



Parents' Maintenance & Petty Trespasses Acts

by D.A.S. Paterson, QC

Today we deal with two quite unknown and quite simple Acts.

The Parents' Maintenance Act states a son or daughter is liable to pay maintenance of up to \$20.00 per week if a parent or parents are dependent on that child and the child has the means to pay.

The son or daughter may be served a summons by a parent(s) to appear before a Queen's Bench family division justice. Once dependency and ability to pay is proven, the maintenance order may be made. This can occur whether or not the parent is being cared for in a health care institution of any type.

If more than one child has the ability to pay, the justice may split the maintenance between two or more children.

Such an order may be enforced just as if a spouse defaulted under a maintenance order.

A petty trespass is a minor trespass in today's lingo. One can be guilty of a summary conviction offence after being arrested without warrant under this Act.

Thou shalt not enter or go upon lands or buildings that belong to another and are wholly enclosed nor, if not wholly enclosed, fail to

leave after being properly requested to do so. The person in actual occupation of the lands and buildings must make the request to leave or approve of the request. So a landlord can ask visitors to leave but it means nothing unless the tenant approves of it.

A defence to a trespasser does exist however, if that person held an honest and reasonable belief that at the time, he/she could be on the lands and/or in the buildings.

If the alleged trespass involves issues of land ownership or title, the Act does not apply.

Also, where a person is on seemingly public lands and adjacent areas and wants to picket or communicate true

statements to others, that is allowed and no offence is committed.

Conviction under this Act could result in a fine under \$5,000.00.