[Français](http://www.ontario.ca/fr/lois/loi/90b02)

Bailiffs Act

R.S.O. 1990, Chapter B.2

**Consolidation Period:** From March 1, 2022 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2020, c. 36, Sched. 7, s. 295](http://www.ontario.ca/laws/statute/S20036" \l "sched7s295).

Legislative History: 1997, c. 19, s. 27; 1998, c. 18, Sched. E, s. 5-16; 1999, c. 12, Sched. G, s. 13; [2000, c. 26, Sched. B, s. 1](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s1); [2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13); [2002, c. 8, Sched. I, s. 1](http://www.ontario.ca/laws/statute/S02008" \l "schedis1); [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1); [2004, c. 8, s. 46, Table and s. 47 (1)](http://www.ontario.ca/laws/statute/S04008" \l "s46s1); [2004, c. 19, s. 2](http://www.ontario.ca/laws/statute/S04019" \l "s2s1); [2006, c. 19, Sched. G, s. 1](http://www.ontario.ca/laws/statute/S06019" \l "schedgs1s1); [2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1); [2006, c. 34, s. 3](http://www.ontario.ca/laws/statute/S06034" \l "s3s1); [2007, c. 4, s. 21, 22](http://www.ontario.ca/laws/statute/S07004" \l "s21s1); [2009, c. 18, Sched. 2](http://www.ontario.ca/laws/statute/S09018" \l "sched2s1) (but see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006)); [2009, c. 33, Sched. 10, s. 2](http://www.ontario.ca/laws/statute/S09033" \l "sched10s2s1); [2019, c. 14, Sched. 10, s. 1](http://www.ontario.ca/laws/statute/S19014" \l "sched10s1s1); [2020, c. 36, Sched. 7, s. 295](http://www.ontario.ca/laws/statute/S20036" \l "sched7s295).

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Interpretation and Administration

Definitions

**1** (1)  In this Act,

“assistant bailiff” means a person who acts, under the supervision of a bailiff, in the repossession or seizure of chattels or in an eviction; (“huissier adjoint”)

“bailiff” means a person who acts, assists any person to act or holds himself or herself out as being available to act for or on behalf of any other person in the repossession or seizure of chattels or in an eviction, but does not include an assistant bailiff; (“huissier”)

“county” includes united counties and a territorial district; (“comté”)

“investigator” means an investigator appointed under subsection 16.2 (1); (“enquêteur”)

“Minister” means the Minister of Consumer and Business Services; (“ministre”)

“Registrar” means the Registrar of Bailiffs; (“registrateur”)

“registration period”, in relation to a registration under this Act, means the period of time for which the registration is valid; (“période d’inscription”)

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

“Treasurer” means the Treasurer of Ontario and Minister of Economics; (“trésorier”)

“Tribunal” means the Licence Appeal Tribunal. (“Tribunal”) R.S.O. 1990, c. B.2, s. 1; 1998, c. 18, Sched. E, s. 5; 1999, c. 12, Sched. G, s. 13 (1); 2001, c. 9, Sched. D, s. 13; 2004, c. 19, s. 2 (1-3); 2006, c. 34, s. 3 (2, 3).

Meaning of county

(2)  Despite the repeal of the Municipal Act and the Territorial Division Act, in this Act and the regulations made under this Act, the term “county” has the same meaning as it did on December 31, 2002. 2002, c. 17, Sched. F, Table.

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

1998, c. 18, Sched. E, s. 5 - 31/03/2000; 1999, c. 12, Sched. G, s. 13 (1) - 01/04/2000

[2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13) - 29/06/2001

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003

[2004, c. 19, s. 2 (1-3)](http://www.ontario.ca/laws/statute/S04019" \l "s2s1) - 30/11/2004

[2006, c. 34, s. 3 (1-3)](http://www.ontario.ca/laws/statute/S06034" \l "s3s1) - 01/04/2007

Application

**2** This Act does not apply to a person while acting as a bailiff under court process. R.S.O. 1990, c. B.2, s. 2.

Registrar

**2.1**  The Minister shall appoint a person as the Registrar of Bailiffs. 1998, c. 18, Sched. E, s. 6.

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

1998, c. 18, Sched. E, s. 6 - 31/03/2000

Bailiffs and Assistant Bailiffs

Acting as bailiff

**3** No person, other than a person authorized to act as a bailiff under court process, shall act as a bailiff unless the person is appointed under this Act and is not a person described in clause 3.1 (b) or (c). 2004, c. 19, s. 2 (4).

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

1998, c. 18, Sched. E, s. 7 - 31/03/2000

[2004, c. 19, s. 2 (4)](http://www.ontario.ca/laws/statute/S04019" \l "s2s4) - 30/11/2004

[2006, c. 34, s. 3 (4)](http://www.ontario.ca/laws/statute/S06034" \l "s3s4) - 01/04/2007

**3.0.1**

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

[2009, c. 18, Sched. 2, s. 1](http://www.ontario.ca/laws/statute/S09018" \l "sched2s1) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

Acting as assistant bailiff

**3.1**No person shall act as an assistant bailiff unless,

(a) the person is registered under this Act;

(b) the person has been appointed under this Act since before the day subsection 2 (12) of the Ministry of Consumer and Business Services Statute Law Amendment Act, 2004 came into force, and the person’s appointment contemplates the person acting as an assistant bailiff; or

(c) the person is otherwise identified by the Lieutenant Governor or the Minister as a person authorized to act as an assistant bailiff since before the day subsection 2 (12) of the Ministry of Consumer and Business Services Statute Law Amendment Act, 2004 came into force. 2004, c. 19, s. 2 (4).

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

[2004, c. 19, s. 2 (4)](http://www.ontario.ca/laws/statute/S04019" \l "s2s4) - 30/11/2004

**3.1.1**

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

[2009, c. 18, Sched. 2, s. 2](http://www.ontario.ca/laws/statute/S09018" \l "sched2s2) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2011

Area of jurisdiction

**3.2**(1)  An appointment of a bailiff shall designate the county for which the bailiff is appointed. 2004, c. 19, s. 2 (4).

Same, assistant bailiff

(2)  A registration of an assistant bailiff is valid for the county for which the bailiff employing the assistant is appointed. 2004, c. 19, s. 2 (4).

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

[2004, c. 19, s. 2 (4)](http://www.ontario.ca/laws/statute/S04019" \l "s2s4) - 30/11/2004

Acting outside county

**4** (1)  A bailiff may act as a bailiff in a county other than the county for which he or she is appointed if the consent of the Minister is first obtained. R.S.O. 1990, c. B.2, s. 4; 2000, c. 26, Sched. B, s. 1 (1).

Application for consent

(2)  A person who applies for a consent mentioned in subsection (1) shall give notice of the application in the form and the manner and to the persons that the Minister specifies by order. 2000, c. 26, Sched. B, s. 1 (2).

Not regulations

(3)  An order that the Minister makes under subsection (2) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 2000, c. 26, Sched. B, s. 1 (2); 2006, c. 21, Sched. F, s. 136 (1).

Factors to consider

(4)  When granting a consent mentioned in subsection (1), the Minister shall consider the factors, if any, that are specified in the regulations. 2000, c. 26, Sched. B, s. 1 (2).

Assistant bailiffs

(5)  If a bailiff has the consent of the Minister under this section to act in a county other than the county for which the bailiff is appointed, the bailiffs and assistant bailiffs who are employed by the bailiff and who are authorized to act under this Act may act in the additional county, despite subsection (1). 2004, c. 19, s. 2 (5).

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

[2000, c. 26, Sched. B, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s1) - 06/12/2000

[2004, c. 19, s. 2 (5)](http://www.ontario.ca/laws/statute/S04019" \l "s2s5) - 30/11/2004

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

Costs outside county

**5** (1)  The costs of a bailiff or of an assistant bailiff employed by the bailiff, for travelling or accommodation outside the county for which the bailiff is appointed, shall not be charged as recoverable costs in a seizure, repossession or eviction, unless the costs are assessed under the Costs of Distress Act and the local registrar of the Superior Court of Justice is satisfied that it was not practicable for the seizure, repossession or eviction to be made by a bailiff appointed for the county in which the seizure, repossession or eviction was made or by an assistant bailiff employed by such a bailiff. 2004, c. 19, s. 2 (6).

Idem

(2)  For the purpose of subsection (1), section 6 of the Costs of Distress Act applies to costs in an eviction as if such costs were costs in a seizure or repossession. R.S.O. 1990, c. B.2, s. 5 (2).

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

1998, c. 18, Sched. E, s. 8 (1, 2) - no effect - see [2000, c. 26, Sched. B, s. 1 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s6) - 06/12/2000

[2000, c. 26, Sched. B, s. 1 (3)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s3) - 06/12/2000

[2004, c. 19, s. 2 (6)](http://www.ontario.ca/laws/statute/S04019" \l "s2s6) - 30/11/2004

Application for appointment

**6** To apply for appointment as a bailiff, a person shall submit to the Registrar an application that sets out,

(a) the name and address of the applicant;

(b) if the applicant is a corporation, the name and address of each director and each shareholder of the corporation;

(c) if the applicant is a corporation, the name of each director who,

(i) is, or is proposed to be, appointed as a bailiff, and

(ii) will be actively involved in the day-to-day operations of the corporation as a bailiff;

(d) the qualifications of the applicant to act as a bailiff;

(e) the county in which the applicant intends to carry on business as a bailiff;

(f) the circumstances indicating that a bailiff is needed for the public convenience in the county in which the applicant intends to carry on business as a bailiff;

(g) whether the applicant has previously acted as a bailiff and, if so, where; and

(h) such other information as the Registrar may require in order to enable the Minister to determine if the requirements set out in subsection 8 (1) have been met. 2004, c. 19, s. 2 (7).

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

1998, c. 18, Sched. E, s. 9 - 31/03/2000

[2004, c. 19, s. 2 (7)](http://www.ontario.ca/laws/statute/S04019" \l "s2s7) - 30/11/2004

**7** Repealed: 1998, c. 18, Sched. E, s. 10.

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

1998, c. 18, Sched. E, s. 10 - 31/03/2000

Appointment by Minister

**8** (1)  The Minister may appoint an applicant as a bailiff if,

(a) the applicant has complied with this Act and the regulations;

(b) the applicant is qualified to act as a bailiff;

(c) a bailiff is needed for the public convenience in the county in which the applicant intends to carry on business as a bailiff; and

(d) in the case where the applicant is a corporation, at least one director of the corporation is appointed as a bailiff and will be actively involved in the day-to-day operations of the corporation as a bailiff. R.S.O. 1990, c. B.2, s. 8; 1998, c. 18, Sched. E, s. 11; 2004, c. 19, s. 2 (8).

Terms and conditions

(2)  An appointment of a bailiff is subject to such terms and conditions as may be consented to by the Minister and the applicant. 2004, c. 19, s. 2 (9).

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

1998, c. 18, Sched. E, s. 11 - 31/03/2000

[2004, c. 19, s. 2 (8, 9)](http://www.ontario.ca/laws/statute/S04019" \l "s2s8) - 30/11/2004

Duty to supervise

**8.1**(1)  A bailiff shall supervise all assistant bailiffs in his, her or its employ in a responsible and diligent manner. 2004, c. 19, s. 2 (10).

Corporate bailiff

(2)  A bailiff that is a corporation shall perform the duty imposed on it under subsection (1) by ensuring that all assistant bailiffs in its employ are supervised in a responsible and diligent manner by a bailiff who is a director or employee of the corporation. 2004, c. 19, s. 2 (10).

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

[2004, c. 19, s. 2 (10)](http://www.ontario.ca/laws/statute/S04019" \l "s2s10) - 30/11/2004

Revocation of appointment

**9** Subject to section 10, the Registrar may revoke an appointment of a bailiff if, in the opinion of the Registrar, the bailiff,

(a) has not complied with this Act or the regulations or the Costs of Distress Act;

(b) has not acted, or is without capacity to act, responsibly as a bailiff;

(c) has breached a term or condition of the appointment; or

(d) in the case where the bailiff is a corporation, has no director who is appointed as a bailiff and is actively involved in the day-to-day operations of the corporation as a bailiff. 2004, c. 19, s. 2 (11).

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

1998, c. 18, Sched. E, s. 12 - no effect - see [2000, c. 26, Sched. B, s. 1 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s6) - 06/12/2000

[2004, c. 19, s. 2 (11)](http://www.ontario.ca/laws/statute/S04019" \l "s2s11) - 30/11/2004

Application for registration or renewal

**9.1**To apply for registration or renewal of registration as an assistant bailiff, a person shall,

(a) submit to the Registrar,

(i) an application in the form required by the Registrar,

(ii) a statement by a bailiff appointed under this Act that, if the applicant obtains the registration or renewal, the bailiff will employ the applicant as an assistant bailiff and will supervise the applicant in a responsible and diligent manner, and

(iii) such other information as the Registrar may require in order to determine if the applicant should be refused registration under section 9.2 or renewal under section 9.5; and

(b) indicate the registration period selected by the applicant from among the registration periods set by the Minister under section 18.1 and pay the fee required under section 18.1 for that registration period. 2004, c. 19, s. 2 (12).

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

[2004, c. 19, s. 2 (12)](http://www.ontario.ca/laws/statute/S04019" \l "s2s12) - 30/11/2004

Registration by Registrar

**9.2**(1)  A person who applies for registration in accordance with section 9.1 is entitled to registration by the Registrar, unless,

(a) the person has not complied with this Act or the regulations;

(b) the person is not qualified to act as an assistant bailiff; or

(c) the past conduct of the person affords reasonable grounds for the belief that the person will not act as an assistant bailiff in accordance with the law and with integrity and honesty. 2004, c. 19, s. 2 (12).

Refusal

(2)  Subject to section 10, the Registrar may refuse to register a person who applies for registration in accordance with section 9.1 if, in the Registrar’s opinion, the person is not entitled to registration under clause (1) (a), (b) or (c). 2004, c. 19, s. 2 (12).

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

[2004, c. 19, s. 2 (12)](http://www.ontario.ca/laws/statute/S04019" \l "s2s12) - 30/11/2004

Period of validity of registration

**9.3**(1)  Subject to subsection (2), a registration of an assistant bailiff, including a registration that is renewed, shall set out the last day of the registration period, and the registration expires at the end of that day. 2004, c. 19, s. 2 (12).

Continuation of registration pending renewal

(2)  If, before the expiry of the registration, the assistant bailiff applies for its renewal in accordance with section 9.1, the registration shall be deemed to continue,

(a) until the Registrar renews it; or

(b) if the assistant bailiff is served with a notice that the Registrar proposes to refuse to renew the registration,

(i) until the expiry of 15 days after the notice of proposal was served, if a hearing by the Tribunal is not required by the assistant bailiff in accordance with subsection 10 (2), or

(ii) until the Tribunal makes its order, if a hearing by the Tribunal is required by the assistant bailiff in accordance with subsection 10 (2). 2004, c. 19, s. 2 (12).

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

[2004, c. 19, s. 2 (12)](http://www.ontario.ca/laws/statute/S04019" \l "s2s12) - 30/11/2004

Terms and conditions

**9.4**A registration of an assistant bailiff, including a registration that is renewed, is subject to such terms and conditions as may be consented to by the Registrar and the applicant for registration or renewal. 2004, c. 19, s. 2 (12).

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

[2004, c. 19, s. 2 (12)](http://www.ontario.ca/laws/statute/S04019" \l "s2s12) - 30/11/2004

Refusal to renew, revocation, suspension

**9.5**Subject to section 10, the Registrar may refuse to renew the registration of an assistant bailiff who applies for its renewal in accordance with section 9.1, may revoke or suspend a registration or may revoke an appointment described in clause 3.1 (b) or an authorization described in clause 3.1 (c) if, in the opinion of the Registrar, the assistant bailiff,

(a) has not complied with this Act or the regulations or the Costs of Distress Act;

(b) has not acted, or is without capacity to act, responsibly as an assistant bailiff;

(c) has breached a term or condition of the registration, appointment or authorization;

(d) has ceased to be employed by a bailiff appointed under this Act;

(e) is not being supervised in a responsible and diligent manner by the bailiff employing him or her; or

(f) would not be entitled to registration under clause 9.2 (1) (b) or (c) if he or she were applying for registration. 2004, c. 19, s. 2 (12); 2006, c. 19, Sched. G, s. 1 (1, 2).

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

[2004, c. 19, s. 2 (12)](http://www.ontario.ca/laws/statute/S04019" \l "s2s12) - 30/11/2004

[2006, c. 19, Sched. G, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S06019" \l "schedgs1s1) - 22/06/2006

Process for refusal, revocation, suspension

**10** (1)  The Registrar shall serve notice of the proposal, together with written reasons for it,

(a) on the bailiff, if the Registrar is proposing to revoke an appointment of a bailiff under section 9;

(b) on the applicant for registration and on the bailiff intending to employ the applicant, if the Registrar is proposing to refuse to register an applicant under subsection 9.2 (2);

(c) on the assistant bailiff and on the bailiff employing him or her, if the Registrar is proposing a refusal to renew, a suspension or a revocation, in respect of an assistant bailiff, under section 9.5. 2004, c. 19, s. 2 (13).

Entitlement to hearing

(2)  A bailiff on whom a notice is served under clause (1) (a), an applicant on whom a notice is served under clause (1) (b) or an assistant bailiff on whom a notice is served under clause (1) (c) is entitled to a hearing by the Tribunal if, within 15 days after the notice is served, the bailiff, applicant or assistant bailiff, as the case may be, mails or delivers to the Registrar and the Tribunal a notice in writing requiring a hearing. 2004, c. 19, s. 2 (13).

Notice

(2.1)  The Registrar’s notice of proposal under subsection (1) shall set out the requirements mentioned in subsection (2) for entitlement to a hearing. 2004, c. 19, s. 2 (13).

Powers of Registrar if no hearing

(3)  If a hearing by the Tribunal is not required in accordance with subsection (2), the Registrar may carry out the proposal stated in the Registrar’s notice of proposal. 2004, c. 19, s. 2 (13).

Powers of Tribunal where hearing

(4)  If a hearing by the Tribunal is required in accordance with subsection (2), the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out the proposal or refrain from carrying out the proposal and to take such action as the Tribunal considers the Registrar ought to take. R.S.O. 1990, c. B.2, s. 10 (4); 2004, c. 19, s. 2 (14).

Parties

(5)  The parties to a proceeding before the Tribunal under this section are:

1. The Registrar.

2. The bailiff, applicant or assistant bailiff who has required the hearing.

3. Such other persons as the Tribunal may specify. 2004, c. 19, s. 2 (15).

Manner of serving notice

(6)  A notice of proposal that the Registrar is required to serve on a person under subsection (1) is sufficiently served if it is,

(a) delivered personally;

(b) sent by registered mail addressed to the person’s most recent address known to the Registrar; or

(c) sent in another manner, if the Registrar can prove receipt of the notice. 2004, c. 19, s. 2 (15).

Registered mail

(7)  If service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing, unless the person on whom service is being made establishes that he, she or it did not, acting in good faith, through absence, accident, illness or other cause beyond his, her or its control, receive the notice until a later date. 2004, c. 19, s. 2 (15).

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

[2004, c. 19, s. 2 (13-15)](http://www.ontario.ca/laws/statute/S04019" \l "s2s13) - 30/11/2004

Appeal

**11** Even if a person appeals an order of the Tribunal under section 11 of the Licence Appeal Tribunal Act, 1999, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal. 1999, c. 12, Sched. G, s. 13 (2); 2004, c. 19, s. 2 (16).

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

1999, c. 12, Sched. G, s. 13 (2) - 01/04/2000

[2004, c. 19, s. 2 (16)](http://www.ontario.ca/laws/statute/S04019" \l "s2s16) - 30/11/2004

Complaints, Duties, Inspections and Investigations

Complaints

**12** (1)  If the Registrar receives a complaint about a bailiff or an assistant bailiff, the Registrar may request information in relation to the complaint from any bailiff or any assistant bailiff. 2006, c. 34, s. 3 (5).

Request for information

(2)  A request for information under subsection (1) shall indicate the nature of the complaint. 2006, c. 34, s. 3 (5).

Duty to comply with request

(3)  A person who receives a written request for information under subsection (1) shall provide the information as soon as practicable. 2006, c. 34, s. 3 (5).

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

1998, c. 18, Sched. E, s. 13 - 31/03/2000

[2004, c. 19, s. 2 (17)](http://www.ontario.ca/laws/statute/S04019" \l "s2s17) - 30/11/2004

[2006, c. 34, s. 3 (5)](http://www.ontario.ca/laws/statute/S06034" \l "s3s5) - 01/04/2007

Prohibitions and obligations

**13** (1)  No person shall act as a bailiff or an assistant bailiff,

(a) while an employee of, or engaging in the business of, a collection agency; or

(b) while licensed under the Private Security and Investigative Services Act, 2005. 2004, c. 19, s. 2 (18); 2009, c. 33, Sched. 10, s. 2 (1).

Change of business address

(2)  A person authorized to engage in the business of a bailiff shall notify the Registrar of any change in the address of the place of business. R.S.O. 1990, c. B.2, s. 13 (2).

Change respecting director or shareholder

(2.1)  A corporation authorized to engage in the business of a bailiff shall notify the Registrar of any change in the directors or shareholders of the corporation or their addresses and any change in the director or directors who are actively involved in the day-to-day operations of the corporation as a bailiff. 2004, c. 19, s. 2 (19).

Change of employment status

(2.2)  A person authorized to act as an assistant bailiff shall notify the Registrar of any change of employer and any termination or commencement of his or her employment. 2004, c. 19, s. 2 (19).

Time of notice

(2.3)  Notification of a change under subsection (2), (2.1) or (2.2) shall be made within five days after the change occurs. 2004, c. 19, s. 2 (19).

Books of account

(3)  Every bailiff shall keep and maintain books of account in accordance with accepted principles of double-entry bookkeeping, and shall obtain an audit of his or her books of account and financial transactions annually by a public accountant licensed under the Public Accounting Act, 2004. R.S.O. 1990, c. B.2, s. 13 (3); 2004, c. 8, ss. 46, 47 (1).

Financial statement

(4)  Every bailiff shall furnish the Registrar with a financial statement in such form and at such times as the Registrar requires. R.S.O. 1990, c. B.2, s. 13 (4).

(5), (6)  Repealed: 2006, c. 34, s. 3 (6).

Trust accounts

(7)  Every bailiff shall maintain an account designated as a trust account in a bank listed in Schedule I or II to the Bank Act (Canada), a credit union, as defined in the Credit Unions and Caisses Populaires Act, 2020 or a registered trust corporation in which he or she shall deposit all money received on behalf of other persons, less any lawful fees or charges, and such money shall be kept and accounted for separately from any other money. R.S.O. 1990, c. B.2, s. 13 (7); 2002, c. 8, Sched. I, s. 1; 2009, c. 33, Sched. 10, s. 2 (2); 2020, c. 36, Sched. 7, s. 295.

Accounting for and payment of trust money

(8)  Before the fifteenth day of each month, every bailiff shall account to the persons entitled thereto for any money received in trust during the previous month and shall pay the money, less lawful fees and charges. R.S.O. 1990, c. B.2, s. 13 (8).

Disposition of unclaimed trust money

(9)  Within six months after a bailiff receives money held under subsection (7), the bailiff shall make every effort to locate the person entitled to the money, and shall pay any money thereafter remaining unclaimed to the Treasurer who may pay the money to any person who satisfies the Treasurer of entitlement to it. R.S.O. 1990, c. B.2, s. 13 (9).

Prohibited practices

(10)  No person who is appointed or registered under this Act shall engage in a practice that is prohibited by the regulations. 2004, c. 19, s. 2 (19).

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

[2002, c. 8, Sched. I, s. 1](http://www.ontario.ca/laws/statute/S02008" \l "schedis1) - 05/01/2005

[2004, c. 8, s. 46, Table, 47 (1)](http://www.ontario.ca/laws/statute/S04008" \l "s46s1) - 01/11/2005; [2004, c. 19, s. 2 (18, 19)](http://www.ontario.ca/laws/statute/S04019" \l "s2s18) - 30/11/2004

[2006, c. 34, s. 3 (6)](http://www.ontario.ca/laws/statute/S06034" \l "s3s6) - 01/04/2007

[2009, c. 33, Sched. 10, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S09033" \l "sched10s2s1) - 15/12/2009

[2020, c. 36, Sched. 7, s. 295](http://www.ontario.ca/laws/statute/S20036" \l "sched7s295) - 01/03/2022

Bonding

**14** (1)  No person shall act as a bailiff or an assistant bailiff unless bonded in the prescribed amount and form. R.S.O. 1990, c. B.2, s. 14 (1); 2004, c. 19, s. 2 (20).

Idem

(2)  The bond shall be,

(a) a personal bond accompanied by collateral security;

(b) a bond of an insurer licensed under the Insurance Act to write surety and fidelity insurance; or

(c) a bond of a guarantor, other than an insurer referred to in clause (b), accompanied by collateral security. R.S.O. 1990, c. B.2, s. 14 (2); 1997, c. 19, s. 27.

Collateral security

(3)  The collateral security shall be direct or guaranteed securities of the Government of Canada or of the Government of Ontario. R.S.O. 1990, c. B.2, s. 14 (3).

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

1997, c. 19, s. 27 (1, 2) - 10/10/1997

[2004, c. 19, s. 2 (20)](http://www.ontario.ca/laws/statute/S04019" \l "s2s20) - 30/11/2004

[2009, c. 18, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S09018" \l "sched2s3) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

Forfeiture of bond

**15** (1)  The Minister may direct that the bond of a bailiff whose appointment has been revoked, or the bond of an assistant bailiff whose registration has been revoked, whose registration has expired and not been renewed, or whose appointment described in clause 3.1 (b) or authorization described in clause 3.1 (c) has been revoked, be forfeited, if,

(a) the bailiff or assistant bailiff, as the case may be, has been convicted of an offence involving fraud, theft, assault, libel or breaking and entering under the Criminal Code (Canada) that was committed in the course of acting as a bailiff or assistant bailiff, or of a conspiracy or an attempt to commit such an offence in the course of acting as a bailiff or assistant bailiff, and the conviction has become final; or

(b) a judgment has been entered against the bailiff or assistant bailiff, as the case may be, for the recovery of money paid for services not performed or based on a finding of fraud, conversion, assault, libel or trespass committed in the course of acting as a bailiff or assistant bailiff, and the judgment has become final. 2004, c. 19, s. 2 (21); 2006, c. 19, Sched. G, s. 1 (3).

Idem

(2)  Upon a direction being made under subsection (1), the bond is forfeited and the amount of the bond becomes due and owing as a debt due to the Crown in right of Ontario. R.S.O. 1990, c. B.2, s. 15 (2).

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

[2004, c. 19, s. 2 (21)](http://www.ontario.ca/laws/statute/S04019" \l "s2s21) - 30/11/2004

[2006, c. 19, Sched. G, s. 1 (3)](http://www.ontario.ca/laws/statute/S06019" \l "schedgs1s3) - 22/06/2006

[2009, c. 18, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S09018" \l "sched2s3) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

Sale of collateral security

**16** (1)  Where a bond secured by the deposit of collateral security is forfeited, the Treasurer may sell the collateral security at the current market price. R.S.O. 1990, c. B.2, s. 16 (1).

Payment of proceeds

(2)  The Treasurer may,

(a) assign any bond forfeited under section 15 and transfer the collateral security, if any;

(b) pay over any money recovered under the bond; and

(c) pay over any money realized from the sale of the collateral security,

to any judgment creditor of the bailiff or assistant bailiff, as the case may be, bonded for claims arising out of the circumstance under which the bond was forfeited, or to the Accountant of the Superior Court of Justice in trust for any person who becomes such judgment creditor. R.S.O. 1990, c. B.2, s. 16 (2); 2000, c. 26, Sched. B, s. 1 (4); 2004, c. 19, s. 2 (22).

Idem

(3)  Where a bond has been forfeited or cancelled and the Treasurer has not received notice in writing of any claim against the proceeds of the bond or such part as remains in the hands of the Treasurer within two years of the forfeiture or cancellation, the Treasurer may pay the proceeds or part remaining to any person who made a payment under the bond. R.S.O. 1990, c. B.2, s. 16 (3).

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

[2000, c. 26, Sched. B, s. 1 (4)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s4) - 06/12/2000

[2004, c. 19, s. 2 (22)](http://www.ontario.ca/laws/statute/S04019" \l "s2s22) - 30/11/2004

[2009, c. 18, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S09018" \l "sched2s3) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

Inspection

**16.1**(1)  The Registrar or a person designated in writing by the Registrar may conduct an inspection and may, as part of that inspection, enter and inspect at any reasonable time the business premises of a bailiff or assistant bailiff, other than any part of the premises used as a dwelling, for the purpose of,

(a) ensuring compliance with this Act and the regulations;

(b) dealing with a complaint under section 12; or

(c) ensuring the bailiff or assistant bailiff, as the case may be, remains entitled to act as such under this Act. 2006, c. 34, s. 3 (7).

Powers on inspection

(2)  While carrying out an inspection, an inspector,

(a) is entitled to free access to all money, valuables, documents and records of the person being inspected that are relevant to the inspection;

(b) may use any data storage, processing or retrieval device or system used in carrying on business in order to produce information that is relevant to the inspection and that is in any form; and

(c) may, upon giving a receipt for them, remove for examination and may copy anything relevant to the inspection, including any data storage disk or other retrieval device in order to produce information, but shall promptly return the thing to the person being inspected. 2006, c. 34, s. 3 (7).

Identification

(3)  An inspector shall produce, on request, evidence of his or her authority to carry out an inspection. 2006, c. 34, s. 3 (7).

Assistance to be given

(4)  An inspector may, in the course of an inspection, require a person to produce a document or record and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce information that is relevant to the inspection and that is in any form, and the person shall produce the document or record or provide the assistance. 2006, c. 34, s. 3 (7).

Obstruction prohibited

(5)  No person shall obstruct an inspector conducting an inspection or withhold from him or her or conceal, alter or destroy any money, valuables, documents or records that are relevant to the inspection. 2006, c. 34, s. 3 (7).

Use of force prohibited

(6)  An inspector shall not use force to enter and inspect premises under this section. 2006, c. 34, s. 3 (7).

Admissibility of copies

(7)  A copy of a document or record certified by an inspector to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2006, c. 34, s. 3 (7).

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

1998, c. 18, Sched. E, s. 14 - no effect - see [2000, c. 26, Sched. B, s. 1 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s6) - 06/12/2000

[2006, c. 34, s. 3 (7)](http://www.ontario.ca/laws/statute/S06034" \l "s3s7) - 01/04/2007

Appointment of investigators

**16.2**(1)  The Director designated under the Ministry of Consumer and Business Services Act may appoint persons to be investigators for the purposes of conducting investigations. 2006, c. 34, s. 3 (7).

Certificate of appointment

(2)  The Director shall issue to every investigator a certificate of appointment bearing his or her signature or a facsimile of the signature. 2006, c. 34, s. 3 (7).

Production of certificate of appointment

(3)  Every investigator who is conducting an investigation, including under section 16.3, shall, upon request, produce the certificate of appointment as an investigator. 2006, c. 34, s. 3 (7).

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

1998, c. 18, Sched. E, s. 14 - no effect - see [2000, c. 26, Sched. B, s. 1 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s6) - 06/12/2000

[2006, c. 34, s. 3 (7)](http://www.ontario.ca/laws/statute/S06034" \l "s3s7) - 01/04/2007

Search warrant

**16.3**(1)  Upon application made without notice by an investigator, a justice of the peace may issue a warrant, if he or she is satisfied on information under oath that there is reasonable ground for believing that,

(a) a person has contravened or is contravening this Act or the regulations or has committed an offence under the law of any jurisdiction that is relevant to the person’s fitness to act as a bailiff or assistant bailiff under this Act; and

(b) there is,

(i) in any building, dwelling, receptacle or place anything relating to the contravention of this Act or the regulations or to the person’s fitness to act as a bailiff or assistant bailiff under this Act, or

(ii) information or evidence relating to the contravention of this Act or the regulations or the person’s fitness to act as a bailiff or assistant bailiff under this Act that may be obtained through the use of an investigative technique or procedure or the doing of anything described in the warrant. 2006, c. 34, s. 3 (7); 2019, c. 14, Sched. 10, s. 1 (1).

Powers under warrant

(2)  Subject to any conditions contained in it, a warrant obtained under subsection (1) authorizes an investigator,

(a) to enter or access the building, dwelling, receptacle or place specified in the warrant and examine and seize anything described in the warrant;

(b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;

(c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;

(d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and

(e) to use any investigative technique or procedure or do anything described in the warrant. 2006, c. 34, s. 3 (7); 2019, c. 14, Sched. 10, s. 1 (1, 2).

Entry of dwelling

(3)  Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place, or part of a place, used as a dwelling, unless,

(a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and

(b) the justice of the peace authorizes the entry into the dwelling. 2006, c. 34, s. 3 (7).

Conditions on warrant

(4)  A warrant obtained under subsection (1) shall contain such conditions as the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances. 2006, c. 34, s. 3 (7).

Expert help

(5)  The warrant may authorize persons who have special, expert or professional knowledge and other persons as necessary to accompany and assist the investigator in respect of the execution of the warrant. 2006, c. 34, s. 3 (7).

Time of execution

(6)  An entry or access under a warrant issued under this section shall be made between 6 a.m. and 9 p.m., unless the warrant specifies otherwise. 2006, c. 34, s. 3 (7).

Expiry of warrant

(7)  A warrant issued under this section shall name a date of expiry, which shall be no later than 30 days after the warrant is issued, but a justice of the peace may extend the date of expiry for an additional period of no more than 30 days, upon application without notice by an investigator. 2006, c. 34, s. 3 (7).

Use of force

(8)  An investigator may call upon police officers for assistance in executing the warrant and the investigator may use whatever force is reasonably necessary to execute the warrant. 2006, c. 34, s. 3 (7).

No obstruction

(9)  No person shall obstruct an investigator executing a warrant under this section or withhold from him or her or conceal, alter or destroy anything relevant to the investigation being conducted pursuant to the warrant. 2006, c. 34, s. 3 (7).

Compliance

(10)  If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be. 2019, c. 14, Sched. 10, s. 1 (3).

Copies of seized items

(11)  An investigator who seizes any thing under this section or section 16.4 may make a copy of it. 2019, c. 14, Sched. 10, s. 1 (3).

Admissibility

(12)  A copy of a document or record certified by an investigator as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2006, c. 34, s. 3 (7).

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

1998, c. 18, Sched. E, s. 14 - no effect - see [2000, c. 26, Sched. B, s. 1 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s6) - 06/12/2000

[2000, c. 26, Sched. B, s. 1 (3)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s3) - no effect - see [2000, c. 26, Sched. B, s. 1 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s6) - 06/12/2000

[2006, c. 34, s. 3 (7)](http://www.ontario.ca/laws/statute/S06034" \l "s3s7) - 01/04/2007

[2019, c. 14, Sched. 10, s. 1 (1-3)](http://www.ontario.ca/laws/statute/S19014" \l "sched10s1s1) - 10/12/2019

Seizure of things not specified

**16.4**An investigator who is lawfully present in a place pursuant to a warrant or otherwise in the execution of his or her duties may, without a warrant, seize anything in plain view that the investigator believes on reasonable grounds will afford evidence relating to a contravention of this Act or the regulations. 2006, c. 34, s. 3 (7).

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

[2006, c. 34, s. 3 (7)](http://www.ontario.ca/laws/statute/S06034" \l "s3s7) - 01/04/2007

Searches in exigent circumstances

**16.5**(1)  An investigator may exercise any of the powers described in subsection 16.3 (2) without a warrant if the conditions for obtaining the warrant exist but by reason of exigent circumstances it would be impracticable to obtain the warrant. 2006, c. 34, s. 3 (7).

Dwellings

(2)  Subsection (1) does not apply to a building or part of a building that is being used as a dwelling. 2006, c. 34, s. 3 (7).

Use of force

(3)  The investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary. 2006, c. 34, s. 3 (7).

Applicability of s. 16.3

(4)  Subsections 16.3 (5), (9), (10), (11) and (12) apply with necessary modifications to a search under this section. 2006, c. 34, s. 3 (7).

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

[2006, c. 34, s. 3 (7)](http://www.ontario.ca/laws/statute/S06034" \l "s3s7) - 01/04/2007

Report when things seized

**16.6**(1)  An investigator who seizes any thing under the authority of section 16.3, 16.4 or 16.5 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace. 2019, c. 14, Sched. 10, s. 1 (4).

Procedure

(2)  Sections 159 and 160 of the Provincial Offences Act apply with necessary modifications in respect of a thing seized under the authority of section 16.3, 16.4 or 16.5 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 16.3, 16.4 or 16.5 of this Act. 2019, c. 14, Sched. 10, s. 1 (4).

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

[2019, c. 14, Sched. 10, s. 1 (4)](http://www.ontario.ca/laws/statute/S19014" \l "sched10s1s4) - 10/12/2019

General

Confidentiality

**17** (1)  A person who obtains information in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations shall preserve secrecy with respect to the information and shall not communicate the information to any person except,

(a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act or the regulations;

(b) to a ministry, department or agency of a government engaged in the administration of legislation similar to this Act or legislation that protects consumers or to any other entity to which the administration of legislation similar to this Act or legislation that protects consumers has been assigned;

(b.1) as authorized under the Regulatory Modernization Act, 2007;

(c) to an entity or organization prescribed by the regulations, if the purpose of the communication is consumer, debtor or tenant protection;

(d) to a law enforcement agency;

(e) to his, her or its counsel; or

(f) with the consent of the person to whom the information relates. 2004, c. 19, s. 2 (23); 2007, c. 4, s. 22.

Testimony

(2)  Except in a proceeding under this Act, no person shall be required to give testimony in a civil proceeding with regard to information obtained in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations. 2004, c. 19, s. 2 (23).

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

[2004, c. 19, s. 2 (23)](http://www.ontario.ca/laws/statute/S04019" \l "s2s23) - 31/03/2007

[2006, c. 34, s. 3 (8, 9)](http://www.ontario.ca/laws/statute/S06034" \l "s3s8) - 01/04/2007

[2007, c. 4, s. 21](http://www.ontario.ca/laws/statute/S07004" \l "s21s1) - no effect - see [2004, c. 19, s. 2 (23)](http://www.ontario.ca/laws/statute/S04019" \l "s2s23) - 31/03/2007; [2007, c. 4, s. 22](http://www.ontario.ca/laws/statute/S07004" \l "s22) - 17/01/2008

Offence

**18** (1)  A person is guilty of an offence if the person,

(a) contravenes this Act or the regulations; or

(b) furnishes false information in any application made under this Act or in any form, statement, return or other document required to be furnished under this Act. 2004, c. 19, s. 2 (24).

Same, director or officer

(2)  A director or an officer of a corporation is guilty of an offence if he or she fails to take reasonable care to prevent the corporation from committing an offence mentioned in subsection (1). 2004, c. 19, s. 2 (24).

Penalty

(3)  On conviction of an offence under this Act,

(a) an individual is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than two years less one day, or to both;

(b) a corporation is liable to a fine of not more than $250,000. 2004, c. 19, s. 2 (24).

Limitation

(4)  No proceeding for an offence under this Act shall be commenced more than two years after the facts upon which the proceeding is based first came to the knowledge of the Registrar. 2004, c. 19, s. 2 (24).

Order for compensation, restitution

(5)  If a person is convicted of an offence under this Act, the court making the conviction may, in addition to any other penalty, order the person convicted to pay compensation or make restitution. 2004, c. 19, s. 2 (24).

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

[2004, c. 19, s. 2 (24)](http://www.ontario.ca/laws/statute/S04019" \l "s2s24) - 30/11/2004

Power of Minister to set fees

**18.1**The Minister may, by order,

(a) require the payment of fees for applications or other services under this Act and approve the amount of those fees;

(b) set one or more registration periods for which an applicant for registration or renewal of registration may apply under this Act and approve a different application fee for each registration period. 2004, c. 19, s. 2 (25).

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

1998, c. 18, Sched. E, s. 15 - 31/03/2000

[2004, c. 19, s. 2 (25)](http://www.ontario.ca/laws/statute/S04019" \l "s2s25) - 30/11/2004

**18.2**

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

[2009, c. 18, Sched. 2, s. 4](http://www.ontario.ca/laws/statute/S09018" \l "sched2s4) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

Regulations

**19** The Lieutenant Governor in Council may make regulations,

(a) prescribing forms and providing for their use;

(b) Repealed: 1998, c. 18, Sched. E, s. 16 (1).

(c) prescribing the amount of bonds and collateral security to be furnished under this Act;

(d) prescribing a tariff of fees and costs payable to bailiffs under this Act or any other Act;

(e) prescribing the factors that the Minister shall consider before granting a consent mentioned in subsection 4 (1);

(f) prescribing the qualifications and other requirements for appointment as a bailiff or registration as an assistant bailiff, including educational requirements and requirements to pass examinations;

(g) prescribing prohibited practices for the purpose of subsection 13 (10);

(h) requiring persons appointed or registered under this Act to file returns with the Registrar, prescribing and governing the returns to be filed and prescribing the times at which they must be filed;

(i) prescribing entities and organizations for the purpose of clause 17 (1) (c);

(j) requiring the Registrar to maintain a public record of certain documents and information, prescribing the documents and information that must be kept in the public record, and governing the public record and access to it;

(k) requiring the Registrar to publish certain documents and information, prescribing the documents and information that must be published, and governing their publication and access to them;

(l) authorizing the Registrar to conduct quality assurance programs in relation to the administration of this Act or the regulations and to use information collected under this Act for the purpose of those programs. R.S.O. 1990, c. B.2, s. 19; 1998, c. 18, Sched. E, s. 16 (1, 2); 2000, c. 26, Sched. B, s. 1 (5); 2004, c. 19, s. 2 (26, 27).

Note: Despite the repeal of clause (b), regulations made under clause (b), as that clause read immediately before March 31, 2000, continue until the Minister makes an order under section 18.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 15, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 16 (3).

Note: Despite the repeal of clause (b), the Lieutenant Governor in Council may by regulation revoke regulations made under clause (b), as that clause read immediately before March 31, 2000, if the Minister makes an order under section 18.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 15, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 16 (4).

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

1998, c. 18, Sched. E, s. 16 (1, 2) - 31/03/2000

[2000, c. 26, Sched. B, s. 1 (5)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs1s5) - 06/12/2000

[2004, c. 19, s. 2 (26)](http://www.ontario.ca/laws/statute/S04019" \l "s2s26) - 30/11/2004; [2004, c. 19, s. 2 (27)](http://www.ontario.ca/laws/statute/S04019" \l "s2s27) - 31/03/2007

[2009, c. 18, Sched. 2, s. 5](http://www.ontario.ca/laws/statute/S09018" \l "sched2s5) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

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

[2009, c. 18, Sched. 2, s. 6](http://www.ontario.ca/laws/statute/S09018" \l "sched2s6) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

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