

Draft Minister's Order under the Repair and Storage Liens Act

DEFINITIONS

1. In this Regulation,

“Act” means the “*Repair and Storage Liens Act*”;

“address” includes the postal code or the equivalent thereof, if any; (“adresse”)

“artificial body” includes a partnership, corporation, association, organization, estate of a deceased natural person, trade union, church or other religious organization, syndicate, joint venture, trust or trustee in bankruptcy; (“entité artificielle”)

“debtor” means the person who is responsible for the cost of the repair, storage or storage and repair; (“débiteur”)

“person” means an artificial body or a natural person; (“personne”)

“registering agent” means a person who acts as an agent for a lien claimant or assignor when submitting a statement for registration, but does not include a clerk or other employee of the lien claimant or assignor; (“agent d’enregistrement”)

“registrar” means the registrar of personal property security appointed under the *Personal Property Security Act*; (“registrateur”)

“specific page of registration” means, in respect of a single page registration, the claim for lien or change statement that is registered and in respect of a multiple page registration, one of the claims for lien or change statements that is registered and that comprises a page of the multiple page registration or a motor vehicle schedule that is attached to a claim for lien or a change statement and that comprises a page of the multiple page registration; (“page précise d’un enregistrement”)

“vehicle identification number” means the number that the person who constructed the motor vehicle affixed to it for identification purposes. (“numéro d’identification du véhicule”).

FORM OF STATEMENT AND WHEN REQUIRED

2. If the Act requires a claim for lien or a change statement in the prescribed form to be registered, the claim for lien or change statement shall be in the electronic format approved by the registrar.

CONTENT OF CLAIM FOR LIEN

3. (1) A claim for lien shall set out in the appropriate place according to the information being entered,
- (a) an “R” to indicate that a registration is being made under the Act;
 - (b) the number of whole years for the registration period which shall be one, two or three years, as the case requires;
 - (c) the information required under section 10 and, if the person is a natural person, the date of birth of the person;
 - (d) the address of the debtor;
 - (e) the name and address of the lien claimant;
 - (f) if a lien relates to a motor vehicle, an indication to that effect;
 - (g) if a motor vehicle schedule is attached, an indication that it is attached; and
 - (h) the amount of the lien; and
- (2) If a lien is assigned, the name and address of the assignor may be set out instead of the name and address of the lien claimant.
- (3) A claim for lien may set out in the appropriate place, according to the information being entered,
- (a) the name and the address of the registering agent, if any; and
 - (b) the Ontario corporation number, if the debtor is a corporation incorporated in Ontario.
- (4) A motor vehicle shall be described on line 11 or 12 on the claim for lien or in the appropriate place on a motor vehicle schedule.
- (5) The description of the motor vehicle shall include the vehicle identification number, the four digits of the model year, if any, the model, if any, and the make or the name of the manufacturer.

- (6) If lines 11 and 12 are completed, additional motor vehicles may be described in the appropriate place on a motor vehicle schedule.
- (7) Articles other than motor vehicles shall be described on line 13, 14 or 15 of the claim for lien in a manner that is sufficient to enable the articles to be identified.

RENEWAL OF REGISTRATION PERIOD

4. (1) If a registration period is extended, the change statement referred to in subsection 10 (4) of the Act shall be designated as a renewal and shall set out,
- (a) the information required under section 13; and
 - (b) the number of years by which the registration period is extended.
- (2) The extension of a registration period shall be for one or two whole years, as the case requires.

ASSIGNMENT BY LIEN CLAIMANT

5. If the assignment by a lien claimant of a non-possessory lien is recorded, the change statement referred to in subsection 10 (5) of the Act shall be designated as an assignment by the lien claimant and shall set out,
- (a) the information required by section 13;
 - (b) the name of the assignor as set out on the claim for lien or a change statement that relates to the claim for lien; and
 - (c) the name and address of the assignee.

REGISTRATION OF A DISCHARGE

6. If the discharge of a registration is recorded, the change statement referred to in clause 12 (1) (d) of the Act shall be designated as a discharge and shall set out the information required under section 13.

REGISTRATION OF A PARTIAL DISCHARGE

7. (1) If the release of some of the articles subject to the lien is recorded, the change statement referred to in subsection 12 (2) of the Act shall be designated as a partial discharge and shall set out the information required under section 13.

- (2) Motor vehicles included in the released articles shall be described on line 11 or 12 of the change statement or on a motor vehicle schedule.
- (3) The description of the motor vehicle shall include the vehicle identification number, the four digits of the model year, if any, the model, if any, and the make or the name of the manufacturer.
- (4) If lines 11 and 12 of the change statement are completed, additional motor vehicles may be described in the appropriate place on the motor vehicle schedule.
- (5) Released articles, other than motor vehicles, shall be described on line 13, 14 or 15 of the change statement in a manner that is sufficient to enable the articles to be identified.

AMENDMENTS TO INFORMATION

- 8. (1) A change statement referred to in subsection 10 (7) of the Act shall be designated as an amendment and shall set out,
 - (a) the file number of the claim for lien that is being amended or the file number of the claim for lien to which the change statement that is being amended relates;
 - (b) the information required under section 9;
 - (c) if a motor vehicle schedule is attached, an indication that it is attached;
 - (d) the name and address of one of the lien claimants or of the registering agent, if any; and
 - (e) a brief statement of the reasons for the amendment.
- (2) This section and section 9 apply to an amendment to a motor vehicle schedule that is a page of a claim for lien or change statement.
- 9. The change statement referred to in section 8 shall set out,
 - (a) if the amendment deletes a line of information on a claim for lien or change statement,
 - (i) the page number on which the line of information appears,
 - (ii) the name of one of the debtors as the name is set out on the claim for lien or a change statement that relates to the claim for lien,

- (iii) the number of the line deleted, and
 - (iv) the information required under section 8;
- (b) if the amendment substitutes a line of information for a line of information on a claim for lien or change statement,
 - (i) the page number of the page on which the line of information appears,
 - (ii) the name of one of the debtors as the name is set out on the claim for lien or a change statement that relates to the claim for lien,
 - (iii) the number of the line on which the information appears,
 - (iv) the line of information substituted, and
 - (v) the information required under section 8;
- (c) if the amendment adds a line of information for a line on which no information is set out on a claim for lien or change statement,
 - (i) the page number of the page on which the blank line appears,
 - (ii) the name of one of the debtors as the name is set out on the claim for lien or a change statement that relates to the claim for lien,
 - (iii) the line number of the blank line,
 - (iv) the line of information added, and
 - (v) the information required under section 8;
- (d) if the amendment adds a line of information to a claim for lien or change statement but there is no blank line on the statement on which to add the information,
 - (i) an indication that the amendment is not to a specific page of a statement,
 - (ii) the name of one of the debtors as the name is set out on the claim for lien or a change statement that relates to the claim for lien,

- (iii) a line number that corresponds to an appropriate line number on the claim for lien or change statement,
 - (iv) the line of information added, and
 - (v) the information required under section 8; or
- (e) if the amendment is of a nature other than that referred to in clause (a), (b), (c) or (d),
- (i) an indication that the amendment is not to a specific page of a statement or that a specific page is being amended and the page number,
 - (ii) the name of one of the debtors as the name is set out on the claim for lien or a change statement that relates to the claim for lien,
 - (iii) the line number, if any, to which the amendment relates,
 - (iv) the information, if any, added or substituted in the appropriate place, and
 - (v) the information required under section 8.

PARTICULARS OF CONTENT OF FORM

- 10. (1)** The name of a debtor who is a natural person shall be set out in the claim for lien to show the first given name, followed by the initial of the second given name, if any, followed by the surname.
- (2)** If the first given name of the debtor exceeds nineteen characters, including punctuation marks and spaces, the first nineteen characters shall be set out in the appropriate place for the name and the complete name, including the initial of the second given name, if any, shall be set out on line 13, 14 or 15.
- (3)** If the surname of the debtor exceeds twenty-two characters, including punctuation marks and spaces, the first twenty-two characters shall be set out in the appropriate place for the name and the complete name, including the initial of the second given name, if any, shall be set out on line 13, 14 or 15.
- (4)** The name of a debtor that is an artificial body shall be set out in the claim for lien as follows:

1. If the artificial body is a partnership and the partnership is,
 - i. registered under the *Business Names Act*, the registered name of the partnership,
 - ii. a limited partnership, the name of the partnership filed under the *Limited Partnerships Act*, or
 - iii. a partnership other than a partnership described in subparagraph i or ii,
 - A. the name of the partnership as set out in the acknowledgment of indebtedness, and
 - B. the name of at least one of the partners and, if the partner is,
 1. a natural person, the name in the manner required under subsection (1), or
 2. an artificial body, the name in the manner required under this subsection.
2. If the artificial body is a corporation, the incorporated name of the corporation.
3. If the artificial body is an unincorporated association, organization, syndicate, joint venture or church or other religious organization,
 - i. the name as set out in the constitution, charter or other document creating the association, organization, syndicate, joint venture or church or other religious organization, and
 - ii. the name of each person signing the acknowledgment of indebtedness on behalf of the association, organization, syndicate, joint venture or church or other religious organization and, if the person signing is,
 - A. a natural person, the name in the manner required under subsection (1), or
 - B. an artificial body, the name in the manner required under this subsection.

4. If the artificial body is an estate of a deceased natural person, the first given name, followed by the initial of the second given name, if any, followed by the surname of the deceased, followed by the word “estate”.
5. If the artificial body is a trade union,
 - i. the name of the trade union, and
 - ii. for each natural person signing the acknowledgment of the indebtedness on behalf of the trade union, the name in the manner required under subsection (1).
6. If the artificial body is a trust and the document creating the trust,
 - i. designates a name for the trust, that name followed by the word “trust”, or
 - ii. does not designate a name for the trust, the name of one of the trustees and, if the trustee is,
 - A. a natural person, the name in the manner required under subsection (1), or
 - B. an artificial body, the name in the manner required under this subsection.
7. If the artificial body is an estate of a bankrupt and the bankrupt is,
 - i. a natural person, the first given name of the person, followed by the initial of the second given name, if any, followed by the surname, followed by the word “bankrupt”, or
 - ii. an artificial body, the name of the person followed by the word “bankrupt”.
8. If the artificial body is other than an artificial body described in paragraphs 1 to 7,
 - i. the name of the artificial body, and
 - ii. the name of each person signing the acknowledgment of indebtedness on behalf of the artificial body and, if the person signing is,

- A. a natural person, the name in the manner required under subsection (1), or
- B. an artificial body, the name in the manner required under this subsection.

(5) If a person is identified to the public by a name or style other than the person's own name, the name may be set out in the claim for lien on the appropriate line for business debtor.

(6) The name of a person that is required to be set out on a claim for lien under subsection (1) or (4) shall be set out for,

(a) a natural person, on the appropriate line for an individual debtor; or

(b) an artificial body, on the appropriate line for a business debtor.

(7) If the name of a debtor that is an artificial body exceeds one hundred and twenty-one characters, including punctuation marks and spaces, the first one hundred and twenty-one characters shall be set out in the appropriate line for the name of a business debtor and the complete name shall be set out on line 13, 14 or 15.

11. Despite paragraph 2 of subsection 10 (4), if a corporation has an English form of name and a French form of name,

(a) the English form of the name shall be set out on the appropriate line for the name of a business debtor; and

(b) the French form of the name shall be set out on another appropriate line for the name of a business debtor.

12. The date of birth in a claim for lien or change statement shall be set out to show,

(a) the day of the month in numerals;

(b) the name of the month in accordance with the abbreviation or word set in Column 2 of Schedule 3; and

(c) the four digits of the number of the year.

13. A change statement, other than a statement designated as an amendment, shall set out,

(a) the file number of the claim for lien;

- (b) if a motor vehicle schedule is attached, an indication that it is attached;
- (c) the name of one of the debtors as the name is set out on the claim for lien or a change statement that relates to the claim for lien; and
- (d) the name and address of one of the lien claimants or of the registering agent, if any.

APPROVED FORMS OR FORMAT

- 14.(1)** Upon application, the registrar may approve an electronic format of claim for lien or change statement.
- (2)** An approval granted under subsection (1) may be for a limited time period, may be qualified and may require that the qualification or approval be entered on the electronic format.
- (3)** The registrar may withdraw an approval granted under subsection (1) upon written notice sent by registered mail and the approval shall be deemed to be withdrawn ten days after the mailing of the notice.

PROCEDURE

- 15 (1)** The registrar may send to the registrant a verification statement that includes particulars of the registered claim for lien or change statement, as the case may be.
- (2)** A verification statement under this section may be sent in an electronic format approved by the registrar.

MANNER OF RECORDING

- 16. (1)** The punctuation mark or symbol set out in Column 2 of Schedule 1 may be used in a claim for lien, a change statement or a motor vehicle schedule in lieu of the information set out opposite thereto in Column 1 of Schedule 1.
- (2)** The abbreviations or expansions set out in Column 2 of Schedule 2 may be used in lieu of the information set out opposite thereto in Column 1 of Schedule 2 with respect to,
- (a) items 1 to 14, on lines 03, 06, 03/06, 08, 08/16, 16, 24 and 29 in a claim for lien or a change statement;

- (b) items 15 to 35, on lines 04, 07, 09, 04/07, 09/17 and 17 in a claim for lien or a change statement;
- (c) items 36 to 57, on lines 11 and 12 in a claim for lien or a change statement or on lines 41 to 56 in a motor vehicle schedule; and
- (d) items 58 to 62, on lines 13, 14 and 15 in a claim for lien or a change statement.

17. The time assigned to the registration of a claim for lien or change statement shall correspond with the time showing on the computer used in the registration system.

18. This Order comes into force on August 1, 2007.

Made this day of , 2007.

The Honourable Gerry Phillips
Minister of Government Services

SCHEDULE 1

Item	Column 1	<i>Colonne 1</i>	Column 2
<i>Poste</i>			<i>Colonne 2</i>
1.	Parentheses	<i>Parenthèses</i>) (
2.	Apostrophe	<i>Apostrophe</i>	'
3.	Period	<i>Point</i>	.
4.	Plus sign	<i>Signe plus</i>	+
5.	Ampersand	<i>Esperluète</i>	&
6.	Hyphen	<i>Trait d'union</i>	-
7.	Virgule	<i>Barre oblique</i>	/
8.	Comma	<i>Virgule</i>	,
9.	Percent sign	<i>Pour cent</i>	%
10.	Quotation mark	<i>Guillemets</i>	“
11.	Dollar sign	<i>Symbole du dollar</i>	\$
12.	Number sign	<i>Numéro</i>	#
13.	Question mark	<i>Point d'interrogation</i>	?
14.	Asterisk	<i>Astérisque</i>	*
15.	At symbol	<i>A commercial</i>	@
16.	Greater than	<i>Plus grand que</i>	>
17.	Equal	<i>Égal</i>	=
18.	Less than	<i>Plus petit que</i>	<
19.	Square brackets	<i>Crochets</i>] [
20.	Oblique	<i>Trait oblique</i>	\
21.	Exclamation mark	<i>Point d'exclamation</i>	!

SCHEDULE 2

Item	Column 1	Column 2
<i>Poste</i>	<i>Colonne 1</i>	<i>Colonne 2</i>
1.	COMPANY	CO
2.	LIMITED	LTD
3.	INCORPORATED	INC, INCORP, INCORPORATE
4.	CORPORATION	CORP
5.	BROTHERS	BROS, BRO'S, BROTHER, BRO, BROTHER'S
6.	DIVISION	DIV, DIVS, DIVISIONS, DIVISION'S
7.	CANADA	CAN
8.	INTERNATIONAL	INT, INTS, INT'S, INT'L, INT'LS, INTERN, INTERNS, INTERNATIONALS
9.	CONSTRUCTION	CONST, CONSTR

Item	Column 1	Column 2
10.	COOPERATIVE	COOPERATIVES, COOPERATIVE, CO-OPERATIVES, COOP, COOPS, CO-OP, CO-OPS
11.	NUMBER	NO, #
12.	AND	&
13.	MISTER	MR, MR'S, MISTERS, MISTER'S
14.	ASSOCIATION	ASSOCIATIONS, ASSOC, ASSOCS, ASSOC'S, ASS'N, ASSN'S, ASS'NS
15.	1/2	ONE HALF
16.	STREET	ST
17.	AVENUE	AVE
18.	ROAD	RD
19.	BOULEVARD	BLVD
20.	CIRCLE	CIR
21.	CRESCENT	CRES
22.	DRIVE	DR
23.	COURT	CT
24.	HIGHWAY	HWY
25.	APARTMENT	APT
26.	EAST	E
27.	WEST	W
28.	NORTH	N
29.	SOUTH	S
30.	LOT	L
31.	CONCESSION	CON, C
32.	TOWNSHIP	TWSP, TWP
33.	RURAL ROUTE	RR
34.	TORONTO	TOR
35.	ONTARIO	ONT, ON
36.	INTERNATIONAL HARVESTER	IH, INTERNAT HARV
37.	MASSEY FERGUSON	MF
38.	CHEVROLET	CHEV
39.	PONTIAC	PONT
40.	OLDSMOBILE	OLDS
41.	CHRYSLER	CHRY
42.	PLYMOUTH	PLY
43.	AMERICAN MOTORS	AM, AM MOTORS
44.	MOTORS	MTRS
45.	VOLKSWAGEN	VW

Item	Column 1	Column 2
46.	RAMBLER	RAMBL
47.	1/2 TON TRUCK	HLF TON TRK
48.	1/2 TON PICKUP TRUCK	HALF TON PU TRK
49.	3/4 TON TRUCK	3 QTR TON TRK
50.	STATION WAGON	STN WGN
51.	4 DOOR HARDTOP	4 DR HDTP
52.	CONVERTIBLE	CONV
53.	COUPE	CPE
54.	DELIVERY VAN	DEL VAN
55.	SEDAN	SDN
56.	SUPERSPORT	SS
57.	SERIAL NUMBER	SERIAL
58.	INCH	IN
59.	TELEVISION	TV
60.	1/2	HLF
61.	1/4	QTR
62.	BEDROOM SUITE	BDRM STE

SCHEDULE 3

Item	Column 1	<i>Colonne 1</i>	Column 2
<i>Poste</i>			<i>Colonne 2</i>
1.	JANUARY	<i>JANVIER</i>	JAN
2.	FEBRUARY	<i>FÉVRIER</i>	FEB
3.	MARCH	<i>MARS</i>	MAR
4.	APRIL	<i>AVRIL</i>	APR
5.	MAY	<i>MAI</i>	MAY
6.	JUNE	<i>JUIN</i>	JUN, JUNE
7.	JULY	<i>JUILLET</i>	JUL, JULY
8.	AUGUST	<i>AOÛT</i>	AUG
9.	SEPTEMBER	<i>SEPTEMBRE</i>	SEP
10.	OCTOBER	<i>OCTOBRE</i>	OCT
11.	NOVEMBER	<i>NOVEMBRE</i>	NOV
12.	DECEMBER	<i>DÉCEMBRE</i>	DEC