

UNLAWFUL PROPERTY FORFEITURE ACT

R-009-2021

Registered with the Registrar of Regulations

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UNLAWFUL PROPERTY FORFEITURE REGULATIONS

The Commissioner, on the recommendation of the Minister, under section 42 of the *Unlawful Property Forfeiture Act*, S.Nu. 2017,c.14, and every enabling power, makes the annexed *Unlawful Property Forfeiture Regulations*.

Notice in land titles office

1. (1) A notice under subsection 6(1) of the Act must include
 - (a) the title "Notice of the Director of Forfeiture";
 - (b) a land description that complies with the requirements of the *Land Titles Act*;
 - (c) the name of the owner of the land;
 - (d) if applicable, the instrument number of the instrument to which the notice applies;
 - (e) any other information that
 - (i) the Director considers necessary; and
 - (ii) complies with the *Land Titles Act*.

Notice in personal property registry

- (2) A notice under subsection 6(2) of the Act must include
 - (a) the title "Notice of the Director of Forfeiture";
 - (b) as debtors, the names of each party under subsection 5(1) of the Act;
 - (c) indicate "Director of Forfeiture" as the secured party;
 - (d) a description of the item;
 - (e) infinity as the period of registration; and
 - (f) any other information that
 - (i) the Director considers necessary; and
 - (ii) complies with the *Personal Property Security Act*.

Lien in land titles office

2. A lien registered in a land titles office under subsection 9(5) of the Act must include
 - (a) the title "Lien in favour of the Director of Forfeiture";
 - (b) a land description that complies with the requirements of the *Land Titles Act*;
 - (c) the name of the owner of the land;
 - (d) the amount of the lien;
 - (e) if applicable, the instrument number of the instrument to which the lien applies;
 - (f) any other information that
 - (i) the Director considers necessary; and
 - (ii) complies with the *Land Titles Act*.

Public notice – section 7 of Act

3. (1) A notice under section 7 of the Act must include
 - (a) a description of the property;
 - (b) the location where the property was seized;
 - (c) the date the property was seized;
 - (d) a notice that any person with a lawful interest in the property should contact the Director; and
 - (e) the address, telephone number and email address of the Director.

Posting of public notice

- (2) A notice under section subsection (1)
 - (a) must be posted at the main office of the municipality where the property was seized; and
 - (b) at the discretion of the Director,

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- (i) may be posted in any other location in the municipality where the property was seized, and
- (ii) may be communicated by any other media accessible in the municipality where the property was seized.

Public notice – compensation

4. (1) If the Director has reason to believe that there exist persons described in subsection 35(1) of the Act with respect to a proceeding under the Act, the Director shall, within 60 days of all cash and proceeds subject to the proceeding having been deposited in the Fund, provide a public notice that

- (a) provides particulars of the proceedings, including a general description of the property and from whom it was forfeit;
- (b) states that any person that suffered a pecuniary loss as a direct result of the unlawful activity may make a claim for compensation;
- (c) describes the steps to apply for compensation;
- (d) specifies a deadline for making a claim, which must not be earlier than 90 days after the day the notice is provided;
- (e) provides an address, telephone number and electronic mail address to which inquiries about potential claims may be directed;
- (f) provides an address where claims should be sent; and
- (g) includes any other information the Director considers appropriate.

Location of notice

(2) A notice under subsection (1)

- (a) must be posted in as many conspicuous places as are reasonably necessary to bring the notice to the attention of the public in
 - (i) the municipality in which the property was when it was forfeit; and
 - (ii) if different, the municipality in which the unlawful activity occurred; and
- (b) may be posted at any other place the Director believes would bring the notice to the attention of the persons that suffered a pecuniary loss as a direct result of the unlawful activity.

Definition

5. (1) In this section, "compensable pecuniary loss" means the pecuniary loss suffered by an applicant as a direct result of unlawful activity that led to the forfeiture of the property, minus any other compensation or settlement that the applicant has received, has sought, or is entitled to receive or seek with respect to the pecuniary loss.

Application for compensation

(2) An application for compensation under section 35 of the Act must

- (a) be in the approved form;
- (b) be received by the deadline specified in a notice made under section 4;
- (c) include the name, mailing address, civic address and phone number of the applicant;
- (d) include the total amount of compensable pecuniary loss;
- (e) include evidence of the compensable pecuniary loss; and
- (f) include details of any other compensation or settlement that the applicant has received, has sought, or is entitled to seek with respect to their pecuniary loss.

Updates

(3) If any of the contact information provided as part of an application changes, the applicant shall inform the Director of the change in writing as soon as practicable.

Request for particulars

(4) If, in the opinion of the Director, the evidence provided in an application is insufficient to establish eligibility for compensation under section 35 of the Act, the Director shall send a written request for particulars to the mailing address of the applicant.

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Further particulars

(5) Any further particulars received by the Director within 60 days following a request under subsection (2) are deemed to be evidence included in the application.

Amount of compensation

(6) Subject to subsection (7), an applicant under section 35 is entitled to full compensation of all compensable pecuniary losses claimed in their application that, in the opinion of the Director, are established by the evidence included in the application.

If funds insufficient

(7) If compensable pecuniary losses established under this section for a proceeding exceed the cash and proceeds deposited in the Fund following the proceeding, each applicant who filed an application before the deadline provided under paragraph 3(1)(d), or any later deadline determined by the Director, is entitled to receive from the Fund a percentage of the cash and proceeds equivalent to the percentage derived from dividing their established compensable pecuniary losses by the sum of all applicants' established compensable pecuniary losses.

Disbursements from Fund

- 6.** (1) Disbursements from the Fund must be made in the following order of priority:
- (a) first, to compensate victims in accordance with paragraph 34(2)(b) and section 35 of the Act and sections 3 and 4 of these regulations;
 - (b) then for any of the purposes in paragraphs 34(2)(a), (c) or (d) of the Act.

Consultations

(2) Where possible, prior to making a disbursement under subsection 34(2)(d) of the Act, the Minister shall consult with the community health and wellness committees established or designated under section 48 of the *Public Health Act*.

Coming into force

7. These regulations come into force on the same day as section 42 of the Act comes into force, or if it is already in force, on the day these regulations are registered by the Registrar of Regulations.