[Français](http://www.ontario.ca/fr/lois/loi/90l08)

Law Society Act

R.S.O. 1990, CHAPTER L.8

**Consolidation Period:** From March 6, 2024 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2024, c. 2, Sched. 14](http://www.ontario.ca/laws/statute/S24002" \l "sched14s1).

Legislative History: 1991, c. 41; 1992, c. 7; 1993, c. 27, s. 5 and Sched.; 1994, c. 11, s. 389; 1994, c. 27, s. 49; 1996, c. 25, s. 7; 1997, c. 26, Sched.; 1998, c. 18, Sched. B, s. 8; 1998, c. 21; 1998, c. 26, s. 106; [2000, c. 42, Sched., s. 20-23](http://www.ontario.ca/laws/statute/S00042" \l "scheds20); [2001, c. 8, s. 46-50](http://www.ontario.ca/laws/statute/S01008" \l "s46); [2002, c. 18, Sched. A, s. 12](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s1); [2006, c. 21, Sched. C, s. 1-98](http://www.ontario.ca/laws/statute/S06021" \l "schedcs1); [2006, c. 21, Sched. F, s. 117](http://www.ontario.ca/laws/statute/S06021" \l "schedfs117); [2009, c. 33, Sched. 2, s. 42](http://www.ontario.ca/laws/statute/S09033" \l "sched2s42); [2009, c. 33, Sched. 6, s. 64](http://www.ontario.ca/laws/statute/S09033" \l "sched6s64); [2010, c. 1, Sched. 12](http://www.ontario.ca/laws/statute/S10001" \l "sched12s1); [2010, c. 15, s. 230](http://www.ontario.ca/laws/statute/S10015" \l "s230s1); [2010, c. 16, Sched. 2, s. 4](http://www.ontario.ca/laws/statute/S10016" \l "sched2s4s1); [2013, c. 17, s. 1-26](http://www.ontario.ca/laws/statute/S13017" \l "s1s1); [2017, c. 20, Sched. 7, s. 79](http://www.ontario.ca/laws/statute/S17020" \l "sched7s79); [2018, c. 8, Sched. 15, s. 1-7](http://www.ontario.ca/laws/statute/S18008" \l "sched15s1s1); [2020, c. 11, Sched. 5, s. 17](http://www.ontario.ca/laws/statute/S20011" \l "sched5s17); [2020, c. 11, Sched. 13](http://www.ontario.ca/laws/statute/S20011" \l "sched13s1s1); [2020, c. 11, Sched. 15, s. 56](https://www.ontario.ca/laws/statute/S20011" \l "BK63); [2020, c. 36, Sched. 7, s. 316](http://www.ontario.ca/laws/statute/S20036" \l "sched7s316s1); [2021, c. 4, Sched. 3, s. 24](http://www.ontario.ca/laws/statute/S21004" \l "sched3s24); [2021, c. 4, Sched. 6, s. 56](http://www.ontario.ca/laws/statute/S21004" \l "sched6s56s1); [2021, c. 25, Sched. 12](http://www.ontario.ca/laws/statute/S21025" \l "sched12s1); [2024, c. 2, Sched. 14](http://www.ontario.ca/laws/statute/S24002" \l "sched14s1).

CONTENTS

|  |  |  |
| --- | --- | --- |
| [PART 0.I](#BK0) | | |
| [1.](#BK1) | Interpretation | |
| [1.1](#BK2) | Transition | |
| [PART I](#BK3) | | |
| [The Society](#BK4) | | |
| [2.](#BK5) | Law Society continued | |
| [3.](#BK6) | Annual meeting | |
| [4.](#BK7) | Seat | |
| [4.1](#BK8) | Function of the Society | |
| [4.2](#BK9) | Principles to be applied by the Society | |
| [5.](#BK10) | Powers of society | |
| [6.](#BK12) | Application of Not-for-Profit Corporations Act, 2010 | |
| [7.](#BK13) | Treasurer | |
| [8.](#BK14) | Chief Executive Officer | |
| [9.](#BK15) | Liability of benchers, officers and employees | |
| [Benchers](#BK16) | | |
| [10.](#BK17) | Government of the Society | |
| [11.](#BK18) | Honorary benchers | |
| [12.](#BK19) | Benchers by virtue of their office | |
| [13.](#BK20) | Attorney General, guardian of the public interest | |
| [14.](#BK21) | Former Treasurers | |
| [15.](#BK22) | Benchers licensed to practise law | |
| [16.](#BK23) | Benchers licensed to provide legal services | |
| [22.](#BK24) | Removal for non-attendance | |
| [23.](#BK25) | Lay benchers | |
| [24.](#BK26) | Quorum | |
| [25.](#BK27) | Election of Treasurer | |
| [Paralegal Standing Committee](#BK28) | | |
| [25.1](#BK29) | Paralegal Standing Committee | |
| [Advisory Council](#BK30) | | |
| [26.](#BK31) | Meeting | |
| [PART I.1](#BK32) | | |
| [Prohibitions and Offences](#BK33) | | |
| [26.1](#BK34) | Prohibitions | |
| [26.2](#BK35) | Offences | |
| [26.3](#BK36) | Order prohibiting contravention, etc. | |
| [Licensing](#BK37) | | |
| [27.](#BK38) | Licensing | |
| [27.1](#BK39) | Register | |
| [29.](#BK40) | Officers of the courts | |
| [30.](#BK41) | Surrender of licence | |
| [31.](#BK42) | Appointment to judicial office | |
| [PART II](#BK43) | | |
| [Conduct](#BK44) | | |
| [33.](#BK45) | Prohibited conduct | |
| [34.](#BK46) | Conduct application | |
| [35.](#BK47) | Conduct orders | |
| [36.](#BK48) | Invitation to attend | |
| [Capacity](#BK49) | | |
| [37.](#BK50) | Interpretation – “incapacitated” | |
| [38.](#BK51) | Capacity application | |
| [39.](#BK52) | Medical or psychological examinations | |
| [40.](#BK53) | Capacity orders | |
| [Professional Competence](#BK54) | | |
| [41.](#BK55) | Interpretation – standards of professional competence | |
| [42.](#BK56) | Review: professional competence | |
| [43.](#BK57) | Professional competence application | |
| [44.](#BK58) | Professional competence orders | |
| [Failure to Comply with Order](#BK59) | | |
| [45.](#BK60) | Suspension for failure to comply with order | |
| [45.1](#BK61) | Suspension for failure to comply with costs order | |
| [Summary Orders](#BK62) | | |
| [46.](#BK63) | Summary suspension for non-payment | |
| [47.](#BK64) | Summary suspension for failure to complete or file | |
| [47.1](#BK65) | Summary suspension for failure to comply with indemnity requirements | |
| [48.](#BK66) | Summary revocation | |
| [49.](#BK67) | Summary suspension relating to continuing professional development | |
| [Audits, Investigations, etc.](#BK68) | | |
| [49.2](#BK69) | Audit of financial records | |
| [49.3](#BK70) | Investigations | |
| [49.8](#BK71) | Privilege | |
| [49.9](#BK72) | Removal for copying | |
| [49.10](#BK73) | Order for search and seizure | |
| [49.11](#BK74) | Identification | |
| [49.12](#BK75) | Confidentiality | |
| [49.13](#BK76) | Disclosure to public authorities | |
| [Complaints Resolution Commissioner](#BK77) | | |
| [49.14](#BK78) | Appointment | |
| [49.15](#BK79) | Functions of Commissioner | |
| [49.16](#BK80) | Delegation | |
| [49.17](#BK81) | Identification | |
| [49.18](#BK82) | Confidentiality | |
| [49.19](#BK83) | Decisions final | |
| [Proceedings Authorization Committee](#BK84) | | |
| [49.20](#BK85) | Proceedings Authorization Committee | |
| [Law Society Tribunal](#BK86) | | |
| [49.20.1](#BK87) | Law Society Tribunal | |
| [49.20.2](#BK88) | Chair | |
| [Hearing Division](#BK89) | | |
| [49.21](#BK90) | Hearing Division | |
| [49.22](#BK91) | Chair | |
| [49.22.1](#BK92) | Vice-chair | |
| [49.23](#BK93) | Hearings | |
| [49.24](#BK94) | French-speaking panelists | |
| [49.24.1](#BK95) | Temporary panelists | |
| [49.25](#BK96) | Powers | |
| [49.26](#BK97) | Terms and conditions | |
| [49.27](#BK98) | Interlocutory orders | |
| [49.28](#BK99) | Costs | |
| [Appeal Division](#BK100) | | |
| [49.29](#BK101) | Appeal Division | |
| [49.30](#BK102) | Chair | |
| [49.30.1](#BK103) | Vice-chair | |
| [49.31](#BK104) | Hearing of appeals | |
| [49.32](#BK105) | Appeals to Appeal Division | |
| [49.33](#BK106) | Grounds | |
| [49.34](#BK107) | Time for appeal | |
| [49.35](#BK108) | Jurisdiction of Appeal Division | |
| [49.36](#BK109) | Stay | |
| [49.37](#BK110) | Application of other provisions | |
| [Appeals to the Divisional Court](#BK111) | | |
| [49.38](#BK112) | Appeals to Divisional Court | |
| [49.39](#BK113) | Grounds for appeal to court | |
| [49.40](#BK114) | Payment for documents | |
| [49.41](#BK115) | Stay | |
| [Reinstatement](#BK116) | | |
| [49.42](#BK117) | Variation or discharge of previous order | |
| [49.43](#BK118) | Dispute over satisfaction of terms and conditions | |
| [Freezing Orders and Trusteeship Orders](#BK119) | | |
| [49.44](#BK120) | Application | |
| [49.45](#BK121) | Grounds for order | |
| [49.46](#BK122) | Freezing order | |
| [49.47](#BK123) | Trusteeship order | |
| [49.48](#BK124) | Application for directions | |
| [49.49](#BK125) | Application without notice | |
| [49.50](#BK126) | Requirement to account | |
| [49.51](#BK127) | Variation or discharge | |
| [49.52](#BK128) | Former licensees or members | |
| [Outside Counsel](#BK129) | | |
| [49.53](#BK130) | Outside counsel | |
| [PART III](#BK131) | | |
| [Compensation Fund](#BK132) | | |
| [51.](#BK133) | Compensation Fund | |
| [The Law Foundation of Ontario](#BK134) | | |
| [52.](#BK135) | Definitions | |
| [53.](#BK136) | Foundation continued | |
| [54.](#BK137) | Board of trustees | |
| [55.](#BK138) | Objects and funds | |
| [56.](#BK139) | Powers of Foundation | |
| [57.](#BK140) | Interest on trust funds | |
| [57.1](#BK141) | Joint trust accounts | |
| [57.2](#BK142) | Immunity | |
| [58.](#BK143) | Report by Society | |
| [59.](#BK144) | Regulations | |
| [59.1](#BK145) | Class Proceedings Fund | |
| [59.2](#BK146) | Class Proceedings Committee | |
| [59.3](#BK147) | Applications by plaintiffs | |
| [59.4](#BK148) | Applications by defendants | |
| [59.5](#BK149) | Regulations | |
| [Unclaimed Trust Funds](#BK150) | | |
| [59.6](#BK151) | Unclaimed trust funds | |
| [59.7](#BK152) | Society becomes trustee | |
| [59.8](#BK153) | Transfer to trust fund | |
| [59.9](#BK154) | Notice | |
| [59.10](#BK155) | Claims | |
| [59.11](#BK156) | Application to court | |
| [59.12](#BK157) | No entitlement to interest | |
| [59.13](#BK158) | Limit on payments | |
| [59.14](#BK159) | Former licensees and members | |
| [Legal Education, Degrees](#BK160) | | |
| [60.](#BK161) | | Education programs and law degrees |
| [Indemnity for Professional Liability](#BK162) | | |
| [61.](#BK163) | | Indemnity for professional liability |
| [Professional Corporations](#BK164) | | |
| [61.0.1](#BK165) | | Professional corporations |
| [61.0.2](#BK166) | | Register |
| [61.0.3](#BK167) | | Notice of change of shareholder |
| [61.0.4](#BK168) | | Application of Act, etc. |
| [61.0.5](#BK169) | | Professional, fiduciary and ethical obligations to clients |
| [61.0.6](#BK170) | | Terms, conditions, etc. |
| [61.0.7](#BK171) | | Prohibitions and offences, corporations |
| [61.0.8](#BK172) | | Trusteeships permitted |
| [61.0.9](#BK173) | | Reference to corporation included |
| [Limited Liability Partnerships](#BK174) | | |
| [61.1](#BK175) | | Limited liability partnerships |
| [Firms](#BK176) | | |
| [61.1.1](#BK177) | | Practice, provision through a firm |
| [61.1.2](#BK178) | | Application of Act to firms |
| [61.1.3](#BK179) | | Application to associations |
| [61.1.4](#BK180) | | Registration |
| [Rules of Practice and Procedure](#BK181) | | |
| [61.2](#BK182) | | Rules |
| [By-laws](#BK183) | | |
| [62.](#BK184) | | By-laws |
| [Regulations](#BK185) | | |
| [63.](#BK186) | | Regulations |

PART 0.I

Interpretation

**1** (1)  In this Act,

“adjudicative body” means any body that, after the presentation of evidence or legal argument by one or more persons, makes a decision that affects a person’s legal interests, rights or responsibilities and, without limiting the generality of the foregoing, includes,

(a) a federal or provincial court,

(b) a tribunal established under an Act of Parliament or under an Act of the Legislature of Ontario,

(c) a commission or board appointed under an Act of Parliament or under an Act of the Legislature of Ontario to conduct an inquiry or inquest, and

(d) an arbitrator; (“organisme juridictionnel”)

“Appeal Division” means the Law Society Tribunal Appeal Division continued under Part II; (“Section d’appel”)

“bencher” means a bencher of the Society, other than an honorary bencher; (“conseiller”)

“by-laws” means the by-laws made under this Act; (“règlements administratifs”)

“certificate of authorization” means a certificate of authorization issued under this Act authorizing the corporation named in it to practise law in Ontario, to provide legal services in Ontario or to do both; (“certificat d’autorisation”)

“Chief Executive Officer” means the Chief Executive Officer of the Society; (“chef de la direction”)

“Convocation” means a regular or special meeting of the benchers convened for the purpose of transacting business of the Society; (“Conseil”)

“document” includes a paper, book, record, account, sound recording, videotape, film, photograph, chart, graph, map, plan, survey and information recorded or stored by computer or by means of any other device; (“document”)

“elected bencher” means a person who is elected as a bencher under subsection 15 (1) or 16 (1) or becomes a bencher under subsection 15 (3) or 16 (3); (“conseiller élu”)

“firm” means, subject to subsection (1.1), any of the following entities or joint arrangements through which one or more licensees practise law, provide legal services to members of the public or both:

1. A sole proprietorship owned by one licensee.

2. A professional corporation.

3. An association of licensees, where the licensees hold themselves out as practising law, providing legal services or both, through an entity or joint arrangement.

4. An ordinary partnership.

5. A limited liability partnership.

6. Any other entity or joint arrangement specified by the by-laws; (“cabinet”)

“Hearing Division” means the Law Society Tribunal Hearing Division continued under Part II; (“Section de première instance”)

“lay bencher” means a person appointed as a bencher by the Lieutenant Governor in Council under section 23; (“conseiller non juriste”)

“licence” means a licence issued under this Act; (“permis”)

“licensed” means licensed under this Act; (“pourvu d’un permis”)

“licensee” means,

(a) a person licensed to practise law in Ontario as a barrister and solicitor, or

(b) a person licensed to provide legal services in Ontario; (“titulaire de permis”)

“life bencher” means a person who is a bencher under paragraph 3 of subsection 12 (1); (“conseiller à vie”)

“person who is authorized to practise law in Ontario” means,

(a) a person who is licensed to practise law in Ontario as a barrister and solicitor and whose licence is not suspended, or

(b) a person who is not a licensee but is permitted by the by-laws to practise law as a barrister and solicitor in Ontario; (“personne autorisée à pratiquer le droit en Ontario”)

“person who is authorized to provide legal services in Ontario” means,

(a) a person who is licensed to provide legal services in Ontario and whose licence is not suspended, or

(b) a person who is not a licensee but is permitted by the by-laws to provide legal services in Ontario; (“personne autorisée à fournir des services juridiques en Ontario”)

“physician” means a member of the College of Physicians and Surgeons of Ontario or a person who is authorized to practise medicine in another province or territory of Canada; (“médecin”)

“professional business” means,

(a) in the case of a person licensed to practise law in Ontario as a barrister and solicitor, the practice of law and the business operations relating to it,

(b) in the case of a person licensed to provide legal services in Ontario, the provision of legal services and the business operations relating to it; (“activités professionnelles”)

“professional corporation” means a corporation incorporated or continued under the Business Corporations Act that holds a valid certificate of authorization; (“société professionnelle”)

“psychologist” means a member of the College of Psychologists of Ontario or a person who is authorized to practise psychology in another province or territory of Canada; (“psychologue”)

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

“rules of practice and procedure” means the rules of practice and procedure made under this Act; (“règles de pratique et de procédure”)

“Society” means the Law Society of Ontario; (“Barreau”)

“Treasurer” means the Treasurer of the Society; (“trésorier”)

“Tribunal” means the Law Society Tribunal established under Part II. (“Tribunal”) R.S.O. 1990, c. L.8, s. 1; 1991, c. 41, s. 1; 1998, c. 21, s. 1 (1-5); 2000, c. 42, Sched., s. 20; 2006, c. 21, Sched. C, s. 2 (1-9); 2013, c. 17, s. 1; 2018, c. 8, Sched. 15, s. 1; 2020, c. 11, Sched. 13, s. 1 (1).

Not a firm

(1.1)  “Firm”, as defined in subsection (1), does not include,

(a) any governmental or public sector entity, including, for greater certainty,

(i) a governmental organization or municipal sector entity, as those terms are defined in the Ombudsman Act,

(ii) a broader public sector organization as defined in the Broader Public Sector Accountability Act, 2010, or

(iii) Legal Aid Ontario; or

(b) an entity or joint arrangement specified by the by-laws. 2020, c. 11, Sched. 13, s. 1 (2).

Documents in possession or control

(2)  For the purposes of this Act, a document is in the possession or control of a person if the person is entitled to obtain the original document or a copy of it. 1998, c. 21, s. 1 (6).

Hearings

(3)  A hearing is not required before making any decision under this Act, the regulations, the by-laws or the rules of practice and procedure unless the Act, regulations, by-laws or rules of practice and procedure specifically require a hearing. 1998, c. 21, s. 1 (6).

Licensee

(4)  For greater certainty, a person whose licence is suspended or is in abeyance is a licensee, but a person whose licence has been revoked, whose application to surrender his or her licence has been accepted under section 30 or whose licence is deemed to have been surrendered under section 31 is not a licensee. 2006, c. 21, Sched. C, s. 2 (10).

Provision of legal services

(5)  For the purposes of this Act, a person provides legal services if the person engages in conduct that involves the application of legal principles and legal judgment with regard to the circumstances or objectives of a person. 2006, c. 21, Sched. C, s. 2 (10).

Same

(6)  Without limiting the generality of subsection (5), a person provides legal services if the person does any of the following:

1. Gives a person advice with respect to the legal interests, rights or responsibilities of the person or of another person.

2. Selects, drafts, completes or revises, on behalf of a person,

i. a document that affects a person’s interests in or rights to or in real or personal property,

ii. a testamentary document, trust document, power of attorney or other document that relates to the estate of a person or the guardianship of a person,

iii. a document that relates to the structure of a sole proprietorship, corporation, partnership or other entity, such as a document that relates to the formation, organization, reorganization, registration, dissolution or winding-up of the entity,

iv. a document that relates to a matter under the Bankruptcy and Insolvency Act (Canada),

v. a document that relates to the custody of or access to children,

vi. a document that affects the legal interests, rights or responsibilities of a person, other than the legal interests, rights or responsibilities referred to in subparagraphs i to v, or

vii. a document for use in a proceeding before an adjudicative body.

3. Represents a person in a proceeding before an adjudicative body.

4. Negotiates the legal interests, rights or responsibilities of a person. 2006, c. 21, Sched. C, s. 2 (10).

Representation in a proceeding

(7)  Without limiting the generality of paragraph 3 of subsection (6), doing any of the following shall be considered to be representing a person in a proceeding:

1. Determining what documents to serve or file in relation to the proceeding, determining on or with whom to serve or file a document, or determining when, where or how to serve or file a document.

2. Conducting an examination for discovery.

3. Engaging in any other conduct necessary to the conduct of the proceeding. 2006, c. 21, Sched. C, s. 2 (10).

Not practising law or providing legal services

(8)  For the purposes of this Act, the following persons shall be deemed not to be practising law or providing legal services:

1. A person who is acting in the normal course of carrying on a profession or occupation governed by another Act of the Legislature, or an Act of Parliament, that regulates specifically the activities of persons engaged in that profession or occupation.

2. An employee or officer of a corporation who selects, drafts, completes or revises a document for the use of the corporation or to which the corporation is a party.

3. An individual who is acting on his or her own behalf, whether in relation to a document, a proceeding or otherwise.

4. An employee or a volunteer representative of a trade union who is acting on behalf of the union or a member of the union in connection with a grievance, a labour negotiation, an arbitration proceeding or a proceeding before an administrative tribunal.

5. A person or a member of a class of persons prescribed by the by-laws, in the circumstances prescribed by the by-laws. 2006, c. 21, Sched. C, s. 2 (10).

Terms, conditions, etc.

(9)  For the purposes of this Act, a term, condition, limitation or restriction shall be considered to be imposed on a licensee, regardless of whether it is imposed on the licensee or on the licensee’s licence and regardless of whether it is imposed by the by-laws on all licences of the class held by the licensee or is imposed on the particular licensee or on his or her licence by an order made under this Act. 2006, c. 21, Sched. C, s. 2 (10).

Internal references

(10)  A reference in this Act to something done or omitted to be done under this Act, a Part of this Act or a provision of this Act shall be interpreted as referring to the Act, the Part or the provision, as it read on the day the thing was done or omitted to be done. 2006, c. 21, Sched. C, s. 2 (10).

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

1991, c. 41, s. 1 - 25/11/1991; 1998, c. 21, s. 1 (1-6) - 01/02/1999

[2000, c. 42, Sched. , s. 20](http://www.ontario.ca/laws/statute/S00042" \l "scheds20) - 01/11/2001

[2006, c. 21, Sched. C, s. 1, 2 (1-10)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs1) - 01/05/2007

[2013, c. 17, s. 1 (1, 2, 4-6)](http://www.ontario.ca/laws/statute/S13017" \l "s1s1) - 12/03/2014; [2013, c. 17, s. 1 (3)](http://www.ontario.ca/laws/statute/S13017" \l "s1s3) - 12/12/2013

[2018, c. 8, Sched. 15, s. 1 (1-3)](http://www.ontario.ca/laws/statute/S18008" \l "sched15s1s1) - 08/05/2018

[2020, c. 11, Sched. 13, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched13s1s1) - 08/07/2020

Transition

Definitions

**1.1** (1)  In this section,

“amendment day” means the day subsection 2 (6) of Schedule C to the Access to Justice Act, 2006 comes into force; (“jour de la modification”)

“member” means a member as defined in section 1, as it reads immediately before the amendment day, and “membership” has a corresponding meaning. (“membre”, “qualité de membre”) 2006, c. 21, Sched. C, s. 3.

Members deemed licensees

(2)  Every person who is a member immediately before the amendment day shall be deemed to become, on the amendment day, a person licensed to practise law in Ontario as a barrister and solicitor and to hold the class of licence determined under the by-laws. 2006, c. 21, Sched. C, s. 3.

Abeyance

(3)  If a person’s membership in the Society is in abeyance under section 31 immediately before the amendment day, the person’s licence shall be deemed to be in abeyance under section 31 on the amendment day. 2006, c. 21, Sched. C, s. 3.

(4)-(7)  Repealed: 2013, c. 17, s. 2.

Order imposing term, condition, etc.

(8)  If an order imposing a term, condition, limitation or restriction on a person’s rights and privileges as a member is in effect immediately before the amendment day, the order shall be deemed to become, on the amendment day, an order imposing the same term, condition, limitation or restriction on the person’s licence. 2006, c. 21, Sched. C, s. 3.

Order suspending rights and privileges deemed order suspending licence

(9)  If an order suspending a person’s rights and privileges as a member is in effect immediately before the amendment day, the order shall be deemed to become, on the amendment day, an order suspending the person’s licence. 2006, c. 21, Sched. C, s. 3.

Prohibition order

(10)  If an order under section 50.2 prohibiting a person from contravening section 50 is in effect immediately before the amendment day, the order shall be deemed to become, on the amendment day, an order under clause 26.3 (1) (a) prohibiting the person from contravening subsection 26.1 (1) or (2), as the case may be. 2006, c. 21, Sched. C, s. 3.

(11)  Repealed: 2013, c. 17, s. 2.

Licence deemed permit

(12)  Any of the following licences that is in effect immediately before the amendment day shall be deemed to become, on the amendment day, a permit authorizing the holder to do the same things that were authorized by the licence:

1. A licence authorizing a limited liability partnership to practise law.

2. A licence authorizing a person to give legal advice respecting the law of a jurisdiction outside Canada.

3. A licence authorizing a partnership, corporation or other organization to engage in a practice of law whereby it maintains one or more offices outside Ontario and one or more offices in Ontario.

4. A licence authorizing a person, partnership, corporation or other organization to practise another profession in addition to practising law. 2006, c. 21, Sched. C, s. 3.

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

[2006, c. 21, Sched. C, s. 3](http://www.ontario.ca/laws/statute/S06021" \l "schedcs3) - 01/05/2007

[2010, c. 1, Sched. 12, s. 1](http://www.ontario.ca/laws/statute/S10001" \l "sched12s1) - 18/05/2010

[2013, c. 17, s. 2](http://www.ontario.ca/laws/statute/S13017" \l "s2) - 12/12/2013

PART I

The Society

Law Society continued

**2** (1)  The Law Society of Upper Canada is continued under the name Law Society of Ontario in English and Barreau de l’Ontario in French. 2018, c. 8, Sched. 15, s. 2.

Status

(2)  The Society is a corporation without share capital and its members at a point in time are,

(a) the person who is the Treasurer at that time;

(b) the persons who are benchers at that time;

(c) the persons who are at that time licensed to practise law in Ontario as barristers and solicitors; and

(d) the persons who are at that time licensed to provide legal services in Ontario, who shall be referred to as paralegal members. 2006, c. 21, Sched. C, s. 5.

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

[2006, c. 21, Sched. C, s. 5](http://www.ontario.ca/laws/statute/S06021" \l "schedcs5) - 01/05/2007

[2018, c. 8, Sched. 15, s. 2](http://www.ontario.ca/laws/statute/S18008" \l "sched15s2) - 08/05/2018

Annual meeting

**3** A meeting of the members of the Society shall be held annually at such place and at such time as is determined from time to time in Convocation, notice of which shall be given by publication as provided by the by-laws. R.S.O. 1990, c. L.8, s. 3; 1998, c. 21, s. 2; 2006, c. 21, Sched. C, s. 6.

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

1998, c. 21, s. 2 - 01/02/1999

[2006, c. 21, Sched. C, s. 6](http://www.ontario.ca/laws/statute/S06021" \l "schedcs6) - 01/05/2007

Seat

**4** The permanent seat of the Society shall continue to be at Osgoode Hall in the City of Toronto. R.S.O. 1990, c. L.8, s. 4.

Function of the Society

**4.1** It is a function of the Society to ensure that,

(a) all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide; and

(b) the standards of learning, professional competence and professional conduct for the provision of a particular legal service in a particular area of law apply equally to persons who practise law in Ontario and persons who provide legal services in Ontario. 2006, c. 21, Sched. C, s. 7.

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

[2006, c. 21, Sched. C, s. 7](http://www.ontario.ca/laws/statute/S06021" \l "schedcs7) - 01/05/2007

Principles to be applied by the Society

**4.2** In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:

1. The Society has a duty to maintain and advance the cause of justice and the rule of law.

2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.

3. The Society has a duty to protect the public interest.

4. The Society has a duty to act in a timely, open and efficient manner.

5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized. 2006, c. 21, Sched. C, s. 7.

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

[2006, c. 21, Sched. C, s. 7](http://www.ontario.ca/laws/statute/S06021" \l "schedcs7) - 01/05/2007

Powers of society

Acquisition and disposition of property

**5** (1)  The Society may purchase, acquire, take by gift, bequest, devise, donation or otherwise any real or personal property for its purposes, and it may hold, sell, mortgage, lease or dispose of any of its real or personal property. R.S.O. 1990, c. L.8, s. 5 (1).

Trustee powers

(2)  The Society has and may exercise all powers of trustees under the laws of Ontario. R.S.O. 1990, c. L.8, s. 5 (2).

Borrowing power

(3)  The Society may borrow money for its purposes. R.S.O. 1990, c. L.8, s. 5 (3).

Capacity to hold an interest in an insurance corporation

(4)  The Society may own shares of or hold a membership interest in an insurance corporation incorporated for the purpose of providing professional liability insurance to licensees and to persons qualified to practise law outside Ontario in Canada. R.S.O. 1990, c. L.8, s. 5 (4); 2006, c. 21, Sched. C, s. 8.

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

[2006, c. 21, Sched. C, s. 8](http://www.ontario.ca/laws/statute/S06021" \l "schedcs8) - 01/05/2007

Application of Not-for-Profit Corporations Act, 2010

**6.**The Not-for-Profit Corporations Act, 2010 does not apply to the Society, except as may be prescribed by regulation. 2010, c. 15, s. 230 (1).

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

[2006, c. 21, Sched. C, s. 9](http://www.ontario.ca/laws/statute/S06021" \l "schedcs9) - 01/05/2007

[2010, c. 15, s. 230 (1)](http://www.ontario.ca/laws/statute/S10015" \l "s230s1) - 19/10/2021

[2017, c. 20, Sched. 7, s. 79](http://www.ontario.ca/laws/statute/S17020" \l "sched7s79) - 13/01/2018

Treasurer

**7** The Treasurer is the president and head of the Society. 1998, c. 21, s. 3.

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

1998, c. 21, s. 3 - 01/02/1999

Chief Executive Officer

**8** (1)  The Chief Executive Officer shall, under the direction of Convocation, manage the affairs and functions of the Society. 1998, c. 21, s. 3.

(2)  Repealed: 2006, c. 21, Sched. C, s. 10.

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

1998, c. 21, s. 3 - 01/02/1999

[2006, c. 21, Sched. C, s. 10](http://www.ontario.ca/laws/statute/S06021" \l "schedcs10) - 01/05/2007

Liability of benchers, officers and employees

**9** No action or other proceedings for damages shall be instituted against the Treasurer or any bencher, official of the Society or person appointed in Convocation for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, a regulation, a by-law or a rule of practice and procedure, or for any neglect or default in the performance or exercise in good faith of any such duty or power. R.S.O. 1990, c. L.8, s. 9; 1998, c. 21, s. 4.

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

1998, c. 21, s. 4 - 01/02/1999

Benchers

Government of the Society

**10** The benchers shall govern the affairs of the Society. 2006, c. 21, Sched. C, s. 11.

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

[2006, c. 21, Sched. C, s. 11](http://www.ontario.ca/laws/statute/S06021" \l "schedcs11) - 01/05/2007

Honorary benchers

**11** Every person,

(a) who is an honorary bencher on the 1st day of October, 1970; or

(b) who after that day is made an honorary bencher,

is an honorary bencher but as such has only the rights and privileges prescribed by the by-laws. R.S.O. 1990, c. L.8, s. 11; 1998, c. 21, s. 5.

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

1998, c. 21, s. 5 - 01/02/1999

Benchers by virtue of their office

**12** (1)  The following, if and while they are licensees, are benchers by virtue of their office:

1. The Minister of Justice and Attorney General for Canada.

2. The Solicitor General for Canada.

3. Every person who, by June 1, 2015, held the office of elected bencher for at least 16 years. 1998, c. 21, s. 6; 2006, c. 21, Sched. C, s. 12 (1); 2010, c. 1, Sched. 12, s. 2 (1).

Same: attorneys general

(2)  The following are benchers by virtue of their office:

1. The Attorney General for Ontario.

2. Every person who held the office of Attorney General for Ontario at any time before January 1, 2010. 1998, c. 21, s. 6; 2006, c. 21, Sched. C, s. 12 (2); 2010, c. 1, Sched. 12, s. 2 (2).

Same

(3)  Subsections (1) and (2) do not apply to a person whose licence is in abeyance under section 31. 2006, c. 21, Sched. C, s. 12 (3).

Rights and privileges

(4)  Benchers by virtue of their office under subsection (1) or (2) have the rights and privileges prescribed by the by-laws but, except as provided in subsection (5), may not vote in Convocation or in committees. 1998, c. 21, s. 6.

Voting

(5)  The following voting rights apply:

1. The Attorney General for Ontario may vote in Convocation and in committees.

2. Benchers by virtue of their office under paragraph 3 of subsection (1) or paragraph 2 of subsection (2) may vote in committees. 1998, c. 21, s. 6.

If elected bencher is eligible to become bencher by virtue of office

(6)  An elected bencher who becomes qualified as a bencher under subsection (1) or (2) continues in office as an elected bencher despite the qualification. 2010, c. 1, Sched. 12, s. 2 (3).

(7), (8)  Repealed: 2010, c. 1, Sched. 12, s. 2 (3).

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

1998, c. 21, s. 6 - 01/02/1999

[2006, c. 21, Sched. C, s. 12 (1-3)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs12s1) - 01/05/2007

[2010, c. 1, Sched. 12, s. 2 (1-3)](http://www.ontario.ca/laws/statute/S10001" \l "sched12s2s1) - 18/05/2010

Attorney General, guardian of the public interest

**13** (1)  The Attorney General for Ontario shall serve as the guardian of the public interest in all matters within the scope of this Act or having to do in any way with the practice of law in Ontario or the provision of legal services in Ontario, and for this purpose he or she may at any time require the production of any document or thing pertaining to the affairs of the Society. R.S.O. 1990, c. L.8, s. 13 (1); 1998, c. 21, s. 7 (1); 2006, c. 21, Sched. C, s. 13.

Admissions

(2)  No admission of any person in any document or thing produced under subsection (1) is admissible in evidence against that person in any proceedings other than proceedings under this Act. R.S.O. 1990, c. L.8, s. 13 (2); 1998, c. 21, s. 7 (2).

Protection of Minister

(3)  No person who is or has been the Attorney General for Ontario is subject to any proceedings of the Society or to any penalty imposed under this Act for anything done by him or her while exercising the functions of such office. R.S.O. 1990, c. L.8, s. 13 (3); 1998, c. 21, s. 7 (3).

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

1998, c. 21, s. 7 (1-3) - 01/02/1999

[2006, c. 21, Sched. C, s. 13](http://www.ontario.ca/laws/statute/S06021" \l "schedcs13) - 01/05/2007

Former Treasurers

**14** (1)  Every licensee who held the office of Treasurer at any time before January 1, 2010 is a bencher by virtue of his or her office. 2010, c. 1, Sched. 12, s. 3.

Rights and privileges

(2)  Benchers by virtue of their office under subsection (1) have the rights and privileges prescribed by the by-laws. 2020, c. 11, Sched. 13, s. 2.

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

1998, c. 21, s. 8 - 01/02/1999

[2006, c. 21, Sched. C, s. 14](http://www.ontario.ca/laws/statute/S06021" \l "schedcs14) - 01/05/2007

[2010, c. 1, Sched. 12, s. 3](http://www.ontario.ca/laws/statute/S10001" \l "sched12s3) - 18/05/2010

[2020, c. 11, Sched. 13, s. 2](http://www.ontario.ca/laws/statute/S20011" \l "sched13s2) - 08/07/2020

Benchers licensed to practise law

**15** (1)  Forty persons who are licensed to practise law in Ontario as barristers and solicitors shall be elected as benchers in accordance with the by-laws. 2006, c. 21, Sched. C, s. 15.

Regions

(2)  The benchers elected under subsection (1) shall be elected for regions prescribed by the by-laws. 2006, c. 21, Sched. C, s. 15.

Vacancies

(3)  Any vacancies in the offices of benchers who are licensed to practise law in Ontario as barristers and solicitors may be filled in accordance with the by-laws. 2006, c. 21, Sched. C, s. 15.

Ceasing to be bencher

(4)  A person who is elected as a bencher under subsection (1) or who holds the office of elected bencher under subsection (3) ceases to be a bencher if the person ceases to be licensed to practise law in Ontario as a barrister and solicitor. 2006, c. 21, Sched. C, s. 15.

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

1998, c. 21, s. 9 - 01/02/1999

[2006, c. 21, Sched. C, s. 15](http://www.ontario.ca/laws/statute/S06021" \l "schedcs15) - 01/05/2007

Benchers licensed to provide legal services

**16** (1)  Five persons who are licensed to provide legal services in Ontario shall be elected as benchers in accordance with the by-laws. 2006, c. 21, Sched. C, s. 16; 2013, c. 17, s. 3 (1).

Regions

(2)  If the by-laws so require, the benchers elected under subsection (1) shall be elected for regions prescribed by the by-laws. 2006, c. 21, Sched. C, s. 16.

Vacancies

(3)  Any vacancies in the offices of benchers who are licensed to provide legal services in Ontario may be filled in accordance with the by-laws. 2006, c. 21, Sched. C, s. 16.

Ceasing to be bencher

(4)  A person who is elected as a bencher under subsection (1) or who holds the office of elected bencher under subsection (3) ceases to be a bencher if the person ceases to be licensed to provide legal services in Ontario. 2006, c. 21, Sched. C, s. 16.

(5)-(7)  Repealed: 2013, c. 17, s. 3 (4).

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

1998, c. 21, s. 10 - 01/02/1999

[2006, c. 21, Sched. C, s. 16](http://www.ontario.ca/laws/statute/S06021" \l "schedcs16) - 19/10/2006

[2013, c. 17, s. 3 (1, 3)](http://www.ontario.ca/laws/statute/S13017" \l "s3s1) - 07/04/2014; [2013, c. 17, s. 3 (2)](http://www.ontario.ca/laws/statute/S13017" \l "s3s2) - 12/12/2013; [2013, c. 17, s. 3 (4)](http://www.ontario.ca/laws/statute/S13017" \l "s3s4) - 01/07/2021

**17-21** Repealed: 1998, c. 21, s. 11.

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

1998, c. 21, s. 11 - 01/02/1999

Removal for non-attendance

**22** The benchers may remove from office any elected bencher who fails to attend six consecutive regular Convocations. R.S.O. 1990, c. L.8, s. 22.

Lay benchers

**23** (1)  The Lieutenant Governor in Council may appoint eight persons who are not licensees as benchers. 2006, c. 21, Sched. C, s. 17 (1).

Term of office

(2)  Every appointment under subsection (1) expires immediately before the first regular Convocation following the first election of benchers under subsection 15 (1) that takes place after the effective date of the appointment. 2006, c. 21, Sched. C, s. 17 (2).

Reappointment

(3)  A person appointed under this section is eligible for reappointment. 1998, c. 21, s. 12.

Deemed reappointment

(4)  A person whose appointment expires under subsection (2) shall be deemed to have been reappointed until his or her successor takes office. 1998, c. 21, s. 12.

Termination of appointment

(5)  A person’s appointment under this section is terminated if the person becomes a licensee. 2006, c. 21, Sched. C, s. 17 (3).

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

1998, c. 21, s. 12 - 01/02/1999

[2006, c. 21, Sched. C, s. 17 (1-3)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs17s1) - 01/05/2007

Quorum

**24** Ten benchers present and entitled to vote in Convocation constitute a quorum for the transaction of business. R.S.O. 1990, c. L.8, s. 24.

Election of Treasurer

**25** (1)  The benchers shall annually, at such time as the benchers may fix, elect an elected bencher as Treasurer. 1998, c. 21, s. 13.

Bencher by virtue of office

(2)  The Treasurer is a bencher by virtue of that office and ceases to hold office as an elected bencher. 1998, c. 21, s. 13.

Re-election as Treasurer

(3)  The Treasurer is eligible for re-election as Treasurer, despite having ceased to hold office as an elected bencher, but,

(a) after a new election of benchers takes place under subsection 15 (1), a Treasurer who is a person licensed to practise law in Ontario may be re-elected as Treasurer only if he or she was elected as a bencher in that election; and

(b) after a new election of benchers takes place under subsection 16 (1), a Treasurer who is a person licensed to provide legal services in Ontario may be re-elected as Treasurer only if he or she was elected as a bencher in that election. 2006, c. 21, Sched. C, s. 18.

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

1998, c. 21, s. 13 - 01/02/1999

[2006, c. 21, Sched. C, s. 18](http://www.ontario.ca/laws/statute/S06021" \l "schedcs18) - 01/05/2007

Paralegal Standing Committee

Paralegal Standing Committee

Establishment

**25.1** (1)  Convocation shall establish a standing committee to be known as the Paralegal Standing Committee in English and Comité permanent des parajuristes in French. 2006, c. 21, Sched. C, s. 19.

Jurisdiction

(2)  The Committee shall be responsible for such matters as the by-laws specify relating to the regulation of persons who provide legal services in Ontario. 2006, c. 21, Sched. C, s. 19.

Composition

(3)  The Committee shall consist of 13 persons, of whom,

(a) five shall be the five elected benchers licensed to provide legal services in Ontario;

(b) five shall be elected benchers who are licensed to practise law in Ontario as barristers and solicitors; and

(c) three shall be lay benchers. 2006, c. 21, Sched. C, s. 19; 2013, c. 17, s. 4 (1).

(4), (5)  Repealed: 2013, c. 17, s. 4 (2).

Other Committee members

(6)  The five persons referred to in clause (3) (b) and the three persons referred to in clause (3) (c) shall be appointed as members of the Committee by Convocation on the recommendation of the Treasurer. 2006, c. 21, Sched. C, s. 19.

Chair

(7)  The chair of the Committee shall be one of the five persons referred to in clause (3) (a) and shall be appointed by the Committee in accordance with the by-laws. 2006, c. 21, Sched. C, s. 19.

Ceasing to be a member of Committee

(8)  A person referred to in clause (3) (a) ceases to be a member of the Committee if the person ceases to be an elected bencher licensed to provide legal services in Ontario. 2013, c. 17, s. 4 (3).

Same

(9)  A person referred to in clause (3) (b) who is appointed as a member of the Committee under subsection (6) ceases to be a member of the Committee if the person ceases to be an elected bencher licensed to practise law in Ontario as a barrister and solicitor. 2006, c. 21, Sched. C, s. 19.

Same

(10)  A person referred to in clause (3) (c) who is appointed as a member of the Committee under subsection (6) ceases to be a member of the Committee if the person ceases to be a lay bencher. 2006, c. 21, Sched. C, s. 19.

(11), (12)  Repealed: 2013, c. 17, s. 4 (5).

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

[2006, c. 21, Sched. C, s. 19](http://www.ontario.ca/laws/statute/S06021" \l "schedcs19) - 19/10/2006

[2013, c. 17, s. 4 (1-4)](http://www.ontario.ca/laws/statute/S13017" \l "s4s1) - 07/04/2014; [2013, c. 17, s. 4 (5)](http://www.ontario.ca/laws/statute/S13017" \l "s4s5) - 01/07/2021

**25.2**  Repealed: 2013, c. 17, s. 5.

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

[2006, c. 21, Sched. C, s. 19](http://www.ontario.ca/laws/statute/S06021" \l "schedcs19) - 19/10/2006

[2013, c. 17, s. 5](http://www.ontario.ca/laws/statute/S13017" \l "s5) - 12/12/2013

Advisory Council

Meeting

**26** (1)  The Treasurer shall convene a meeting of the following persons in each year for the purpose set out in subsection (2):

1. The chair and the vice-chair of each standing committee.

2. The president of each county or district law association, or his or her nominee, being a member of his or her association.

3. One person licensed to practise law in Ontario as a barrister and solicitor who is a full-time teacher at each law school in Ontario approved by the Society, to be appointed annually by the faculty of the law school. 2006, c. 21, Sched. C, s. 20.

Purpose

(2)  The purpose of the meeting is to consider the manner in which the persons licensed to practise law in Ontario as barristers and solicitors are discharging their obligations to the public and generally matters affecting the practice of law as a whole. 2006, c. 21, Sched. C, s. 20.

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

[2006, c. 21, Sched. C, s. 20](http://www.ontario.ca/laws/statute/S06021" \l "schedcs20) - 01/05/2007

PART I.1

Prohibitions and Offences

Prohibitions

Non-licensee practising law or providing legal services

**26.1** (1)  Subject to subsection (5), no person, other than a licensee whose licence is not suspended, shall practise law in Ontario or provide legal services in Ontario. 2006, c. 21, Sched. C, s. 22.

Non-licensee holding out, etc.

(2)  Subject to subsections (6) and (7), no person, other than a licensee whose licence is not suspended, shall hold themself out as, or represent themself to be, a person who may practise law in Ontario or a person who may provide legal services in Ontario. 2006, c. 21, Sched. C, s. 22.

Licensee practising law or providing legal services

(3)  No licensee shall practise law in Ontario or provide legal services in Ontario except to the extent permitted by the licensee’s licence. 2006, c. 21, Sched. C, s. 22.

Licensee holding out, etc.

(4)  No licensee shall hold themself out as, or represent themself to be, a person who may practise law in Ontario or a person who may provide legal services in Ontario, without specifying, in the course of the holding out or representation, the restrictions, if any,

(a) on the areas of law that the licensee is authorized to practise or in which the licensee is authorized to provide legal services; and

(b) on the legal services that the licensee is authorized to provide. 2006, c. 21, Sched. C, s. 22.

Exception, non-licensee practising law or providing legal services

(5)  A person who is not a licensee may practise law or provide legal services in Ontario if and to the extent permitted by the by-laws. 2006, c. 21, Sched. C, s. 22.

Exception, non-licensee holding out, etc.

(6)  A person who is not a licensee may hold themself out as, or represent themself to be, a person who may practise law in Ontario, if,

(a) the by-laws permit the person to practise law in Ontario; and

(b) the person specifies, in the course of the holding out or representation, the restrictions, if any, on the areas of law that the person is authorized to practise. 2006, c. 21, Sched. C, s. 22.

Same

(7)  A person who is not a licensee may hold themself out as, or represent themself to be, a person who may provide legal services in Ontario, if,

(a) the by-laws permit the person to provide legal services in Ontario; and

(b) the person specifies, in the course of the holding out or representation, the restrictions, if any,

(i) on the areas of law in which the person is authorized to provide legal services, and

(ii) on the legal services that the person is authorized to provide. 2006, c. 21, Sched. C, s. 22.

Agent

(8)  This section applies to a person, even if the person is acting as agent under the authority of an Act of the Legislature or an Act of Parliament. 2006, c. 21, Sched. C, s. 22.

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

[2006, c. 21, Sched. C, s. 22](http://www.ontario.ca/laws/statute/S06021" \l "schedcs22) - 01/05/2007

Offences

Contravening s. 26.1

**26.2** (1)  Every person who contravenes section 26.1 is guilty of an offence and on conviction is liable to a fine of,

(a) not more than $25,000 for a first offence; and

(b) not more than $50,000 for each subsequent offence. 2006, c. 21, Sched. C, s. 22.

Giving foreign legal advice

(2)  Every person who gives legal advice respecting the law of a jurisdiction outside Canada in contravention of the by-laws is guilty of an offence and on conviction is liable to a fine of,

(a) not more than $25,000 for a first offence; and

(b) not more than $50,000 for each subsequent offence. 2006, c. 21, Sched. C, s. 22.

Condition of probation order: compensation or restitution

(3)  The court that convicts a person of an offence under this section may prescribe as a condition of a probation order that the person pay compensation or make restitution to any person who suffered a loss as a result of the offence. 2006, c. 21, Sched. C, s. 22.

Condition of probation order: not to contravene s. 26.1

(4)  The court that convicts a person of an offence under subsection (1) may prescribe as a condition of a probation order that the person shall not contravene section 26.1. 2006, c. 21, Sched. C, s. 22.

Condition of probation order: not to give foreign legal advice

(5)  The court that convicts a person of an offence under subsection (2) may prescribe as a condition of a probation order that the person shall not give legal advice respecting the law of a jurisdiction outside Canada in contravention of the by-laws. 2006, c. 21, Sched. C, s. 22.

Order for costs

(6)  Despite any other Act, the court that convicts a person of an offence under this section may order the person to pay the prosecutor costs toward fees and expenses reasonably incurred by the prosecutor in the prosecution. 2006, c. 21, Sched. C, s. 22.

Deemed order

(7)  A certified copy of an order for costs made under subsection (6) may be filed in the Superior Court of Justice by the prosecutor and, on filing, shall be deemed to be an order of that court for the purposes of enforcement. 2006, c. 21, Sched. C, s. 22.

Limitation

(8)  A prosecution for an offence under this section shall not be commenced more than two years after the date on which the offence was alleged to have been committed. 2006, c. 21, Sched. C, s. 22.

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

[2006, c. 21, Sched. C, s. 22](http://www.ontario.ca/laws/statute/S06021" \l "schedcs22) - 01/05/2007

Order prohibiting contravention, etc.

**26.3** (1)  On the application of the Society, the Superior Court of Justice may,

(a) make an order prohibiting a person from contravening section 26.1, if the court is satisfied that the person is contravening or has contravened section 26.1;

(b) make an order prohibiting a person from giving legal advice respecting the law of a jurisdiction outside Canada in contravention of the by-laws, if the court is satisfied that the person is giving or has given legal advice respecting the law of a jurisdiction outside Canada in contravention of the by-laws. 2006, c. 21, Sched. C, s. 22.

No prosecution or conviction required

(2)  An order may be made,

(a) under clause (1) (a), whether or not the person has been prosecuted for or convicted of the offence of contravening section 26.1;

(b) under clause (1) (b), whether or not the person has been prosecuted for or convicted of the offence of giving legal advice respecting the law of a jurisdiction outside Canada in contravention of the by-laws. 2006, c. 21, Sched. C, s. 22.

Order to vary or discharge

(3)  Any person may apply to the Superior Court of Justice for an order varying or discharging an order made under subsection (1). 2006, c. 21, Sched. C, s. 22.

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

[2006, c. 21, Sched. C, s. 22](http://www.ontario.ca/laws/statute/S06021" \l "schedcs22) - 01/05/2007

Licensing

Licensing

Classes of licence

**27** (1)  The classes of licence that may be issued under this Act, the scope of activities authorized under each class of licence and any terms, conditions, limitations or restrictions imposed on each class of licence shall be as set out in the by-laws. 2006, c. 21, Sched. C, s. 23 (1).

Good character requirement

(2)  It is a requirement for the issuance of every licence under this Act that the applicant be of good character. 2006, c. 21, Sched. C, s. 23 (1).

Duty to issue licence

(3)  If a person who applies to the Society for a class of licence in accordance with the by-laws meets the qualifications and other requirements set out in this Act and the by-laws for the issuance of that class of licence, the Society shall issue a licence of that class to the applicant. 2006, c. 21, Sched. C, s. 23 (1).

Refusal

(4)  An application for a licence may be refused only after a hearing by the Hearing Division, on referral of the matter by the Society to the Tribunal. 2013, c. 17, s. 6.

Parties

(5)  The parties to a hearing under subsection (4) are the applicant, the Society and any other person added as a party by the Hearing Division. 1998, c. 21, s. 14; 2013, c. 17, s. 26.

Subsequent applications

(6)  If an application for a licence is refused, another application may be made at any time based on fresh evidence or a material change in circumstances. 1998, c. 21, s. 14; 2006, c. 21, Sched. C, s. 23 (3).

(7)  Repealed: 2006, c. 21, Sched. C, s. 23 (4).

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

1998, c. 21, s. 14 - 01/02/1999

[2006, c. 21, Sched. C, s. 23 (1-4)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs23s1) - 01/05/2007

[2013, c. 17, s. 6, 26](http://www.ontario.ca/laws/statute/S13017" \l "s6) - 12/03/2014

Register

**27.1** (1)  The Society shall establish and maintain a register of persons who have been issued licences. 2006, c. 21, Sched. C, s. 24.

Contents of register

(2)  Subject to any by-law respecting the removal of information from the register, the register shall contain the following information:

1. The name of each licensee.

2. The class of licence issued to each licensee.

3. For each licensee, all terms, conditions, limitations and restrictions that are imposed on the licensee under this Act, other than terms, conditions, limitations and restrictions that are imposed by the by-laws on all licences of that class.

4. An indication of every suspension, revocation, abeyance or surrender of a licence.

5. Any other information required by the by-laws. 2006, c. 21, Sched. C, s. 24.

Availability to public

(3)  The Society shall make the register available for public inspection in accordance with the by-laws. 2006, c. 21, Sched. C, s. 24.

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

1998, c. 21, s. 15 - 01/02/1999

[2000, c. 42, Sched. , s. 21](http://www.ontario.ca/laws/statute/S00042" \l "scheds21) - 01/11/2001

[2001, c. 8, s. 46](http://www.ontario.ca/laws/statute/S01008" \l "s46) - 01/11/2001

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2006, c. 21, Sched. C, s. 24](http://www.ontario.ca/laws/statute/S06021" \l "schedcs24) - 01/05/2007

**28** Repealed: 2006, c. 21, Sched. C, s. 25.

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

1998, c. 21, s. 16 (1-5) - 01/02/1999

[2006, c. 21, Sched. C, s. 25](http://www.ontario.ca/laws/statute/S06021" \l "schedcs25) - 01/05/2007

**28.1** Repealed: 2006, c. 21, Sched. C, s. 25.

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

1991, c. 41, s. 3 - 25/11/1991; 1998, c. 21, s. 17 (1-3) - 01/02/1999

[2006, c. 21, Sched. C, s. 25](http://www.ontario.ca/laws/statute/S06021" \l "schedcs25) - 01/05/2007

Officers of the courts

**29** (1)  Every person who is licensed to practise law in Ontario as a barrister and solicitor is an officer of every court of record in Ontario. 2006, c. 21, Sched. C, s. 26.

Same

(2)  Every person licensed to provide legal services in Ontario is an officer of every court of record in Ontario in which such a person is authorized under this Act to represent a party to a proceeding. 2018, c. 8, Sched. 15, s. 3.

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

[2006, c. 21, Sched. C, s. 26](http://www.ontario.ca/laws/statute/S06021" \l "schedcs26) - 01/05/2007

[2018, c. 8, Sched. 15, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched15s3) - 08/05/2018

Surrender of licence

**30** (1)  A licensee may apply to the Society in accordance with the by-laws to surrender his or her licence. 2006, c. 21, Sched. C, s. 26.

Acceptance of surrender

(2)  A licence is surrendered when the application to surrender the licence is accepted by the Society in accordance with the by-laws. 2006, c. 21, Sched. C, s. 26.

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

1998, c. 21, s. 18 - 01/02/1999

[2006, c. 21, Sched. C, s. 26](http://www.ontario.ca/laws/statute/S06021" \l "schedcs26) - 01/05/2007

Appointment to judicial office

**31** (1)  The licence of a person is in abeyance while the person holds office,

(a) as a full-time judge of any federal, provincial or territorial court, as a full-time justice of the peace of the Ontario Court of Justice, as a full-time associate judge, or as a full-time prothonotary of the Federal Court of Canada.

(b) Repealed: 2021, c. 4, Sched. 6, s. 56 (1).

R.S.O. 1990, c. L.8, s. 31 (1); 1996, c. 25, s. 7; 1998, c. 21, s. 19 (1); 2002, c. 18, Sched. A, s. 12 (2); 2006, c. 21, Sched. C, s. 27 (1); 2020, c. 11, Sched. 5, s. 17; 2021, c. 4, Sched. 6, s. 56 (1); 2021, c. 4, Sched. 3, s. 24.

Restoration

(2)  Upon ceasing to hold an office described in subsection (1), a person whose licence is in abeyance may apply to the Society to have the licence restored and, subject to subsections (2.1) and (3), the Society shall restore it. 2006, c. 21, Sched. C, s. 27 (2); 2010, c. 1, Sched. 12, s. 4 (1); 2013, c. 17, s. 7 (1).

Refusal

(2.1)  An application to restore the licence of a person whose licence is in abeyance may be refused only after a hearing by the Hearing Division, on referral of the matter by the Society to the Tribunal. 2013, c. 17, s. 7 (2).

Same

(3)  The Hearing Division may refuse to restore the licence of a person whose licence is in abeyance if the Division finds that the person was removed or resigned from an office described in subsection (1) because of,

(a) conduct that was incompatible with the due execution of the office;

(b) failure to perform the duties of the office; or

(c) conduct that, if done by a licensee, would be professional misconduct or conduct unbecoming a licensee. 1998, c. 21, s. 19 (2); 2006, c. 21, Sched. C, s. 27 (3, 4); 2010, c. 1, Sched. 12, s. 4 (2); 2013, c. 17, s. 7 (3).

Parties

(4)  The parties to a hearing under subsection (2.1) are the person whose licence is in abeyance, the Society and any other person added as a party by the Hearing Division. 2013, c. 17, s. 7 (4).

Deemed surrender of licence

(5)  If the Hearing Division refuses to restore a person’s licence, the person’s licence shall be deemed to have been surrendered. 2006, c. 21, Sched. C, s. 27 (6); 2010, c. 1, Sched. 12, s. 4 (2); 2013, c. 17, s. 26.

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

1998, c. 21, s. 19 (1, 2) - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2006, c. 21, Sched. C, s. 27 (1-6)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs27s1) - 01/05/2007

[2010, c. 1, Sched. 12, s. 4 (1, 2)](http://www.ontario.ca/laws/statute/S10001" \l "sched12s4s1) - 18/05/2010

[2013, c. 17, s. 7 (1-4), 26](http://www.ontario.ca/laws/statute/S13017" \l "s7s1) - 12/03/2014

[2020, c. 11, Sched. 5, s. 17](http://www.ontario.ca/laws/statute/S20011" \l "sched5s17) - 08/01/2021

[2021, c. 4, Sched. 3, s. 24](http://www.ontario.ca/laws/statute/S21004" \l "sched3s24) - 01/09/2021; [2021, c. 4, Sched. 6, s. 56 (1)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s56s1) - 01/06/2021

**32** Repealed: 2006, c. 21, Sched. C, s. 28.

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

1998, c. 21, s. 20 - 01/02/1999

[2006, c. 21, Sched. C, s. 28](http://www.ontario.ca/laws/statute/S06021" \l "schedcs28) - 01/05/2007

PART II

Conduct

Prohibited conduct

**33** A licensee shall not engage in professional misconduct or conduct unbecoming a licensee. 2006, c. 21, Sched. C, s. 29.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 29](http://www.ontario.ca/laws/statute/S06021" \l "schedcs29) - 01/05/2007

Conduct application

**34** (1)  With the authorization of the Proceedings Authorization Committee, the Society may apply to the Tribunal for a determination by the Hearing Division of whether a licensee has contravened section 33. 2013, c. 17, s. 8.

Parties

(2)  The parties to the application are the Society, the licensee who is the subject of the application, and any other person added as a party by the Hearing Division. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 30 (2); 2013, c. 17, s. 26.

Restriction

(3)  If a complaint is referred to the Complaints Resolution Commissioner in accordance with the by-laws, no application relating to the subject matter of the complaint may be made under this section while the Commissioner is dealing with the complaint. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 30 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs30s1) - 01/05/2007

[2013, c. 17, s. 8, 26](http://www.ontario.ca/laws/statute/S13017" \l "s8) - 12/03/2014

Conduct orders

**35** (1)  Subject to the rules of practice and procedure, if an application is made under section 34 and the Hearing Division determines that the licensee has contravened section 33, the Division shall make one or more of the following orders:

1. An order revoking the licensee’s licence.

2. An order permitting the licensee to surrender his or her licence.

3. An order suspending the licensee’s licence,

i. for a definite period,

ii. until terms and conditions specified by the Hearing Division are met to the satisfaction of the Society, or

iii. for a definite period and, after that, until terms and conditions specified by the Hearing Division are met to the satisfaction of the Society.

4. An order imposing a fine on the licensee of not more than $100,000, payable to the Society.

5. An order that the licensee obtain or continue treatment or counselling, including testing and treatment for addiction to or excessive use of alcohol or drugs, or participate in other programs to improve his or her health.

6. An order that the licensee participate in specified programs of legal education or professional training or other programs to improve his or her professional competence.

7. An order restricting the areas of law that the licensee may practise or in which the licensee may provide legal services.

7.1 An order restricting the legal services that the licensee may provide.

8. An order that the licensee practise law or provide legal services only,

i. as an employee of a person approved by the Society,

ii. as an employee or partner, and under the supervision, of a licensee approved by the Society, or

iii. under the supervision of a licensee approved by the Society.

9. An order that the licensee co-operate in a review of the licensee’s professional business under section 42 and implement the recommendations made by the Society.

10. An order that the licensee maintain a specified type of trust account.

11. An order that the licensee accept specified co-signing controls on the operation of his or her trust accounts.

12. An order that the licensee not maintain any trust account in connection with his or her professional business without leave of the Society.

13. An order requiring the licensee to refund to a client all or a portion of the fees and disbursements paid to the licensee by the client.

14. An order requiring the licensee to pay to the Society, for the Compensation Fund, such amount as the Hearing Division may fix that does not exceed the total amount of grants made from the Fund as a result of dishonesty on the part of the licensee.

15. An order that the licensee give notice of any order made under this section to such of the following persons as the order may specify:

i. The licensee’s partners or employers.

i.1 The licensee’s firm.

ii. Other licensees working for the same firm or employer as the licensee.

iii. Clients affected by the conduct giving rise to the order.

16., 17. Repealed: 2006, c. 21, Sched. C, s. 31 (7).

18. An order that the licensee report on his or her compliance with any order made under this section and authorize others involved with his or her treatment or supervision to report thereon.

19. An order that the licensee be reprimanded.

20. Repealed: 2006, c. 21, Sched. C, s. 31 (10).

21. Any other order that the Hearing Division considers appropriate. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 31 (1-10); 2013, c. 17, s. 26; 2020, c. 11, Sched. 13, s. 3.

Same

(2)  The failure of subsection (1) to specifically mention an order that is provided for elsewhere in this Act does not prevent an order of that kind from being made under paragraph 21 of subsection (1). 1998, c. 21, s. 21.

Test results

(3)  If the Hearing Division makes an order under paragraph 18 of subsection (1), specific results of tests performed in the course of treatment or counselling of the licensee shall be reported pursuant to the order only to a physician or psychologist selected by the Society. 2006, c. 21, Sched. C, s. 31 (11); 2013, c. 17, s. 26.

Report to Society

(4)  If test results reported to a physician or psychologist under subsection (3) relate to an order made under paragraph 5 of subsection (1), the Society may require the physician or psychologist to promptly report to it his or her opinion on the licensee’s compliance with the order, but the report shall not disclose the specific test results. 2006, c. 21, Sched. C, s. 31 (11).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 31 (1-11)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs31s1) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

[2020, c. 11, Sched. 13, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched13s3s1) - 08/07/2020

Invitation to attend

**36** (1)  If an application has been made under section 34, the Hearing Division may invite the licensee in respect of whom the application was made to attend before the Division for the purpose of receiving advice from the Division concerning his or her conduct. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 32 (1); 2013, c. 17, s. 26.

Dismissal of application

(2)  The Hearing Division shall dismiss the application if the licensee attends before the Division in accordance with the invitation. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 32 (2); 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 32 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs32s1) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Capacity

Interpretation – “incapacitated”

**37** (1)  A licensee is incapacitated for the purposes of this Act if, by reason of physical or mental illness, other infirmity or addiction to or excessive use of alcohol or drugs, he or she is incapable of meeting any of his or her obligations as a licensee. 2006, c. 21, Sched. C, s. 33 (1).

(2)  Repealed: 2006, c. 21, Sched. C, s. 33 (1).

Determinations under other Acts

(3)  Subject to subsection (4), the Hearing Division may determine that a licensee is incapacitated for the purposes of this Act if the licensee has been found under any other Act to be incapacitated within the meaning of that Act. 2006, c. 21, Sched. C, s. 33 (2); 2013, c. 17, s. 26.

Conditions controlled by treatment or device

(4)  The Hearing Division shall not determine that a licensee is incapacitated for the purposes of this Act if, through compliance with a continuing course of treatment or the continuing use of an assistive device, the licensee is capable of meeting his or her obligations as a licensee. 2006, c. 21, Sched. C, s. 33 (2); 2013, c. 17, s. 26.

(5)  Repealed: 2006, c. 21, Sched. C, s. 33 (2).

Same

(6)  Despite subsection (4), the Hearing Division may determine that a licensee who is the subject of an application under section 38 is incapacitated for the purposes of this Act if,

(a) the licensee suffers from a condition that would render the licensee incapacitated were it not for compliance with a continuing course of treatment or the continuing use of an assistive device; and

(b) the licensee has not complied with the continuing course of treatment or used the assistive device on one or more occasions in the year preceding the commencement of the application. 2006, c. 21, Sched. C, s. 33 (3); 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 33 (1-3)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs33s1) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Capacity application

**38** (1)  With the authorization of the Proceedings Authorization Committee, the Society may apply to the Tribunal for a determination by the Hearing Division of whether a licensee is or has been incapacitated. 2013, c. 17, s. 9.

Parties

(2)  The parties to the application are the Society, the licensee who is the subject of the application, and any other person added as a party by the Hearing Division. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 34 (2); 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 34 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs34s1) - 01/05/2007

[2013, c. 17, s. 9, 26](http://www.ontario.ca/laws/statute/S13017" \l "s9) - 12/03/2014

Medical or psychological examinations

**39** (1)  If an application is made under section 38, the Hearing Division may, on motion by a party to the application or on its own motion, make an order requiring the licensee who is the subject of the application to be examined by one or more physicians or psychologists. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 35 (1); 2013, c. 17, s. 26.

Division to specify examiners

(2)  The examining physicians or psychologists shall be specified by the Hearing Division after giving the parties to the proceeding an opportunity to make recommendations. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

Purpose of examination

(3)  The purpose of the examination is,

(a) to assess whether the licensee is or has been incapacitated;

(b) to assess the extent of any incapacity and the prognosis for recovery; and

(c) to assist in the determination of any other medical or psychological issue in the application. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 35 (2).

Questions and answers

(4)  The licensee shall answer the questions of the examining physicians or psychologists that are relevant to the examination. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 35 (3).

Same

(5)  The answers given under subsection (4) are admissible in evidence in the application, including any appeal, and in any proceeding in court arising from the application, but are not admissible in any other proceeding. 1998, c. 21, s. 21.

Failure to comply

(6)  If the licensee fails to comply with an order under this section, the Hearing Division may make an order suspending his or her licence until he or she complies. 2006, c. 21, Sched. C, s. 35 (4); 2013, c. 17, s. 26.

Appeal

(7)  A party to the proceeding may appeal an order under this section or a refusal to make an order under this section to the Appeal Division. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

Grounds: parties other than Society

(8)  A party other than the Society may appeal under subsection (7) on any grounds. 1998, c. 21, s. 21.

Grounds: Society

(9)  The Society may appeal under subsection (7) only on a question that is not a question of fact alone. 1998, c. 21, s. 21.

Time for appeal

(10)  An appeal under subsection (7) shall be commenced within the time prescribed by the rules of practice and procedure. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 35 (1-4)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs35s1) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Capacity orders

**40** (1)  Subject to the rules of practice and procedure, if an application is made under section 38 and the Hearing Division determines that the licensee is or has been incapacitated, the Division may make one or more of the following orders:

1. An order suspending the licensee’s licence,

i. for a definite period,

ii. until terms and conditions specified by the Hearing Division are met to the satisfaction of the Society, or

iii. for a definite period and, after that, until terms and conditions specified by the Hearing Division are met to the satisfaction of the Society.

2. An order that the licensee obtain or continue treatment or counselling, including testing and treatment for addiction to or excessive use of alcohol or drugs, or participate in other programs to improve his or her health.

3. An order restricting the areas of law that the licensee may practise or in which the licensee may provide legal services.

3.1 An order restricting the legal services that the licensee may provide.

4. An order that the licensee practise law or provide legal services only,

i. as an employee of a person approved by the Society,

ii. as an employee or partner, and under the supervision, of a licensee approved by the Society, or

iii. under the supervision of a licensee approved by the Society.

5. An order that the licensee report on his or her compliance with any order made under this section and authorize others involved with his or her treatment or supervision to report thereon.

6. Any other order that the Hearing Division considers appropriate. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 36 (1-5); 2013, c. 17, s. 26.

Same

(2)  The failure of subsection (1) to specifically mention an order that is provided for elsewhere in this Act does not prevent an order of that kind from being made under paragraph 6 of subsection (1). 1998, c. 21, s. 21.

Test results

(3)  If the Hearing Division makes an order under paragraph 5 of subsection (1), specific results of tests performed in the course of treatment or counselling of the licensee shall be reported pursuant to the order only to a physician or psychologist selected by the Society. 2006, c. 21, Sched. C, s. 36 (6); 2013, c. 17, s. 26.

Report to Society

(4)  If test results reported to a physician or psychologist under subsection (3) relate to an order made under paragraph 2 of subsection (1), the Society may require the physician or psychologist to promptly report to it his or her opinion on the licensee’s compliance with the order, but the report shall not disclose the specific test results. 2006, c. 21, Sched. C, s. 36 (6).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 36 (1-6)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs36s1) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Professional Competence

Interpretation – standards of professional competence

**41** A licensee fails to meet standards of professional competence for the purposes of this Act if,

(a) there are deficiencies in,

(i) the licensee’s knowledge, skill or judgment,

(ii) the licensee’s attention to the interests of clients,

(iii) the records, systems or procedures of the licensee’s professional business, or

(iv) other aspects of the licensee’s professional business; and

(b) the deficiencies give rise to a reasonable apprehension that the quality of service to clients may be adversely affected. 2006, c. 21, Sched. C, s. 37.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 37](http://www.ontario.ca/laws/statute/S06021" \l "schedcs37) - 01/05/2007

Review: professional competence

**42** (1)  The Society may conduct a review of a licensee’s professional business in accordance with the by-laws for the purpose of determining if the licensee is failing or has failed to meet standards of professional competence, if,

(a) the circumstances prescribed by the by-laws exist; or

(b) the licensee is required by an order under section 35 to co-operate in a review under this section. 2006, c. 21, Sched. C, s. 38 (1).

Powers

(2)  A person conducting a review under this section may,

(a) enter the current or former business premises of the licensee between the hours of 9 a.m. and 5 p.m. from Monday to Friday or at such other time as may be agreed to by the licensee or, in the case of a former business premises, by a person with the authority to allow entry into the premises;

(b) require the production of and examine documents that relate to the matters under review, including client files, and examine systems and procedures of the licensee’s professional business; and

(c) require the licensee and people who work or worked with the licensee to provide information that relates to the matters under review. 2006, c. 21, Sched. C, s. 38 (1); 2020, c. 11, Sched. 13, s. 4.

Recommendations

(3)  On completion of the review, the Society may make recommendations to the licensee. 2006, c. 21, Sched. C, s. 38 (1).

Proposal for order

(4)  The Society may include the recommendations in a proposal for an order. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 38 (2).

Contents of proposal

(5)  A proposal for an order may include orders like those mentioned in section 44 and any other order that the Society considers appropriate. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 38 (3).

Acceptance by licensee

(6)  If the Society makes a proposal for an order to the licensee and the licensee accepts the proposal within the time prescribed by the by-laws, the Society shall notify the chair or a vice-chair of the standing committee of Convocation responsible for professional competence and the chair or vice-chair shall appoint a member of the Hearing Division to review the proposal. 2006, c. 21, Sched. C, s. 38 (4); 2013, c. 17, s. 26.

Approval by member of Hearing Division

(7)  The member of the Hearing Division who reviews the proposal may make an order giving effect to the proposal, if he or she is of the opinion that it is appropriate to do so. 2006, c. 21, Sched. C, s. 38 (4); 2013, c. 17, s. 26.

Modifications to proposal

(8)  The member of the Hearing Division may include modifications to the proposal in an order under subsection (7), if the licensee and the Society consent in writing to the modifications. 2006, c. 21, Sched. C, s. 38 (4); 2013, c. 17, s. 26.

Application of subss. (4) to (8)

(9)  Subsections (4) to (8) do not apply if the licensee is required by an order under section 35 to co-operate in a review of the licensee’s professional business under this section and to implement the recommendations made by the Society. 2006, c. 21, Sched. C, s. 38 (4).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 38 (1-4)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs38s1) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

[2020, c. 11, Sched. 13, s. 4](http://www.ontario.ca/laws/statute/S20011" \l "sched13s4) - 08/07/2020

Professional competence application

**43** (1)  With the authorization of the Proceedings Authorization Committee, the Society may apply to the Tribunal for a determination by the Hearing Division of whether a licensee is failing or has failed to meet standards of professional competence. 2013, c. 17, s. 10.

Parties

(2)  The parties to the application are the Society, the licensee who is the subject of the application and any other person added as a party by the Hearing Division. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 39 (2); 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 39 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs39s1) - 01/05/2007

[2013, c. 17, s. 10, 26](http://www.ontario.ca/laws/statute/S13017" \l "s10) - 12/03/2014

Professional competence orders

**44** (1)  Subject to the rules of practice and procedure, if an application is made under section 43 and the Hearing Division determines that the licensee is failing or has failed to meet standards of professional competence, the Division may make one or more of the following orders:

1. An order suspending the licensee’s licence,

i. for a definite period,

ii. until terms and conditions specified by the Hearing Division are met to the satisfaction of the Society, or

iii. for a definite period and, after that, until terms and conditions specified by the Hearing Division are met to the satisfaction of the Society.

2. An order that the licensee institute new records, systems or procedures in his or her professional business.

3. An order that the licensee obtain professional advice with respect to the management of his or her professional business.

4. An order that the licensee retain the services of a person qualified to assist in the administration of his or her professional business.

5. An order that the licensee obtain or continue treatment or counselling, including testing and treatment for addiction to or excessive use of alcohol or drugs, or participate in other programs to improve his or her health.

6. An order that the licensee participate in specified programs of legal education or professional training or other programs to improve his or her professional competence.

7. An order restricting the areas of law that the licensee may practise or in which the licensee may provide legal services.

7.1 An order restricting the legal services that the licensee may provide.

8. An order that the licensee practise law or provide legal services only,

i. as an employee of a person approved by the Society,

ii. as an employee or partner, and under the supervision, of a licensee approved by the Society, or

iii. under the supervision of a licensee approved by the Society.

9. An order that the licensee report on his or her compliance with any order made under this section and authorize others involved with his or her treatment or supervision to report thereon.

10. Any other order that the Hearing Division considers appropriate. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 40 (1-6); 2013, c. 17, s. 26.

Same

(2)  The failure of subsection (1) to specifically mention an order that is provided for elsewhere in this Act does not prevent an order of that kind from being made under paragraph 10 of subsection (1). 1998, c. 21, s. 21.

Test results

(3)  If the Hearing Division makes an order under paragraph 9 of subsection (1), specific results of tests performed in the course of treatment or counselling of the licensee shall be reported pursuant to the order only to a physician or psychologist selected by the Society. 2006, c. 21, Sched. C, s. 40 (7); 2013, c. 17, s. 26.

Report to Society

(4)  If test results reported to a physician or psychologist under subsection (3) relate to an order made under paragraph 5 of subsection (1), the Society may require the physician or psychologist to promptly report to it his or her opinion on the licensee’s compliance with the order, but the report shall not disclose the specific test results. 2006, c. 21, Sched. C, s. 40 (7).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 40 (1-7)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs40s1) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Failure to Comply with Order

Suspension for failure to comply with order

Application

**45** (1)  The Society may apply to the Tribunal for a determination by the Hearing Division of whether a licensee has failed to comply with an order under this Part. 2013, c. 17, s. 11.

Parties

(2)  The parties to the application are the Society, the licensee who is the subject of the application, and any other person added as a party by the Hearing Division. 2013, c. 17, s. 11.

Suspension order

(3)  If the Hearing Division determines that a licensee has failed to comply with an order under this Part, the Division may suspend the licensee’s licence,

(a) for a definite period;

(b) until terms and conditions specified by the Hearing Division are met to the satisfaction of the Society; or

(c) for a definite period and, after that, until terms and conditions specified by the Hearing Division are met to the satisfaction of the Society. 2013, c. 17, s. 11.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 41](http://www.ontario.ca/laws/statute/S06021" \l "schedcs41) - 01/05/2007

[2013, c. 17, s. 11](http://www.ontario.ca/laws/statute/S13017" \l "s11) - 12/03/2014

Suspension for failure to comply with costs order

**45.1** (1)  A licensee’s licence is suspended if the licensee is ordered to pay costs under section 49.28 and he or she fails to comply by the deadline for payment provided for under the order or the by-laws, as the case may be. 2013, c. 17, s. 12.

Non-application

(2)  Subsection (1) does not apply unless the time for appealing the costs order has expired or, if an appeal of the costs order is commenced, unless the appeal is finally disposed of. 2013, c. 17, s. 12.

Start of suspension

(3)  A suspension under subsection (1) begins on the following date:

1. If no appeal of the costs order is commenced, the later of the day after the time for commencing an appeal expires and the day after the deadline for payment.

2. If an appeal of the costs order is commenced and is finally disposed of, the day after the deadline for payment provided for on appeal or under the by-laws, as the case may be. 2013, c. 17, s. 12.

Notice

(4)  The Society shall give notice of a suspension under subsection (1) to the licensee, and shall specify in the notice the date on which the suspension began. 2013, c. 17, s. 12.

Length of suspension

(5)  A suspension under subsection (1) remains in effect until the licensee pays, to the satisfaction of the Society,

(a) the costs owing; and

(b) any other amount owed by the licensee to the Society under this Act. 2013, c. 17, s. 12.

Costs payable by instalment

(6)  If costs are payable by instalment, a reference in this section to a deadline for payment of costs shall be read as a reference to a deadline for payment of any instalment of the costs. 2013, c. 17, s. 12.

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

[2013, c. 17, s. 12](http://www.ontario.ca/laws/statute/S13017" \l "s12) - 12/12/2013

Summary Orders

Summary suspension for non-payment

**46** (1)  A person appointed for the purpose by Convocation may make an order suspending a licensee’s licence if, for the period prescribed by the by-laws, the licensee has been in default for failure to pay a fee or levy payable to the Society. 2006, c. 21, Sched. C, s. 41.

Eligibility for appointment

(2)  Convocation shall not appoint a person for the purpose of subsection (1) unless the person is,

(a) a bencher; or

(b) an employee of the Society holding an office prescribed by the by-laws for the purpose of this section. 2006, c. 21, Sched. C, s. 41.

Length of suspension

(3)  A suspension under this section remains in effect until the licensee pays the amount owing in accordance with the by-laws to the satisfaction of the Society. 2006, c. 21, Sched. C, s. 41.

Discharge from bankruptcy

(4)  A suspension under this section is not terminated by the licensee’s discharge from bankruptcy, but the licensee may apply to the Tribunal under subsection 49.42 (3). 2006, c. 21, Sched. C, s. 41; 2013, c. 17, s. 13.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 41](http://www.ontario.ca/laws/statute/S06021" \l "schedcs41) - 01/05/2007

[2013, c. 17, s. 13](http://www.ontario.ca/laws/statute/S13017" \l "s13) - 12/03/2014

Summary suspension for failure to complete or file

**47** (1)  A person appointed for the purpose by Convocation may make an order suspending a licensee’s licence if, for the period prescribed by the by-laws,

(a) the licensee has been in default for failure to complete or file with the Society any certificate, report or other document that the licensee is required to file under the by-laws; or

(b) the licensee has been in default for failure to complete or file with the Society, or with an insurer through which indemnity for professional liability is provided under section 61, any certificate, report or other document that the licensee is required to file under a policy for indemnity for professional liability. 2006, c. 21, Sched. C, s. 41.

Eligibility for appointment

(2)  Convocation shall not appoint a person for the purpose of subsection (1) unless the person is,

(a) a bencher; or

(b) an employee of the Society holding an office prescribed by the by-laws for the purpose of this section. 2006, c. 21, Sched. C, s. 41.

Length of suspension

(3)  A suspension under this section remains in effect until the licensee completes and files the required document in accordance with the by-laws to the satisfaction of the Society. 2006, c. 21, Sched. C, s. 41.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 41](http://www.ontario.ca/laws/statute/S06021" \l "schedcs41) - 01/05/2007

Summary suspension for failure to comply with indemnity requirements

**47.1** (1)  A person appointed for the purpose by Convocation may make an order suspending a licensee’s licence if the licensee has failed to comply with the requirements of the by-laws with respect to indemnity for professional liability. 2006, c. 21, Sched. C, s. 41.

Eligibility for appointment

(2)  Convocation shall not appoint a person for the purpose of subsection (1) unless the person is,

(a) a bencher; or

(b) an employee of the Society holding an office prescribed by the by-laws for the purpose of this section. 2006, c. 21, Sched. C, s. 41.

Length of suspension

(3)  A suspension under this section remains in effect until the licensee complies with the requirements of the by-laws with respect to indemnity for professional liability to the satisfaction of the Society. 2006, c. 21, Sched. C, s. 41.

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

[2006, c. 21, Sched. C, s. 41](http://www.ontario.ca/laws/statute/S06021" \l "schedcs41) - 01/05/2007

Summary revocation

**48** (1)  A person appointed for the purpose by Convocation may make an order revoking a licensee’s licence if,

(a) an order under section 46, clause 47 (1) (a) or section 47.1 is still in effect more than 12 months after it was made; or

(b) an order under subparagraph 3 ii or iii of subsection 35 (1) or clause 45 (3) (b) or (c) is still in effect more than 24 months after it was made. 2020, c. 11, Sched. 13, s. 5; 2021, c. 25, Sched. 12, s. 1.

Eligibility for appointment

(2)  Convocation shall not appoint a person for the purpose of subsection (1) unless the person is,

(a) a bencher; or

(b) an employee of the Society holding an office prescribed by the by-laws for the purpose of this section. 2006, c. 21, Sched. C, s. 42.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 42](http://www.ontario.ca/laws/statute/S06021" \l "schedcs42) - 01/05/2007

[2020, c. 11, Sched. 13, s. 5](http://www.ontario.ca/laws/statute/S20011" \l "sched13s5) - 08/07/2020

[2021, c. 25, Sched. 12, s. 1](http://www.ontario.ca/laws/statute/S21025" \l "sched12s1) - 03/06/2021

Summary suspension relating to continuing professional development

**49** (1)  A person appointed for the purpose by Convocation may make an order suspending a licensee’s licence if the licensee has failed to comply with the requirements of the by-laws with respect to continuing professional development. 2006, c. 21, Sched. C, s. 42; 2010, c. 16, Sched. 2, s. 4 (1).

Eligibility for appointment

(2)  Convocation shall not appoint a person for the purpose of subsection (1) unless the person is,

(a) a bencher; or

(b) an employee of the Society holding an office prescribed by the by-laws for the purpose of this section. 2006, c. 21, Sched. C, s. 42.

Length of suspension

(3)  A suspension under this section remains in effect until the licensee complies with the requirements of the by-laws with respect to continuing professional development to the satisfaction of the Society. 2006, c. 21, Sched. C, s. 42; 2010, c. 16, Sched. 2, s. 4 (1).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 42](http://www.ontario.ca/laws/statute/S06021" \l "schedcs42) - 01/05/2007

[2010, c. 16, Sched. 2, s. 4 (1)](http://www.ontario.ca/laws/statute/S10016" \l "sched2s4s1) - 25/10/2010

**49.1** Repealed: 2006, c. 21, Sched. C, s. 42.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 42](http://www.ontario.ca/laws/statute/S06021" \l "schedcs42) - 01/05/2007

Audits, Investigations, etc.

Audit of financial records

**49.2** (1)  The Society may conduct an audit of the financial records of a licensee or group of licensees for the purpose of determining whether the financial records comply with the requirements of the by-laws. 2006, c. 21, Sched. C, s. 43.

Powers

(2)  A person conducting an audit under this section may,

(a) enter the current or former business premises of the licensee or group of licensees between the hours of 9 a.m. and 5 p.m. from Monday to Friday or at such other time as may be agreed to by the licensee or by any licensee in the group of licensees or, in the case of a former business premises, by a person with the authority to allow entry into the premises;

(b) require the production of and examine the financial records maintained in connection with the professional business of the licensee or group of licensees and, for the purpose of understanding or substantiating those records, require the production of and examine any other documents in the possession or control of the licensee or group of licensees, including client files; and

(c) require the licensee or group of licensees, and people who work or worked with the licensee or group of licensees, to provide information to explain the financial records and other documents examined under clause (b) and the transactions recorded in those financial records and other documents. 2006, c. 21, Sched. C, s. 43; 2020, c. 11, Sched. 13, s. 6.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 43](http://www.ontario.ca/laws/statute/S06021" \l "schedcs43) - 01/05/2007

[2020, c. 11, Sched. 13, s. 6](http://www.ontario.ca/laws/statute/S20011" \l "sched13s6) - 08/07/2020

Investigations

Conduct

**49.3** (1)  The Society may conduct an investigation into a licensee’s conduct if the Society receives information suggesting that the licensee may have engaged in professional misconduct or conduct unbecoming a licensee. 2006, c. 21, Sched. C, s. 43.

Powers

(2)  If an employee of the Society holding an office prescribed by the by-laws for the purpose of this section has a reasonable suspicion that a licensee being investigated under subsection (1) may have engaged in professional misconduct or conduct unbecoming a licensee, the person conducting the investigation may,

(a) enter the current or former business premises of the licensee between the hours of 9 a.m. and 5 p.m. from Monday to Friday or at such other time as may be agreed to by the licensee or, in the case of a former business premises, by a person with the authority to allow entry into the premises;

(b) require the production of and examine any documents that relate to the matters under investigation, including client files; and

(c) require the licensee and people who work or worked with the licensee to provide information that relates to the matters under investigation. 2006, c. 21, Sched. C, s. 43; 2020, c. 11, Sched. 13, s. 7 (1).

Capacity

(3)  The Society may conduct an investigation into a licensee’s capacity if the Society receives information suggesting that the licensee may be, or may have been, incapacitated. 2006, c. 21, Sched. C, s. 43.

Powers

(4)  If an employee of the Society holding an office prescribed by the by-laws for the purpose of this section is satisfied that there are reasonable grounds for believing that a licensee being investigated under subsection (3) may be, or may have been, incapacitated, the person conducting the investigation may,

(a) enter the current or former business premises of the licensee between the hours of 9 a.m. and 5 p.m. from Monday to Friday or at such other time as may be agreed to by the licensee or, in the case of a former business premises, by a person with the authority to allow entry into the premises;

(b) require the production of and examine any documents that relate to the matters under investigation, including client files; and

(c) require the licensee and people who work or worked with the licensee to provide information that relates to the matters under investigation. 2006, c. 21, Sched. C, s. 43; 2020, c. 11, Sched. 13, s. 7 (2).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 43](http://www.ontario.ca/laws/statute/S06021" \l "schedcs43) - 01/05/2007

[2020, c. 11, Sched. 13, s. 7 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched13s7s1) - 08/07/2020

**49.4-49.7** Repealed: 2006, c. 21, Sched. C, s. 43.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 43](http://www.ontario.ca/laws/statute/S06021" \l "schedcs43) - 01/05/2007

Privilege

Disclosure despite privilege

**49.8** (1)  A person who is required under section 42, 49.2, 49.3 or 49.15 to provide information or to produce documents shall comply with the requirement even if the information or documents are privileged or confidential. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 44 (1).

Disclosure by other person, body

(1.1)  The Society or the Complaints Resolution Commissioner, as the case may be, may receive from any person or body information or documents in relation to a review under section 42, an audit under section 49.2, or an investigation under section 49.3 or 49.15, even if the information or documents are privileged or confidential. 2013, c. 17, s. 14 (1).

Same

(1.2)  Subsection (1.1) applies with respect to information and documents,

(a) regardless of whether they are received in relation to a review, audit or investigation before or after its commencement; and

(b) regardless of whether a review, audit or investigation is ultimately commenced. 2020, c. 11, Sched. 13, s. 8 (1).

Admissibility despite privilege

(2)  Despite clause 15 (2) (a) and section 32 of the Statutory Powers Procedure Act, information provided and documents produced under section 42, 49.2, 49.3 or 49.15 and information or documents described in subsection (1.1) are admissible in a proceeding under this Act even if the information or documents are privileged or confidential. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 44 (2); 2013, c. 17, s. 14 (2).

(2.1)  Repealed: 2013, c. 17, s. 14 (3).

Privilege preserved for other purposes

(3)  Subsections (1), (1.1) and (2) do not negate or constitute a waiver of any privilege and, even though information or documents that are privileged must be disclosed under subsection (1) or may be received under subsection (1.1), and are admissible in a proceeding under subsection (2), the privilege continues for all other purposes. 2013, c. 17, s. 14 (4); 2020, c. 11, Sched. 13, s. 8 (2).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 44 (1-4)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs44s1) - 01/05/2007

[2013, c. 17, s. 14 (1-4)](http://www.ontario.ca/laws/statute/S13017" \l "s14s1) - 12/12/2013

[2020, c. 11, Sched. 13, s. 8 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched13s8s1) - 08/07/2020

Removal for copying

**49.9** (1)  A person entitled to examine documents under section 42, 49.2, 49.3 or 49.15 may, on giving a receipt,

(a) remove the documents for the purpose of copying them; and

(b) in the case of information recorded or stored by computer or by means of any other device, remove the computer or other device for the purpose of copying the information. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 44 (2).

Return

(2)  The person shall copy the documents or information with reasonable dispatch and shall return the documents, computer or other device promptly to the person from whom they were removed. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 45](http://www.ontario.ca/laws/statute/S06021" \l "schedcs45) - 01/05/2007

Order for search and seizure

**49.10** (1)  On application by the Society, the Superior Court of Justice may make an order under subsection (2) if the court is satisfied that there are reasonable grounds for believing,

(a) that one of the following circumstances exists:

(i) a review of a licensee’s professional business under section 42 is authorized,

(ii) an investigation into a licensee’s conduct under subsection 49.3 (1) is authorized, or

(iii) a licensee whose capacity is being investigated under subsection 49.3 (3) may be, or may have been, incapacitated;

(b) that there are documents or other things that relate to the matters under review or investigation in a building, dwelling or other premises specified in the application or in a vehicle or other place specified in the application, whether the building, dwelling, premises, vehicle or place is under the control of the licensee or another person; and

(c) that an order under subsection (2) is necessary,

(i) because of urgency,

(ii) because use of the authority in subsection 42 (2) or 49.3 (2) or (4) is not possible, is not likely to be effective or has been ineffective, or

(iii) because subsection 42 (2) or 49.3 (2) or (4) does not authorize entry into the building, dwelling or other premises specified in the application or the vehicle or other place specified in the application. 2006, c. 21, Sched. C, s. 46 (1).

Contents of order

(2)  The order referred to in subsection (1) may authorize the person conducting the investigation or review, or any police officer or other person acting on the direction of the person conducting the investigation or review,

(a) to enter, by force if necessary, any building, dwelling or other premises specified in the order or any vehicle or other place specified in the order, whether the building, dwelling, premises, vehicle or place is under the control of the licensee or another person;

(b) to search the building, dwelling, premises, vehicle or place;

(c) to open, by force if necessary, any safety deposit box or other receptacle; and

(d) to seize and remove any documents or other things that relate to the matters under investigation or review. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 46 (2).

Terms and conditions

(3)  An order under subsection (2) may include such terms and conditions as the court considers appropriate. 1998, c. 21, s. 21.

Assistance of police

(4)  An order under subsection (2) may require a police officer to accompany the person conducting the investigation or review in the execution of the order. 1998, c. 21, s. 21.

Application without notice

(5)  An application for an order under subsection (2) may be made without notice. 1998, c. 21, s. 21.

Removal of seized things

(6)  A person who removes any thing pursuant to an order under this section shall,

(a) at the time of removal, give a receipt to the person from whom the thing is seized; and

(b) as soon as practicable, bring the thing before or report the removal to a judge of the Superior Court of Justice. 1998, c. 21, s. 21; 2002, c. 18, Sched. A, s. 12 (2).

Order for retention

(7)  If the judge referred to in clause (6) (b) is satisfied that retention of the thing is necessary for the purpose of the investigation or review or for the purpose of a proceeding under this Part, he or she may order that the thing be retained until,

(a) such date as he or she may specify; or

(b) if a proceeding under this Part has been commenced, until the proceeding, including any appeals, has been completed. 1998, c. 21, s. 21.

Extension of time

(8)  A judge of the Superior Court of Justice may, before the time for retaining a thing expires, extend the time until,

(a) such later date as he or she may specify; or

(b) if a proceeding under this Part has been commenced, until the proceeding, including any appeals, has been completed. 1998, c. 21, s. 21; 2002, c. 18, Sched. A, s. 12 (2).

Return

(9)  If retention of a thing is not authorized under subsection (7) or the time for retaining the thing expires, it shall be returned to the person from whom it was seized. 1998, c. 21, s. 21.

Seizure despite privilege

(10)  An order under this section may authorize the seizure of a thing even if the thing is privileged or confidential. 1998, c. 21, s. 21.

Admissibility despite privilege

(11)  Despite clause 15 (2) (a) and section 32 of the Statutory Powers Procedure Act, a thing seized under this section is admissible in a proceeding under this Act even if the thing is privileged or confidential. 1998, c. 21, s. 21.

Privilege preserved for other purposes

(12)  Subsections (10) and (11) do not negate or constitute a waiver of any privilege and, even though a thing that is privileged may be seized under subsection (10) and is admissible in a proceeding under subsection (11), the privilege continues for all other purposes. 1998, c. 21, s. 21; 2020, c. 11, Sched. 13, s. 9.

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

1998, c. 21, s. 21 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2006, c. 21, Sched. C, s. 46 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs46s1) - 01/05/2007

[2020, c. 11, Sched. 13, s. 9](http://www.ontario.ca/laws/statute/S20011" \l "sched13s9) - 08/07/2020

Identification

**49.11** On request, a person conducting an audit, investigation, review, search or seizure under this Part shall produce identification and proof of his or her authority. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Confidentiality

**49.12** (1)  A bencher, officer, employee, agent or representative of the Society shall not disclose any information that comes to his or her knowledge in relation to an audit, investigation, review, search, seizure or proceeding, or potential audit, investigation, review or proceeding, under this Part. 2020, c. 11, Sched. 13, s. 10 (1).

Exceptions

(2)  Subsection (1) does not prohibit,

(a) disclosure required in connection with the administration of this Act, the regulations, the by-laws or the rules of practice and procedure;

(b) disclosure required in connection with a proceeding under this Act;

(c) disclosure of information that is a matter of public record;

(d) disclosure by a person to his or her counsel;

(e) disclosure with the written consent of all persons whose interests might reasonably be affected by the disclosure;

(f) disclosure of such information as may be specified by the by-laws respecting an audit, investigation, review, search, seizure or proceeding, or potential audit, investigation, review or proceeding, under this Part, in the circumstances specified by the by-laws;

(g) disclosure of information to an authority responsible for regulating the practice of law or the provision of legal services in another province or territory of Canada, if the authority is subject, under the laws of its jurisdiction, to restrictions and permissions respecting the disclosure of information that are comparable to those to which the Society is subject under this Act;

(h) disclosure of information if there are reasonable grounds for believing that there is a significant risk of financial harm to a person, and the disclosure is made principally for a purpose related to preventing the harm or investigating the risk;

(i) disclosure of information if there are reasonable grounds to believe that there is a significant threat to the life, health or security of an individual, and the disclosure is made principally for a purpose related to addressing or investigating the threat; or

(j) any other disclosure specified by the by-laws, in the circumstances specified by the by-laws. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 47; 2020, c. 11, Sched. 13, s. 10 (2).

Solicitor-client privileged information

(2.1)  Despite subsection (2), information that is subject to solicitor-client privilege shall not be disclosed under clause (2) (e), (f), (h), (i) or (j). 2020, c. 11, Sched. 13, s. 10 (3).

Criminating, etc., information

(2.2)  Despite subsection (2), information that came to the knowledge of a person to whom subsection (1) applies as a result of the making of an oral or written statement by another person in the course of an audit, investigation, review, search, seizure or proceeding, or potential audit, investigation, review or proceeding, under this Part shall not be disclosed under clause (2) (e), (f), (h), (i) or (j) if the disclosure may tend to criminate the other person or establish the other person’s liability to civil proceedings. 2020, c. 11, Sched. 13, s. 10 (3).

Testimony

(3)  A person to whom subsection (1) applies shall not be required in any proceeding, except a proceeding under this Act, to give testimony or produce any document with respect to information that the person is prohibited from disclosing under this section. 1998, c. 21, s. 21; 2020, c. 11, Sched. 13, s. 10 (4).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 47](http://www.ontario.ca/laws/statute/S06021" \l "schedcs47) - 01/05/2007

[2020, c. 11, Sched. 13, s. 10 (1-4)](http://www.ontario.ca/laws/statute/S20011" \l "sched13s10s1) - 08/07/2020

Disclosure to public authorities

**49.13** (1)  The Society may apply to the Superior Court of Justice for an order authorizing the disclosure to a public authority of any information that a bencher, officer, employee, agent or representative of the Society would otherwise be prohibited from disclosing under section 49.12. 1998, c. 21, s. 21; 2002, c. 18, Sched. A, s. 12 (2).

Restrictions

(2)  The court shall not make an order under this section if the information sought to be disclosed came to the knowledge of the Society as a result of,

(a) the making of an oral or written statement by a person in the course of the audit, investigation, review, search, seizure or proceeding that may tend to criminate the person or establish the person’s liability to civil proceedings;

(b) the making of an oral or written statement disclosing matters that the court determines to be subject to solicitor-client privilege; or

(c) the examination of a document that the court determines to be subject to solicitor-client privilege. 1998, c. 21, s. 21.

Documents and other things

(3)  An order under this section that authorizes the disclosure of information may also authorize the delivery of documents or other things that are in the Society’s possession and that relate to the information. 1998, c. 21, s. 21.

No appeal

(4)  An order of the court on an application under this section is not subject to appeal. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

Complaints Resolution Commissioner

Appointment

**49.14** (1)  Convocation shall appoint a person as Complaints Resolution Commissioner in accordance with the regulations. 1998, c. 21, s. 21.

Restriction

(2)  A bencher or a person who was a bencher at any time during the two years preceding the appointment shall not be appointed as Commissioner. 1998, c. 21, s. 21.

Term of office

(3)  The Commissioner shall be appointed for a term not exceeding three years and is eligible for reappointment. 1998, c. 21, s. 21.

Removal from office

(4)  The Commissioner may be removed from office during his or her term of office only by a resolution approved by at least two thirds of the benchers entitled to vote in Convocation. 1998, c. 21, s. 21.

Restriction on practice of law

(5)  The Commissioner shall not engage in the practice of law during his or her term of office. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Functions of Commissioner

**49.15** (1)  The Commissioner shall,

(a) attempt to resolve complaints referred to the Commissioner for resolution under the by-laws; and

(b) review and, if the Commissioner considers appropriate, attempt to resolve complaints referred to the Commissioner for review under the by-laws. 1998, c. 21, s. 21.

Investigation by Commissioner

(2)  If a complaint is referred to the Commissioner under the by-laws, the Commissioner has the same powers to investigate the complaint as a person conducting an investigation under section 49.3 would have with respect to the subject matter of the complaint, and, for that purpose, a reference in section 49.3 to an employee of the Society holding an office prescribed by the by-laws shall be deemed to be a reference to the Commissioner. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 48 (1).

Access to information

(3)  If a complaint is referred to the Commissioner under the by-laws, the Commissioner is entitled to have access to,

(a) all information in the records of the Society respecting a licensee who is the subject of the complaint; and

(b) all other information within the knowledge of the Society with respect to the subject matter of the complaint. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 48 (2).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 48 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs48s1) - 01/05/2007

Delegation

**49.16** (1)  The Commissioner may in writing delegate any of his or her powers or duties to members of his or her staff or to employees of the Society holding offices designated by the by-laws. 1998, c. 21, s. 21.

Terms and conditions

(2)  A delegation under subsection (1) may contain such terms and conditions as the Commissioner considers appropriate. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Identification

**49.17** On request, the Commissioner or any other person conducting an investigation under subsection 49.15 (2) shall produce identification and, in the case of a person to whom powers or duties have been delegated under section 49.16, proof of the delegation. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Confidentiality

**49.18** (1)  The Commissioner and each member of his or her staff shall not disclose,

(a) any information that comes to his or her knowledge as a result of an investigation under subsection 49.15 (2); or

(b) any information that comes to his or her knowledge under subsection 49.15 (3) that a bencher, officer, employee, agent or representative of the Society is prohibited from disclosing under section 49.12. 1998, c. 21, s. 21.

Exceptions

(2)  Subsection (1) does not prohibit,

(a) disclosure required in connection with the administration of this Act, the regulations, the by-laws or the rules of practice and procedure;

(b) disclosure required in connection with a proceeding under this Act;

(c) disclosure of information that is a matter of public record;

(d) disclosure by a person to his or her counsel; or

(e) disclosure with the written consent of all persons whose interests might reasonably be affected by the disclosure. 1998, c. 21, s. 21.

Testimony

(3)  A person to whom subsection (1) applies shall not be required in any proceeding, except a proceeding under this Act, to give testimony or produce any document with respect to information that the person is prohibited from disclosing under subsection (1). 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Decisions final

**49.19**  A decision of the Commissioner is final and is not subject to appeal. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Proceedings Authorization Committee

Proceedings Authorization Committee

Establishment

**49.20** (1)  Convocation shall establish a Proceedings Authorization Committee in accordance with the by-laws. 1998, c. 21, s. 21.

Functions

(2)  The Committee shall review matters referred to it in accordance with the by-laws and shall take such action as it considers appropriate in accordance with the by-laws. 1998, c. 21, s. 21.

Decisions final

(3)  A decision of the Committee is final and is not subject to appeal or review. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Law Society Tribunal

Law Society Tribunal

**49.20.1** (1)  The Law Society Tribunal is established under the name Law Society Tribunal in English and Tribunal du Barreau in French. 2013, c. 17, s. 15.

Divisions

(2)  The Tribunal shall consist of two divisions, the Law Society Tribunal Hearing Division and the Law Society Tribunal Appeal Division. 2013, c. 17, s. 15; 2018, c. 8, Sched. 15, s. 4.

Composition

(3)  The Tribunal shall consist of,

(a) the chair of the Tribunal;

(b) the members of the Hearing Division;

(c) the members of the Appeal Division; and

(d) any temporary members of the Hearing Division or Appeal Division. 2013, c. 17, s. 15.

Cessation of membership

(4)  A person who ceases to be a member or temporary member of the Hearing Division or Appeal Division, as the case may be, ceases to be a member of the Tribunal. 2013, c. 17, s. 15.

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

[2013, c. 17, s. 15](http://www.ontario.ca/laws/statute/S13017" \l "s15) - 12/03/2014

[2018, c. 8, Sched. 15, s. 4](http://www.ontario.ca/laws/statute/S18008" \l "sched15s4) - 08/05/2018

Chair

Appointment

**49.20.2** (1)  Convocation shall appoint as chair of the Tribunal a person who is licensed to practise law in Ontario as a barrister and solicitor and who meets the requirements set out in the by-laws. 2013, c. 17, s. 15.

Bencher not eligible

(2)  A person is not eligible to be appointed as chair of the Tribunal if he or she is a bencher. 2013, c. 17, s. 15.

Term of office

(3)  Subject to subsections (4) and (5), an appointment as chair of the Tribunal shall be for a term of four years. 2013, c. 17, s. 15.

Cessation of eligibility

(4)  A person ceases to be a chair of the Tribunal if he or she ceases to meet the eligibility requirements in subsections (1) and (2). 2013, c. 17, s. 15.

Appointment at pleasure

(5)  A person appointed as chair of the Tribunal holds office at the pleasure of Convocation. 2013, c. 17, s. 15.

Reappointment

(6)  A person appointed as chair of the Tribunal is eligible for reappointment for such term, not exceeding four years, as Convocation may fix, if he or she meets the eligibility requirements in subsections (1) and (2). 2013, c. 17, s. 15.

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

[2013, c. 17, s. 15](http://www.ontario.ca/laws/statute/S13017" \l "s15) - 12/03/2014

Hearing Division

Hearing Division

**49.21** (1)  The Law Society Hearing Division of the Tribunal is continued under the name Law Society Tribunal Hearing Division in English and Section de première instance du Tribunal du Barreau in French. 2018, c. 8, Sched. 15, s. 5.

Composition

(2)  The Hearing Division shall consist of,

(a) the chair of the Tribunal; and

(b) at least three persons appointed by Convocation,

(i) at least one of whom shall be a person who is not a licensee, and

(ii) at least one of whom shall be an elected bencher. 2013, c. 17, s. 16 (1).

Eligibility for appointment

(3)  A person is not eligible to be appointed to the Hearing Division unless he or she meets the requirements set out in the by-laws and is,

(a) a bencher;

(b) a licensee; or

(c) a person approved by the Attorney General for Ontario. 2013, c. 17, s. 16 (1).

Term of office

(4)  Subject to subsections (5) and (6), an appointment as a member of the Hearing Division shall be for such term, not exceeding four years, as Convocation may fix. 2013, c. 17, s. 16 (1).

Cessation of eligibility

(5)  A person appointed to the Hearing Division ceases to be a member of the Division if he or she ceases to meet the eligibility requirements in subsection (3). 2013, c. 17, s. 16 (1).

Appointment at pleasure

(6)  A person appointed as a member of the Hearing Division holds office at the pleasure of Convocation. 2013, c. 17, s. 16 (1).

Reappointment

(7)  A person appointed as a member of the Hearing Division is eligible for reappointment if he or she meets the eligibility requirements in subsection (3). 2013, c. 17, s. 16 (1).

(8)-(10)  Repealed: 2013, c. 17, s.16 (2).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 49](http://www.ontario.ca/laws/statute/S06021" \l "schedcs49) - 01/05/2007

[2013, c. 17, s. 16 (1)](http://www.ontario.ca/laws/statute/S13017" \l "s16s1) - 12/03/2014; [2013, c. 17, s. 16 (2)](http://www.ontario.ca/laws/statute/S13017" \l "s16s2) - 01/07/2021

[2018, c. 8, Sched. 15, s. 5](http://www.ontario.ca/laws/statute/S18008" \l "sched15s5) - 08/05/2018

Chair

**49.22** (1)  The person who is the chair of the Tribunal shall also be the chair of the Hearing Division. 2013, c. 17, s. 16 (1).

(2)  Repealed: 2013, c. 17, s. 16 (3).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 49](http://www.ontario.ca/laws/statute/S06021" \l "schedcs49) - 01/05/2007

[2013, c. 17, s. 16 (1)](http://www.ontario.ca/laws/statute/S13017" \l "s16s1) - 12/03/2014; [2013, c. 17, s. 16 (3)](http://www.ontario.ca/laws/statute/S13017" \l "s16s3) - 01/07/2021

Vice-chair

**49.22.1** (1)  Convocation shall appoint a vice-chair of the Hearing Division. 2013, c. 17, s. 16 (1).

Eligibility for appointment

(2)  A person is not eligible to be appointed as vice-chair of the Hearing Division unless he or she meets the requirements set out in the by-laws and is an elected bencher member of the Hearing Division. 2013, c. 17, s. 16 (1).

Term of office

(3)  Subject to subsections (4) and (5), an appointment as vice-chair of the Hearing Division shall be for such term, not exceeding two years, as Convocation may fix. 2013, c. 17, s. 16 (1).

Cessation of eligibility

(4)  A person ceases to be the vice-chair of the Hearing Division if he or she ceases to meet the eligibility requirements in subsection (2). 2013, c. 17, s. 16 (1).

Appointment at pleasure

(5)  A person appointed as vice-chair of the Hearing Division holds office at the pleasure of Convocation. 2013, c. 17, s. 16 (1).

Reappointment

(6)  A person appointed as vice-chair of the Hearing Division is eligible for reappointment if he or she meets the eligibility requirements in subsection (2). 2013, c. 17, s. 16 (1).

Acting vice-chair of Appeal Division

(7)  The chair of the Tribunal may assign the vice-chair of the Hearing Division to act as vice-chair of the Appeal Division for the period specified by the chair and subject to such conditions or restrictions as the chair may specify. 2013, c. 17, s. 16 (1).

(8)  Repealed: 2013, c. 17, s. 16 (4).

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

[2013, c. 17, s. 16 (1)](http://www.ontario.ca/laws/statute/S13017" \l "s16s1) - 12/03/2014; [2013, c. 17, s. 16 (4)](http://www.ontario.ca/laws/statute/S13017" \l "s16s4) - 01/07/2021

Hearings

**49.23** (1)  An application to the Tribunal under this Part shall be determined after a hearing by the Hearing Division. 2013, c. 17, s. 17.

Assignment of members

(2)  The chair or, in the absence of the chair, the vice-chair shall assign members of the Hearing Division to hearings. 2006, c. 21, Sched. C, s. 50; 2013, c. 17, s. 26.

Composition at hearings

(3)  A hearing before the Hearing Division shall be heard and determined by such number of members of the Division as is prescribed by the regulations. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 50](http://www.ontario.ca/laws/statute/S06021" \l "schedcs50) - 01/05/2007

[2013, c. 17, s. 17, 26](http://www.ontario.ca/laws/statute/S13017" \l "s17) - 12/03/2014

French-speaking panelists

**49.24** (1)  A person who speaks French who is a party to a proceeding before the Hearing Division may require that any hearing in the proceeding be heard by panelists who speak French. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

(2)  Repealed: 2006, c. 21, Sched. C, s. 51.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 51](http://www.ontario.ca/laws/statute/S06021" \l "schedcs51) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Temporary panelists

**49.24.1** (1)  If, in the opinion of the chair or, in the absence of the chair, the vice-chair, it is not possible or practical to assign members of the Hearing Division to a hearing in compliance with a requirement of this Act or of the regulations or in compliance with a requirement made under subsection 49.24 (1), the chair or vice-chair may appoint one or more persons as temporary members of the Hearing Division for the purposes of that hearing in order to comply with such requirement, and temporary members of the Hearing Division shall be deemed to be members of the Hearing Division for the purposes of compliance with such requirement. 2006, c. 21, Sched. C, s. 52; 2013, c. 17, s. 26.

Eligibility for appointment

(2)  The chair or vice-chair shall not appoint a person as a temporary member of the Hearing Division under subsection (1) unless the person meets the requirements set out in the by-laws and is,

(a) a bencher;

(b) a licensee; or

(c) a person approved by the Attorney General for Ontario. 2006, c. 21, Sched. C, s. 52; 2013, c. 17, s. 18.

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

[2006, c. 21, Sched. C, s. 52](http://www.ontario.ca/laws/statute/S06021" \l "schedcs52) - 01/05/2007

[2013, c. 17, s. 18, 26](http://www.ontario.ca/laws/statute/S13017" \l "s18) - 12/03/2014

Powers

**49.25** The Hearing Division may determine any question of fact or law that arises in a proceeding before it. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Terms and conditions

**49.26** An order of the Hearing Division may include such terms and conditions as the Division considers appropriate. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Interlocutory orders

**49.27** (1)  The Hearing Division may make an interlocutory order authorized by the rules of practice and procedure, subject to subsection (2). 2006, c. 21, Sched. C, s. 53; 2013, c. 17, s. 26.

Exception

(2)  The Hearing Division may only make an interlocutory order suspending a licensee’s licence or restricting the manner in which a licensee may practise law or provide legal services if there are reasonable grounds for believing that there is a significant risk of harm to members of the public, or to the public interest in the administration of justice, if the order is not made. 2020, c. 11, Sched. 13, s. 11.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 53](http://www.ontario.ca/laws/statute/S06021" \l "schedcs53) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

[2020, c. 11, Sched. 13, s. 11](http://www.ontario.ca/laws/statute/S20011" \l "sched13s11) - 08/07/2020

Costs

**49.28** (1)  Subject to the rules of practice and procedure, the costs of and incidental to a proceeding or a step in a proceeding before the Hearing Division are in the discretion of the Division, and the Division may determine by whom and to what extent the costs shall be paid. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

Society expenses

(2)  Costs awarded to the Society under subsection (1) may include,

(a) expenses incurred by the Society in providing facilities or services for the purposes of the proceeding; and

(b) expenses incurred by the Society in any audit, investigation, review, search or seizure that is related to the proceeding. 1998, c. 21, s. 21.

Where deadline unspecified

(3)  If an order for costs under subsection (1) does not specify or otherwise provide for a deadline for paying the costs, the costs are payable by the deadline provided for by the by-laws. 2013, c. 17, s. 19.

Extension

(4)  A deadline for paying costs may be extended in accordance with the by-laws if,

(a) the order for the costs so provides; or

(b) the deadline is set by by-law under subsection (3). 2013, c. 17, s. 19.

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

1998, c. 21, s. 21 - 01/02/1999

[2013, c. 17, s. 19](http://www.ontario.ca/laws/statute/S13017" \l "s19) - 12/12/2013; [2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Appeal Division

Appeal Division

**49.29** (1)  The Law Society Appeal Division of the Tribunal is continued under the name Law Society Tribunal Appeal Division in English and Section d’appel du Tribunal du Barreau in French. 2018, c. 8, Sched. 15, s. 6.

Composition

(2)  The Appeal Division shall consist of,

(a) the chair of the Tribunal; and

(b) at least five persons appointed by Convocation,

(i) at least one of whom shall be a person who is not a licensee, and

(ii) at least one of whom shall be an elected bencher. 2013, c. 17, s. 20 (1).

Eligibility for appointment

(3)  A person is not eligible to be appointed to the Appeal Division unless he or she meets the requirements set out in the by-laws and is,

(a) a bencher;

(b) a licensee; or

(c) a person approved by the Attorney General for Ontario. 2013, c. 17, s. 20 (1).

Term of office

(4)  Subject to subsections (5) and (6), an appointment as a member of the Appeal Division shall be for such term, not exceeding four years, as Convocation may fix. 2013, c. 17, s. 20 (1).

Cessation of eligibility

(5)  A person appointed to the Appeal Division ceases to be a member of the Division if he or she ceases to meet the eligibility requirements in subsection (3). 2013, c. 17, s. 20 (1).

Appointment at pleasure

(6)  A person appointed as a member of the Appeal Division holds office at the pleasure of Convocation. 2013, c. 17, s. 20 (1).

Reappointment

(7)  A person appointed as a member of the Appeal Division is eligible for reappointment if he or she meets the eligibility requirements in subsection (3). 2013, c. 17, s. 20 (1).

(8)-(10)  Repealed: 2013, c. 17, s. 20 (2).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 54](http://www.ontario.ca/laws/statute/S06021" \l "schedcs54) - 01/05/2007

[2013, c. 17, s. 20 (1)](http://www.ontario.ca/laws/statute/S13017" \l "s20s1) - 12/03/2014; [2013, c. 17, s. 20 (2)](http://www.ontario.ca/laws/statute/S13017" \l "s20s2) - 01/07/2021

[2018, c. 8, Sched. 15, s. 6](http://www.ontario.ca/laws/statute/S18008" \l "sched15s6) - 08/05/2018

Chair

**49.30** (1)  The person who is the chair of the Tribunal shall also be the chair of the Appeal Division. 2013, c. 17, s. 20 (1).

(2)  Repealed: 2013, c. 17, s. 20 (3).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 54](http://www.ontario.ca/laws/statute/S06021" \l "schedcs54) - 01/05/2007

[2013, c. 17, s. 20 (1)](http://www.ontario.ca/laws/statute/S13017" \l "s20s1) - 12/03/2014; [2013, c. 17, s. 20 (3)](http://www.ontario.ca/laws/statute/S13017" \l "s20s3) - 01/07/2021

Vice-chair

**49.30.1** (1)  Convocation shall appoint a vice-chair of the Appeal Division. 2013, c. 17, s. 20 (1).

Eligibility for appointment

(2)  A person is not eligible to be appointed as vice-chair of the Appeal Division unless he or she meets the requirements set out in the by-laws and is an elected bencher member of the Appeal Division. 2013, c. 17, s. 20 (1).

Term of office

(3)  Subject to subsections (4) and (5), an appointment as vice-chair of the Appeal Division shall be for such term, not exceeding two years, as Convocation may fix. 2013, c. 17, s. 20 (1).

Cessation of eligibility

(4)  A person ceases to be the vice-chair of the Appeal Division if he or she ceases to meet the eligibility requirements in subsection (2). 2013, c. 17, s. 20 (1).

Appointment at pleasure

(5)  A person appointed as vice-chair of the Appeal Division holds office at the pleasure of Convocation. 2013, c. 17, s. 20 (1).

Reappointment

(6)  A person appointed as vice-chair of the Appeal Division is eligible for reappointment if he or she meets the eligibility requirements in subsection (2). 2013, c. 17, s. 20 (1).

Acting vice-chair of Hearing Division

(7)  The chair of the Tribunal may assign the vice-chair of the Appeal Division to act as vice-chair of the Hearing Division for the period specified by the chair and subject to such conditions or restrictions as the chair may specify. 2013, c. 17, s. 20 (1).

(8)  Repealed: 2013, c. 17, s. 20 (4).

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

[2013, c. 17, s. 20 (1)](http://www.ontario.ca/laws/statute/S13017" \l "s20s1) - 12/03/2014; [2013, c. 17, s. 20 (4)](http://www.ontario.ca/laws/statute/S13017" \l "s20s4) - 01/07/2021

Hearing of appeals

**49.31** (1)  An appeal to the Appeal Division shall be determined after a hearing by the Appeal Division. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

Assignment of members

(2)  The chair or, in the absence of the chair, the vice-chair shall assign members of the Appeal Division to hearings. 2006, c. 21, Sched. C, s. 55; 2013, c. 17, s. 26.

Composition at hearings

(3)  An appeal to the Appeal Division shall be heard and determined by such number of members of the Division as is prescribed by the regulations. 2006, c. 21, Sched. C, s. 55; 2013, c. 17, s. 26.

(4), (5)  Repealed: 2006, c. 21, Sched. C, s. 55.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 55](http://www.ontario.ca/laws/statute/S06021" \l "schedcs55) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Appeals to Appeal Division

**49.32** (1)  A party to a proceeding before the Hearing Division may appeal a final decision or order of the Hearing Division to the Appeal Division. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

Appeal from costs order

(2)  A party to a proceeding before the Hearing Division may appeal any order of the Hearing Division under section 49.28 to the Appeal Division, but the appeal may not be commenced until the Hearing Division has given a final decision or order in the proceeding. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

Appeal from summary orders

(3)  A person who is subject to an order under section 46, 47, 47.1, 48 or 49 may appeal the order to the Appeal Division. 2006, c. 21, Sched. C, s. 56; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 56](http://www.ontario.ca/laws/statute/S06021" \l "schedcs56) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Grounds

Grounds: parties other than Society

**49.33** (1)  A party other than the Society may appeal under section 49.32 on any grounds. 1998, c. 21, s. 21.

Grounds: Society

(2)  The Society may appeal under section 49.32 only on a question that is not a question of fact alone, unless the appeal is from an order under section 49.28, in which case the Society may appeal on any grounds. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Time for appeal

**49.34** An appeal under section 49.32 shall be commenced within the time prescribed by the rules of practice and procedure. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Jurisdiction of Appeal Division

**49.35** (1)  The Appeal Division may determine any question of fact or law that arises in a proceeding before it. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

Powers on appeal

(2)  After holding a hearing on an appeal, the Appeal Division may,

(a) make any order or decision that ought to or could have been made by the Hearing Division or person who made the order or decision appealed from;

(b) order a new hearing before the Hearing Division, in the case of an appeal from a decision or order of the Hearing Division; or

(c) dismiss the appeal. 1998, c. 21, s. 21; 2013, c. 17, ss. 21, 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2013, c. 17, s. 21, 26](http://www.ontario.ca/laws/statute/S13017" \l "s21) - 12/03/2014

Stay

**49.36** (1)  An appeal to the Appeal Division does not stay the decision or order appealed from, unless, on motion, the Appeal Division orders otherwise. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

Terms and conditions

(2)  In making an order staying a decision or order, the Appeal Division may impose such terms and conditions as it considers appropriate on the licence of a person who is subject to the decision or order. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 57; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 57](http://www.ontario.ca/laws/statute/S06021" \l "schedcs57) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Application of other provisions

**49.37** (1)  Sections 49.24, 49.24.1, 49.26, 49.27 and 49.28 apply, with necessary modifications, to the Appeal Division. 2006, c. 21, Sched. C, s. 58; 2013, c. 17, s. 26.

(2)  Repealed: 2006, c. 21, Sched. C, s. 58.

Costs

(3)  The authority of the Appeal Division under section 49.28 includes authority to make orders with respect to steps in the proceeding that took place before the Hearing Division. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 58](http://www.ontario.ca/laws/statute/S06021" \l "schedcs58) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Appeals to the Divisional Court

Appeals to Divisional Court

**49.38** A party to a proceeding before the Appeal Division may appeal to the Divisional Court from a final decision or order of the Appeal Division if,

(a) the Appeal Division’s final decision or order was made on an appeal from a decision or order of the Hearing Division under subsection 31 (3); or

(b) the proceeding was commenced under section 34 or 38. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 59; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 59](http://www.ontario.ca/laws/statute/S06021" \l "schedcs59) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Grounds for appeal to court

Grounds: parties other than Society

**49.39** (1)  A party other than the Society may appeal under section 49.38 on any grounds. 1998, c. 21, s. 21.

Grounds: Society

(2)  The Society may appeal under section 49.38 only on a question that is not a question of fact alone, unless the appeal is from an order under section 49.28, in which case the Society may appeal on any grounds. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Payment for documents

**49.40** The Society may require a party to an appeal under section 49.38 to pay the Society for providing the party with copies of the record or other documents for the purpose of the appeal. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Stay

**49.41** (1)  An appeal under section 49.38 does not stay the decision or order appealed from, unless, on motion, the Divisional Court orders otherwise. 1998, c. 21, s. 21.

Terms and conditions

(2)  In making an order staying a decision or order, the court may impose such terms and conditions as it considers appropriate on the licence of a person who is subject to the decision or order. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 60.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 60](http://www.ontario.ca/laws/statute/S06021" \l "schedcs60) - 01/05/2007

Reinstatement

Variation or discharge of previous order

Fresh evidence, material change

**49.42** (1)  If an order made under this Act suspended a licensee’s licence or restricted the manner in which a licensee may practise law or provide legal services, the licensee may apply to the Tribunal for an order of the Hearing Division discharging or varying the order to suspend or restrict on the basis of fresh evidence or a material change in circumstances. 2013, c. 17, s. 22 (1).

Exceptions

(2)  Subsection (1) does not apply to an interlocutory order or an order made under section 46, 47, 47.1 or 49. 2006, c. 21, Sched. C, s. 61.

Discharge from bankruptcy

(3)  If an order made under section 46 suspended a licensee’s licence, the licensee may apply to the Tribunal for an order of the Hearing Division discharging or varying the order to suspend on the basis that the licensee has been discharged from bankruptcy. 2013, c. 17, s. 22 (2).

Parties

(4)  The parties to an application under this section are the applicant, the Society and any other person added as a party by the Hearing Division. 2006, c. 21, Sched. C, s. 61; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 61](http://www.ontario.ca/laws/statute/S06021" \l "schedcs61) - 01/05/2007

[2013, c. 17, s. 22 (1, 2), 26](http://www.ontario.ca/laws/statute/S13017" \l "s22s1) - 12/03/2014

Dispute over satisfaction of terms and conditions

**49.43** (1)  A licensee may apply to the Tribunal for a determination by the Hearing Division of whether terms and conditions specified in an order under this Part have been met if,

(a) the order suspended the licensee’s licence until the terms and conditions were met to the satisfaction of the Society; and

(b) the Society is not satisfied that the terms and conditions have been met. 2006, c. 21, Sched. C, s. 62; 2013, c. 17, s. 23.

Powers

(2)  The Hearing Division shall,

(a) if it determines that the terms and conditions have been met, order that the order suspending the licensee’s licence cease to have effect; or

(b) if it determines that the terms and conditions have not been met, order that the order suspending the licensee’s licence continue in effect. 2006, c. 21, Sched. C, s. 62; 2013, c. 17, s. 26.

Application to automatic suspensions under s. 45.1

(2.1)  Subsections (1) and (2) apply, with necessary modifications, with respect to a determination by the Hearing Division of whether the conditions specified in subsection 45.1 (5) have been met in relation to a suspension under section 45.1. 2020, c. 11, Sched. 13, s. 12.

Parties

(3)  The parties to an application under this section are the applicant, the Society and any other person added as a party by the Hearing Division. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 62](http://www.ontario.ca/laws/statute/S06021" \l "schedcs62) - 01/05/2007

[2013, c. 17, s. 23, 26](http://www.ontario.ca/laws/statute/S13017" \l "s23) - 12/03/2014

[2020, c. 11, Sched. 13, s. 12](http://www.ontario.ca/laws/statute/S20011" \l "sched13s12) - 08/07/2020

Freezing Orders and Trusteeship Orders

Application

**49.44** (1)  Sections 49.45 to 49.52 apply to property that is or should be in the possession or control of a licensee in connection with,

(a) the professional business of the licensee;

(b) the business or affairs of a client or former client of the licensee;

(c) an estate for which the licensee is or was executor, administrator or administrator with the will annexed;

(d) a trust of which the licensee is or was a trustee;

(e) a power of attorney under which the licensee is or was the attorney; or

(f) a guardianship under which the licensee is or was the guardian. 2006, c. 21, Sched. C, s. 63 (1).

Same

(2)  Sections 49.45 to 49.52 apply to property wherever it may be located. 1998, c. 21, s. 21.

Same

(3)  An order under section 49.46 or 49.47 applies to property that is or should be in the possession or control of the licensee before or after the order is made. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 63 (2).

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 63 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs63s1) - 01/05/2007

Grounds for order

**49.45** An order may be made under section 49.46 or 49.47 with respect to property that is or should be in the possession or control of a licensee only if,

(a) the licensee’s licence has been revoked;

(b) the licensee’s licence is under suspension or the manner in which the licensee may practise law or provide legal services has been restricted;

(c) the licensee has died or has disappeared;

(d) the licensee has neglected or abandoned his or her professional business without making adequate provision for the protection of clients’ interests;

(e) there are reasonable grounds for believing that the licensee has or may have dealt improperly with property that may be subject to an order under section 49.46 or 49.47 or with any other property; or

(f) there are reasonable grounds for believing that other circumstances exist in respect of the licensee or the licensee’s professional business that make an order under section 49.46 or 49.47 necessary for the protection of the public. 2006, c. 21, Sched. C, s. 64.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 64](http://www.ontario.ca/laws/statute/S06021" \l "schedcs64) - 01/05/2007

Freezing order

**49.46** On the application of the Society, the Superior Court of Justice may order that all or part of the property that is or should be in the possession or control of a licensee shall not be paid out or dealt with by any person without leave of the court. 1998, c. 21, s. 21; 2002, c. 18, Sched. A, s. 12 (2); 2006, c. 21, Sched. C, s. 65.

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

1998, c. 21, s. 21 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2006, c. 21, Sched. C, s. 65](http://www.ontario.ca/laws/statute/S06021" \l "schedcs65) - 01/05/2007

Trusteeship order

**49.47** (1)  On the application of the Society, the Superior Court of Justice may order that all or part of the property that is or should be in the possession or control of a licensee be held in trust by the Society or another person appointed by the court. 1998, c. 21, s. 21; 2002, c. 18, Sched. A, s. 12 (2); 2006, c. 21, Sched. C, s. 66 (1).

Purpose of order

(2)  An order may be made under subsection (1) only for one or more of the following purposes, as specified in the order:

1. Preserving the property.

2. Distributing the property.

3. Preserving or carrying on the licensee’s professional business.

4. Winding up the licensee’s professional business. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 66 (2).

Property subject to freezing order

(3)  An order under subsection (1) may supersede an order under section 49.46. 1998, c. 21, s. 21.

Use of agent

(4)  If the Society is appointed as trustee, it may appoint an agent to assist it or act on its behalf. 1998, c. 21, s. 21.

Search and seizure

(5)  An order under subsection (1) may authorize the trustee or the sheriff, or any police officer or other person acting on the direction of the trustee or sheriff,

(a) to enter, by force if necessary, any building, dwelling or other premises, or any vehicle or other place, where there are reasonable grounds for believing that property that is or should be in the possession or control of the licensee may be found;

(b) to search the building, dwelling, premises, vehicle or place;

(c) to open, by force if necessary, any safety deposit box or other receptacle; and

(d) to seize, remove and deliver to the trustee any property that is or should be in the possession or control of the licensee. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 66 (3, 4).

Assistance of police

(6)  An order under this section may require a police officer to accompany the trustee or sheriff in the execution of the order. 1998, c. 21, s. 21.

Compensation

(7)  In an order under subsection (1) or on a subsequent application, the court may make such order as it considers appropriate for the compensation of the trustee and the reimbursement of the trustee’s expenses out of the trust property, by the licensee or otherwise as the court may specify. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 66 (5); 2010, c. 1, Sched. 12, s. 5.

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

1998, c. 21, s. 21 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2006, c. 21, Sched. C, s. 66 (1-5)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs66s1) - 01/05/2007

[2010, c. 1, Sched. 12, s. 5](http://www.ontario.ca/laws/statute/S10001" \l "sched12s5) - 18/05/2010

Application for directions

**49.48** The Society, at the time of making an application for an order under section 49.46 or 49.47, or the trustee appointed under subsection 49.47 (1), may apply to the Superior Court of Justice for the opinion, advice or direction of the court on any question affecting the property. 1998, c. 21, s. 21; 2002, c. 18, Sched. A, s. 12 (2).

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

1998, c. 21, s. 21 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

Application without notice

**49.49** An application for an order under section 49.46 or 49.47 may be made without notice. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

Requirement to account

**49.50** An order under section 49.46 or 49.47 may require the licensee to account to the Society and to any other person named in the order for such property as the court may specify. 1998, c. 21, s. 21; 2006, c. 21, Sched. C, s. 67.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 67](http://www.ontario.ca/laws/statute/S06021" \l "schedcs67) - 01/05/2007

Variation or discharge

**49.51** (1)  The Society, the licensee or any person affected by an order under section 49.46 or 49.47 may apply to the Superior Court of Justice to vary or discharge the order. 1998, c. 21, s. 21; 2002, c. 18, Sched. A, s. 12 (2); 2006, c. 21, Sched. C, s. 68.

Notice

(2)  In addition to any person specified by the rules of court, notice of an application under this section shall be given to,

(a) the Society, if the Society is not the applicant; and

(b) the trustee, if an order has been made under section 49.47 and the applicant is not the trustee. 1998, c. 21, s. 21.

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

1998, c. 21, s. 21 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2006, c. 21, Sched. C, s. 68](http://www.ontario.ca/laws/statute/S06021" \l "schedcs68) - 01/05/2007

Former licensees or members

**49.52** (1)  Sections 49.44 to 49.51 also apply, with necessary modifications, in respect of,

(a) a person who was and has ceased to be a licensee; and

(b) a person who was and has ceased to be a member and has never become a licensee. 2006, c. 21, Sched. C, s. 69.

Same

(2)  Sections 49.44 to 49.51 apply to property that is or should be in the possession or control of,

(a) a person described in clause (1) (a), before or after the person ceases to practise law or provide legal services; or

(b) a person described in clause (1) (b), before or after the person ceases to practise law. 2006, c. 21, Sched. C, s. 69.

Same

(3)  In applying sections 49.44, 49.45 and 49.47 to a person described in clause (1) (b),

(a) a reference to a professional business shall be deemed to be a reference to a law practice;

(b) a reference to a licence having been revoked shall be deemed to be a reference to a membership having been revoked; and

(c) a reference to a licence being under suspension shall be deemed to be a reference to rights and privileges as a member being under suspension. 2006, c. 21, Sched. C, s. 69.

Definitions

(4)  In this section,

“amendment day” means the day subsection 2 (6) of Schedule C to the Access to Justice Act, 2006 came into force; (“jour de la modification”)

“member” means a member as defined in section 1, as it read immediately before the amendment day. (“membre”) 2006, c. 21, Sched. C, s. 69.

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

1998, c. 21, s. 21 - 01/02/1999

[2006, c. 21, Sched. C, s. 69](http://www.ontario.ca/laws/statute/S06021" \l "schedcs69) - 01/05/2007

Outside Counsel

Outside counsel

**49.53** The Society shall be represented by a person who is not a bencher or employee of the Society in any proceeding under this Part before the Hearing Division, the Appeal Division or a court that concerns a bencher or employee of the Society. 1998, c. 21, s. 21; 2013, c. 17, s. 26.

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

1998, c. 21, s. 21 - 01/02/1999

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

PART III

**50** Repealed: 2006, c. 21, Sched. C, s. 70.

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

1991, c. 41, s. 4 - 25/11/1991; 1993, c. 27, s. 5 - 31/12/1991; 1998, c. 21, s. 23 - 01/02/1999

[2006, c. 21, Sched. C, s. 70](http://www.ontario.ca/laws/statute/S06021" \l "schedcs70) - 01/05/2007

**50.1** Repealed: 2006, c. 21, Sched. C, s. 70.

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

1998, c. 21, s. 24 - 01/02/1999

[2006, c. 21, Sched. C, s. 70](http://www.ontario.ca/laws/statute/S06021" \l "schedcs70) - 01/05/2007

**50.2** Repealed: 2006, c. 21, Sched. C, s. 70.

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

1998, c. 21, s. 24 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2006, c. 21, Sched. C, s. 70](http://www.ontario.ca/laws/statute/S06021" \l "schedcs70) - 01/05/2007

Compensation Fund

Compensation Fund

**51** (1)  The Lawyers Fund for Client Compensation is continued as the Compensation Fund in English and Fonds d’indemnisation in French. 2006, c. 21, Sched. C, s. 71 (1).

Same

(1.1)  The Society shall maintain the Fund and shall hold it in trust for the purposes of this section. 1998, c. 21, s. 25 (1).

Derivation of funds

(2)  The following shall be paid into the Fund:

1. All money paid to the Society under subsection (3).

2. All money recovered by the Society under subsection (7).

3. All money contributed to the Fund by any person.

4. All money earned from the investment of money in the Fund. 2006, c. 21, Sched. C, s. 71 (2).

Fund levy

(3)  Every licensee, other than those of a class exempted by the by-laws, shall pay to the Society, for the Fund, such sum as is prescribed from time to time by the by-laws. R.S.O. 1990, c. L.8, s. 51 (3); 1998, c. 21, s. 25 (3); 2006, c. 21, Sched. C, s. 71 (3).

Insurance

(4)  The Society may insure with any insurer licensed to carry on business in Ontario for such purposes and on such terms as Convocation considers expedient in relation to the Fund, and, in such event, the money in the Fund may be used for the payment of premiums. R.S.O. 1990, c. L.8, s. 51 (4); 1998, c. 21, s. 25 (4).

Grants

(5)  Convocation in its absolute discretion may make grants from the Fund in order to relieve or mitigate loss sustained by a person in consequence of,

(a) dishonesty on the part of a person, while a licensee, in connection with his or her professional business or in connection with any trust of which he or she was or is a trustee; or

(b) dishonesty, before the amendment day, on the part of a person, while a member, in connection with his or her law practice or in connection with any trust of which he or she was or is a trustee. 2006, c. 21, Sched. C, s. 71 (4).

Same

(5.1)  Subsection (5) applies even if after the commission of the act of dishonesty, the dishonest person has died, has ceased to administer his or her affairs or has ceased to be a licensee or member. 2006, c. 21, Sched. C, s. 71 (4).

Limitation on grants

(5.2)  Without limiting the discretion of Convocation under subsection (5),

(a) if, at the time of the commission of the act of dishonesty, the dishonest person was a member or was licensed to practise law in Ontario as a barrister and solicitor, Convocation may decide not to make a grant under subsection (5) except out of the following money in the Fund,

(i) money paid to the Society under subsection (3),

(A) after the amendment day, by persons licensed to practise law in Ontario as barristers and solicitors, and

(B) before the amendment day, by members,

(ii) money recovered by the Society under subsection (7), whether before or after the amendment day, on account of losses sustained by persons in consequence of,

(A) dishonesty, before the amendment day, on the part of members, and

(B) dishonesty, after the amendment day, on the part of persons licensed to practise law in Ontario as barristers and solicitors,

(iii) money contributed to the Fund, whether before or after the amendment day, that is not money paid to the Society under subsection (3) or money recovered by the Society under subsection (7), and

(iv) regarding money earned, whether before or after the amendment day, from the investment of money in the Fund, the proportion of the earned money that is attributable to the investment of the money referred to in subclauses (i), (ii) and (iii); and

(b) if, at the time of the commission of the act of dishonesty, the dishonest person was licensed to provide legal services in Ontario, Convocation may decide not to make a grant under subsection (5) except out of the following money in the Fund,

(i) money paid to the Society under subsection (3) by persons licensed to provide legal services in Ontario,

(ii) money recovered by the Society under subsection (7) on account of losses sustained by persons in consequence of dishonesty on the part of persons licensed to provide legal services in Ontario,

(iii) money contributed to the Fund that is not money paid to the Society under subsection (3) or money recovered by the Society under subsection (7), and

(iv) regarding money earned from the investment of money in the Fund, the proportion of the earned money that is attributable to the investment of the money referred to in subclauses (i), (ii) and (iii). 2006, c. 21, Sched. C, s. 71 (4).

Conditions of grants

(6)  No grant shall be made out of the Fund unless notice in writing of the loss is received by the Society within two years after the loss came to the knowledge of the person suffering the loss. 2024, c. 2, Sched. 14, s. 1.

Subrogation

(7)  If a grant is made under this section, the Society is subrogated, to the extent of the amount of the grant, to all rights and remedies to which the grantee was entitled on account of the loss in respect of which the grant was made,

(a) against the dishonest person or any other person; or

(b) in the event of the death, insolvency or other disability of the dishonest person or other person, against the personal representative or other person administering the estate. 2006, c. 21, Sched. C, s. 71 (6).

Grantees’ rights conditionally limited

(8)  A grantee or, in the event of the death, insolvency or other disability of a grantee, the personal representative or other person administering the estate of the grantee, has no right to receive anything from the dishonest person or the dishonest person’s estate, in respect of the loss in respect of which the grant was made, until the Society has been reimbursed the full amount of the grant. 2006, c. 21, Sched. C, s. 71 (6).

Reimbursement from bankrupt’s estate

(9)  If a grant is made under this section and the dishonest person is or becomes bankrupt, the Society is entitled,

(a) to assert and prove a claim in the bankruptcy for the amount of the grant; and

(b) to receive all dividends on the Society’s claim until the Society has been reimbursed the full amount of the grant. 2006, c. 21, Sched. C, s. 71 (6).

Delegation of powers to committee or referee or both

(10)  Convocation may delegate any of the powers conferred upon it by this section to a committee of Convocation and, whether or not Convocation has made any such delegation, it may appoint any licensee as a referee and delegate to the licensee any of the powers conferred upon it by this section that are not delegated to a committee. R.S.O. 1990, c. L.8, s. 51 (10); 2006, c. 21, Sched. C, s. 71 (7).

Same

(10.1)  In establishing a committee for the purposes of subsection (10), Convocation may appoint to the committee one or more members of the Paralegal Standing Committee who are licensed to provide legal services in Ontario. 2010, c. 16, Sched. 2, s. 4 (2).

Reports

(11)  Where Convocation has delegated any of its powers under this section to a committee or to a referee, the committee or referee, as the case may be, shall report as required to Convocation but, where there is a delegation to both a committee and a referee, the referee shall report as required to the committee. R.S.O. 1990, c. L.8, s. 51 (11).

Summons

(11.1)  For the purposes of this section, an employee of the Society holding an office prescribed by the by-laws for the purpose of this section may require any person, by summons,

(a) to give evidence on oath or affirmation at a hearing before Convocation, a committee or a referee; and

(b) to produce in evidence at a hearing before Convocation, a committee or a referee documents and things specified by the employee. 2006, c. 21, Sched. C, s. 71 (8).

Application of *Public Inquiries Act, 2009*

(11.2)  Subsections 33 (4), (5) and (16) and 34 (4) of the Public Inquiries Act, 2009 apply, with necessary modifications, if a summons is issued under subsection (11.1). 2009, c. 33, Sched. 6, s. 64.

Costs of administration

(12)  There may be paid out of the Fund the costs of its administration, including the costs of investigations and hearings and all other costs, salaries and expenses necessarily incidental to the administration of the Fund. R.S.O. 1990, c. L.8, s. 51 (12); 1998, c. 21, s. 25 (8).

Definitions

(13)  In this section,

“amendment day” means the day subsection 2 (6) of Schedule C to the Access to Justice Act, 2006 came into force; (“jour de la modification”)

“member” means a member as defined in section 1, as it read immediately before the amendment day. (“membre”) 2006, c. 21, Sched. C, s. 71 (9).

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

1998, c. 21, s. 25 (1-8) - 01/02/1999

[2006, c. 21, Sched. C, s. 71 (1-9)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs71s1) - 01/05/2007

[2009, c. 33, Sched. 6, s. 64](http://www.ontario.ca/laws/statute/S09033" \l "sched6s64) - 01/06/2011

[2010, c. 16, Sched. 2, s. 4 (2)](http://www.ontario.ca/laws/statute/S10016" \l "sched2s4s2) - 25/10/2010

[2024, c. 2, Sched. 14, s. 1](http://www.ontario.ca/laws/statute/S24002" \l "sched14s1) - 06/03/2024

The Law Foundation of Ontario

Definitions

**52** In this section and in sections 53 to 59.5,

“board” means the board of trustees of the Foundation; (“conseil”)

“class proceeding” means a proceeding certified as a class proceeding on a motion made under section 2 or 3 of the Class Proceedings Act, 1992; (“recours collectif”)

“Committee” means the Class Proceedings Committee referred to in section 59.2; (“Comité”)

“defendant” includes a respondent; (“défendeur”)

“Foundation” means The Law Foundation of Ontario referred to in section 53; (“Fondation”)

“plaintiff” includes an applicant; (“demandeur”)

“trustee” means a trustee of the board. (“administrateur”) R.S.O. 1990, c. L.8, s. 52; 1992, c. 7, s. 1.

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

1992, c. 7, s. 1 - 01/01/1993

Foundation continued

**53** (1)  The corporation known as The Law Foundation of Ontario is continued as a corporation without share capital under the name The Law Foundation of Ontario in English and Fondation du droit de l’Ontario in French and shall consist of the trustees for the time being of the board. R.S.O. 1990, c. L.8, s. 53 (1).

Application of Not-for-Profit Corporations Act, 2010

(2)  The Not-for-Profit Corporations Act, 2010 does not apply to the Foundation, except as may be prescribed by regulation. 2010, c. 15, s. 230 (2).

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

[2010, c. 15, s. 230 (2)](http://www.ontario.ca/laws/statute/S10015" \l "s230s2) - 19/10/2021

Board of trustees

**54** (1)  The affairs of the Foundation shall be managed and controlled by a board of trustees consisting of five trustees of whom two shall be appointed by the Attorney General and three shall be appointed by the Society. R.S.O. 1990, c. L.8, s. 54 (1).

Quorum

(2)  Three trustees constitute a quorum. R.S.O. 1990, c. L.8, s. 54 (2).

Vacancies

(3)  Where there are not more than two vacancies in the membership of the board, the remaining trustees constitute the board for all purposes. R.S.O. 1990, c. L.8, s. 54 (3).

Remuneration

(4)  The trustees shall serve without remuneration, but each trustee is entitled to receive his or her actual disbursements for expenses incurred for any services rendered by him or her at the direction of the board. R.S.O. 1990, c. L.8, s. 54 (4).

Audit

(5)  The accounts and financial transactions of the Foundation shall be audited annually by an auditor or auditors appointed by the board. R.S.O. 1990, c. L.8, s. 54 (5).

Annual report

(6)  The board shall make a report annually to the Attorney General on the activities of the Foundation, including the report of the auditor under subsection (5), and the Attorney General shall lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. L.8, s. 54 (6).

Objects and funds

Objects

**55** (1)  The objects of the Foundation are to establish and maintain a fund to be used for any or all of the following purposes:

1. Legal education and legal research.

2. Legal aid.

3. The establishment, maintenance and operation of law libraries.

4. The provision of costs assistance to parties to class proceedings and to proceedings commenced under the Class Proceedings Act, 1992. R.S.O. 1990, c. L.8, s. 55 (1); 1992, c. 7, s. 2.

Derivation of funds

(2)  The funds of the Foundation shall be derived from,

(a) gifts, bequests and devises received by the Foundation under subsection 56 (2);

(b) money remitted to the Foundation under subsection 57 (3);

(c) money received by the Foundation as interest or other gain on joint accounts maintained under section 57.1;

(d) money paid to the Foundation under subsection 59.7 (3); and

(e) money resulting from the use, disposal or investment of money and other property mentioned in clause (a), (b), (c) or (d). 2006, c. 21, Sched. C, s. 72 (1).

Application of funds

(3)  The board shall apply the funds of the Foundation for such of its purposes as the board considers appropriate, but at least 75 per cent of the net revenue received in each year under clauses (2) (b), (c) and (d) shall be paid to Legal Aid Ontario. 1998, c. 26, s. 106 (1, 2); 2006, c. 21, Sched. C, s. 72 (2); 2020, c. 11, Sched. 15, s. 56.

Investment strategy

(4)  In making investments and entering agreements under clauses 56 (1) (a), (d) and (e), the board shall use its best efforts to maximize the return to the Foundation within the bounds of prudent financial management. 1994, c. 27, s. 49 (4).

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

1992, c. 7, s. 2 - 01/01/1993; 1994, c. 27, s. 49 (1-4) - 01/03/1995; 1998, c. 21, s. 26 (1, 2) - 01/02/1999; 1998, c. 26, s. 106 (1, 2) - 01/04/1999

[2006, c. 21, Sched. C, s. 72 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs72s1) - 01/05/2007

[2020, c. 11, Sched. 15, s. 56](https://www.ontario.ca/laws/statute/S20011" \l "BK63) - 18/10/2021

Powers of Foundation

**56** (1)  In addition to the powers and privileges mentioned in section 92 of Part VI (Interpretation) of the Legislation Act, 2006, the Foundation has power,

(a) to invest the funds of the Foundation;

(b) to pay out of the funds of the Foundation the costs, charges and expenses necessarily incurred in the administration of the Foundation and in carrying out its objects;

(c) to enter into agreements with any person and pay and apply any of its funds for the implementation of its objects;

(d) to invest the funds that it holds on joint account under section 57.1;

(e) to enter into agreements with financial institutions related to the consolidation for investment purposes of funds held on joint accounts under section 57.1 and related to the use of those funds;

(f) to borrow such funds as it considers appropriate for the purpose of making investments and entering into agreements under clauses (a), (d) and (e). R.S.O. 1990, c. L.8, s. 56 (1); 1994, c. 27, s. 49 (5); 1998, c. 18, Sched. B, s. 8 (1, 2); 1998, c. 26, s. 106 (3); 2006, c. 21, Sched. F, s. 117.

Investment

(1.1)  Sections 27 to 31 of the Trustee Act apply, with necessary modifications, to the investment of funds under clauses (1) (a) and (d). 1998, c. 18, Sched. B, s. 8 (3); 2002, c. 18, Sched. A, s. 12 (1).

Gifts, devises, etc.

(2)  The Foundation has power to receive gifts, bequests and devises of property, real or personal, and to hold, use or dispose of such property in furtherance of the objects of the Foundation, subject to the terms of any trust affecting the same. R.S.O. 1990, c. L.8, s. 56 (2).

Idem

(3)  Any form of words is sufficient to constitute a gift, bequest or devise to the Foundation so long as the person making the gift, bequest or devise indicates an intention to contribute presently or prospectively to the Foundation. R.S.O. 1990, c. L.8, s. 56 (3).

Service charges

(3.1)  The following rules apply to service charges and other fees charged in relation to a joint account held under section 57.1:

1. Service charges and other fees that are prescribed by the regulations shall be paid out of the funds of the Foundation.

2. Amounts charged for issuing certified cheques against the joint account shall be paid by the licensee.

3. All other service charges and fees shall be paid by the licensee. 1994, c. 27, s. 49 (6); 2006, c. 21, Sched. C, s. 73 (1, 2).

Accounting

(3.2)  All interest and other profits under the investments and agreements authorized under clauses (1) (d) and (e) accrue to, and become funds of, the Foundation and not a licensee or a client of a licensee or a person claiming through a licensee or client of a licensee. 2006, c. 21, Sched. C, s. 73 (3).

Protection of joint accounts

(3.3)  Despite subsection (3.2), the Foundation is responsible for all losses resulting from investments and agreements under clauses (1) (d) and (e) and shall ensure that losses in respect of particular investments are paid out of the funds of the Foundation and not out of funds held for the benefit of any client of a licensee. 1994, c. 27, s. 49 (6); 2006, c. 21, Sched. C, s. 73 (4).

Licensee’s responsibility

(3.4)  A licensee is responsible to his or her clients for the operation of a joint account maintained by the licensee under section 57.1 as if it were a trust account held solely by the licensee, and the Foundation is not responsible to any person in respect of the joint account except to the extent that its exercise of its powers under clause (1) (d) or (e) has caused a loss to the person. 2006, c. 21, Sched. C, s. 73 (5).

Powers of the board

(4)  The board may pass by-laws not contrary to this Act to achieve the objects of the Foundation and to regulate and govern its procedure and the conduct and administration of the affairs of the Foundation. R.S.O. 1990, c. L.8, s. 56 (4).

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

1994, c. 27, s. 49 (5-6) - 01/03/1995; 1998, c. 18, Sched. B, s. 8 (1-3) - 01/07/1999; 1998, c. 26, s. 106 (3) - 01/04/1999

[2002, c. 18, Sched. A, s. 12 (1)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s1) - 29/06/2001

[2006, c. 21, Sched. C, s. 73 (1-5)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs73s1) - 01/05/2007; [2006, c. 21, Sched. F, s. 117](http://www.ontario.ca/laws/statute/S06021" \l "schedfs117) - 25/07/2007

Interest on trust funds

Trust funds to bear interest

**57** (1)  Every licensee who holds money in trust for or on account of more than one client in one fund shall hold the money in an account at a bank listed in Schedule I or II to the Bank Act (Canada), a credit union or central to which the Credit Unions and Caisses Populaires Act, 2020 applies or a registered trust corporation, bearing interest at a rate approved by the trustees. 2006, c. 21, Sched. C, s. 74 (1); 2020, c. 36, Sched. 7, s. 316 (1).

Interest in trust

(2)  The interest accruing on money held in an account referred to in subsection (1) shall be deemed to be held in trust for the Foundation. R.S.O. 1990, c. L.8, s. 57 (2).

Payment to Foundation

(3)  Every licensee to whom subsection (1) applies shall,

(a) file reports with the Foundation as to the interest referred to in subsection (2); and

(b) remit or cause to be remitted to the Foundation all interest money referred to in subsection (2),

in the manner and at the times prescribed by the regulations. R.S.O. 1990, c. L.8, s. 57 (3); 2006, c. 21, Sched. C, s. 74 (2).

Immunity

(4)  Subject to subsection (5), a licensee is not liable, whether as a person practising law or providing legal services or as trustee, to account to any person, whether as client or as settlor or beneficiary of the trust, other than the Foundation, for interest on money held under subsection (1). 2006, c. 21, Sched. C, s. 74 (3).

Exceptions

(5)  Nothing in this section affects,

(a) any arrangement in writing between a licensee and the person for whom the licensee holds money in trust as to the disposition of the interest accruing on the money; or

(b) any entitlement of a client to the interest accruing on money held in trust in an account separate from any other money. 2006, c. 21, Sched. C, s. 74 (3).

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

1994, c. 11, s. 389 - 01/03/1995

[2006, c. 21, Sched. C, s. 74 (1-3)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs74s1) - 01/05/2007

[2020, c. 36, Sched. 7, s. 316 (1)](http://www.ontario.ca/laws/statute/S20036" \l "sched7s316s1) - 01/03/2022

Joint trust accounts

**57.1** (1)  A licensee who maintains an account to which subsection 57 (1) applies at a financial institution designated by the regulations shall establish and maintain it as a joint account in the name of the licensee and the Foundation, and shall immediately notify the Foundation that the account has been established and provide such details as may be required by the regulations and by the Foundation. 2006, c. 21, Sched. C, s. 75 (1).

Same

(2)  The licensee shall execute such documents as the Foundation considers necessary,

(a) to permit the financial institution to pay interest accruing on money held in the joint account directly to the Foundation;

(b) to permit the Foundation to consolidate the funds in the joint account with other funds in which the Foundation has an interest. 1994, c. 27, s. 49 (7); 2006, c. 21, Sched. C, s. 75 (2).

Same

(3)  The Foundation shall ensure that the licensee retains the power in his or her relationship with the financial institution in which a joint account is established to deposit funds to and make payments out of the joint account in the same manner as if it were a trust account solely in the name of the licensee. 1994, c. 27, s. 49 (7); 2006, c. 21, Sched. C, s. 75 (3).

Same

(4)  Subsections 57 (4) and (5) apply to the joint accounts but subsections 57 (2) and (3) do not. 1994, c. 27, s. 49 (7).

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

1994, c. 27, s. 49 (7) - 01/03/1995

[2006, c. 21, Sched. C, s. 75 (1-3)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs75s1) - 01/05/2007

Immunity

**57.2** (1)  The Foundation is not liable to any person, and no proceeding shall be commenced against the Foundation, in respect of,

(a) a dealing by a licensee with trust funds or a failure of a licensee to fulfil his or her obligations under section 57 or 57.1; or

(b) a dealing by a member with trust funds, or a failure of a member to fulfil his or her obligations under section 57, before the amendment day. 2006, c. 21, Sched. C, s. 76 (1).

Same

(2)  No action or other proceeding for damages shall be commenced against a member of the board for an act done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such a duty or power. 1994, c. 27, s. 49 (7).

Definitions

(3)  In this section,

“amendment day” means the day subsection 2 (6) of Schedule C to the Access to Justice Act, 2006 came into force; (“jour de la modification”)

“member” means a member as defined in section 1, as it read immediately before the amendment day. (“membre”) 2006, c. 21, Sched. C, s. 76 (2).

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

1994, c. 27, s. 49 (7) - 01/03/1995

[2006, c. 21, Sched. C, s. 76 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs76s1) - 01/05/2007

Report by Society

**58** (1)  The Society shall in each year report to the Foundation the name and the office or residence address shown by the records of the Society of every licensee who files a report with the Society that shows the licensee holds money on deposit in a trust account for or on account of clients. 2006, c. 21, Sched. C, s. 77 (1).

Report by member

(2)  The Foundation may require a licensee whose name is contained in a report by the Society under subsection (1) to file a report with the Foundation stating whether or not the licensee has received or been credited with interest on money held in a trust account for or on account of clients. R.S.O. 1990, c. L.8, s. 58 (2); 2006, c. 21, Sched. C, s. 77 (2).

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

[2006, c. 21, Sched. C, s. 77 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs77s1) - 01/05/2007

Regulations

**59** Subject to the approval of the Lieutenant Governor in Council, the board may make regulations,

(a) governing the form, content and filing of the reports required under section 57;

(b) governing the time and manner of remitting the interest money referred to in section 57 to the Foundation;

(b.1) prescribing the information that must be provided to the Foundation when a joint account is established under section 57.1 and prescribing and governing information that must be provided by a licensee from time to time in respect of the joint account after it is established;

(c) prescribing the form and the time of filing of reports required under section 58;

(d) prescribing provisions of the Not-for-Profit Corporations Act, 2010 that apply to the Foundation. R.S.O. 1990, c. L.8, s. 59; 1994, c. 27, s. 49 (8); 2006, c. 21, Sched. C, s. 78; 2010, c. 15, s. 230 (3).

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

1994, c. 27, s. 49 (8) - 01/03/1995

[2006, c. 21, Sched. C, s. 78](http://www.ontario.ca/laws/statute/S06021" \l "schedcs78) - 01/05/2007

[2010, c. 15, s. 230 (3)](http://www.ontario.ca/laws/statute/S10015" \l "s230s3) - 19/10/2021

Class Proceedings Fund

**59.1** (1)  The board shall,

(a) establish an account of the Foundation to be known as the Class Proceedings Fund;

(b) within sixty days after this Act comes into force, endow the Class Proceedings Fund with $300,000 from the funds of the Foundation;

(c) within one year after the day on which the endowment referred to in clause (b) is made, endow the Class Proceedings Fund with a further $200,000 from the funds of the Foundation; and

(d) administer the Class Proceedings Fund in accordance with this Act and the regulations. 1992, c. 7, s. 3.

Purposes of the Class Proceedings Fund

(2)  The Class Proceedings Fund shall be used for the following purposes:

1. Financial support for plaintiffs to class proceedings and to proceedings commenced under the Class Proceedings Act, 1992, in respect of disbursements related to the proceeding.

2. Payments to defendants in respect of costs awards made in their favour against plaintiffs who have received financial support from the Fund. 1992, c. 7, s. 3.

Application of s. 56

(3)  Funds in the Class Proceedings Fund are funds of the Foundation within the meaning of section 56, but payments out of the Class Proceedings Fund shall relate to the administration or purposes of the Fund. 1992, c. 7, s. 3.

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

1992, c. 7, s. 3 - 01/01/1993

Class Proceedings Committee

**59.2** (1)  The Class Proceedings Committee is established and shall be composed of,

(a) one member appointed by the Foundation;

(b) one member appointed by the Attorney General; and

(c) three members appointed jointly by the Foundation and the Attorney General. 1992, c. 7, s. 3.

Term of office

(2)  Each member of the Class Proceedings Committee shall hold office for a period of three years and is eligible for re-appointment. 1992, c. 7, s. 3.

Quorum

(3)  Three members of the Committee constitute a quorum. 1992, c. 7, s. 3.

Vacancies

(4)  Where there are not more than two vacancies in the membership of the Committee, the remaining members constitute the Committee for all purposes. 1992, c. 7, s. 3.

Remuneration

(5)  The members of the Committee shall serve without remuneration, but each member is entitled to compensation for expenses incurred in carrying out the functions of the Committee. 1992, c. 7, s. 3.

Temporary members

(6)  If the number of members of the Committee available to consider an application under section 59.3 is insufficient to form a quorum under subsection (3), the Foundation may appoint the number of temporary members needed in order to form a quorum. 2009, c. 33, Sched. 2, s. 42.

Notice of appointment

(7)  The Foundation shall provide notice of each appointment under subsection (6) to the Attorney General as soon as reasonably practicable, and the notice shall include the reasons for the appointment. 2009, c. 33, Sched. 2, s. 42.

Expiry of appointment

(8)  The appointment of a temporary member expires on the earliest of the following dates:

1. The date on which the temporary member is no longer needed in order to form a quorum.

2. If the application is granted, the date on which the proceeding in respect of which the application is made is finally disposed of.

3. If the application is not granted, the date on which it is denied.

4. The third anniversary of the appointment. 2009, c. 33, Sched. 2, s. 42.

Reappointment

(9)  A temporary member whose appointment expires under paragraph 4 of subsection (8) may be reappointed by the Foundation, and subsections (7) and (8) apply with necessary modifications in respect of the reappointment. 2009, c. 33, Sched. 2, s. 42.

Remuneration

(10)  Subsection (5) applies with necessary modifications with respect to the remuneration of a temporary member. 2009, c. 33, Sched. 2, s. 42.

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

1992, c. 7, s. 3 - 01/01/1993

[2009, c. 33, Sched. 2, s. 42](http://www.ontario.ca/laws/statute/S09033" \l "sched2s42) - 15/12/2009

Applications by plaintiffs

**59.3** (1)  A plaintiff to a class proceeding or to a proceeding commenced under section 2 of the Class Proceedings Act, 1992 may apply to the Committee for financial support from the Class Proceedings Fund in respect of disbursements related to the proceeding. 1992, c. 7, s. 3.

Same

(2)  An application under subsection (1) shall not include a claim in respect of the fees of a person practising law or providing legal services. 2006, c. 21, Sched. C, s. 79.

Committee may authorize payment

(3)  The Committee may direct the board to make payments from the Class Proceedings Fund to a plaintiff who makes an application under subsection (1), in the amount that the Committee considers appropriate. 1992, c. 7, s. 3.

Idem

(4)  In making a decision under subsection (3), the Committee may have regard to,

(a) the merits of the plaintiff’s case;

(b) whether the plaintiff has made reasonable efforts to raise funds from other sources;

(c) whether the plaintiff has a clear and reasonable proposal for the use of any funds awarded;

(d) whether the plaintiff has appropriate financial controls to ensure that any funds awarded are spent for the purposes of the award; and

(e) any other matter that the Committee considers relevant. 1992, c. 7, s. 3.

Supplementary funding

(5)  A plaintiff who has received funding under subsection (3) may apply to the Committee at any time up to the end of the class proceeding for supplementary funding and the Committee may direct the board to make further payments from the Class Proceedings Fund to the plaintiff if the Committee is of the opinion, having regard to all the circumstances, that it is appropriate to do so. 1992, c. 7, s. 3.

Board shall make payments

(6)  The board shall make payments in accordance with any directions given by the Committee under this section. 1992, c. 7, s. 3.

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

1992, c. 7, s. 3 - 01/01/1993

[2006, c. 21, Sched. C, s. 79](http://www.ontario.ca/laws/statute/S06021" \l "schedcs79) - 01/05/2007

Applications by defendants

**59.4** (1)  A defendant to a proceeding may apply to the board for payment from the Class Proceedings Fund in respect of a costs award made in the proceeding in the defendant’s favour against a plaintiff who has received financial support from the Class Proceedings Fund in respect of the proceeding. 1992, c. 7, s. 3.

Board shall make payments

(2)  The board shall make payments applied for in accordance with subsection (1) from the Class Proceedings Fund, subject to any limits or tariffs applicable to such payments prescribed by the regulations. 1992, c. 7, s. 3.

Plaintiff not liable

(3)  A defendant who has the right to apply for payment from the Class Proceedings Fund in respect of a costs award against a plaintiff may not recover any part of the award from the plaintiff. 1992, c. 7, s. 3.

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

1992, c. 7, s. 3 - 01/01/1993

Regulations

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

(a) respecting the administration of the Class Proceedings Fund;

(b) establishing procedures for making applications under sections 59.3 and 59.4;

(c) establishing criteria in addition to those set out in section 59.3 for decisions of the Committee under section 59.3;

(d) establishing limits and tariffs for payments under sections 59.3 and 59.4;

(e) prescribing conditions of awards under section 59.3;

(f) providing for the assessment of costs in respect of which a claim is made under section 59.4;

(g) providing for levies in favour of the Class Proceedings Fund against awards and settlement funds in proceedings in respect of which a party receives financial support from the Class Proceedings Fund. 1992, c. 7, s. 3.

Idem

(2)  A regulation made under clause (1) (d) may provide for different limits and tariffs for different stages and types of proceedings. 1992, c. 7, s. 3.

Idem

(3)  A regulation made under clause (1) (g) may provide for levies that exceed the amount of financial support received by the parties to a proceeding. 1992, c. 7, s. 3.

Idem

(4)  A regulation made under clause (1) (g) may provide for levies based on a formula that takes the amount of an award or settlement fund into account. 1992, c. 7, s. 3.

Idem

(5)  A levy under clause (1) (g) against a settlement fund or monetary award is a charge on the fund or award. 1992, c. 7, s. 3.

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

1992, c. 7, s. 3 - 01/01/1993

Unclaimed Trust Funds

Unclaimed trust funds

**59.6** (1)  A licensee who has held money in trust for or on account of a person for a period of at least two years may apply in accordance with the by-laws for permission to pay the money to the Society, if,

(a) the licensee has been unable to locate the person entitled to the money despite having made reasonable efforts throughout a period of at least two years; or

(b) the licensee is unable to determine who is entitled to the money. 1998, c. 21, s. 27; 2006, c. 21, Sched. C, s. 80 (1).

Approval of application

(2)  If the Society approves an application under subsection (1), the licensee may pay the money to the Society, subject to such terms and conditions as the Society may impose. 2006, c. 21, Sched. C, s. 80 (2).

Financial records

(3)  A licensee who pays money to the Society under subsection (2) shall provide the Society with copies of financial records relating to the money that are in the licensee’s possession or control. 2006, c. 21, Sched. C, s. 80 (2).

Licensee ’s liability

(4)  Payment of money to the Society under subsection (2) extinguishes the licensee’s liability as trustee or fiduciary with respect to the amount paid to the Society. 1998, c. 21, s. 27; 2006, c. 21, Sched. C, s. 80 (3).

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

1998, c. 21, s. 27 - 01/02/1999

[2006, c. 21, Sched. C, s. 80 (1-3)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs80s1) - 01/05/2007

[2010, c. 1, Sched. 12, s. 6](http://www.ontario.ca/laws/statute/S10001" \l "sched12s6) - 18/05/2010

Society becomes trustee

**59.7** (1)  Money paid to the Society under section 59.6 shall be held in trust by the Society in perpetuity for the purpose of satisfying the claims of the persons who are entitled to the money. 1998, c. 21, s. 27.

One or more accounts

(2)  Money held in trust under this section may be held in one or more accounts. 1998, c. 21, s. 27.

Trust income

(3)  Subject to subsections (5) and (6), all income from the money held in trust under this section shall be paid to the Law Foundation. 1998, c. 21, s. 27.

Passing accounts

(4)  The Society shall from time to time apply to the Superior Court of Justice under section 23 of the Trustee Act to pass the accounts of the trust established by this section and the court’s order on each application shall specify a date before which the Society must make its next application to pass the accounts. 1998, c. 21, s. 27; 2002, c. 18, Sched. A, s. 12 (2).

Trustee compensation

(5)  Subject to subsection (6), the Society may take compensation from the trust property in accordance with orders made under subsection 23 (2) of the Trustee Act. 1998, c. 21, s. 27.

Same

(6)  Compensation may be taken under subsection (5) only from the income of the trust. 1998, c. 21, s. 27.

(7)  Repealed: 2020, c. 11, Sched. 13, s. 13.

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

1998, c. 21, s. 27 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2020, c. 11, Sched. 13, s. 13](http://www.ontario.ca/laws/statute/S20011" \l "sched13s13) - 08/07/2020

Transfer to trust fund

**59.8** (1)  Despite section 59.6, the Society may transfer to the trust established by section 59.7 any money received in trust by the Society after February 1, 1999 from a member as defined in section 1, as it read immediately before the day subsection 2 (6) of Schedule C to the Access to Justice Act, 2006 came into force, or from a licensee, if,

(a) immediately before the money was received by the Society, the member or licensee was holding the money in trust for or on account of a person; and

(b) the Society is unable to locate the person entitled to the money or to determine who is entitled to the money. 2006, c. 21, Sched. C, s. 81 (1).

Exception

(2)  Money held in trust by the Society pursuant to an order made under section 49.47 shall not be transferred under subsection (1) without the approval of the Superior Court of Justice provided for in the order made under section 49.47 or obtained on an application under section 49.48 or 49.51. 1998, c. 21, s. 27; 2002, c. 18, Sched. A, s. 12 (2).

Money held before February 1, 1999

(3)  The Society may transfer to the trust established by section 59.7 any money held in trust by the Society immediately before February 1, 1999, if,

(a) the money was received by the Society from a member as defined in section 1, as it read immediately before the day subsection 2 (6) of Schedule C to the Access to Justice Act, 2006 came into force, who held the money in trust for or on account of a person; and

(b) the Society is unable to locate the person entitled to the money or to determine who is entitled to the money. 2006, c. 21, Sched. C, s. 81 (2).

Transferred money to be held in trust

(4)  Money transferred under this section to the trust established by section 59.7 shall be held in trust by the Society under section 59.7. 1998, c. 21, s. 27.

Liability extinguished

(5)  The transfer by the Society under this section, to the trust established by section 59.7, of money received from a person extinguishes the liability of the person as trustee or fiduciary with respect to the amount transferred. 2006, c. 21, Sched. C, s. 81 (3).

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

1998, c. 21, s. 27 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

[2006, c. 21, Sched. C, s. 81 (1-3)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs81s1) - 01/05/2007

Notice

**59.9** (1)  The Society shall publish a notice annually in The Ontario Gazette listing the name and last known address of every person entitled to money that, during the previous year, was paid to the Society under section 59.6 or transferred under section 59.8 to the trust established by section 59.7. 1998, c. 21, s. 27; 2006, c. 21, Sched. C, s. 82 (1).

Exception

(2)  Subsection (1) does not require publication of,

(a) a name or an address of which the Society is not aware; or

(b) a name or an address of which the Society is aware, if,

(i) publication of the name or address would breach a duty of confidentiality owed by a person who was practising law or providing legal services, or

(ii) there are reasonable grounds for believing that publication of the name or address will result in a significant risk of physical or psychological harm to the person whose name or address is published or to another person. 2006, c. 21, Sched. C, s. 82 (2).

Other steps

(3)  The Society shall take such other steps as it considers appropriate to locate the persons entitled to money held in trust by the Society under section 59.7. 1998, c. 21, s. 27.

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

1998, c. 21, s. 27 - 01/02/1999

[2006, c. 21, Sched. C, s. 82 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs82s1) - 01/05/2007

Claims

**59.10** (1)  A person may make a claim in accordance with the by-laws for payment of money held in trust by the Society under section 59.7. 1998, c. 21, s. 27.

Payment of claims

(2)  Subject to sections 59.12 and 59.13, the Society shall pay claims in accordance with the by-laws. 1998, c. 21, s. 27.

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

1998, c. 21, s. 27 - 01/02/1999

Application to court

**59.11** Subject to sections 59.12 and 59.13, if a claim under section 59.10 is denied by the Society in whole or in part, the claimant may apply to the Superior Court of Justice for an order directing the Society to pay the claimant any money to which the claimant is entitled. 1998, c. 21, s. 27; 2002, c. 18, Sched. A, s. 12 (2).

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

1998, c. 21, s. 27 - 01/02/1999

[2002, c. 18, Sched. A, s. 12 (2)](http://www.ontario.ca/laws/statute/S02018" \l "schedas12s2) - 26/11/2002

No entitlement to interest

**59.12** A claimant to whom money is paid under section 59.10 or 59.11 is not entitled to any interest on the money that was held in trust by the Society. 1998, c. 21, s. 27.

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

1998, c. 21, s. 27 - 01/02/1999

Limit on payments

**59.13** (1)  The total of all payments made to claimants under sections 59.10 and 59.11 in respect of money paid to the Society under section 59.6 by a particular person shall not exceed the amount paid to the Society under section 59.6 by that person. 2006, c. 21, Sched. C, s. 83.

Money transferred to trust fund

(2)  Subsection (1) also applies, with necessary modifications, in respect of money transferred under section 59.8 to the trust established by section 59.7. 1998, c. 21, s. 27.

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

1998, c. 21, s. 27 - 01/02/1999

[2006, c. 21, Sched. C, s. 83](http://www.ontario.ca/laws/statute/S06021" \l "schedcs83) - 01/05/2007

Former licensees and members

**59.14** Sections 59.6 to 59.13 also apply, with necessary modifications, in respect of money held in trust by,

(a) a person who was and has ceased to be a licensee; and

(b) a person who was and has ceased to be a member, as defined in section 1 as it read immediately before the day subsection 2 (6) of Schedule C to the Access to Justice Act, 2006 came into force, and has never become a licensee. 2006, c. 21, Sched. C, s. 84.

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

1998, c. 21, s. 27 - 01/02/1999

[2006, c. 21, Sched. C, s. 84](http://www.ontario.ca/laws/statute/S06021" \l "schedcs84) - 01/05/2007

Legal Education, Degrees

Education programs and law degrees

Education programs

**60** (1)  The Society may operate programs of pre-licensing education or training and programs of continuing professional development. 2006, c. 21, Sched. C, s. 85; 2010, c. 16, Sched. 2, s. 4 (3).

Law degrees

(2)  The Society may grant degrees in law. R.S.O. 1990, c. L.8, s. 60 (2).

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

[2006, c. 21, Sched. C, s. 85](http://www.ontario.ca/laws/statute/S06021" \l "schedcs85) - 01/05/2007

[2010, c. 16, Sched. 2, s. 4 (3)](http://www.ontario.ca/laws/statute/S10016" \l "sched2s4s3) - 25/10/2010

Indemnity for Professional Liability

Indemnity for professional liability

**61** The Society,

(a) may make arrangements for licensees respecting indemnity for professional liability and respecting the payment and remission of premiums in connection with such indemnity; and

(b) may require that licensees or one or more classes of licensees pay levies to the Society in connection with such indemnity and may exempt licensees or one or more classes of licensees from the requirement to pay all or any part of the levies. 2006, c. 21, Sched. C, s. 86.

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

[2006, c. 21, Sched. C, s. 86](http://www.ontario.ca/laws/statute/S06021" \l "schedcs86) - 01/05/2007

Professional Corporations

Professional corporations

**61.0.1** (1)  Subject to the by-laws,

(a) one or more persons who are licensed to practise law in Ontario as barristers and solicitors may establish a professional corporation for the purpose of practising law in Ontario;

(b) one or more persons who are licensed to provide legal services in Ontario may establish a professional corporation for the purpose of providing legal services in Ontario;

(c) one or more persons who are licensed to practise law in Ontario as barristers and solicitors and one or more persons who are licensed to provide legal services in Ontario may together establish a professional corporation for the purpose of practising law and providing legal services in Ontario. 2006, c. 21, Sched. C, s. 87 (2).

Professions governed by this Act

(2)  For the purposes of section 3.1 of the Business Corporations Act, the following professions are governed by this Act and are permitted by this Act to be carried out by a corporation:

1. The practice of law.

2. The provision of legal services. 2006, c. 21, Sched. C, s. 87 (2).

Application of *Business Corporations Act*

(3)  If provisions of the Business Corporations Act or of the regulations made under that Act apply to a professional corporation within the meaning of that Act, those provisions apply for the purposes of this Act, subject to subsections (4) and (5). 2006, c. 21, Sched. C, s. 87 (2).

Shareholders

(4)  For the purposes of subsection 3.2 (2) of the Business Corporations Act, in the case of a professional corporation described in subsection (1) of this section, the following conditions apply instead of the condition set out in paragraph 1 of subsection 3.2 (2) of the Business Corporations Act, despite subsection 3.2 (1) of that Act:

1. All of the issued and outstanding shares of a professional corporation described in clause (1) (a) shall be legally and beneficially owned, directly or indirectly, by one or more persons who are licensed to practise law in Ontario.

2. All of the issued and outstanding shares of a professional corporation described in clause (1) (b) shall be legally and beneficially owned, directly or indirectly, by one or more persons who are licensed to provide legal services in Ontario.

3. All of the issued and outstanding shares of a professional corporation described in clause (1) (c) shall be legally and beneficially owned, directly or indirectly, by one or more persons who are licensed to practise law in Ontario or licensed to provide legal services in Ontario. 2006, c. 21, Sched. C, s. 87 (2).

Articles of incorporation

(5)  For the purposes of subsection 3.2 (2) of the Business Corporations Act, in the case of a professional corporation described in subsection (1) of this section, the following conditions apply instead of the condition set out in paragraph 5 of subsection 3.2 (2) of the Business Corporations Act, despite subsection 3.2 (1) of that Act:

1. The articles of incorporation of a professional corporation described in clause (1) (a) shall provide that the corporation may not carry on a business other than the practice of law, but this paragraph shall not be construed to prevent the corporation from carrying on activities related to or ancillary to the practice of law, including the investment of surplus funds earned by the corporation.

2. The articles of incorporation of a professional corporation described in clause (1) (b) shall provide that the corporation may not carry on a business other than the provision of legal services, but this paragraph shall not be construed to prevent the corporation from carrying on activities related to or ancillary to the provision of legal services, including the investment of surplus funds earned by the corporation.

3. The articles of incorporation of a professional corporation described in clause (1) (c) shall provide that the corporation may not carry on a business other than the practice of law and the provision of legal services, but this paragraph shall not be construed to prevent the corporation from carrying on activities related to or ancillary to the practice of law and the provision of legal services, including the investment of surplus funds earned by the corporation. 2006, c. 21, Sched. C, s. 87 (2).

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

[2000, c. 42, Sched. , s. 22](http://www.ontario.ca/laws/statute/S00042" \l "scheds22) - 01/11/2001

[2006, c. 21, Sched. C, s. 87 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs87s1) - 01/05/2007

Register

**61.0.2** (1)  The Society shall establish and maintain a register of corporations that have been issued certificates of authorization. 2006, c. 21, Sched. C, s. 88 (1).

Contents of registry

(2)  The register shall contain the information set out in the by-laws. 2000, c. 42, Sched., s. 22.

Availability to public

(3)  The Society shall make the register available for public inspection in accordance with the by-laws. 2006, c. 21, Sched. C, s. 88 (2).

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

[2000, c. 42, Sched. , s. 22](http://www.ontario.ca/laws/statute/S00042" \l "scheds22) - 01/11/2001

[2006, c. 21, Sched. C, s. 88 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs88s1) - 01/05/2007

Notice of change of shareholder

**61.0.3** A professional corporation shall notify the Society within the time and in the form and manner determined under the by-laws of a change in the shareholders of the corporation. 2000, c. 42, Sched., s. 22; 2006, c. 21, Sched. C, s. 89.

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

[2000, c. 42, Sched. , s. 22](http://www.ontario.ca/laws/statute/S00042" \l "scheds22) - 01/11/2001

[2006, c. 21, Sched. C, s. 89](http://www.ontario.ca/laws/statute/S06021" \l "schedcs89) - 01/05/2007

Application of Act, etc.

**61.0.4** (1)  Any provision of this Act, the regulations, the by-laws or the rules of practice and procedure that applies to a person who is authorized to practise law in Ontario or a person who is authorized to provide legal services in Ontario continues to apply to such person even if his or her practice of law or provision of legal services is carried on through a professional corporation. 2006, c. 21, Sched. C, s. 90.

Exercise of powers of Society against corporation

(2)  Sections 33, 34, 35, 36, 45 to 48 and 49.2, subsections 49.3 (1) and (2) and sections 49.8 to 49.10, 49.44 to 49.52, 57 to 59 and 61 apply with necessary modifications to professional corporations,

(a) as if a reference in those provisions to a licensee were a reference to a professional corporation, except in the expression “conduct unbecoming a licensee”, which shall be read as it is and shall not be considered to be a reference to “conduct unbecoming a professional corporation”; and

(b) as if a reference in those provisions to a licence were a reference to a certificate of authorization. 2006, c. 21, Sched. C, s. 90.

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

[2000, c. 42, Sched. , s. 22](http://www.ontario.ca/laws/statute/S00042" \l "scheds22) - 01/11/2001

[2001, c. 8, s. 47](http://www.ontario.ca/laws/statute/S01008" \l "s47) - 01/11/2001

[2006, c. 21, Sched. C, s. 90](http://www.ontario.ca/laws/statute/S06021" \l "schedcs90) - 01/05/2007

Professional, fiduciary and ethical obligations to clients

**61.0.5** (1)  The professional, fiduciary and ethical obligations of a person practising law or providing legal services, to a person on whose behalf he or she is practising law or providing legal services,

(a) are not diminished by the fact that he or she is practising law or providing legal services through a professional corporation; and

(b) apply equally to the corporation and to its directors, officers, shareholders, agents and employees. 2006, c. 21, Sched. C, s. 90.

Audit, etc.

(2)  If an action or the conduct of a person practising law or providing legal services through a professional corporation is the subject of an audit, investigation or review,

(a) any power that may be exercised under this Act in respect of the person in the course, or as a result, of the audit, investigation or review may be exercised in respect of the corporation; and

(b) the corporation is jointly and severally liable with the person for,

(i) all costs that he or she is required by the by-laws to pay in relation to the audit, investigation or review, and

(ii) all fines and costs that he or she is ordered by the Hearing Division, the Appeal Division or a court to pay as a result of the audit, investigation or review. 2006, c. 21, Sched. C, s. 90; 2013, c. 17, s. 26.

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

[2000, c. 42, Sched. , s. 22](http://www.ontario.ca/laws/statute/S00042" \l "scheds22) - 01/11/2001

[2001, c. 8, s. 48 (1, 2)](http://www.ontario.ca/laws/statute/S01008" \l "s48s1) - 01/11/2001

[2006, c. 21, Sched. C, s. 90](http://www.ontario.ca/laws/statute/S06021" \l "schedcs90) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

Terms, conditions, etc.

**61.0.6** (1)  A term, condition, limitation or restriction imposed under this Act on a person practising law or providing legal services through a professional corporation applies to the certificate of authorization of the corporation in relation to the practice of law or provision of legal services by the person. 2006, c. 21, Sched. C, s. 90.

Same

(2)  A term, condition, limitation or restriction imposed under this Act on a professional corporation applies to the persons practising law or providing legal services through the corporation. 2006, c. 21, Sched. C, s. 90.

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

[2001, c. 8, s. 49](http://www.ontario.ca/laws/statute/S01008" \l "s49) - 01/11/2001

[2006, c. 21, Sched. C, s. 90](http://www.ontario.ca/laws/statute/S06021" \l "schedcs90) - 01/05/2007

Prohibitions and offences, corporations

Requirement to be professional corporation

**61.0.7** (1)  No corporation, other than a corporation that has been incorporated or continued under the Business Corporations Act and holds a valid certificate of authorization, shall practise law in Ontario or provide legal services in Ontario. 2006, c. 21, Sched. C, s. 90.

Holding out, etc.

(2)  No corporation, other than a corporation that has been incorporated or continued under the Business Corporations Act and holds a valid certificate of authorization, shall hold out or represent that it is a professional corporation, that it may practise law in Ontario or that it may provide legal services in Ontario. 2006, c. 21, Sched. C, s. 90.

Compliance with certificate of authorization

(3)  No corporation shall practise law in Ontario or provide legal services in Ontario except to the extent permitted by the corporation’s certificate of authorization. 2006, c. 21, Sched. C, s. 90.

Holding out, etc.

(4)  No corporation shall hold out or represent that it may practise law in Ontario or that it may provide legal services in Ontario, without specifying, in the course of the holding out or representation, the restrictions, if any,

(a) on the areas of law that the corporation is authorized to practise or in which the corporation is authorized to provide legal services; and

(b) on the legal services that the corporation is authorized to provide. 2006, c. 21, Sched. C, s. 90.

Satisfaction of conditions

(5)  No corporation shall practise law in Ontario or provide legal services in Ontario when it does not satisfy the conditions set out in paragraphs 2, 3 and 4 of subsection 3.2 (2) of the Business Corporations Act and subsections 61.0.1 (4) and (5) of this Act. 2006, c. 21, Sched. C, s. 90.

Offence, corporation

(6)  Every corporation that contravenes this section is guilty of an offence and on conviction is liable to a fine of,

(a) not more than $25,000 for a first offence; and

(b) not more than $50,000 for each subsequent offence. 2006, c. 21, Sched. C, s. 90.

Offence, directors and officers

(7)  If a corporation is guilty of an offence under subsection (6), every director or officer of the corporation who authorized, permitted or acquiesced in the commission of the offence is guilty of an offence and on conviction is liable to a fine of not more than $50,000. 2006, c. 21, Sched. C, s. 90.

Condition of probation order: compensation or restitution

(8)  The court that convicts a person of an offence under subsection (7) may prescribe as a condition of a probation order that the person pay compensation or make restitution to any person who suffered a loss as a result of the offence. 2006, c. 21, Sched. C, s. 90.

Order for costs

(9)  Despite any other Act, the court that convicts a corporation or person of an offence under this section may order the corporation or person to pay the prosecutor costs toward fees and expenses reasonably incurred by the prosecutor in the prosecution. 2006, c. 21, Sched. C, s. 90.

Deemed order

(10)  A certified copy of an order for costs made under subsection (9) may be filed in the Superior Court of Justice by the prosecutor and, on filing, shall be deemed to be an order of that court for the purposes of enforcement. 2006, c. 21, Sched. C, s. 90.

Limitation

(11)  A prosecution for an offence under this section shall not be commenced more than two years after the date on which the offence was alleged to have been committed. 2006, c. 21, Sched. C, s. 90.

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

[2001, c. 8, s. 49](http://www.ontario.ca/laws/statute/S01008" \l "s49) - 01/11/2001

[2006, c. 21, Sched. C, s. 90](http://www.ontario.ca/laws/statute/S06021" \l "schedcs90) - 01/05/2007

Trusteeships permitted

**61.0.8** Clause 213 (2) (b) of the Loan and Trust Corporations Act does not prevent a professional corporation from acting as a trustee in respect of services normally provided by licensees. 2000, c. 42, Sched., s. 22.; 2006, c. 21, Sched. C, s. 91.

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

[2000, c. 42, Sched. , s. 22](http://www.ontario.ca/laws/statute/S00042" \l "scheds22) - 01/11/2001

[2006, c. 21, Sched. C, s. 91](http://www.ontario.ca/laws/statute/S06021" \l "schedcs91) - 01/05/2007

Reference to corporation included

**61.0.9** A reference in any other Act or any regulation, rule or order made under any other Act to an individual who practises law, an individual who provides legal services or an individual who is licensed under this Act shall be deemed to include a reference to a professional corporation, if any, through which the individual practises law or provides legal services. 2006, c. 21, Sched. C, s. 92.

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

[2000, c. 42, Sched. , s. 22](http://www.ontario.ca/laws/statute/S00042" \l "scheds22) - 01/11/2001

[2006, c. 21, Sched. C, s. 92](http://www.ontario.ca/laws/statute/S06021" \l "schedcs92) - 01/05/2007

Limited Liability Partnerships

Limited liability partnerships

**61.1** (1)  Subject to the by-laws,

(a) two or more persons who are licensed to practise law in Ontario as barristers and solicitors may form a limited liability partnership, or continue a partnership as a limited liability partnership, for the purpose of practising law in Ontario;

(b) two or more persons who are licensed to provide legal services in Ontario may form a limited liability partnership, or continue a partnership as a limited liability partnership, for the purpose of providing legal services in Ontario;

(c) one or more persons who are licensed to practise law in Ontario as barristers and solicitors and one or more persons who are licensed to provide legal services in Ontario may together form a limited liability partnership, or continue a partnership as a limited liability partnership, for the purpose of practising law and providing legal services in Ontario;

(d) two or more professional corporations may form a limited liability partnership, or continue a partnership as a limited liability partnership, for the purpose of practising law in Ontario, providing legal services in Ontario or doing both, as authorized by their certificates of authorization. 2006, c. 21, Sched. C, s. 93.

Definition

(2)  In this section,

“limited liability partnership” means a limited liability partnership as defined in the Partnerships Act. 2006, c. 21, Sched. C, s. 93.

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

1998, c. 21, s. 28 - 01/02/1999

[2006, c. 21, Sched. C, s. 93](http://www.ontario.ca/laws/statute/S06021" \l "schedcs93) - 01/05/2007

Firms

Practice, provision through a firm

**61.1.1**Any provision of this Act, the regulations, the by-laws or the rules of practice and procedure that applies to a person who is authorized to practise law in Ontario or a person who is authorized to provide legal services in Ontario continues to apply to the person even if his or her practice of law or provision of legal services is carried on through a firm. 2020, c. 11, Sched. 13, s. 14.

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

[2020, c. 11, Sched. 13, s. 14](http://www.ontario.ca/laws/statute/S20011" \l "sched13s14) - 08/07/2020

Application of Act to firms

**61.1.2**(1)  If and to the extent provided for by the by-laws, sections 33 to 36, 41 to 44 and 49.2, subsections 49.3 (1) and (2), and sections 49.8 to 49.10, 49.43 to 49.51, 57 to 59, 59.6, 59.7, 59.9 and 61 apply with respect to firms as they do with respect to licensees, subject to the modifications specified in this section, any modifications specified by the by-laws and any other necessary modifications. 2020, c. 11, Sched. 13, s. 14.

Same, reference to licensee

(2)  A reference in a provision listed in subsection (1) to a licensee shall be read as a reference to a firm, except in the expression “conduct unbecoming a licensee”, which shall be read as it is and shall not be considered to be a reference to “conduct unbecoming a firm”. 2020, c. 11, Sched. 13, s. 14.

Same, reference to professional business

(3)  A reference in a provision listed in subsection (1) to a professional business shall be read as a reference to the professional business of the firm. 2020, c. 11, Sched. 13, s. 14.

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

[2020, c. 11, Sched. 13, s. 14](http://www.ontario.ca/laws/statute/S20011" \l "sched13s14) - 08/07/2020

Application to associations

**61.1.3**A provision referred to in subsection 61.1.2 (1), or a provision of the regulations, the by-laws or the rules of practice and procedure, that applies to a firm that is an association of licensees referred to in paragraph 3 of the definition of “firm” in subsection 1 (1) shall be read as applying to the directing mind or minds of the association, as determined in accordance with the by-laws. 2020, c. 11, Sched. 13, s. 14.

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

[2020, c. 11, Sched. 13, s. 14](http://www.ontario.ca/laws/statute/S20011" \l "sched13s14) - 08/07/2020

Registration

**61.1.4**(1)  If the by-laws so provide, a firm shall be registered in accordance with the by-laws. 2020, c. 11, Sched. 13, s. 14.

Register

(2)  If the by-laws provide for the registration of firms, the Society shall establish and maintain a register of the firms. 2020, c. 11, Sched. 13, s. 14.

Same

(3)  A register established under subsection (2) shall,

(a) contain the information required by the by-laws, subject to any by-law respecting the removal of information from the register; and

(b) be made available for public inspection by the Society in accordance with the by-laws. 2020, c. 11, Sched. 13, s. 14.

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

[2020, c. 11, Sched. 13, s. 14](http://www.ontario.ca/laws/statute/S20011" \l "sched13s14) - 08/07/2020

Rules of Practice and Procedure

Rules

**61.2** (1)  Convocation may make rules of practice and procedure applicable to proceedings before the Hearing Division and the Appeal Division and to the making of orders under sections 46, 47, 47.1, 48 and 49. 1998, c. 21, s. 28; 2006, c. 21, Sched. C, s. 94 (1); 2013, c. 17, s. 26.

Examples

(2) Without limiting the generality of subsection (1), Convocation may make rules of practice and procedure,

(a) governing the circumstances in which orders may be made under this Act;

(b) authorizing and governing interlocutory orders in a proceeding or intended proceeding, including interlocutory orders suspending a licensee’s licence or restricting the manner in which a licensee may practise law or provide legal services;

(c) authorizing appeals from interlocutory orders;

(d) prescribing circumstances in which an interlocutory order suspending a licensee’s licence may be deemed to be a final order if the licensee does not appear at the hearing of an application;

(e) governing the admissibility of evidence in proceedings, including the admissibility in evidence of documents and other information disclosed under this Act or under the regulations, by-laws or rules;

(f) authorizing orders that a hearing or part of a hearing be held in the absence of the public and authorizing orders that specified information relating to a proceeding not be disclosed;

(g) authorizing the Hearing Division, in applications under section 34, to deal**,** with the consent of the parties, with matters that would otherwise have to be the subject of an application under section 38, and to make any order referred to in section 40;

(h) governing the administration of reprimands;

(i) governing the awarding of costs under section 49.28. 1998, c. 21, s. 28; 2006, c. 21, Sched. C, s. 94 (2-4); 2013, c. 17, s. 26.

Rules under *SPPA*

(3)  Rules made under this section shall be deemed, for the purposes of the Statutory Powers Procedure Act, to have been made under section 25.1 of that Act. 1998, c. 21, s. 28.

Conflict with *SPPA*

(4)  In the event of a conflict between the rules made under this section and the Statutory Powers Procedure Act, the rules made under this section prevail, despite section 32 of that Act. 1998, c. 21, s. 28.

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

1998, c. 21, s. 28 - 01/02/1999

[2006, c. 21, Sched. C, s. 94 (1-4)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs94s1) - 01/05/2007

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

By-laws

By-laws

**62** (0.1)  Convocation may make by-laws,

1. relating to the affairs of the Society;

2. providing procedures for the making, amendment and revocation of the by-laws;

3. governing honorary benchers, persons who are benchers by virtue of their office and honorary members, and prescribing their rights and privileges;

3.1 for the purposes of paragraph 5 of subsection 1 (8), prescribing persons or classes of persons who shall be deemed not to be practising law or providing legal services and the circumstances in which each such person or class of persons shall be deemed not to be practising law or providing legal services;

4. prescribing the classes of licence that may be issued under this Act, the scope of activities authorized under each class of licence and the terms, conditions, limitations or restrictions imposed on each class of licence;

4.1 governing the licensing of persons to practise law in Ontario as barristers and solicitors and the licensing of persons to provide legal services in Ontario, including prescribing the qualifications and other requirements for the various classes of licence and governing applications for a licence;

5. governing the handling of money and other property by licensees;

6. requiring and prescribing the financial records to be kept by licensees and providing for the exemption from such requirements of any class of licensees;

7. requiring and providing for the examination or audit of licensees’ financial records and transactions and for the filing with the Society of reports with respect to such records and transactions;

8. requiring licensees to register an address with the Society and to notify the Society of any changes in the address;

9. requiring licensees or any class of licensees, or authorizing the Society to require licensees or any class of licensees, to provide the Society with information or to file certificates, reports or other documents with the Society, relating to the Society’s functions under this Act;

10. authorizing and providing for the preparation, publication and distribution of a code of professional conduct and ethics;

11. authorizing and providing for the preparation, publication and distribution of guidelines for professional competence;

12. respecting the reporting and publication of the decisions of the courts;

13. prescribing offices of the Society, the holders of which may exercise a power or perform a duty under this Act, the regulations, the by-laws or the rules of practice and procedure, or the holders of which may be appointed by Convocation to exercise a power or perform a duty under this Act, the regulations, the by-laws or the rules of practice and procedure, and specifying the powers they may exercise or be appointed to exercise and the duties they may perform or be appointed to perform;

14. prescribing fees and levies relating to the functions of the Society, including fees for late compliance with any obligation, that must be paid to the Society by,

i. licensees or any class of licensees,

ii. applicants for a licence or any class of applicants for a licence,

iii. limited liability partnerships that practise law or provide legal services, and applicants for a permit for a limited liability partnership to practise law or provide legal services,

iv. professional corporations and applicants for a certificate of authorization for a corporation,

v. persons who give legal advice respecting the law of a jurisdiction outside Canada, and applicants for a permit to give such advice,

vi. persons authorized to practise law or provide legal services outside Ontario who are permitted to represent one or more other persons in a specific proceeding before an adjudicative body in Ontario, and applicants for such permission,

vii. persons authorized to practise law or provide legal services in another province or territory of Canada who are permitted to engage in the occasional practice of law or provision of legal services in Ontario, and applicants for such permission,

viii. partnerships, corporations and other organizations that practise law or provide legal services and that maintain one or more offices outside Ontario and one or more offices in Ontario, and applicants for a permit to engage in such practice of law or provision of legal services, and

ix. persons, partnerships, corporations and other organizations that practise law or provide legal services and that also practise another profession or provide other services, and applicants for a permit to engage in such activities;

15. governing the payment and remission of fees and levies prescribed under paragraph 14 and exempting any class of persons from all or any part of any fee or levy;

16. providing for the payment to the Society by a licensee of the cost of an audit, investigation, review, search or seizure under Part II;

17. requiring the payment of interest on any amount owed to the Society by any person and prescribing the interest rate;

18. providing for and governing meetings of members of the Society, as set out in subsection 2 (2), or their representatives;

19. defining who is a student, prescribing classes of students and describing each class, and governing students, including,

i. governing the employment of students,

ii. making any provision of this Act, the regulations, the by-laws or the rules of practice and procedure apply to students with necessary modifications or subject to such modifications as may be specified by the by-laws, and

iii. specifying provisions of this Act, the regulations, the by-laws or the rules of practice and procedure that do not apply to students;

20. defining who is a clerk and governing the employment of clerks by persons licensed to practise law in Ontario as barristers and solicitors;

21. governing degrees in law;

22. providing and governing bursaries, scholarships, medals and prizes;

23. respecting legal education, including programs of pre-licensing education or training;

24. providing for and governing extension courses, continuing professional development and legal research, and prescribing continuing professional development requirements that must be met by licensees, subject to such exemptions as may be provided for by the by-laws;

25. prescribing, for the purposes of section 26.1, persons or classes of persons who are permitted to practise law in Ontario without being licensed to do so and persons or classes of persons who are permitted to provide legal services in Ontario without being licensed to do so, prescribing the circumstances in which persons who are not licensees are permitted to practise law or to provide legal services in Ontario, and prescribing the extent to which persons who are not licensees are permitted to practise law or to provide legal services in Ontario, including specifying the areas of law that such persons may practise or in which such persons may provide legal services and the legal services that such persons may provide;

26. prescribing oaths and affirmations for applicants for a licence or any class of applicants for a licence;

27. providing for and governing libraries;

27.1 governing the practice of law and the provision of legal services through a firm, including,

i. exercising, in respect of firms, any by-law making authority listed in this subsection respecting licensees, including, for greater certainty, under paragraph 14,

ii. for the purposes of subsection 61.1.2 (1),

A. providing that any or all of the provisions listed in that subsection apply with respect to firms or any class or classes of firms,

B. providing for modifications to the application of any or all of the provisions listed in that subsection with respect to firms or any class or classes of firms, including providing that a provision or portion of a provision does not apply with respect to firms or a class or classes of firms, or applies only in specified circumstances, or that different provisions listed in the subsection apply with respect to different classes of firms,

iii. respecting the determination of the directing mind or minds of an association of licensees for the purposes of section 61.1.3,

iv. requiring the registration of firms and governing the registration,

v. requiring firms to designate a member of the firm for the purpose of receiving information and documents from and providing information and documents to the Society on behalf of the firm or of one or more members of the firm, or for the purposes of any or all of subparagraphs vi to x, and governing the designations,

vi. requiring or authorizing specified reporting requirements or other specified requirements that are applicable to licensees who are members of a firm to be met by a designated member of the firm on behalf of some or all the licensees,

vii. requiring a designated member of a firm to appear before a person or entity specified by the by-laws respecting the conduct of the firm or of one or more members of the firm or any other matter specified by the by-laws, or authorizing a person or entity specified by the by-laws to require such an appearance,

viii. authorizing a person or entity specified by the by-laws to meet with a designated member of a firm or any other members of the firm specified by the by-laws to review the conduct of the firm or of one or more members of the firm or any other matter specified by the by-laws,

ix. requiring the designated member of a firm or any other member of the firm specified by the by-laws to comply with any requirements imposed on firms under the by-laws,

x. authorizing a person or entity specified by the by-laws to reprimand the firm, the designated member of the firm or any other member of the firm specified by the by-laws,

xi. specifying circumstances in which the Society may publish a firm’s failure to comply with a requirement under this Act and governing the publication;

28. governing the practice of law and the provision of legal services by limited liability partnerships, including requiring those partnerships to maintain a minimum amount of liability insurance for the purposes of clause 44.2 (b) of the Partnerships Act, requiring that those partnerships hold a permit to practise law or provide legal services, governing the issuance, renewal, suspension and revocation of such permits and governing the terms and conditions that may be imposed on such permits;

28.1 governing the practice of law and the provision of legal services through professional corporations, including, without limiting the generality of the foregoing, requiring the certification of those corporations, governing the issuance, renewal, surrender, suspension and revocation of certificates of authorization, governing the terms, conditions, limitations and restrictions that may be imposed on certificates and governing the names of those corporations and the notification of a change in the shareholders of those corporations;

29. providing for persons authorized to practise law or provide legal services outside Ontario to be permitted to represent one or more other persons in a specific proceeding before an adjudicative body in Ontario, subject to the approval of the adjudicative body, governing the granting of permission and the terms and conditions to which the permission may be subject, and making any provision of this Act, the regulations, the by-laws or the rules of practice and procedure apply to those persons with necessary modifications or subject to such modifications as may be specified by the by-laws;

30. providing for persons authorized to practise law or provide legal services in another province or territory of Canada to be permitted to engage in the occasional practice of law or provision of legal services in Ontario, governing the granting of permission and the terms and conditions to which the permission may be subject, and making any provision of this Act, the regulations, the by-laws or the rules of practice and procedure apply to those persons with necessary modifications or subject to such modifications as may be specified by the by-laws;

31. governing the practice of law and the provision of legal services by any partnership, corporation or other organization that maintains one or more offices outside Ontario and one or more offices in Ontario, including requiring that those partnerships, corporations and other organizations hold a permit to practise law or provide legal services, governing the issuance, renewal, suspension and revocation of such permits and governing the terms and conditions that may be imposed on such permits;

32. governing the practice of law and the provision of legal services by any person, partnership, corporation or other organization that also practises another profession or provides other services, including requiring that those persons, partnerships, corporations and other organizations hold a permit to engage in such activities, governing the issuance, renewal, suspension and revocation of such permits and governing the terms and conditions that may be imposed on such permits;

33. regulating the giving of legal advice respecting the law of a jurisdiction outside Canada, including requiring a permit issued by the Society, governing the issuance, renewal, suspension and revocation of such permits and governing the terms and conditions that may be imposed on such permits;

34. providing for the establishment, maintenance and administration of a benevolent fund for licensees and the dependants of deceased licensees;

35. governing applications to surrender a licence under section 30 and the acceptance by the Society of such applications;

36. respecting the Compensation Fund;

37. governing applications to pay trust money to the Society under section 59.6 and the approval by the Society of such applications;

37.1 governing the making of claims under section 59.10 and the determination and payment by the Society of such claims;

38. governing the referral of complaints to the Complaints Resolution Commissioner and governing the performance of duties and the exercise of powers by the Commissioner;

39. designating offices held by employees of the Society to which the Complaints Resolution Commissioner may delegate powers or duties;

40. governing reviews under section 42, including,

i. prescribing, for the purpose of clause 42 (1) (a), circumstances in which the Society may conduct a review under section 42, and

ii. prescribing, for the purpose of subsection 42 (6), the time within which a licensee may accept a proposal for an order;

41. Repealed: 2006, c. 21, Sched. C, s. 95 (17).

42. governing the appointment of persons to conduct audits, investigations and reviews under Part II;

43. prescribing a period for the purposes of subsection 46 (1) and governing the payment of amounts owing for the purposes of subsection 46 (2);

44. prescribing a period for the purposes of subsection 47 (1) and governing the completion and filing of documents for the purposes of subsection 47 (2);

44.1 governing disclosure and circumstances for the purposes of clause 49.12 (2) (f), or of clause 49.12 (2) (j);

45. specifying a deadline for the purposes of subsection 49.28 (3), and providing for a process to extend a deadline for paying costs in the circumstances described in subsection 49.28 (4) and specifying that extended deadline;

46. providing for additional powers, duties and functions of the Tribunal, its chair and its members;

46.1 setting out eligibility requirements for the purposes of subsections 49.20.2 (1), 49.21 (3), 49.22.1 (2), 49.24.1 (2), 49.29 (3) and 49.30.1 (2);

46.2 governing the conduct of members of the Hearing Division and members of the Appeal Division who are assigned to hear and determine matters, including providing for a code of professional conduct for such members and providing for the code’s enforcement, and governing the evaluation of such members;

47. governing the implementation of agreements with the responsible authorities in other jurisdictions relating to the practice of law or the provision of legal services;

48. prescribing forms and providing for their use;

49. governing the register that the Society is required to establish and maintain under section 27.1, including prescribing information that the register must contain in addition to the information required under section 27.1, governing the removal of information from the register and governing the Society’s duty under section 27.1 to make the register available for public inspection;

50. governing the register that the Society is required to establish and maintain under section 61.0.2, including prescribing information that the register must contain, governing the removal of information from the register and governing the Society’s duty under section 61.0.2 to make the register available for public inspection;

50.1 governing any register established under subsection 61.1.4 (2), including prescribing information that the register must contain, governing the removal of information from the register and governing the Society’s duty under clause 61.1.4 (3) (b) to make the register available for public inspection;

51. prescribing requirements to be met by licensees with respect to indemnity for professional liability;

52. respecting anything that, under this Act, may or must be prescribed or done by the by-laws. 1998, c. 21, s. 29 (1); 2000, c. 42, Sched., s. 23; 2001, c. 8, s. 50; 2006, c. 21, Sched. C, ss. 95 (1-20); 2010, c. 16, Sched. 2, s. 4 (4); 2013, c. 17, s. 24 (1-3); 2020, c. 11, Sched. 13, s. 15 (1).

Same

(1)  Without limiting the generality of paragraph 1 of subsection (0.1), by-laws may be made under that paragraph,

1. Repealed: 1998, c. 21, s. 29 (3).

2. prescribing the seal and the coat of arms of the Society;

3. providing for the execution of documents by the Society;

4. respecting the borrowing of money and the giving of security therefor;

5. fixing the financial year of the Society and providing for the audit of the accounts and transactions of the Society;

6. governing the election of benchers under section 15, including prescribing regions for the purpose of subsection 15 (2), prescribing the terms of office of elected benchers, prescribing the number of benchers to be elected for each region, governing the qualifications required to be a candidate or vote in elections and providing for challenges of election results;

6.1 governing the election of benchers under subsection 16 (1), including prescribing the day on which the first election of such benchers must take place, requiring such benchers to be elected for regions and prescribing the regions, prescribing the terms of office of elected benchers, governing the qualifications required to be a candidate or vote in elections and providing for challenges of election results;

6.2 governing the filling of vacancies under subsection 15 (3) and the filling of vacancies under subsection 16 (3);

7. governing the election of and removal from office of the Treasurer, the filling of a vacancy in the office of Treasurer, the appointment of an acting Treasurer to act in the Treasurer’s absence or inability to act, and prescribing the Treasurer’s duties;

8. providing for the appointment of and prescribing the duties of the Chief Executive Officer and such other officers as are considered appropriate;

9. respecting Convocation;

10. providing for the establishment, composition, jurisdiction and operation of the Proceedings Authorization Committee;

10.1 providing for the establishment, jurisdiction, operation, duties and powers of the Paralegal Standing Committee, including,

i. specifying the matters for which the Committee is responsible and the matters for which it is not responsible,

ii. Repealed: 2013, c. 17, s. 24 (4).

iii. governing the appointment of five elected benchers who are licensed to practise law in Ontario and three lay benchers as members of the Committee, prescribing their term of office and governing their reappointment, and

iv. governing the appointment and reappointment of the chair of the Committee;

11. providing for the establishment, composition, jurisdiction and operation of standing and other committees, including standing committees responsible for discipline matters and for professional competence, and delegating to any committee such of the powers and duties of Convocation as may be considered expedient. R.S.O. 1990, c. L.8, s. 62 (1); 1991, c. 41, s. 5; 1998, c. 21, s. 29 (2-11); 2006, c. 21, Sched. C, s. 95 (21-23); 2013, c. 17, s. 24 (4).

General or particular

(1.1)  A by-law made under this section may be general or particular in its application. 1998, c. 21, s. 29 (12).

Interpretation of by-laws

(2)  The by-laws made under this section shall be interpreted as if they formed part of this Act. R.S.O. 1990, c. L.8, s. 62 (2); 1998, c. 21, s. 29 (13).

Availability of copies of by-laws

(3)  The Society shall,

(a) Repealed: 2020, c. 11, Sched. 13, s.15 (2).

(b) make a copy of the by-laws, as amended from time to time, available for public inspection. 2006, c. 21, Sched. C, s. 95 (24); 2020, c. 11, Sched. 13, s. 15 (2).

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

1998, c. 21, s. 29 (1-14) - 01/02/1999

[2000, c. 42, Sched. , s. 23 (1, 2)](http://www.ontario.ca/laws/statute/S00042" \l "scheds23s1) - 01/11/2001

[2001, c. 8, s. 50](http://www.ontario.ca/laws/statute/S01008" \l "s50) - 01/11/2001

[2006, c. 21, Sched. C, s. 95 (1-22, 24)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs95s1) - 01/05/2007; [2006, c. 21, Sched. C, s. 95 (23)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs95s23) - 19/10/2006

[2010, c. 16, Sched. 2, s. 4 (4)](http://www.ontario.ca/laws/statute/S10016" \l "sched2s4s4) - 25/10/2010

[2013, c. 17, s. 24 (1, 3)](http://www.ontario.ca/laws/statute/S13017" \l "s24s1) - 12/12/2013; [2013, c. 17, s. 24 (2)](http://www.ontario.ca/laws/statute/S13017" \l "s24s2) - 12/03/2014; [2013, c. 17, s. 24 (4)](http://www.ontario.ca/laws/statute/S13017" \l "s24s4) - 01/07/2021

[2020, c. 11, Sched. 13, s. 15 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched13s15s1) - 08/07/2020

Regulations

Regulations

**63** (1)  Convocation, with the approval of the Lieutenant Governor in Council, may make regulations,

1. prescribing provisions of the Not-for-Profit Corporations Act, 2010 that apply to the Society;

2. respecting anything that, under this Act, may or must be prescribed or done by the regulations;

3.-7. Repealed: 1998, c. 21, s. 30 (3).

8. providing for the establishment, operation and dissolution of county and district law associations and respecting grants and loans to such associations;

9. Repealed: 1998, c. 21, s. 30 (4).

10. Repealed: 1998, c. 18, Sched. B, s. 8 (4).

11. prescribing service charges and other fees, other than amounts charged for issuing certified cheques against the joint account, for the purpose of paragraph 1 of subsection 56 (3.1);

12. designating any or all of the following, or any class or classes thereof, as financial institutions in which joint accounts must be established for the purposes of section 57.1,

i. banks listed in Schedule I or II to the Bank Act (Canada),

ii. registered trust corporations,

iii. Repealed: 2006, c. 21, Sched. C, s. 96 (1).

iv. credit unions and central to which the Credit Unions and Caisses Populaires Act, 2020 applies;

13. governing the appointment of the Complaints Resolution Commissioner;

14. governing the assignment of members of the Hearing Division and members of the Appeal Division to hearings, including the number of persons required to hear and determine different matters;

15. Repealed: 2021, c. 4, Sched. 6, s. 56 (2).

R.S.O. 1990, c. L.8, s. 63; 1991, c. 41, s. 6; 1994, c. 27, s. 49 (9, 10); 1998, c. 18, Sched. B, s. 8 (4); 1998, c. 21, s. 30 (1-5); 2006, c. 21, Sched. C, s. 96; 2010, c. 15, s. 230 (4); 2013, c. 17, s. 26; 2020, c. 11, Sched. 13, s. 16; 2020, c. 36, Sched. 7, s. 316 (2); 2021, c. 4, Sched. 6, s. 56 (2).

General or particular

(2)  A regulation made under this section may be general or particular in its application. 1998, c. 21, s. 30 (6).

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

1994, c. 27, s. 49 (9, 10) - 01/03/1995; 1998, c. 18, Sched. B, s. 8 (4) - 01/07/1999; 1998, c. 21, s. 30 (1-6) - 01/02/1999

[2006, c. 21, Sched. C, s. 96 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedcs96s1) - 01/05/2007

[2010, c. 15, s. 230 (4)](http://www.ontario.ca/laws/statute/S10015" \l "s230s4) - 19/10/2021

[2013, c. 17, s. 26](http://www.ontario.ca/laws/statute/S13017" \l "s26) - 12/03/2014

[2020, c. 11, Sched. 13, s. 16](http://www.ontario.ca/laws/statute/S20011" \l "sched13s16) - 08/07/2020; [2020, c. 36, Sched. 7, s. 316 (2)](http://www.ontario.ca/laws/statute/S20036" \l "sched7s316s2) - 01/03/2022

[2021, c. 4, Sched. 6, s. 56 (2)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s56s2) - 01/06/2021

**63.0.1** Repealed: 2013, c. 17, s. 25.

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

[2006, c. 21, Sched. C, s. 97](http://www.ontario.ca/laws/statute/S06021" \l "schedcs97) - 01/05/2007

[2013, c. 17, s. 25](http://www.ontario.ca/laws/statute/S13017" \l "s25) - 12/12/2013

**63.1** Repealed: 2013, c. 17, s. 25.

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

[2006, c. 21, Sched. C, s. 98](http://www.ontario.ca/laws/statute/S06021" \l "schedcs98) - 01/05/2007

[2013, c. 17, s. 25](http://www.ontario.ca/laws/statute/S13017" \l "s25) - 12/12/2013

**64** Repealed: 2018, c. 8, Sched. 15, s. 7.

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

[2018, c. 8, Sched. 15, s. 7](http://www.ontario.ca/laws/statute/S18008" \l "sched15s7) - 08/05/2018

**65** Repealed: 2018, c. 8, Sched. 15, s. 7.

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

[2010, c. 1, Sched. 12, s. 7](http://www.ontario.ca/laws/statute/S10001" \l "sched12s7) - 18/05/2010

[2018, c. 8, Sched. 15, s. 7](http://www.ontario.ca/laws/statute/S18008" \l "sched15s7) - 08/05/2018

**66-71** Repealed: 1998, c. 21, s. 31.

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

1998, c. 21, s. 31 - 01/02/1999

**72** Repealed: 1998, c. 21, s. 32.

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

1998, c. 21, s. 32 - 01/02/1999

**73, 74** Repealed: 1998, c. 21, s. 33.

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

1998, c. 21, s. 33 - 01/02/1999

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Français](http://www.ontario.ca/fr/lois/loi/90l08)

[Back to top](#Top)