



Province of Alberta

INNKEEPERS ACT

Revised Statutes of Alberta 2000
Chapter I-2

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Table of Contents

- 1 Definitions
- 2 Right to detain personal effects
- 3 Proceeds of sale
- 4 Disputed claims
- 5 Liability for goods lost, stolen or injured
- 6 Posting copy of s7
- 7 Liability of innkeeper
- 8 Failure to provide safe custody
- 9 Penalties for disturbance
- 10 Arrest without warrant

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

- 1 In this Act,
 - (a) “inn” means a place of which the innkeeper is the keeper;
 - (b) “innkeeper” means a person who is by law responsible for the property of the innkeeper’s guests and includes a keeper of a hotel, motel, auto court, cabin or other place or house who holds out that to the extent of the innkeeper’s available accommodation the innkeeper will provide lodging to any person who presents himself or herself as a guest, 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) “peace officer” means a member of a municipal police service, a member of the Royal Canadian Mounted Police,

or a peace officer appointed under the *Peace Officer Act* for the purposes of this Act;

- (d) “vehicle” includes a motor vehicle within the meaning of the *Traffic Safety Act*, a horse and carriage and chattels used in connection with a vehicle.

RSA 2000 cI-2 s1;RSA 2000 cT-6 s200;
2006 cP-3.5 s37

Right to detain personal effects

2(1) An inn, boarding house or lodging house keeper

- (a) may detain on the keeper’s premises the trunks and other personal property of a person who is indebted to the keeper for board and lodging, or either of them, and
- (b) is responsible for the safekeeping of the trunks or other personal property detained by the keeper.

(2) If the charges for board and lodging, or either of them, remain unpaid for one month after the beginning of the detention of the trunks or other personal property, the inn, boarding house or lodging house keeper has, in addition to all other remedies provided by law, the right to sell by public auction the trunks and other personal property, on publishing once in a local newspaper at least one week before the intended sale a notice of the intended sale, stating

- (a) the name of the person indebted for board and lodging, or either of them,
- (b) the amount of the indebtedness,
- (c) a description of the property to be sold,
- (d) the time and place of sale, and
- (e) the name of the auctioneer.

RSA 1980 cI-4 s2

Proceeds of sale

3(1) The inn, boarding house or lodging house keeper

- (a) may apply the proceeds of the sale in payment of the indebtedness and the cost of the advertising and sale, and
- (b) shall pay over the surplus proceeds, if any, to the person entitled to it on application being made by that person for the surplus.

(2) If an application for the surplus proceeds is not forthwith made, the inn, boarding house or lodging house keeper shall immediately pay the surplus to the Minister to be kept by the Minister for one year on behalf of the owner, after which time, if the amount so kept has not been claimed under subsection (3), the surplus forms part of the General Revenue Fund.

(3) The Minister

- (a) may entertain an application, verified by affidavit as the Minister requires, by the owner of or by mortgagee of the personal property sold by public auction pursuant to this Act or by any creditor of the owner of the personal property, and may in the Minister's discretion pay all or a portion of the surplus proceeds of the sale to the owner, mortgagee or creditor who appears entitled, or
- (b) may informally refer an application to a judge of the Court of Queen's Bench.

(4) The judge to whom the matter is referred

- (a) may, if there is more than one claimant, direct interpleader proceedings to be taken, or
- (b) may, in any case, and on the production of any evidence that the judge considers necessary, make any order that seems just to the judge.

(5) Notwithstanding subsections (3) and (4), the creditors shall be paid according to their priorities.

(6) The order referred to in subsection (4) is sufficient authority for the Minister to pay out according to the terms of the order any surplus proceeds in the Minister's possession.

(7) In this section, "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

RSA 2000 cl-2 s3;2006 c23 s44

Disputed claims

4(1) If a dispute arises between any inn, boarding house or lodging house keeper and a lodger or guest with regard to the amount claimed from the lodger or guest by the keeper for board or lodging, or both, the lodger or guest

- (a) may pay into the office of the clerk of the Court of Queen's Bench the amount of the claim together with a further sum by way of security for costs amounting to

either 10% of the amount of the claim or \$10, whichever sum is the greater, and

- (b) shall, after making that payment, serve notice in writing on the keeper or the keeper's manager or clerk that the lodger or guest has paid that amount into Court.

(2) If within 30 days after the receipt of the notice the keeper commences an action against the lodger or guest for the recovery of the amount of the keeper's claim, the sum so paid into Court shall not be paid out until the action is disposed of and then the sum shall be paid out in the manner that the Court orders.

(3) If the action is not commenced within the period of 30 days after the receipt of the notice, the clerk of the Court shall pay out the sum so paid into Court to the lodger or guest who paid it into Court or to any person authorized in writing by the lodger or guest to receive the payment.

(4) All the rights of the keeper with respect to the trunks and other personal property of the lodger or guest cease on and after the service on the keeper of the notice of payment into Court.

RSA 1980 cI-4 s4

Liability for goods lost, stolen or injured

5 No innkeeper is liable to make good to any person who is not registered as an occupant of a room or rooms in the innkeeper's inn any loss of or injury to property brought into the innkeeper's inn, except

- (a) when the property has been stolen, lost or injured through the default or neglect of the innkeeper or the innkeeper's employee, or
- (b) when the property has been deposited expressly for safe custody with the innkeeper and a check has been issued for the property.

RSA 1980 cI-4 s5

Posting copy of s7

6 Every innkeeper

- (a) shall keep conspicuously posted in the office of the innkeeper's inn, and in every bedroom ordinarily used for the accommodation of inn guests, a printed or plainly written copy of section 7, and

- (b) is entitled to the benefit of this Act only in respect of property that is brought to the innkeeper's inn while the copy of section 7 is posted as required by this section.

RSA 1980 cI-4 s6

Liability of innkeeper

7 An innkeeper is not liable to make good to the innkeeper's guest any loss of or injury to property brought to the innkeeper's inn, except

- (a) when the property has been stolen, lost or injured through the wilful act, default or neglect of the innkeeper or the innkeeper's servants,
- (b) when the property, other than a vehicle, has been expressly delivered for safe custody to the innkeeper, but the innkeeper may, if the innkeeper thinks fit, require as a condition of the innkeeper's liability under this clause that the property be deposited in a box or other receptacle and fastened and sealed by the person depositing it, or
- (c) when a vehicle has been expressly delivered into the custody of the innkeeper for storage or parking in a place specifically reserved and designated by the innkeeper for the storage or parking of vehicles, in which case the liability of the innkeeper for the vehicle and its contents is that of a bailee for reward.

RSA 1980 cI-4 s7

Failure to provide safe custody

8(1) Subject to subsection (2), if

- (a) an innkeeper refuses to receive the property of a guest for custody, or
- (b) a guest through any default of the innkeeper is unable to deliver the property to the innkeeper,

as mentioned in section 7, the innkeeper is not entitled to the benefit of this Act in respect of that property.

(2) Subsection (1) does not apply and the innkeeper is entitled to the benefit of this Act in respect of the property referred to in subsection (1) if the innkeeper's inn

- (a) was not equipped with a proper safe or vault, or
- (b) did not have a place for the storing or parking of vehicles,

as the case may be, and the innkeeper so informed the guest at the time of refusing or failing to receive the property.

RSA 1980 cI-4 s8

Penalties for disturbance

9(1) In this section, “disturbance” means a disturbance of the peace and quiet of the occupants of an inn by fighting, screaming, shouting, singing or otherwise causing loud noise.

(2) A person who

- (a) causes a disturbance in an inn and, having been requested by the innkeeper or the innkeeper’s agent to desist, continues to cause or again causes a disturbance, or
- (b) having caused a disturbance, fails to leave the inn forthwith after being requested to do so by the innkeeper or the innkeeper’s agent,

is guilty of an offence and liable to a fine of not more than \$500 or to imprisonment for 6 months or to both.

(3) An innkeeper or an agent of an innkeeper who

- (a) knowing of a disturbance in the inn, fails to request the person causing the disturbance to desist, or
- (b) having made that request and in the case of a continuation or recreation of a disturbance, fails to request the person causing the disturbance to leave the inn forthwith,

is guilty of an offence and liable to a fine of not more than \$500 or to imprisonment for 6 months or to both.

RSA 1980 cI-4 s9;1981 c18 s3

Arrest without warrant

10 A peace officer who finds a person committing an offence under section 9(2) or who has reasonable and probable grounds to believe that a person has committed an offence under section 9(2) may arrest the person without a warrant.

1981 c18 s4



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