

UNEDITED

# *The Recovery of Possession of Land Act*

*being*

Chapter 115 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY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 115

### An Act respecting Recovery of Possession of Land wrongfully occupied by Certain Persons

#### Short title

1 This Act may be cited as *The Recovery of Possession of Land Act*.

R.S.S. 1953, c.115, s.1.

#### Application of Act

2 This Act does not apply to overholding tenants.

R.S.S. 1940, c.105, s.2; R.S.S. 1953, c.115, s.2.

#### Application for order for possession

3(1) When any person refuses or fails to cease using or occupying land which he is wrongfully or without lawful authority using or occupying, the person entitled to possession may, upon affidavit of the facts, apply *ex parte* to the judge of the district court of the judicial district within which the land is situated for an order granting him leave to serve a notice of motion directed to the person in possession and returnable before the judge at such time and place as may be fixed by the order, requiring the person to whom the notice is directed to show cause why an order should not be made for his removal from the land, and to compel him to vacate it, and to cease using or occupying it.

(2) It shall be sufficient service of the notice if a copy thereof is left with a grown up person found on the land, and another copy is put up in some conspicuous place thereon, or, where no grown up person is found on the land, if a copy is put up in two conspicuous places thereon.

(3) If the person to whom the notice is addressed does not, as therein directed, show good cause to the contrary, the judge shall, upon request of the applicant, make an order for possession. If it appears to the judge that the title to land comes *bona fide* into question, he shall refuse to make an order for possession.

(4) An order for possession may be directed to the sheriff or a bailiff, constable or any other person and it shall be executed by the person to whom it is directed and delivered for that purpose.

R.S.S. 1940, c.105, s.3; R.S.S. 1953, c.115, s.3.

#### Execution of order

4 The officer or person to whom an order for possession is directed and delivered shall forthwith remove the person named therein from the land, and also all members of his family, his employees, servants and labourers and all other persons who, under his authority or direction or permission, are using or occupying the land; and may also remove from the land the goods and chattels of such persons found thereon, and in the execution of the order the officer or person to whom it is directed shall have and may exercise all the powers, rights, immunities and privileges enjoyed by a sheriff, constable or other peace officer in the execution of his duty.

R.S.S. 1910, c.105, s.4; R.S.S. 1953, c.115, s.4.

#### Costs

5 The judge shall have the same jurisdiction as to costs and otherwise as in matters in court.

R.S.S. 1910, c.105, s.5; R.S.S. 1953, c.115, s.5.

**Appeal from order of judge**

**6** An appeal to a judge of the Court of Queen's Bench lies from an order or decision made under subsection (3) of section 3; and the procedure on the appeal shall be the same as is or may be provided in the case of an appeal from an order, judgment or decision of a district court judge in chambers.

R.S.S. 1940, c.105, s.6; R.S.S. 1953, c.115, s.6.

**Penalty**

**7** A person returning to the land, or assuming any right of possession or occupancy or use thereof, after having been removed therefrom under an order for possession, is, on summary conviction before a district court judge or police magistrate, liable to a fine not exceeding \$300 or to imprisonment for a term not exceeding six months, or to both fine and imprisonment, in the discretion of the court.

R.S.S. 1940, c.105, s.7; R.S.S. 1953, c.115, s.7.