

October 13, 1994

BULLETIN TO: ALL APPOINTED BAILIFFS

**FROM: MARIE DIGNUM, REGISTRAR
COLLECTION AGENCIES ACT**

RE: UPDATE #2

1. Appointments (for all bailiff businesses and individual ("assistant") bailiffs)

There still appear to be out in the industry companies and bailiffs who are unclear as to what type of appointment gives a bailiff the right to have an assistant carry out work in a particular area.

Simply put:

- 1) An appointment in your personal name does not provide you with the ability to have an assistant or another bailiff carry out repossession, seizure or eviction.
- 2) However an appointment in the name of your corporation/partnership or sole proprietorship allows you to do so.

2. Consents

- i) If any bailiff, either business or individual, wishes to perform repossessions, seizures or evictions outside of the appointed jurisdiction, s/he **MUST** first be granted the consent of a judge presiding in the outside jurisdiction. Copies of the consent **MUST** be filed with this office as well as with the sheriffs of the appointed and outside jurisdictions.
- ii) When working in an area outside your appointed jurisdiction, it appears that many "jobs" have been undertaken by bailiffs without consent for the particular area. If a consent has not been granted by a judge, as required in Section 4 of the Act, this would make the seizure/repossession illegal.

3. Assistant Bailiffs - Termination of Employment / Change of Employer

Upon written notification by you informing this office of the proposed change, the Registrar will provide you with a letter authorizing the change. It is imperative that this be done before you make the change as otherwise your file is not accurate and may place your appointment in jeopardy.

4. **Bonds**

This office has noted during the past two years that many bailiffs pay little attention to the fact that surety bonds must be current at all times if appointments are to be kept current and in good order.

When your insurer notifies you of pending bond cancellation, you are obliged to either renew your existing bond or obtain a replacement. If this office does not receive either proof of renewal or a replacement bond, your appointment will be terminated and you will be ineligible to carry on business as a bailiff in Ontario. THERE ARE NO EXCEPTIONS.

5. **Bailiff at the Scene**

You are once again reminded that when engaging the services of a tow truck operator, an appointed bailiff must be present during the repossession, seizure, or eviction. Otherwise, the business is placing its appointment in jeopardy.

6. **Change of Business / Service / Residence Address**

This office is striving to maintain accurate records for all appointed bailiffs. We therefore need your cooperation in advising this office before you make changes in your business and/or home location and to forward this information to this office immediately.

Thank you for your co-operation.



Mrs. Marie Dignum
Registrar
Collection Agencies Act

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