

Uniform Hotelkeepers Act

(1962 Proceedings, pages 25, 81; but see 1969 Proceedings, pages 24, 129)

1. In this Act

Interpretation

- (a) "hotel" means a place of which a hotelkeeper is the keeper;
- (b) "hotelkeeper" means a person who is an innkeeper by common law, and includes the keeper of a house or place who holds out that he will provide, without special contract, sleeping accommodation to any person presenting himself who appears able and willing to pay a reasonable sum for the services and facilities offered and who is in a fit state to be received;
- (c) "vehicle" includes a motor vehicle as defined in the Act, a horse and carriage, and chattels used in connection with a vehicle.

2. Unless otherwise provided in this Act, a hotelkeeper is liable, as a hotelkeeper, for loss of or damage to property brought to the hotel by a guest.

Liability of hotelkeeper for loss of or damage to guest's property

3. Without prejudice to any other liability incurred by him with respect to property brought to the hotel by a guest, a hotelkeeper is not liable, as a hotelkeeper, for loss or damage to property brought to the hotel by a guest except where,

Circumstances in which liability exists

- (a) sleeping accommodation at the hotel had been engaged by or for the guest; and
- (b) the loss or damage occurred between the time the property was brought to the hotel or given into the custody of a servant of the hotelkeeper and the time the property was taken from the hotel by the guest or delivered into the custody of the guest or someone on his behalf.

4. Without prejudice to any other liability, a hotelkeeper is not liable, as a hotelkeeper, for loss of or damage to a vehicle brought to the hotel by a guest or to property left in such a vehicle.

Liability re vehicles

5. The liability of a hotelkeeper, as a hotelkeeper, for loss of or damage to the property of a guest is limited to one hundred dollars in respect of any one article and five hun-

Limitations on liability

dred dollars in the aggregate, except where the guest establishes

- (a) that the property was lost or damaged through the default, neglect or wilful act of the hotelkeeper or his servant;
- (b) that the property was deposited by or on behalf of the guest expressly for safekeeping with the hotelkeeper or his servant authorized or appearing to be authorized for the purpose, and, if so required by the hotelkeeper or his servant, in a container fastened or sealed by the depositor; or
- (c) that the property was offered to the hotelkeeper or a servant authorized or appearing to be authorized for the purpose for deposit for safekeeping and the hotelkeeper or the servant refused to receive it, or, through the default of the hotelkeeper or the servant, was unable to receive it.

Idem

6. A hotelkeeper is not entitled to the benefit of section 5 unless at the time the property in question was brought to the hotel a copy of that section printed in plain type was conspicuously displayed in the sleeping accommodation occupied by the guest and in a place where it could conveniently be read by his guests at or near the reception office or desk or, where there is no reception office or desk, at or near the main entrance to the hotel.

Defences

7. A hotelkeeper is not liable, as a hotelkeeper, for loss of or damage to property of a guest if the hotelkeeper establishes

- (a) that the loss or damage was due to the misconduct or negligence of the guest or his servant or a person accompanying the guest or an act of God or the Queen's enemies; or
- (b) that the guest had assumed exclusive charge and custody of the room in which the property was at the time of the loss or damage.

Detention of guest's property by hotelkeeper or lodging-house keeper

8. (1) Subject to subsection (2), a hotelkeeper or lodging-house keeper has a right to detain any property brought to the hotel or house by a guest or lodger for his charges for food, accommodation or services furnished to the guest or lodger or on his account.

(2) Without prejudice to any other right that he has with respect thereto, a hotelkeeper or lodging-house keeper as such is not entitled to detain a vehicle of a guest or its contents. Exemption of vehicles

9. (1) Where a hotelkeeper's or lodging-house keeper's charges for food, accommodation or services remain unpaid for one month, the hotelkeeper or lodging-house keeper, in addition to all other remedies provided by law, may sell by public auction any property that he has detained pursuant to section 8. Sale of detained property

(2) Before making a sale under this section, the hotelkeeper or lodging-house keeper, not later than one week before the intended sale, shall give notice of the intended sale by Notice and advertising of sale

- (a) advertisement in a newspaper published or circulating in the place where the hotel or lodging-house is kept; and
- (b) mailing to the guest by registered post addressed to the last known address of the guest or by serving upon the guest personally a notice of the intended sale.

(3) The notice of sale referred to in subsection (2) shall state the name of the guest or lodger, the amount of his indebtedness, the time and place of the sale, a general description of the property to be sold and the name of the auctioneer. Idem

(4) The hotelkeeper or lodging-house keeper shall apply the proceeds of the sale in payment of the amount due him and the costs of the advertising and sale, and shall pay over the surplus, if any, to the guest or lodger if he requests it within one month of the date of the sale. Application of proceeds of sale

(5) If no application for the surplus is made by the guest or lodger within one month of the date of the sale the hotelkeeper or lodging-house keeper shall pay the surplus to the Provincial Treasurer who shall hold it for one year for the owner, after which time if the owner has not previously claimed the surplus it shall form part of the consolidated fund of the Province. Idem

10. The law heretofore in force relating to the rights and liabilities of an innkeeper with respect to the property of his guest does not apply to a hotelkeeper. Application of former law

