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Absentees Act

R.S.O. 1990, Chapter A.3

**Consolidation Period:** From June 22, 2006 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2006, c.19, Sched.C, s.1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1).

Legislative History: 1992, c. 32, s. 1; 1999, c. 6, s. 1; [2005, c. 5, s. 1](http://www.ontario.ca/laws/statute/S05005" \l "s1); [2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1).

Definition

**1** An absentee within the meaning of this Act means a person who, having had his or her usual place of residence or domicile in Ontario, has disappeared, whose whereabouts is unknown and as to whom there is no knowledge as to whether he or she is alive or dead. R.S.O. 1990, c. A.3, s. 1.

Declaration by court

**2** (1)  The Superior Court of Justice may by order declare a person to be an absentee if it is shown that due and satisfactory inquiry has been made, or may direct such further inquiry to be made and proceedings to be taken as the court considers expedient before making any order. R.S.O. 1990, c. A.3, s. 2 (1); 2006, c. 19, Sched. C, s. 1 (1).

Application, who may make

(2)  The application for the order may be made by,

(a) the Attorney General;

(b) any one or more of the next of kin of the alleged absentee;

(c) the person to whom the alleged absentee is married;

(d) the person with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee’s disappearance;

(e) a creditor; or

(f) any other person. R.S.O. 1990, c. A.3, s. 2 (2); 1999, c. 6, s. 1; 2005, c. 5, s. 1.

Appeal

(3)  Any person aggrieved or affected by the order has the right to appeal therefrom. R.S.O. 1990, c. A.3, s. 2 (3).

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

1999, c. 6, s. 1 - 01/03/2000

[2005, c. 5, s. 1](http://www.ontario.ca/laws/statute/S05005" \l "s1) - 09/03/2005

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Order declaring person no longer absentee

**3** Upon application at any time, the court, if satisfied that such person has ceased to be an absentee, may make an order so declaring and superseding, vacating and setting aside the order declaring the person an absentee for all purposes except as to acts or things done in respect of the estate of the absentee while such order was in force. R.S.O. 1990, c. A.3, s. 3.

Administration of estate

**4** The court may make an order for the custody, due care and management of the property of an absentee, and a committee may be appointed for that purpose. R.S.O. 1990, c. A.3, s. 4.

Who may be appointed committee

**5** A trust corporation with or without one or more persons may be appointed such committee. R.S.O. 1990, c. A.3, s. 5.

Powers and duties of court and committee

**6** Where a committee of the estate of an absentee has been appointed, the powers and duties of the court and committee are the same, with necessary modifications, as the powers and duties of the court and of a guardian of property under theSubstitute Decisions Act, 1992. 1992, c. 32, s. 1.

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

1992. c. 32, s. 1 - 03/04/1995

Powers of committee to expend money out of estate

**7** The committee, subject to the direction of the court, has authority to expend moneys out of the estate of an absentee for the purpose of endeavouring to trace the absentee and in endeavouring to ascertain whether he or she is alive or dead. R.S.O. 1990, c. A.3, s. 7.

Lands in Ontario of foreign absentee

**8** Where a person who has had his or her usual place of residence or domicile out of Ontario and who has an interest in land in Ontario has been declared to be an absentee by a court of competent jurisdiction, the Superior Court of Justice may by order, upon being satisfied that the person has disappeared, that his or her whereabouts is unknown and that there is no knowledge as to whether the person is alive or dead, appoint a committee with such authority to manage, sell or otherwise deal with the interest in land as in the opinion of the court is in his or her best interests and those of his or her family. R.S.O. 1990, c. A.3, s. 8; 2006, c. 19, Sched. C, s. 1 (1).

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

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

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