

CONSOLIDATION OF HOTEL KEEPERS ACT
R.S.N.W.T. 1988,c.H-5

(Current to: September 17, 2014)

AS AMENDED BY:

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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HOTEL KEEPERS ACT

DETENTION OF GOODS

Right to detain goods

1. A hotel, boarding house or lodging house keeper may seize and detain the luggage and personal effects, including clothing, of a person who is indebted to the keeper for board or lodging in the hotel or house or on the premises of the keeper, before they have been removed from the hotel, house or premises.

Responsibility for goods detained

2. Every hotel, boarding house and lodging house keeper is responsible for the safe keeping of any luggage and personal effects, including clothing, seized by the keeper, while under detention.

SALE OF DETAINED GOODS

Right to break open luggage and articles and sell goods detained

3. Where the amount for which luggage or personal effects were detained remains unpaid for one month after the day of their seizure, the hotel, boarding house or lodging house keeper may

- (a) in the presence of a peace officer, force or break the locks or fastenings on any piece of luggage or other article detained by the keeper for the purpose of ascertaining and inspecting the contents of the luggage or article; and
- (b) on complying with this Act, sell the luggage or personal effects by public auction.

Notice of sale

4. (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 indebted to the keeper, at that person's last known address.

Contents of notice

- (2) The notice must contain
- (a) a general description of the luggage 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 amount due at the time of the notice;
 - (c) a demand that the amount of the indebtedness be paid at or before the time of sale; and
 - (d) a statement that if the amount of the indebtedness is not paid at or before the time of sale, the property will be sold by public auction at the time and place specified.

Posting of notice

(3) The hotel, boarding house or lodging house keeper shall post a copy of the notice referred to in subsection (1) in a conspicuous place on the premises of the keeper, and keep the notice posted for one week before the time of sale.

Application of proceeds of sale

5. (1) The hotel, boarding house or lodging house keeper may apply the proceeds of a sale under this Act in payment of the amount due to the keeper and the reasonable costs of advertising, if any, and of the sale, and the keeper shall, on application, pay the surplus, if any, to the person entitled to it.

Balance of proceeds of sale

(2) Where an application for the surplus is not made within 10 days after the day of the sale, the hotel, boarding house or lodging house keeper shall pay the surplus to the Commissioner who shall hold the surplus for the owner for one year, after which time if the owner has not claimed the amount, it shall be paid into the Consolidated Revenue Fund.

LIABILITY OF KEEPERS OF HOTELS, BOARDING HOUSES AND LODGING HOUSES

Liability of hotel keeper for property of guests

6. (1) No hotel keeper is liable to compensate a guest of the hotel for loss of or injury to goods or property brought to the hotel, except where

- (a) the goods or property have been stolen, lost or injured through the fault or neglect of the hotel keeper or an employee of the hotel keeper; or
- (b) the goods or property have been deposited with the hotel keeper for safe custody.

Conditions

(2) The hotel keeper may require, as a condition of hotel keeper's liability, that goods or property tendered by a guest for safe custody be placed in a box or other receptacle fastened and sealed by the guest.

Safe custody

(3) Where

- (a) a hotel keeper refuses to receive for safe custody any goods or property of a guest, or
- (b) the guest, through the default of the hotel keeper, is unable to deposit any goods or property for safe custody,

the hotel keeper is not entitled to the benefit of this Act in respect of goods or property brought to the hotel unless the hotel keeper establishes that

- (c) the hotel was not equipped with a proper safe or vault, and

- (d) the hotel keeper informed the guest at the time of refusing to receive the goods or property that the hotel was not equipped with a proper safe or vault.

Receipt

(4) At the time of deposit by a guest of money, jewelry, documents or valuables of a similar nature with a hotel keeper for safe custody, the hotel keeper shall give the guest a receipt for the property and the guest shall surrender the receipt when the property deposited is returned to the guest.

Liability for stolen goods

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

Responsibility in respect of property in guest room

7. Notwithstanding anything in this Act, no hotel, boarding house or lodging house keeper is responsible for any luggage or its contents, or any parcels or personal effects of any kind, left by a guest in the room of the guest, if there is a proper lock and key for the door of the room, unless

- (a) the room is locked during the absence of the guest from the room;
and
- (b) the key is left at the office.

Posting copies of sections of Act

8. Every hotel keeper shall cause to be kept conspicuously posted in the hall or entrance of the hotel a copy of sections 6 and 7 and this section, printed or plainly written, and a hotel keeper is entitled to the benefit of this Act in respect only of goods or property brought to the hotel while the copy is so posted.

Removal of undesirable persons

9. A hotel keeper or a representative of the hotel keeper may require any person whom the hotel keeper or representative considers to be undesirable, to leave the hotel and, in the event of that person failing to leave, may remove that person from the hotel premises.

EXEMPTION FROM SEIZURE

Application of exemptions under writ of execution

10. Property exempt from seizure under a writ of execution is not 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 the keeper.

REGISTER OF GUESTS

Register of guests

11. Every hotel keeper shall keep in the hotel a register or record in which shall be entered

- (a) the name and usual place of residence of every person admitted as a guest in the hotel and occupying a room in the hotel alone or with any other person, and
- (b) the number of the room occupied by each guest and other person, if any,

and a hotel keeper is entitled to the benefit of this Act in respect only of goods or property brought to the hotel while the register or record is so kept.