

No. 30

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4th Session, 13th Legislature, Alberta  
6 Elizabeth II, 1958

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## **BILL 30**

A Bill to amend The Hotelkeepers Act

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HON. MR. PATRICK

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## Explanatory Note

2. See note to clause 3. Because of the inclusion in the definitions of the Act of motels, auto courts, etc., it is desirable to use the common law terms "inn" and "innkeeper" to permit of an easier distinction between hotels in the ordinary and popular sense and motels and similar establishments.

3. There are no definitions at present in this Act. Subclauses (a) and (b) in effect defines "innkeeper" to include persons who, by the common law, were considered to be "innkeepers" as well as persons keeping cabins, motels and similar establishments.

Subclause (c) defines "vehicle" for the purpose of the amendments following.

4. Section 7 at present refers only to loss or injury to guests' trunks, contents thereof, parcels or personal effects of any kind. This section limits the common law liability of an innkeeper, but a very common chattel of a traveller nowadays is a motor car and the restriction on the absolute liability at common law of an innkeeper does not in the terms used include a vehicle. The section is revised to restrict liability for the chattels of the traveller (other than vehicles) to loss thereof through the fault of the innkeeper or where they have been deposited with him for safekeeping. Where vehicles are left in the custody of an innkeeper for park-

# BILL

No. 30 of 1958

An Act to amend The Hotelkeepers Act

(Assented to \_\_\_\_\_, 1958)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Hotelkeepers Act*, being chapter 148 of The Revised Statutes of Alberta, 1955, is hereby amended.

2. The Act is amended by striking out the words "hotel-keeper" and "hotel" wherever they occur in the long title or in the sections of the Act and by substituting the words "innkeeper" and "inn", respectively.

3. The following section is added immediately after section 1:

"1a. In this Act,

"(a) "inn" means a place of which the innkeeper is the keeper;

"(b) "innkeeper" means a person who is by law responsible for the goods and property of his guests and includes a keeper of a hotel, motel, auto court, cabin or other place or house who holds out that to the extent of his available accommodation he will provide lodging and food to any person who presents himself as a guest, who appears able and willing to pay a reasonable sum for the services and facilities offered and who is in a fit state to be received;

"(c) "vehicle" includes a motor vehicle within the meaning of *The Vehicles and Highway Traffic Act*, a horse and carriage and chattels used in connection with a vehicle."

4. Section 7 is struck out and the following section substituted:

"7. (1) An innkeeper is not liable to make good to his guest any loss of or injury to goods or property brought to his inn, except

"(a) where the goods or property have been stolen, lost or injured through the wilful act, default or neglect of the innkeeper or his servants, or

ing or storing under the controlled parking of the innkeeper his liability is that of a bailee for reward; that is, shortly, he must exercise in respect of that vehicle the care and diligence that a careful and vigilant man would exercise in the custody of his own vehicle in similar circumstances.

**5. Section 8 presently reads as follows:**

**"8. If any hotelkeeper refuses to receive for safe custody as before mentioned any goods or property of his guest or if any guest through any fault of the hotelkeeper is unable to deposit such goods or property as aforesaid the hotelkeeper is not entitled to the benefit of this Act in respect of such goods or property."**

The amendment will extend the exemption from liability even to a case where an innkeeper refuses to receive property for safe-keeping if he does not have the facilities therefor and so advises the guest at the time of refusing or failing to receive the chattel for custody.

“(b) where the goods or property have been deposited expressly for safe custody with the innkeeper, but the innkeeper may, if he thinks fit, require as a condition of his liability under this clause that the goods or property be deposited in a box or other receptacle and fastened and sealed by the person depositing the same.

“(2) Where the property of a guest is a vehicle, if the vehicle has been delivered expressly into the custody of the innkeeper or his servant for storage or parking in a place specifically reserved and designated by the innkeeper for the storage or parking of vehicles, the liability of the innkeeper for the vehicle and its contents is that of a bailee for reward.”.

**5.** Section 8 is amended by adding at the end thereof the following words:

“unless his inn was not equipped with a proper safe or vault or did not have a place for the storing or parking of vehicles and he so informed the guest at the time of refusing or failing to receive the goods or property.”.

**6.** This Act comes into force on the day upon which it is assented to.

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

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**BILL**

An Act to amend The Hotelkeepers  
Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. PATRICK

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