

The Hotel Keepers Act

being

Chapter 226 of *The Revised Statutes of Saskatchewan, 1940*
(effective February 1, 1941).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 226

An Act respecting Hotel, Boarding House and Lodging House Keepers

Short title

1 This Act may be cited as *The Hotel Keepers Act*.

1936, c.88, s.1; R.S.S. 1940, c.226, s.1.

DETENTION OR GOODS

Right to detain goods

2 Any hotel, boarding house or lodging house keeper may seize and detain in his hotel or house or on his premises, before the same have been removed therefrom, but not afterwards, the trunks, valises and personal effects, including clothing, of any person who is indebted to him for board or lodging.

1936, c.88, s.2; R.S.S. 1940, c.226, s.2.

Responsibility for goods detained

3 Every hotel, boarding house and lodging housekeeper shall be responsible for the safe keeping of any trunks, valises and personal effects, including clothing, seized by him, while under detention.

1936, c.88, s.3; R.S.S. 1940, c.226, s.3.

SALE OF DETAINED GOODS

Right to sell goods detained

4 In case the amount for which trunks, valises or personal effects have been detained remains unpaid for one month after the date of the seizure, the hotel, boarding house or lodging house keeper may, upon complying with the provisions of this Act, sell the same or any of them by public auction.

1936, c.88, s.4; R.S.S. 1940, c.226, s.4.

Power to break open trunks, etc.

5 After the expiration of the said period of one month the said amount remaining unpaid, the hotel, boarding house or lodging house keeper may, in the presence of a justice of the peace or police magistrate, force or break the locks or fastenings on any trunk, valise, or other article detained by him for the purpose of ascertaining and inspecting the contents thereof.

1936, c.88, s.5; R.S.S. 1940, c.226, s.5.

Notice of sale to be given

6(1) At least one month before the day fixed for the sale the hotel, boarding house or lodging house keeper shall forward a notice of the intended sale by registered letter addressed to the person so indebted to him, at such person's last known address.

This notice shall contain:

- (a) a general description of the trunks, valises, and personal effects to be sold, and the time and place of the intended sale;
 - (b) an itemized statement of the amount of the indebtedness, showing the sum due at the time of the notice;
 - (c) a demand that the said amount be paid at or before the time of sale; and
 - (d) a statement that if the said amount is not paid at or before the time of sale, the property will be sold by public auction at the time and place specified.
- (2) The hotel, boarding house or lodging house keeper shall also post, and keep posted for one week prior to the time of sale, in a conspicuous place on his premises a copy of the notice.

1936, c.88, s.6; R.S.S. 1940, c.226, s.6.

Disposal of proceeds of sale

7(1) The hotel, boarding house or lodging house keeper may apply the proceeds of the sale in payment of the amount due to him and the reasonable costs of advertising, if any, and of the sale and he shall, on application, pay over the surplus, if any, to the person entitled thereto.

(2) If application therefor is not made within ten days after the date of sale, he shall pay the surplus to the Provincial Treasurer who shall hold the same for the owner for one year, after which time, if the owner has not previously claimed the amount, it shall form part of the consolidated fund.

1936, c.88, s.7; R.S.S. 1940, c.226, s.7.

LIABILITY OF KEEPERS OF HOTELS, BOARDING HOUSES AND LODGING HOUSES

Liability of hotel keeper for the property of his guests

8(1) No hotel keeper shall be liable to compensate a guest of his hotel for loss of or injury to goods or property brought to the hotel, except in the following cases, that is to say:

- (a) where such goods or property have been stolen, lost or injured through the fault or neglect of the hotel keeper or any servant in his employ;
 - (b) where such goods or property have been deposited with the hotel keeper for safe custody.
- (2) The hotel keeper may require as a condition of his liability that goods or property tendered by a guest for safe custody shall be placed in a box or other receptacle fastened and sealed by the guest.

(3) If a hotel keeper refuses to receive for safe custody any goods or property of a guest, or if the guest, through any default of the hotel keeper, is unable to deposit such goods or property for safe custody, the hotel keeper shall not be entitled to the benefit of this Act in respect thereof unless he establishes that his hotel was not equipped with a proper safe or vault and that he so informed the guest at the time of refusing to receive the goods or property.

(4) When a guest deposits money, jewelry, documents or valuables of a similar nature with a hotel keeper for safe custody the hotel keeper shall, at the time of the deposit, give the guest a receipt therefor; and the guest shall surrender such receipt when the property deposited is returned to him.

(5) Notwithstanding anything contained in this section, unless deposited with the hotel keeper for safe keeping or checked in a parcel or checking room on the hotel premises, the hotel keeper shall not be responsible for goods or property lost, injured or stolen in a part of his hotel other than the guest room of the owner of the goods or property.

1936, c.88, s.8; R.S.S. 1940, c.226, s.8.

Responsibility in respect of property in guest rooms

9 Notwithstanding anything contained in this Act, no hotel, boarding house or lodging house keeper shall be responsible for any trunks or valises or their contents, or any parcels or personal effects of any kind, left by a guest in his room, if there is a proper lock and key for the door of the room, unless the room is locked during the absence of the guest therefrom and the key is left at the office.

1936, c.88, s.9; R.S.S. 1940, c.226, s.9.

Copy of sections 8, 9 and 10 to be posted up in hotel

10 Every hotel keeper shall cause to be kept conspicuously posted in the hall or entrance of his hotel a copy of sections 8 and 9 and this section, printed or plainly written, and he shall be entitled to the benefit of this Act in respect only of goods or property brought to his hotel while such copy is so posted.

1936, c.88, s.10; R.S.S. 1940, c.226, s.10.

Undesirable persons may be ejected

11 A hotel keeper or his representative may require any person whom he deems undesirable, to leave the hotel and, in the event of such person failing to leave, may eject him from the hotel premises.

1936, c.88, s.11; R.S.S. 1940, c.226, s.11.

EXEMPTIONS FROM SEIZURE

The Exemptions Act not to apply

12 Property exempt from seizure under writs of execution shall not be exempt from seizure under a writ of execution issued on a judgment obtained by a hotel, boarding house or lodging house keeper in respect of an indebtedness incurred for board or lodging supplied by him.

1936, c.88, s.12; R.S.S. 1940, c.226, s.12.

REGISTER OF GUESTS

Duty of hotel keeper

13 Every hotel keeper shall keep in the hotel a register or record in which shall be entered the name and usual place of residence of every person admitted as a guest in the hotel and occupying a room therein alone or with any other person, together with the number of the room so occupied; and a hotel keeper shall be entitled to the benefit of this Act in respect only of goods or property brought to his hotel while such register or record is so kept.

1936, c.88, s.13; R.S.S. 1940, c.226, s.13.