

3. Where there is a statutory lien in favour of the Crownor any other public authority against the property that is the subject of the proceeding or intended proceeding and where the Attorney General has written notice of the lien, the Crown or other public authority claiming the lien.

4. Where the Attorney General has actual notice, before commencing a proceeding for forfeiture of the property or an interlocutory motion in respect of that property, that any person has an interest in the property or claims to be the rightful owner of the property, that person.

4.1 Where the property that is the subject of the proceeding or intended proceeding was previously the subject of a proceeding under Part I.1, every person who submitted a notice of dispute under that Part in respect of the property.

5. Where a proceeding for forfeiture or interlocutory motion is commenced or brought under Part II, a person who has given the Attorney General written notice, before the commencement of the proceeding or motion in respect of the property, that the person is an uninvolved interest holder, as defined in section 2, of the property.

6. Where a proceeding for forfeiture or interlocutory motion is commenced or brought under Part III, a person who has given the Attorney General written notice, before the commencement of the proceeding or motion in respect of the property, that the person is the responsible owner, as defined in section 7, of the property.

7. Where a proceeding for forfeiture or interlocutory motion is commenced or brought under Part III.1, a person who has given the Attorney General written notice, before the commencement of the proceeding or motion in respect of the vehicle, that the person is the owner, as defined in section 11.1, of the vehicle.

8. Where a security interest under the Personal Property Security Act has attached to the property that is the subject of a proceeding or intended proceeding, the person named in a security agreement that has been perfected by registration under that Act before a proceeding for forfeiture or interlocutory motion is commenced or brought.

9. Where a person described in paragraph 1, 2, 3, 4, 4.1, 5, 6, 7 or 8 is an undischarged bankrupt under the Bankruptcy and Insolvency Act (Canada), that person’s trustee in bankruptcy. 2007, c. 13, s. 37; 2020, c. 11, Sched. 3, s. 13.

Parties

(2)  Every person who is entitled to receive notice under subsection (1) shall be deemed to be a party to the proceeding for forfeiture or interlocutory motion as if they were a named defendant or respondent in the proceeding or motion. 2007, c. 13, s. 37.

Failure to file a notice of appearance

(3)  Despite subsection (1), a person who is given notice under subsection (1) and does not file a notice of appearance as required by the rules of court is not entitled to any further notice of a proceeding or motion in respect of the same matter. 2007, c. 13, s. 37.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 37](http://www.ontario.ca/laws/statute/S07013" \l "s37) - 04/06/2007

[2020, c. 11, Sched. 3, s. 13 (2)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s13s2) - 08/07/2020; [2020, c. 11, Sched. 3, s. 13 (1, 3)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s13s1) - 01/03/2021

Actions *in rem*

**15.6**(1)  All proceedings, including proceedings for an interlocutory order, under Parts II, III and III.1, whether by action or application, are in rem and not in personam. 2007, c. 13, s. 37.

Parties

(2)  Subsection (1) applies even though the proceedings have parties. 2007, c. 13, s. 37.

Same

(3)  The rules of court apply with necessary modifications to the court’s jurisdiction to make an order in respect of any party or other person in any proceeding as if the proceeding were in personam and such person were a named defendant or respondent in the proceeding. 2007, c. 13, s. 37.

Application

(4)  This section applies to all proceedings under Parts II, III and III.1, including proceedings for an interlocutory order, even if the proceedings were commenced before the coming into force of this section. 2007, c. 13, s. 37.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 37](http://www.ontario.ca/laws/statute/S07013" \l "s37) - 04/06/2007

Standard of proof

**16** Except as otherwise provided in this Act, findings of fact in proceedings under this Act shall be made on the balance of probabilities. 2001, c. 28, s. 16.

Proof of offences

**17** (1)  In proceedings under this Act, proof that a person was convicted, found guilty or found not criminally responsible on account of mental disorder in respect of an offence is proof that the person committed the offence. 2001, c. 28, s. 17 (1).

Same

(2)  In proceedings under this Act, an offence may be found to have been committed even if,

(a) no person has been charged with the offence; or

(b) a person was charged with the offence but the charge was withdrawn or stayed or the person was acquitted of the charge. 2001, c. 28, s. 17 (2).

Where possession unlawful

**18** For the purposes of a proceeding under this Act, a person cannot claim to have an interest in property, including a vehicle as defined in section 11.1, if, under the law of Canada or Ontario, it is unlawful for the person to possess the property. 2001, c. 28, s. 18; 2007, c. 13, s. 38.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 38](http://www.ontario.ca/laws/statute/S07013" \l "s38) - 20/02/2008

Settlements

**18.1**(1)  Despite anything to the contrary in this Act, the court may approve a settlement in relation to a proceeding under this Act, on the motion or application of the Attorney General or of any other party to the proceeding with the Attorney General’s consent. 2018, c. 17, Sched. 6, s. 1.

Forfeiture

(2)  For greater certainty, the power to approve a settlement under subsection (1) includes a power to approve a settlement that provides for the full or partial forfeiture of the property that is the subject of the proceeding. 2018, c. 17, Sched. 6, s. 1.

Payments in lieu

(3)  For greater certainty, the power to approve a settlement under subsection (1) includes a power to approve a settlement that provides for payment of a monetary amount instead of the full or partial forfeiture of the property that is the subject of the proceeding. 2020, c. 11, Sched. 3, s. 14.

**Section Amendments with date in force (d/m/y)**

[2018, c. 17, Sched. 6, s. 1](http://www.ontario.ca/laws/statute/S18017" \l "sched6s1) - 06/12/2018

[2020, c. 11, Sched. 3, s. 14](http://www.ontario.ca/laws/statute/S20011" \l "sched3s14) - 08/07/2020

Maintenance of property by public body

**18.2**(1)  A public body may maintain possession of property in order to allow the Attorney General to determine whether a proceeding should be commenced under this Act in respect of the property and, if the Attorney General deems it necessary, obtain an interlocutory order under this Act in respect of the property. 2020, c. 11, Sched. 3, s. 15 (1).

Same

(2)  Subsection (1) does not authorize the possession of property by a public body after the earlier of the following:

1. The day that is 75 days after the day the public body receives a written request or demand for the return of the property.

2. The day that is 75 days after the day the public body commences or receives notice of a legal proceeding seeking the return of the property. 2020, c. 11, Sched. 3, s. 15 (1).

Definition

(3)  In subsection (1),

“public body” means,

(a) an entity with which the Director of Asset Management – Civil has an agreement under subsection 19 (1.1),

(b) an institution belonging to a class of institutions prescribed by the regulations made under this Act for the purposes of paragraph 1 of subsection 19 (4), or

(c) a chief of police as defined in subsection 2 (1) of the Community Safety and Policing Act, 2019. 2020, c. 11, Sched. 3, s. 15.

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 15 (1)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s15s1) - 08/07/2020; [2020, c. 11, Sched. 3, s. 15 (2)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s15s2) - 01/04/2024

Personal information

**19** (1)  The Attorney General may collect personal information for any of the following purposes:

1. To determine whether a proceeding should be commenced under this Act.

2. To conduct a proceeding under this Act.

3. To identify and locate persons who suffered pecuniary or non-pecuniary losses, including losses recoverable under Part V of the Family Law Act, in order to compensate such persons under paragraph 1 of subsection 6 (3), paragraph 1 of subsection 11 (3) or paragraph 1 of subsection 11.4 (4).

4. To assist the Director of Asset Management – Civil in performing his or her duties and exercising his or her powers under Part IV.1 in respect of any property that is or may be the subject of a proceeding under this Act.

5. To enforce or comply with an order made under this Act. 2001, c. 28, s. 19 (1); 2005, c. 33, s. 28 (1); 2007, c. 13, s. 39 (1).

Agreements with other jurisdictions

(1.1)  The Director of Asset Management – Civil may, subject to the regulations made under this Act, enter into agreements for the collection, use or disclosure of information, including personal information or for the purpose of exchanging and sharing information, including personal information with the government of Canada, of another province or territory of Canada or of any jurisdiction outside of Canada, with an agency of any such government or with any public body in or outside Canada for any purpose listed in paragraphs 1 to 5 of subsection (1) or for a similar purpose under an Act of the other jurisdiction. 2007, c. 13, s. 39 (2).

Information from Ministry of Transportation

(1.2)  The Attorney General may collect from the Ministry of Transportation information, including personal information, obtained by the Ministry of Transportation pursuant to any information sharing agreement between the Minister of Transportation and the government of any other jurisdiction, an agency of any such government or any public body in or outside Canada for a purpose set out in subsection (1). 2007, c. 13, s. 39 (2).

Manner of collection

(2)  Personal information may be collected under subsection (1) directly from the individual to whom the information relates or in any other manner. 2001, c. 28, s. 19 (2).

Disclosure to assist in administration or enforcement of the law

(3)  The Attorney General shall disclose information collected under subsection (1), (1.1) or (1.2) to a law enforcement agency or another person engaged in the administration or enforcement of the law if the Attorney General is of the opinion that the disclosure would assist in the administration or enforcement of the law, would be in the public interest and would not be contrary to the interests of justice. 2001, c. 28, s. 19 (3); 2007, c. 13, s. 39 (3).

Obligation to disclose information to reviewing authority

(4)  Despite the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act and despite any confidentiality provision of any other Act, a person who has knowledge of personal information or other information that he or she believes would be useful for a purpose described in subsection (1), (1.1) or (1.2) shall disclose it to the reviewing authority prescribed by the regulations made under this Act if all of the following criteria are met:

1. The information is in the custody of or under the control of an institution within the meaning of the Freedom of Information and Protection of Privacy Act or the Municipal Freedom of Information and Protection of Privacy Act that is prescribed by the regulations made under this Act.

2. The person who has knowledge of the information belongs to a class of persons prescribed by the regulations made under this Act.

3. The person who has knowledge of the information acquired it in circumstances prescribed by the regulations made under this Act. 2001, c. 28, s. 19 (4); 2007, c. 13, s. 39 (4).

Obligation to disclose information to Attorney General

(5)  If information is disclosed under subsection (4) to the reviewing authority prescribed by the regulations made under this Act and the reviewing authority is satisfied that the criteria prescribed by the regulations are met, the reviewing authority shall disclose it to the Attorney General. 2001, c. 28, s. 19 (5); 2020, c. 11, Sched. 3, s. 16 (1).

Additional information disclosed directly to Attorney General

(5.1)  Despite the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act and despite any confidentiality provision of any other Act, a person who disclosed information to a reviewing authority under subsection (4) that was subsequently disclosed to the Attorney General under subsection (5)shall, if requested by the Attorney General, disclose additional information directly to the Attorney General without disclosing it first to the reviewing authority if the person believes that,

(a) the additional information is required for a purpose described in subsection (1), (1.1) or (1.2);

(b) the additional information is required in respect of the same proceeding as the information provided under subsection (5);

(c) the additional information is in the custody or under the control of the same institution as the information provided under subsection (5);

(d) the fact that the person has such additional information is disclosed by the information provided under subsection (5);

(e) the reviewing authority did not already make a determination under subsection (5) that the criteria prescribed by the regulations were not met in respect of the additional information; and

(f) the information is not protected by evidentiary rules respecting informer privilege. 2005, c. 33, s. 28 (2); 2007, c. 13, s. 39 (5); 2020, c. 11, Sched. 3, s. 16 (2).

Subsequent disclosure to reviewing authority

(5.2)  A person who discloses additional information to the Attorney General under subsection (5.1) shall, within 14 days after that disclosure, disclose the same information to the reviewing authority. 2005, c. 33, s. 28 (2).

Exception

(6)  Subsection (4) does not require a person to disclose information if the person believes that the disclosure would unduly interfere with the administration or enforcement of any Act of Canada, Ontario, another province or territory of Canada or a jurisdiction outside of Canada. 2007, c. 13, s. 39 (6); 2020, c. 11, Sched. 3, s. 16 (3).

Evidence in proceeding

(7)  Despite any confidentiality provision of any Act, a person who disclosed information to the reviewing authority under subsection (4) or to the Attorney General under subsection (5.1) may be required to give evidence related to that information in a proceeding under this Act. 2005, c. 33, s. 28 (3); 2020, c. 11, Sched. 3, s. 16 (4).

Personal health information

(8)  A health information custodian shall not disclose personal health information to the reviewing authority under subsection (4) or (5.2) or to the Attorney General under subsection (5.1). 2005, c. 33, s. 28 (4); 2020, c. 11, Sched. 3, s. 16 (5).

Same

(8.1)  A person, including a health information custodian but excluding a person described in subsection (4), shall not disclose personal health information to the Attorney General unless required to do so by,

(a) an order made under subsection (9); or

(b) in a proceeding, the rules of court or a summons, order or similar requirement issued in the proceeding. 2005, c. 33, s. 28 (4).

Order for disclosure of personal health information

(9)  On application by the Attorney General, the Superior Court of Justice may order a person to disclose personal health information to the Attorney General for a purpose described in subsection (1), (1.1) or (1.2) if the court determines, after a hearing from which the public is excluded and that is held on notice to the individual to whom the information relates, that the disclosure is essential in the interests of justice. 2001, c. 28, s. 19 (9); 2007, c. 13, s. 39 (7).

Other obligations to disclose

(9.1)  Nothing in this section alters a person’s obligation to disclose information to the Attorney General or the Director of Asset Management – Civil pursuant to the rules of court, a summons, a court order or a similar requirement issued in a proceeding. 2005, c. 33, s. 28 (5).

Definitions

(10)  In this section,

“health care”, “health information custodian”, “health number” and “personal health information” have the same meanings as in the Personal Health Information Protection Act, 2004; (“soins de santé”, “dépositaire de renseignements sur la santé”, “numéro de la carte Santé”, “renseignements personnels sur la santé”)

“personal information” means personal information within the meaning of Part III of the Freedom of Information and Protection of Privacy Act; (“renseignements personnels”)

“personal support service” means assistance with or supervision of hygiene, washing, dressing, grooming, eating, drinking, elimination, ambulation, positioning or any other routine activity of living; (“service de soutien personnel”)

“registration information” means information relating to an individual that is collected or created for the purpose of registration of the individual in connection with services or benefits that a provider of health care provides to the individual and includes,

(a) the individual’s name, home address and home telephone number, gender, date of birth, date of death if applicable, residency status, family association and marital status,

(b) the individual’s signature or electronic or photographic image, and

(c) any identification number for the individual, other than a health number,

but does not include information about the health status of the individual or health care provided to the individual. (“renseignements en matière d’inscription”) 2001, c. 28, s. 19 (10); 2005, c. 33, s. 28 (6).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 28 (1-6)](http://www.ontario.ca/laws/statute/S05033" \l "s28s1) - 15/12/2005

[2007, c. 13, s. 39 (1)](http://www.ontario.ca/laws/statute/S07013" \l "s39s1) - 20/02/2008; [2007, c. 13, s. 39 (2-7)](http://www.ontario.ca/laws/statute/S07013" \l "s39s2) - 04/06/2007

[2020, c. 11, Sched. 3, s. 16 (1-5)](http://www.ontario.ca/laws/statute/S20011" \l "sched3s16s1) - 08/07/2020

Proceedings pursuant to agreements

**19.1**(1)  A proceeding may be commenced under Part I.1, II, III or III.1 pursuant to an agreement entered into under subsection 19 (1.1). 2007, c. 13, s. 40; 2020, c. 11, Sched. 3, s. 17.

Forfeited property

(2)  Property that is forfeited to the Crown pursuant to a proceeding referred to in subsection (1) may, subject to the regulations made under this Act, be delivered to the other jurisdiction in specie in whole or in part, retained in Ontario or, if the property is not money, converted into money and distributed out of the special purpose account referred to in section 6, 11 or 11.4, as the case may be. 2007, c. 13, s. 40.

**Section Amendments with date in force (d/m/y)**

[2007, c. 13, s. 40](http://www.ontario.ca/laws/statute/S07013" \l "s40) - 04/06/2007

[2020, c. 11, Sched. 3, s. 17](http://www.ontario.ca/laws/statute/S20011" \l "sched3s17) - 01/03/2021

Protection from liability

**20** (1)  No action or other proceeding may be commenced against the Attorney General, the Crown in right of Ontario or any person acting on behalf of, assisting or providing information to the Attorney General or the Crown in right of Ontario in respect of the commencement or conduct in good faith of a proceeding under this Act or in respect of the enforcement in good faith of an order made under this Act. 2001, c. 28, s. 20 (1).

Determinations of reviewing authority

(2)  No action or other proceeding may be commenced against the reviewing authority referred to in subsection 19 (5), the Attorney General, the Crown in right of Ontario or any person acting on behalf of, assisting or providing information to the Attorney General or the Crown in right of Ontario in respect of any determination made in good faith under subsection 19 (5) by the reviewing authority. 2001, c. 28, s. 20 (2).

Director of Asset Management – Civil

(3)  No action or other proceeding shall be instituted against the Attorney General, the Director of Asset Management – Civil, any employee of the Ministry of the Attorney General or any person acting on behalf of the Director for any act done in good faith in the performance or intended performance of any duty under Part IV.1 or in the exercise or in the intended exercise of any power under that Part, or for any neglect or default in the performance or exercise in good faith of any such duty or power. 2005, c. 33, s. 29.

Same

(4)  Despite subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, subsection (3) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (3) to which it would otherwise be subject. 2005, c. 33, s. 29; 2019, c. 7, Sched. 17, s. 49.

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 29](http://www.ontario.ca/laws/statute/S05033" \l "s29) - 15/12/2005

[2019, c. 7, Sched. 17, s. 49](http://www.ontario.ca/laws/statute/S19007" \l "sched17s49) - 10/07/2019

Annual Report

**20.1**(1)  On or before July 1 in each year, the Director of Asset Management – Civil shall prepare a report on the activities conducted under this Act in the previous fiscal year. 2020, c. 11, Sched. 3, s. 18.

Contents of report

(2)  The report must contain,

(a) general information respecting the activities conducted under this Act in the previous fiscal year;

(b) statistics respecting proceedings under this Act in the previous fiscal year, including,

(i) the number of proceedings commenced under each of Parts I.1, II, III, III.1 and IV,

(ii) the number of proceedings under Part I.1 in which a notice of dispute was filed,

(iii) the number of ongoing proceedings under each of Parts II, III, III.1 and IV,

(iv) the number of forfeitures that occurred under each of Parts I.1, II, III, III.1 and IV,

(v) the total value of all forfeitures under each of Parts I.1, II, III, III.1 and IV,

(vi) the total amount paid out to compensate the Crown in right of Ontario for its incurred costs,

(vii) the total amount paid out to compensate victims of unlawful activities,

(viii) the total amount paid in grants under this Act to assist victims of unlawful activities and to prevent unlawful activities that result in victimization, and

(ix) the total number of actions commenced under section 1.10 of the Act and the total amount paid out under that section; and

(c) any other information that the Attorney General believes should be made available to the public. 2020, c. 11, Sched. 3, s. 18.

Provision of report and publication

(3)  The Director of Asset Management – Civil shall provide the report to the Attorney General on or before July 1 of each year and make it available to the public on a website of the Government of Ontario. 2020, c. 11, Sched. 3, s. 18.

Definition of fiscal year

(4)  In this section,

“fiscal year” means the period commencing on April 1 in each year and ending on March 31 of the following year. 2020, c. 11, Sched. 3, s. 18.

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 3, s. 18](http://www.ontario.ca/laws/statute/S20011" \l "sched3s18) - 01/04/2021

Regulations

**21** (1)  The Lieutenant Governor in Council may make regulations,

(a) providing that orders under section 5 or 10 may apply only to legal expenses incurred for a purpose prescribed by the regulations and are subject to monetary limits prescribed by the regulations;

(b) governing payments out of accounts referred to in section 1.9, 6, 11, 11.4 or 15, including governing the circumstances in which payments may be made, governing the amounts of payments, governing procedures for determining what payments are made, prescribing classes of public institutions for the purpose of paragraph 4 of subsection 1.9 (4), paragraph 4 of subsection 6 (3), paragraph 4 of subsection 11 (3), paragraph 4 of subsection 11.4 (4) and paragraph 3 of subsection 15 (3);

(b.0.1) prescribing classes of public institutions for the purpose of clause (c) of the definition of “injury to the public” in subsection 7 (1);

(b.1) prescribing offences under the Criminal Code(Canada) and the Highway Traffic Act, and prescribing circumstances and conditions, for the purpose of the definition of vehicular unlawful activity in section 11.1;

(c) governing the giving of notice to the public of a proceeding under section 13;

(c.1) governing agreements authorized by subsection 19 (1.1);

(d) prescribing a person or body as the reviewing authority for the purpose of subsections 19 (4) and (5), prescribing institutions, classes of persons and circumstances for the purpose of subsection 19 (4) and prescribing criteria for the purpose of subsection 19 (5);

(d.1) governing the delivery or distribution of property under subsection 19.1 (2);

(e) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the purpose of this Act. 2001, c. 28, s. 21 (1); 2007, c. 13, s. 41; 2020, c. 11, Sched. 3, s. 19; 2022, c. 10, s. 18 (5).

Same

(1.1)  A regulation made under clause (1) (d) shall not prescribe health information custodians, as defined in subsection 19 (10), as a class of persons for the purpose of subsection 19 (4). 2005, c. 33, s. 30.

General or particular

(2)  A regulation made under subsection (1) may be general or particular in its application. 2001, c. 28, s. 21 (2).

**Section Amendments with date in force (d/m/y)**

[2005, c. 33, s. 30](http://www.ontario.ca/laws/statute/S05033" \l "s30) - 15/12/2005

[2007, c. 13, s. 41 (1-3)](http://www.ontario.ca/laws/statute/S07013" \l "s41s1) - 04/06/2007

[2019, c. 7, Sched. 11, s. 5](http://www.ontario.ca/laws/statute/S19007" \l "sched11s5) - no effect - see [2020, c. 11, Sched. 3, s. 19](http://www.ontario.ca/laws/statute/S20011" \l "sched3s19) - 01/03/2021

[2020, c. 11, Sched. 3, s. 19](http://www.ontario.ca/laws/statute/S20011" \l "sched3s19) - 01/03/2021

[2022, c. 10, s. 18 (5)](http://www.ontario.ca/laws/statute/S22010" \l "s18s5) - 14/04/2022

**22-24** Omitted (amends or repeals other Acts). 2001, c. 28, ss. 22-24.

**25** Omitted (provides for coming into force of provisions of this Act). 2001, c. 28, s. 25.

**26** Omitted (enacts short title of this Act). 2001, c. 28, s. 26.

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