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Crown Liability and Proceedings Act, 2019

[S.o.](https://www.ontario.ca/laws/statute/S19007" \l "BK19) 2019, chapter 7  
Schedule 17

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Last amendment: [2021, c. 39, Sched. 2, s. 6](http://www.ontario.ca/laws/statute/S21039" \l "sched2s6).

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Interpretation and Application

Definitions

**1** (1)  In this Act,

“Crown” means the Crown in right of Ontario; (“Couronne”)

“Crown agency” means,

(a) a corporation that is expressly stated by or under an Act to be an agent of the Crown,

(b) a prescribed corporation, and

(c) a wholly-owned subsidiary of a corporation referred to in clause (a) or (b); (“organisme de la Couronne”)

“Crown corporation” means,

(a) a corporation having 50 per cent or more of its issued and outstanding shares vested in the Crown or having the appointment of a majority of its board of directors made or approved by the Lieutenant Governor in Council or by one or more members of the Executive Council, and

(b) a wholly-owned subsidiary of a corporation referred to in clause (a); (“société de la Couronne”)

“order” includes a judgment, decree, rule, award and declaration; (“ordonnance”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“proceeding” means an action or application for damages and any other civil proceeding in respect of damages to which the rules of court apply; (“instance”)

“regulations” means the regulations made under this Act; (“règlements”)

“transfer payment recipient” means a person or other entity that directly or indirectly receives a grant, transfer payment or other funding or financial assistance from the Crown to support, in whole or in part, the delivery of services to members of the public, including,

(a) a municipality,

(b) a hospital within the meaning of the Public Hospitals Act,

(c) a private hospital within the meaning of the Private Hospitals Act,

(d) a board within the meaning of the Education Act,

(e) a university, college of applied arts and technology or other post-secondary institution,

(f) a children’s aid society within the meaning of the Child, Youth and Family Services Act, 2017,

(g) a long-term care home within the meaning of the Fixing Long-Term Care Act, 2021, or

(h) any other prescribed person or entity that directly or indirectly receives any such amounts. (“bénéficiaire d’un paiement de transfert”) 2019, c. 7, Sched. 17, s. 1 (1); 2021, c. 39, Sched. 2, s. 6.

Officer of the Crown

(2)  A reference in this Act to an officer of the Crown includes reference to a minister of the Crown. 2019, c. 7, Sched. 17, s. 1 (2).

Act or omission

(3)  A reference in this Act to an act or omission includes reference to neglect and default. 2019, c. 7, Sched. 17, s. 1 (3).

Former officers, etc. of the Crown

(4)  A reference in this Act to an officer, employee or agent of the Crown includes reference to a former officer, employee or agent of the Crown, in relation to the exercise of powers and the performance of duties and functions in his or her capacity as an officer, employee or agent of the Crown. 2019, c. 7, Sched. 17, s. 1 (4).

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

[2019, c. 7, Sched. 17, s. 32](http://www.ontario.ca/laws/statute/S19007" \l "sched17s32) - no effect - see [2023, c. 4, Sched. 1, s. 78 (1)](http://www.ontario.ca/laws/statute/S23004" \l "sched1s78s1) - 18/05/2023

[2021, c. 39, Sched. 2, s. 6](http://www.ontario.ca/laws/statute/S21039" \l "sched2s6) - 11/04/2022

Crown bound

**2** (1)  This Act binds the Crown.

Application of other Acts to the Crown unaffected

(2)  Nothing in this Act shall be read as affecting the extent to which the Crown is bound by any other Act.

Same, statutory rights of action

(3)  A right conferred on a person by an Act cannot be enforced against the Crown in a proceeding under this Act if the Act that confers the right does not bind the Crown.

Rules of evidence unaffected

**3** Nothing in this Act shall be read as affecting any applicable rules of evidence, except where this Act provides otherwise.

Assembly privilege, etc., unaffected

**4** Nothing in this Act shall be read as abrogating or limiting any right, immunity, privilege or power of the Assembly or of a committee or member of the Assembly.

Proceedings in rem

**5** Nothing in this Act authorizes a proceeding in rem in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown.

Acts not affected

**6** This Act does not affect and is subject to,

(a) the Expropriations Act;

(b) the Public Transportation and Highway Improvement Act;

(c) the Land Titles Act and the Registry Act, in relation to claims against The Land Titles Assurance Fund;

(d) the Motor Vehicle Accident Claims Act;

(e) Parts V.1 and VI of the Electricity Act, 1998;

(f) the Workplace Safety and Insurance Act, 1997; and

(g) every statute that imposes a tax payable to the Crown or the Minister of Finance.

Conflict with other Acts

**7** (1)  In the event of a conflict between this Act and any other Act, this Act prevails to the extent of the conflict.

Exception, other immunity provisions

(2)  Despite subsection (1), in the case of a conflict between a provision of this Act and a provision in any other Act respecting limits on the liability of the Crown or an officer, employee or agent of the Crown, the provision that provides the greater protection against such liability prevails, unless the other Act expressly provides otherwise.

Crown Liability

Crown liability

**8** (1)  Except as otherwise provided under this Act or any other Act, the Crown is subject to all the liabilities in tort to which it would be liable if it were a person,

(a) in respect of a tort committed by an officer, employee or agent of the Crown;

(b) in respect of a breach of duty attaching to the ownership, occupation, possession or control of property;

(c) in respect of a breach of an employment-related obligation owed to an officer or employee of the Crown; and

(d) under any Act, or under any regulation or by-law made or passed under any Act.

Same

(2)  For greater certainty, nothing in clause (1) (a) subjects the Crown to liability for a tort that is not attributable to the acts or omissions of an officer, employee or agent of the Crown.

Limitation of government actors’ liability applies to the Crown

(3)  The negation or limitation under an Act of the liability of an officer, employee or agent of the Crown in respect of a tort committed by him or her applies to the same extent and in the same manner with respect to the Crown, and no proceeding may be brought against the Crown in respect of an act or omission of an officer, employee or agent of the Crown if a proceeding in tort in respect of such an act or omission may not be brought against that officer, employee or agent or against his or her personal representative.

Indemnity and contribution

(4)  The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person.

Limitations on Crown liability

**9** (1)  The Crown is not liable for torts committed by,

(a) Crown agencies;

(b) Crown corporations;

(c) transfer payment recipients; or

(d) independent contractors providing services to the Crown for any purpose.

Same

(2)  Nothing in this Act subjects the Crown to a proceeding in respect of,

(a) anything done in good faith in the enforcement of the criminal law or of the penal provisions of an Act; or

(b) anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in the person or responsibilities that the person has in connection with the execution of judicial process.

Property vesting in the Crown

**10** (1)  The Crown is not, by reason only of the vesting of property in the Crown independent of the Crown’s acts or intentions, subject to liability in tort under clause 8 (1) (b) in relation to the property.

Same

(2)  Property that vests in the Crown as a result of the dissolution of a corporation by the Crown is property that vests in the Crown independent of the Crown’s acts or intentions within the meaning of subsection (1).

No liability in tort

(3)  Where property vests in the Crown in the manner described in subsection (1), the Crown is not liable in tort by reason of any act or omission of the Crown or anyone acting on its behalf or with its approval related to any of the following purposes or a purpose that is similar to any of the following purposes:

1. Investigating, securing, maintaining or managing the property.

2. Restoring the property to productive use, responding to complaints or preserving public health and safety.

3. Exercising any authority in respect of the property under the Escheats Act, 2015 or the Forfeited Corporate Property Act, 2015.

Limitation

(4)  Subsections (1) and (3) do not affect the liability of the Crown under this Act in respect of any period after which the Crown or an officer, employee or agent of the Crown,

(a) in the case of personal property, begins to use the property for Crown purposes; or

(b) in the case of land, has registered a notice against the title to the property that it intends to use the property for Crown purposes.

Notice

(5)  Registration of the Crown on title under subsection 12 (1) of the Forfeited Corporate Property Act, 2015 or any registration on title to land by the Public Guardian and Trustee is not notice for the purposes of clause (4) (b).

Extinguishment of causes of action respecting certain governmental functions

Acts of a legislative nature

**11** (1)  No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of any negligence or failure to take reasonable care while exercising or intending to exercise powers or performing or intending to perform duties or functions of a legislative nature, including the development or introduction of a bill, the enactment of an Act or the making of a regulation.

Regulatory decisions

(2)  No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of a regulatory decision made in good faith, where,

(a) a person suffers any form of harm or loss as a result of an act or omission of a person who is the subject of the regulatory decision; and

(b) the person who suffered the harm or loss claims that the harm or loss resulted from any negligence or failure to take reasonable care in the making of the regulatory decision.

Same, purported failure to make

(3)  No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of a purported failure to make a regulatory decision, where,

(a) a person suffers any form of harm or loss as a result of an act or omission of another person; and

(b) the person who suffered the harm or loss claims that the harm or loss resulted from any negligence in a purported failure to make a regulatory decision in respect of that other person.

Policy decisions

(4)  No cause of action arises against the Crown or an officer, employee or agent of the Crown in respect of any negligence or failure to take reasonable care in the making of a decision in good faith respecting a policy matter, or any negligence in a purported failure to make a decision respecting a policy matter.

Same, policy matters

(5)  For the purposes of subsection (4), a policy matter includes,

(a) the creation, design, establishment, redesign or modification of a program, project or other initiative, including,

(i) the terms, scope or features of the program, project or other initiative,

(ii) the eligibility or exclusion of any person or entity or class of persons or entities to participate in the program, project or other initiative, or the requirements or limits of such participation, or

(iii) limits on the duration of the program, project or other initiative, including any discretionary right to terminate or amend the operation of the program, project or other initiative;

(b) the funding of a program, project or other initiative, including,

(i) providing or ceasing to provide such funding,

(ii) increasing or reducing the amount of funding provided,

(iii) including, not including, amending or removing any terms or conditions in relation to such funding, or

(iv) reducing or cancelling any funding previously provided or committed in support of the program, project or other initiative;

(c) the manner in which a program, project or other initiative is carried out, including,

(i) the carrying out, on behalf of the Crown, of some or all of a program, project or other initiative by another person or entity, including a Crown agency, Crown corporation, transfer payment recipient or independent contractor,

(ii) the terms and conditions under which the person or entity will carry out such activities,

(iii) the Crown’s degree of supervision or control over the person or entity in relation to such activities, or

(iv) the existence or content of any policies, management procedures or oversight mechanisms concerning the program, project or other initiative;

(d) the termination of a program, project or other initiative, including the amount of notice or other relief to be provided to affected members of the public as a result of the termination;

(e) the making of such regulatory decisions as may be prescribed; and

(f) any other policy matter that may be prescribed.

Definition, “regulatory decision”

(6)  In this section,

“regulatory decision” means a decision respecting,

(a) whether a person, entity, place or thing has met a requirement under an Act,

(b) whether a person or entity has contravened any duty or other obligation set out under an Act,

(c) whether a licence, permission, certificate or other authorization should be issued under an Act,

(d) whether a condition or limitation in respect of a licence, permission, certificate or other authorization should be imposed, amended or removed under an Act,

(e) whether an investigation, inspection or other assessment should be conducted under an Act, or the manner in which an investigation, inspection or other assessment under an Act is conducted,

(f) whether to carry out an enforcement action under an Act, or the manner in which an enforcement action under an Act is carried out, or

(g) any other matter that may be prescribed.

Proceedings barred

(7)  No proceeding may be brought or maintained against the Crown or an officer, employee or agent of the Crown in respect of a matter referred to in subsection (1), (2), (3) or (4).

Proceedings set aside

(8)  A proceeding that may not be maintained under subsection (7) is deemed to have been dismissed, without costs, on the day on which the cause of action is extinguished under subsection (1), (2), (3) or (4).

Common law defences unaffected

(9)  Nothing in this section shall be read as abrogating or limiting any defence or immunity which the Crown or an officer, employee or agent of the Crown may raise at common law.

No inference of policy matters as justiciable

(10)  Nothing in this section shall be read as indicating that a matter that is a policy matter for the purposes of subsection (4) is justiciable.

Proceedings Involving the Crown

Crown may make claims, rely on defences as if a person

**12** Except as otherwise provided under this Act, the Crown may, in a proceeding to which it is a party, make any claim or rely on any right or defence that a person may make or rely on in a proceeding, and the court may make any order in such a proceeding as it may make in a proceeding between persons.

Rules of court

**13** (1)  Except as otherwise provided under this Act, the rules of court apply with respect to a proceeding to which the Crown is a party.

Public interest immunity

(2)  Nothing in this Act affects the application, in a proceeding to which the Crown is a party, of the rule of law which authorizes or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest.

Designation of Crown

**14** In a proceeding to which the Crown is a party, the Crown shall be designated “Her Majesty the Queen in right of Ontario” or “Sa Majesté du chef de l’Ontario”.

Service on the Crown

**15** A document to be served personally on the Crown in a proceeding to which it is a party shall be served by leaving a copy of the document with an employee of the Crown at the Crown Law Office (Civil Law) of the Ministry of the Attorney General.

Petition of right abolished

**16** (1)  Proceeding against the Crown by way of petition of right is abolished, and any claim against the Crown, regardless of when it arose, that may have been enforced by petition of right subject to the grant of a fiat by the Lieutenant Governor may be enforced as of right by a proceeding against the Crown in accordance with this Act.

No revival

(2)  For greater certainty, subsection (1) does not subject the Crown to a proceeding in respect of a claim based on an act or omission occurring or existing before September 1, 1963 that would not, before that date, have been enforceable against the Crown by petition of right, subject to the grant of a fiat by the Lieutenant Governor.

Limitation periods, etc., still apply

(3)  For greater certainty, a proceeding referred to in subsection (1) is subject to any bar in law to bringing the proceeding, or any defence, that is based on the passage of time.

Proceedings re misfeasance, bad faith

**17** (1)  This section applies to proceedings brought against the Crown or an officer or employee of the Crown that include a claim in respect of a tort of misfeasance in public office or a tort based on bad faith respecting anything done in the exercise or intended exercise of the officer or employee’s powers or the performance or intended performance of the officer or employee’s duties or functions. 2020, c. 11, Sched. 7, s. 1.

Leave to proceed required, automatic stay

(2)  A proceeding to which this section applies that is brought on or after the day section 1 of Schedule 7 to the Smarter and Stronger Justice Act, 2020 comes into force may proceed only with leave of the court and, unless and until leave is granted, is deemed to have been stayed in respect of all claims in that proceeding from the time that it is brought. 2020, c. 11, Sched. 7, s. 1.

Documents on motion for leave

(3)  On a motion for leave under subsection (2), the claimant shall, in accordance with section 15 if applicable, serve on the defendant and file with the court,

(a) an affidavit, or such other document as may be prescribed, setting out a concise statement of the material facts on which the claimant intends to rely; and

(b) an affidavit of documents, or such other document as may be prescribed, disclosing, to the full extent of the claimant’s knowledge, information and belief, all documents relevant to any matter in issue in the proceeding that are or have been in the claimant’s possession, control or power. 2020, c. 11, Sched. 7, s. 1.

Response by defendant

(4)  On a motion for leave under subsection (2), the defendant may serve on the claimant and file an affidavit, or such other document as may be prescribed, setting out a concise statement of the material facts on which the defendant intends to rely for the defence, but is not required to do so. 2020, c. 11, Sched. 7, s. 1.

Limit on examinations

(5)  No person may be examined or summoned for examination on the contents of an affidavit or prescribed document referred to in subsection (3) or (4) or in relation to the motion for leave, other than the maker of the affidavit or prescribed document. 2020, c. 11, Sched. 7, s. 1.

No discovery of defendant

(6)  The defendant shall not be subject to discovery or the inspection of documents, or to examination for discovery, in relation to the motion for leave. 2020, c. 11, Sched. 7, s. 1.

Requirements for leave

(7)  The court shall not grant leave unless it is satisfied that,

(a) the proceeding is being brought in good faith; and

(b) there is a reasonable possibility that the claim described in subsection (1) would be resolved in the claimant’s favour. 2020, c. 11, Sched. 7, s. 1.

Costs

(8)  Each party to the motion for leave shall bear its own costs of the motion. 2020, c. 11, Sched. 7, s. 1.

Effect of granting leave

(9)  The granting of leave under subsection (2) lifts the stay of the proceeding. 2020, c. 11, Sched. 7, s. 1.

Effect of refusing leave

(10)  If leave is not granted under subsection (2),

(a) the proceeding is rendered a nullity; or

(b) if the proceeding contains any claims other than the claim described in subsection (1), the proceeding is rendered a nullity in respect of the claim described in that subsection and the stay is lifted with respect to the remainder of the proceeding. 2020, c. 11, Sched. 7, s. 1.

Waiver of leave requirement

(11)  Despite subsections (2) and (10), the Crown may waive the application of subsection (2) in relation to a proceeding by giving notice of the waiver in writing to the claimant. 2020, c. 11, Sched. 7, s. 1.

Same

(12)  The Crown may exercise its discretion under subsection (11) at any time before the hearing of a motion for leave under subsection (2), including before an intended proceeding is brought. 2020, c. 11, Sched. 7, s. 1.

Same

(13)  If the Crown exercises its discretion under subsection (11) after a proceeding has been brought,

(a) the stay of the proceeding is lifted once notice of the waiver is given to the claimant; and

(b) the Crown shall give notice of the waiver in writing to the court. 2020, c. 11, Sched. 7, s. 1.

Non-application to Crown claimant

(14)  This section does not apply if the claimant is the Crown. 2020, c. 11, Sched. 7, s. 1.

Transition

(15)  This section, as it read immediately before the day section 1 of Schedule 7 to the Smarter and Stronger Justice Act, 2020 came into force, continues to apply with respect to a proceeding for which a motion for leave was made under this section before that day, except that the Crown may, at any time before the hearing of the motion, waive the requirement for leave by giving notice of the waiver in writing to the claimant and to the court. 2020, c. 11, Sched. 7, s. 1.

Same

(16)  For greater certainty, if a proceeding for which leave was required under this section was brought without leave before the day section 1 of Schedule 7 to the Smarter and Stronger Justice Act, 2020 came into force, the proceeding was a nullity in respect of the claim described in subsection (1) from the time the proceeding was brought. 2020, c. 11, Sched. 7, s. 1.

Same

(17)  For the purposes of any applicable limitation period,

(a) a proceeding to which subsection (15) applies shall be considered to have been commenced in respect of the claim described in subsection (1) when the motion for leave was made, despite any waiver of the leave requirement by the Crown; and

(b) a proceeding to which subsection (16) applies shall, despite being a nullity in respect of the claim described in subsection (1), be considered to have been commenced when the proceeding was brought. 2020, c. 11, Sched. 7, s. 1.

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

[2020, c. 11, Sched. 7, s. 1](http://www.ontario.ca/laws/statute/S20011" \l "sched7s1) - 08/07/2020

Notice of claim for damages required

**18** (1)  No proceeding that includes a claim for damages may be brought against the Crown unless, at least 60 days before the commencement of the proceeding, the claimant serves on the Crown, in accordance with section 15, notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose. 2019, c. 7, Sched. 17, s. 18 (1).

Additional particulars

(2)  The Attorney General may require such additional particulars as in his or her opinion are necessary to enable the claim to be investigated. 2019, c. 7, Sched. 17, s. 18 (2).

Extension of applicable limitation period

(3)  If a notice of claim is served under subsection (1) before the expiry of a limitation period applicable with respect to the claim but the 60-day period referred to in that subsection ends after the expiry of the limitation period, the limitation period is extended to the last instant of the seventh day following the end of the 60-day period. 2019, c. 7, Sched. 17, s. 18 (3).

Exception, breach of duty respecting property

(4)  Despite subsection (1), no proceeding that includes a claim for damages may be brought against the Crown under clause 8 (1) (b) unless the notice required by subsection (1) is served on the Crown in accordance with section 15 no later than 10 days after the occurrence of the event out of which the claim arises. 2019, c. 7, Sched. 17, s. 18 (4).

Non-application

(5)  This section does not apply with respect to a counterclaim, crossclaim or claim by way of set-off. 2019, c. 7, Sched. 17, s. 18 (5).

Failure to give notice

(6)  For greater certainty, failure to give notice of a claim as required by this section renders a proceeding brought without such notice a nullity in respect of the claim, from the time the proceeding is brought. 2020, c. 11, Sched. 7, s. 2.

Same

(7)  Subsection (6) applies with respect to a proceeding brought before, on or after the day section 2 of Schedule 7 to the Smarter and Stronger Justice Act, 2020 comes into force. 2020, c. 11, Sched. 7, s. 2.

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

[2020, c. 11, Sched. 7, s. 2](http://www.ontario.ca/laws/statute/S20011" \l "sched7s2) - 08/07/2020

Discovery, examination

Where Crown is a party

**19** (1)  In a proceeding to which the Crown is a party, the rules of court respecting discovery and inspection of documents, examination for discovery, evidence by cross-examination on affidavits and examination of witnesses apply in the same manner as if the Crown were a corporation, with the following exceptions:

1. The Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest.

2. The person who shall attend to be examined for discovery shall be an official designated by the Deputy Attorney General.

3. The Crown is not required to deliver an affidavit on production of documents for discovery and inspection, but a list of the documents that the Crown may be required to produce, signed by the Deputy Attorney General, shall be delivered.

4. Any other exception that may be prescribed.

Where Crown is not a party

(2)  Nothing in this Act subjects the Crown or an officer or employee of the Crown to the discovery and inspection of documents or to examination for discovery in a proceeding to which the Crown is not a party.

Trial without jury

**20** In a proceeding against the Crown or an officer or employee of the Crown, trial shall be without a jury.

Interpleader

**21** The Crown may obtain relief by way of an interpleader proceeding, and may be made a party to such a proceeding, in the same manner as a person may obtain relief by way of such a proceeding or be made a party to such a proceeding, even if the application or motion for relief is made by a sheriff or bailiff or other like officer.

No injunction or specific performance

Against the Crown

**22** (1)  If relief is sought in a proceeding against the Crown that might, in a proceeding between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance.

Against officer or employee of the Crown

(2)  A court shall not in any proceeding grant an injunction or make an order against an officer or employee of the Crown if the effect of doing so would be to give any relief against the Crown that could not have been obtained in a proceeding against the Crown.

Declaratory orders

(3)  Subject to subsection (4), the court may, in lieu of making an order referred to in subsection (1) or (2), make an order declaratory of the rights of the parties.

Exception

(4)  The court shall not make an interim or interlocutory order declaratory of the rights of the parties.

No order for recovery of property

**23** In a proceeding against the Crown in which the recovery of real or personal property is claimed, the court shall not make an order for its recovery or delivery, but may in lieu make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession of the property.

Restrictions on set-off and counterclaim

**24** (1)  A person is not entitled to claim a set-off or to make a counterclaim in a proceeding by the Crown for the recovery of taxes, duties or penalties, and is not entitled to claim a set-off or make a counterclaim in any other proceeding by the Crown arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

Same

(2)  Subject to subsection (1), a person may claim a set-off or make a counterclaim in a proceeding by the Crown if the subject-matter of the set-off or counterclaim relates to a matter under the administration of the particular ministry with respect to which the proceeding is brought by the Crown.

No default judgment against the Crown without leave

**25** The Crown may not be noted in default in a proceeding, nor judgment entered against the Crown in default of appearance or pleading, except with leave of the court to be obtained on motion, notice of which has been served on the Crown in accordance with section 15.

Interest on judgment debt

**26** A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another.

No execution against the Crown

**27** (1)  Subject to subsections (2) and (3), no execution or attachment or other process of a similar nature shall be issued out of any court against the Crown.

Garnishments against the Crown

(2)  A garnishment that is otherwise lawful may issue against the Crown for the payment of money owing or accruing as remuneration payable by the Crown for goods or services, subject to section 7 of the Wages Act.

Garnishment for support or maintenance

(3)  A garnishment may issue against the Crown for an amount owing or accruing under an order for support or maintenance, subject to section 7 of the Wages Act.

Limitation

(4)  A garnishment is effective against the Crown only in respect of amounts payable on behalf of the administrative unit served with the notice of garnishment to the person named in the notice.

Definition, “administrative unit”

(5)  In this section,

“administrative unit” means a Ministry of the Government of Ontario, a Crown agency within the meaning of the Crown Agency Act or the Office of the Assembly under the Legislative Assembly Act.

General Matters

Payment by the Crown

**28** The Minister of Finance shall pay out of the Consolidated Revenue Fund amounts payable by the Crown under,

(a) an order of a court that is final and not subject to appeal;

(b) the settlement or partial settlement of a proceeding;

(c) the settlement or partial settlement of a claim that is the subject of a notice of claim under section 18;

(d) the settlement or partial settlement of an anticipated proceeding or claim which, in the Attorney General’s opinion, could result in a judgment or other finding of liability against the Crown;

(e) an order of an administrative tribunal or an arbitration award that is final and not subject to appeal, or the settlement or partial settlement of a matter or anticipated matter before an administrative tribunal or arbitrator; or

(f) a final order to pay made by a competent authority under a trade agreement that the Crown has entered into with the government of another province or territory of Canada, the government of Canada or any combination of those governments.

No compensation

**29** No person is entitled to any compensation for any loss or damages, including loss of revenues or loss of profit, arising from the enactment, repeal or application of this Act or the making, revocation or application of the regulations.

Regulations

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

(a) respecting anything that, in this Act, may or must be prescribed or done by regulation;

(b) defining any term or phrase used in this Act that is not defined in this Act;

(b.1) providing for procedures that apply with respect to a motion for leave under section 17;

(c) for the purposes of section 27,

(i) prescribing methods of service on the Crown of notices of garnishment in place of the method specified in section 15,

(ii) providing that a notice of garnishment issued against the Crown is not effective unless a statement of particulars, in the prescribed form, is served with the notice of garnishment,

(iii) providing that a notice of garnishment issued against the Crown is deemed to be served on the day that is the prescribed number of days, not to exceed 30 days, after the actual date of service or after the effective date of service under the rules of court, as the case may be. 2019, c. 7, Sched. 17, s. 30 (1); 2020, c. 11, Sched. 7, s. 3 (1).

Retroactive regulations

(2)  If it so provides, a regulation made under subsection (1) is effective with reference to a period before the regulation was filed. 2019, c. 7, Sched. 17, s. 30 (2).

Application to existing claims, proceedings

(3) If it so provides, a regulation made under subsection (1) applies to claims or proceedings that existed before the regulation comes into force. 2019, c. 7, Sched. 17, s. 30 (3).

Conflict with rules of court

(4)  In the event of a conflict between a regulation made under clause (1) (b.1) and the rules of court, the regulation prevails. 2020, c. 11, Sched. 7, s. 3 (2).

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

[2020, c. 11, Sched. 7, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched7s3s1) - 08/07/2020

Transition

Application of Act to claims

**31** (1)  This Act applies with respect to a claim against the Crown or an officer, employee or agent of the Crown regardless of when the claim arose, except as provided in subsection (3).

Application of Act to new proceedings

(2)  This Act applies with respect to a proceeding commenced by the Crown, or against the Crown or an officer, employee or agent of the Crown, on or after the day this section comes into force, regardless of when the facts on which the proceeding is based occurred or are alleged to have occurred.

Application of former Act to existing proceedings

(3)  Subject to subsection (4), the Proceedings Against the Crown Act, as it read immediately before its repeal, continues to apply with respect to proceedings commenced against the Crown or an officer, employee or agent of the Crown before the day this section came into force, and to the claims included in those proceedings.

Exception, extinguishment of causes of action

(4)  Section 11 and the extinguishment of causes of action and dismissal of proceedings under that section apply with respect to proceedings commenced against the Crown or an officer, employee or agent of the Crown before the day this section came into force.

32 Omitted (provides for amendments to this Act).

33-**17**1Omitted (amends, repeals or revokes other legislation).

172 Omitted (provides for coming into force of provisions of this Act).

173Omitted (enacts short title of this Act).

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