

## Index

### ABBREVIATIONS AND ACRONYMS

Generally, **1:13**

### ABUSE OF PROCESS

Alberta, **5:50**  
British Columbia, **4:52**  
Manitoba, **7:48**  
New Brunswick, **10:47**  
Nova Scotia, **11:39**  
Nunavut, **12:43**  
Ontario, **8:44**  
Quebec, **9:38**  
Saskatchewan, **6:54**

### ACCESS TO LEGAL EXPENSES

See LEGAL EXPENSES

### ACTIONS

British Columbia  
general, **4:32**  
New Brunswick  
general, **10:29**  
Nunavut, **12:29**  
Ontario  
Literary Proceeds Act, **3:29**

### ADMINISTRATIVE FORFEITURE

Alberta  
administrative forfeiture and  
subsequent challenges, **5:47**  
challenging prior to forfeiture,  
**5:46**  
notice, **5:45**  
operation, **5:44**  
presumptions, **5:44**  
British Columbia  
disputing, **4:38**  
introduction, **4:6**

### ADMINISTRATIVE

#### FORFEITURE—Cont'd

British Columbia—Cont'd  
notice, **4:37**  
operation, **4:36**  
Introduction, **1:5**  
Manitoba  
administrative forfeiture, **7:35**  
civil proceedings against the  
director, **7:62**  
disputing administrative forfei-  
ture, **7:36**  
Nova Scotia, **11:5.50**  
Ontario  
administrative forfeiture, **8:35**  
Quebec  
administrative forfeiture, **9:30.50**  
Saskatchewan  
disputing administrative forfei-  
ture, **6:38**  
introduction, **6:37**

### ADVANCEMENT

British Columbia, **4:42**

### AGENTS

Literary proceeds, **3:16**

### ALBERTA

See LITERARY PROCEEDS;  
VICTIMS RESTITUTION  
AND COMPENSATION PAY-  
MENT ACT

### AN ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

See QUEBEC FORFEITURE ACT

## CIVIL ASSET FORFEITURE IN CANADA

### ANNUAL REPORT

- Manitoba, **7:63**
- Nova Scotia, **11:51**
- Nunavut, **12:61**
- Ontario, **8:61**
- Quebec, **9:49**
- Saskatchewan, **6:68**

### APPEALS

- Alberta
  - appeals, **5:48**
  - process for review of restraint, **5:25**
  - review of restraint, **5:26**
  - stays, **5:17**
- Nunavut
  - appeals of interim orders, **12:22**
  - review of director, **12:51**
- Saskatchewan
  - general, **6:51**
  - practice tips, **6:7**

### APPLICATIONS

- British Columbia
  - general, **4:32**
- New Brunswick
  - general, **10:29**
- Nunavut, **12:29**
- Ontario
  - Civil Remedies Act, **8:6**
  - Literary Proceeds Act, **3:29**

### APPROACHES TO LITIGATION

- Alberta, **5:4**
- British Columbia, **4:4**
- Manitoba, **7:4**
- New Brunswick, **10:4**
- Nova Scotia, **11:4**
- Nunavut, **12:4**
- Ontario, **8:4**
- Quebec, **9:4**
- Saskatchewan, **6:4**

### ASSET MANAGEMENT

- Literary proceeds
  - general, **3:38**

### ASSET MANAGEMENT—Cont'd

- Manitoba
  - general, **7:59**
- New Brunswick
  - asset management, **10:54**
  - government account, **10:54**
  - preservation orders, **10:25**
- Nova Scotia
  - director entitled to possession, **11:46.30**
  - director manager, **11:14**
  - forfeiture account, **11:46.70**
  - general, **11:46**
  - preservation orders, **11:26**
- Nunavut
  - assistance of sheriff, **12:60**
  - general, **12:54**
- Ontario
  - Director asset management, **8:60**
  - preserving the property, **8:22 to 8:28**
- Quebec
  - financial, **9:44**
  - general, **9:45**
- Saskatchewan
  - general, **6:62**
  - preservation, **6:62**

### ASSISTANCE OF SHERIFF

- Nunavut
  - asset management, **12:54**
  - enforcement of interim orders, **12:20**
  - general, **12:60**

### ATTORNEY GENERAL

- Alberta
  - discretion of minister, **5:62**
  - who brings proceeding, **5:16**
- New Brunswick
  - information, **10:15**
  - proceedings, **10:28 to 10:32**
- Nunavut, **12:14**
- Ontario
  - Civil Remedies Act, **8:16**

**ATTORNEY GENERAL—Cont'd**

Ontario—Cont'd  
 Literary Proceeds Act, **3:7 to 3:19**  
 Quebec, **9:4**

**AUSTRALIA**

Forfeiture, **1:10**  
 Literary proceeds, **3:2**

**AUTOBIOGRAPHY**

See LITERARY PROCEEDS

**BALANCE OF PROOF**

See STANDARD OF PROOF

**BANKRUPTCY AND  
INSOLVENCY**

Alberta, **5:55**  
 British Columbia, **4:57**  
 Literary proceeds, **3:19**  
 Manitoba, **7:53**  
 New Brunswick, **10:52**  
 Nova Scotia, **11:44**  
 Nunavut  
     date of forfeiture, **12:31**  
     general, **12:48**  
 Ontario, **8:49**  
 Quebec, **9:43**  
 Saskatchewan, **6:59**

**BEYOND A REASONABLE  
DOUBT**

See STANDARD OF PROOF

**BIFURCATION**

See CHALLENGES TO A CIVIL  
 FORFEITURE CASE; British  
 Columbia; Charter and  
 Constitutional

**BILL OF RIGHTS**

Alberta, **5:51**

**BRITISH COLUMBIA**

See CIVIL FORFEITURE ACT

**CCP**

See CIVIL CODE OF PROCE-  
 DURE

**CHALLENGES TO A CIVIL  
FORFEITURE CASE**

## Alberta

abuse of process, **5:50**  
 Charter and Constitutional, **5:51**  
 claims to property, **5:34**  
 general, **5:49 to 5:51**

## British Columbia

abuse of process, **4:52**  
 Charter and Constitutional, **4:53**  
 general, **4:49 to 4:53**  
 interests of justice, **4:50**  
 protection orders, **4:48**

Charter, **2:6 to 2:8**Constitutional, **2:2 to 2:5**

## Manitoba

abuse of process, **7:44**  
 Charter and Constitutional, **7:45**  
 general, **7:42**  
 interests of justice, **7:43**  
 protection orders, **7:41**

## New Brunswick

abuse of process, **10:47**  
 Charter and Constitutional, **10:48**  
 general, **10:45 to 10:48**  
 interests of justice, **10:46**  
 protection orders, **10:40 to 10:44**

## Nova Scotia

abuse of process, **11:43**  
 Charter and Constitutional, **11:44**  
 general, **11:41 to 11:45**  
 interests of justice, **11:42**  
 protection orders  
     instruments, **11:40**  
     presumptive, **11:38**

## Nunavut

abuse of process, **12:43**  
 Charter and constitutional, **12:44**  
 general, **12:41 to 12:44**  
 interests of justice, **12:42**

**CHALLENGES TO A CIVIL  
FORFEITURE CASE—Cont'd**

- Ontario
  - abuse of process, **8:44**
  - Charter and Constitutional, **8:45**
  - general, **8:39 to 8:45**
  - interests of justice, **8:43**
- Quebec
  - abuse of process, **9:38**
  - Charter and Constitutional, **9:39**
  - general, **9:35 to 9:39**
  - measures
    - interests of justice, **9:36**
    - persons in good faith, **9:37**
- Saskatchewan
  - abuse of process, **6:54**
  - Charter and Constitutional, **6:55**
  - general, **6:52 to 6:55**
  - interests of justice, **6:53**
  - protection orders, **6:20**

**CHALLENGES TO A LITERARY  
PROCEEDS ACT  
PROCEEDING**

- Constitutional, **3:32**

**CHARGES**

- See **CONVICTIONS**

**CHARTER CHALLENGES**

- Alberta, **5:51**
- British Columbia, **4:53**
- General, **2:6 to 2:8**
  - civil forfeiture and Charter law, **2:7**
  - governmental action, **2:7**
  - introduction to, **2:6**
  - laws, **2:8**
  - standing, **2:7**
- Literary proceeds, **3:32**
- Manitoba, **7:49**
- New Brunswick, **10:48**
- Nova Scotia, **11:40**
- Nunavut, **12:44**
- Ontario, **8:45**
- Quebec, **9:39**

**CHARTER CHALLENGES  
—Cont'd**

- Saskatchewan, **6:51**

**CHATTERJEE**

- Case discussion, **2:3**

**CIVIL BALANCE OF PROOF**

- See **STANDARD OF PROOF**

**CIVIL CODE OF PROCEDURE**

- Quebec
  - civil procedure, **9:6**
  - seizure before judgment (“**SBJ**”), **9:23**

**CIVIL FORFEITURE ACCOUNT**

- Alberta
  - financial, **5:58**
  - payment of compensation, **5:59**
  - victims of crime fund, **5:60**
- British Columbia
  - account, **4:63, 4:64**
  - victim compensation, **4:64**
- Literary proceeds
  - general, **3:35**
- Manitoba
  - see **CRIMINAL PROPERTY FORFEITURE FUND**
- New Brunswick
  - see **MANAGEMENT OF SEIZED AND FORFEITED PROPERTY ACT**
- Nova Scotia
  - see **CRIMINAL PROPERTY FORFEITURE FUND**
- Nunavut
  - see **FORFEITURE FUND**
- Ontario
  - see **SPECIAL PURPOSE ACCOUNT**
- Quebec
  - see **CONSOLIDATED REVENUE FUND**
- Saskatchewan
  - see **CRIMINAL PROPERTY FORFEITURE FUND**

**CIVIL FORFEITURE ACT**

- Alberta
  - general, **5:2**
  - overview, **5:6**
  - structure, **5:3**
- British Columbia
  - general, **4:2**
  - overview, **4:7**
  - structure, **4:3**
- New Brunswick
  - general, **10:2**
  - overview, **10:6**
  - structure, **10:3**
- Nova Scotia
  - general, **11:2**
  - overview, **11:6**
  - structure, **11:3**
- Quebec
  - general, **9:2**
  - overview, **9:7**
  - structure, **9:3**

**CIVIL PROCEDURE**

- Alberta
  - ancillary orders, **5:42**
  - case law, **5:56**
  - forfeiture procedure, **5:33**
  - general, **5:66**
  - interlocutory orders, **5:24**
  - review of restraint, **5:26**
- British Columbia
  - case law, **4:58**
  - pleadings and particulars, **4:58**
- Manitoba
  - case law, **7:54**
  - evidence, **7:33**
- New Brunswick
  - case law, **10:53**
- Nova Scotia
  - case law, **11:45**
- Nunavut, **12:49**
- Ontario, **8:50**
  - claimants and notice, **8:34**
- Quebec, **9:22**
  - rules and case law, **9:6**

**CIVIL PROCEDURE—Cont'd**

- Quebec, **9:22—Cont'd**
  - service, **9:30**
- Saskatchewan
  - case law, **6:60**
  - Sealing order, **11:45**

**CIVIL REMEDIES ACT**

- Ontario, **8:2**
- Structure, **8:3**

**CLEARLY NOT IN THE INTERESTS OF JUSTICE**

- British Columbia, **4:50**
- Manitoba, **7:47**
- New Brunswick
  - see INTERESTS OF JUSTICE
- Nova Scotia
  - see INTERESTS OF JUSTICE
- Nunavut, **12:42**
- Ontario
  - Civil Remedies Act, **8:43**
  - Literary Proceeds Act, **3:28**
- Quebec
  - see INTERESTS OF JUSTICE
- Saskatchewan, **6:53**

**CNIJ**

- See CLEARLY NOT IN THE INTERESTS OF JUSTICE

**COMMON LAW RIGHTS**

- Alberta, **5:64**
- Saskatchewan
  - rights reserved, **6:69**

**COMMUNITY SAFETY ORDERS**

- Manitoba
  - presumption for instruments, **7:39**

**COMPENSATION**

- Alberta
  - administrative forfeiture, **5:47**
  - costs, **5:63**
  - liability of Attorney General, **5:63**

CIVIL ASSET FORFEITURE IN CANADA

**COMPENSATION—Cont'd**

- Alberta—Cont'd
  - victims
    - claims to property, **5:34**
    - money, **5:59**
    - property, **5:39**
    - return of property to, **5:38**
- British Columbia
  - costs, **4:18**
  - covenants, **4:35**
  - director liability, **4:60**
  - victim, **4:66**
- Manitoba
  - costs, **7:17**
  - liability, **7:62**
  - victims, **7:58**
- New Brunswick
  - costs, **10:18**
  - victims, **10:54**
- Nova Scotia
  - costs, **11:17**
  - victims, **11:46**
- Nunavut
  - costs, **12:17**
  - victims, **12:56**
- Ontario
  - Civil Remedies Act, **8:53**
  - Literary Proceeds Act, **3:36**
- Quebec
  - general, **9:37**
- Saskatchewan
  - director liability, **6:67**
  - victims, **6:64**

**CONDUCT**

- Nova Scotia
  - conduct of proceedings, **11:33**

**CONFIDENTIAL INFORMANTS**

- See **PRIVACY**

**CONSOLIDATED REVENUE FUND**

- Alberta
  - see **CIVIL FORFEITURE ACCOUNT**

**CONSOLIDATED REVENUE FUND—Cont'd**

- British Columbia
  - see **CIVIL FORFEITURE ACCOUNT**
- Manitoba
  - see **CRIMINAL PROPERTY FORFEITURE FUND**
- New Brunswick
  - see **MANAGEMENT OF SEIZED AND FORFEITED PROPERTY ACT**
- Nova Scotia
  - see **CRIMINAL PROPERTY FORFEITURE FUND**
- Nunavut
  - see **FORFEITURE FUND**
- Ontario
  - see **SPECIAL PURPOSE ACCOUNT**
- Quebec, **9:46**
- Saskatchewan
  - see **CRIMINAL PROPERTY FORFEITURE FUND**

**CONSPIRACY**

- Ontario
  - definition and concept, **8:15**
  - forfeiture and final orders, **8:33**
  - interlocutory orders, **8:26**
  - notice, **8:34**
  - presumptions, **8:38**

**CONSTITUTIONAL ISSUES**

- Alberta, **5:51**
- British Columbia, **4:53**
- General, **2:1**
  - Charter, **2:6 to 2:8**
  - Chatterjee, **2:3**
  - civil forfeiture and Charter law, **2:7**
  - constitutional validity
    - civil, **2:2**
    - criminal, **2:4**
  - criminal forfeiture, **2:4**
  - Section 490, **2:5**

**CONSTITUTIONAL ISSUES****—Cont'd**

Literary proceeds, **3:32**  
 Manitoba, **7:49**  
 New Brunswick, **10:48**  
 Nova Scotia, **11:40**  
 Nunavut, **12:44**  
 Ontario, **8:45**  
 Quebec, **9:39**  
 Saskatchewan, **6:55**

**CONSTRUCTIVE TRUSTS**

Literary proceeds, **3:4**

**CONTRABAND**

Alberta  
     contraband, **5:35**  
     dangerous or illegal property,  
     **5:40**  
 British Columbia  
     contraband, **4:66**  
 Manitoba  
     contraband, **7:15**  
 New Brunswick  
     contraband, **10:16**  
 Nova Scotia  
     contraband, **11:15**  
 Nunavut, **12:58**  
 Ontario  
     contraband, **8:55**  
 Saskatchewan  
     contraband, **6:16**

**CONTRACT FOR RECOUNTING  
CRIME**

Literary proceeds, **3:9**

**CONTROLLED DRUGS AND  
SUBSTANCES ACT**

Forfeiture, **1:6**  
 Quebec  
     forfeited funds, **9:46**

**CONVICTIONS**

Alberta  
     general, **5:22**

**CONVICTIONS—Cont'd**

British Columbia  
     no charges, **4:41**  
     no conviction, **4:41**  
     use of previous, **4:40**  
 Literary proceeds  
     charged versus convicted, **3:13**  
     convictions and retrospectivity,  
     **3:11**  
     dual criminality, **3:11**  
     order once prosecution  
     determined, **3:24**  
     preserving where  
     charges, **3:23**  
     conviction, **3:22**  
 Manitoba  
     criminal organizations, **7:38**  
     general, **7:37 to 7:40**  
 New Brunswick  
     no charges, **10:34**  
     no conviction, **10:34**  
     use of previous, **10:34**  
 Nova Scotia  
     general, **11:34**  
     no charges, **11:35**  
 Nunavut  
     general, **12:35**  
     no charges, **12:36**  
 Ontario  
     general, **8:38**  
 Quebec  
     criminal organization, **9:33**  
     no charges, **9:32**  
     use of previous, **9:32**  
 Saskatchewan  
     criminal organizations, **6:40**  
     no charges, **6:39 to 6:46**  
     no conviction, **6:39 to 6:46**  
     use of previous, **6:39 to 6:46**

**COST RECOVERY FOR  
GOVERNMENT**

Alberta  
     general, **5:58**

CIVIL ASSET FORFEITURE IN CANADA

**COST RECOVERY FOR  
GOVERNMENT—Cont'd**

- British Columbia
  - general, **4:63, 4:64**
- Manitoba
  - general, **7:56 to 7:59**
- New Brunswick
  - general, **10:18**
- Nova Scotia
  - general, **11:46**
- Nunavut, **12:17**
- Ontario
  - Civil Remedies Act, **8:52**
  - Literary Proceeds Act, **3:38**
- Quebec
  - general, **9:46**
- Saskatchewan
  - general, **6:64**

**COSTS**

- Alberta
  - administrative forfeiture
    - generally, **5:44**
    - challenges, **5:46**
    - notice, **5:45**
  - court costs and liability, **5:63**
- British Columbia
  - court costs, **4:18**
  - director liability, **4:60**
- Manitoba
  - court costs, **7:17**
  - liability, **7:62**
- New Brunswick
  - court costs, **10:18**
  - liability of the Attorney General, **10:58**
- Nova Scotia
  - court costs, **11:17**
- Nunavut, **12:17**
- Ontario
  - court costs
    - Civil Remedies Act, **8:19**
    - Literary Proceeds Act, **3:26**
  - legal expenses
    - Civil Remedies Act, **8:18**

**COSTS—Cont'd**

- Ontario—Cont'd
  - legal expenses—Cont'd
    - Literary Proceeds Act, **3:25**
  - liability
    - Civil Remedies Act, **8:51**
    - Literary Proceeds Act, **3:39**
- Quebec
  - court costs, **9:17**
- Saskatchewan
  - court costs, **6:18**
  - director liability, **6:67**

**COVENANTS**

- Alberta, **5:63**
- British Columbia, **4:35**
- Manitoba, **7:34**
- New Brunswick, **10:31**
- Nova Scotia, **11:32**
- Nunavut, **12:32**
- Quebec, **9:29**
- Saskatchewan, **6:67**

**CRIMINAL CODE**

- See also CONVICTIONS; LITERARY PROCEEDS; RESTITUTION
- Alberta
  - case law, s. 490, **5:54**
  - detention order, s. 490, **5:53**
  - interim action, seizure, **5:29**
- British Columbia
  - case law, s. 490, **4:56**
  - detention orders, s. 490, **4:55**
  - interim action, seizure, **4:55**
- Federal
  - constitutional, **2:4**
  - forfeiture, **1:6, 2:4**
  - Section 490, **2:5**
- Manitoba
  - case law, s. 490, **7:52**
  - detention orders, s. 490, **7:51**
- New Brunswick
  - case law, s. 490, **10:51**
  - detention orders, s. 490, **10:50**

**CRIMINAL CODE—Cont'd**

- Nunavut
  - case law s. 490, **12:46**
  - detention orders, s. 490, **12:47**
- Ontario
  - case law, s. 490, **8:48**
  - detention orders, s. 490, **8:47**
- Quebec
  - case law, s. 490, **9:42**
  - detention orders, s. 490, **9:41**
  - forfeited funds, **9:46**
- Saskatchewan
  - case law, s. 490, **6:58**
  - detention orders, s. 490, **6:57**
  - investigations, **6:21**

**CRIMINAL NOTORIETY ACT**

- See LITERARY PROCEEDS
  - Alberta; LITERARY PROCEEDS Nova Scotia

**CRIMINAL ORGANIZATIONS**

- Manitoba, **7:38**
- Quebec, **9:33**
- Saskatchewan, **6:40**

**CRIMINAL PROPERTY FORFEITURE ACT**

- Manitoba
  - general, **7:2**
  - overview, **7:6**
  - structure, **7:3**

**CRIMINAL PROPERTY FORFEITURE FUND**

- Manitoba
  - administrative forfeiture, **7:57**
  - general, **7:57**
- Nova Scotia
  - general, **11:46**
- Saskatchewan
  - established, **6:63**
  - use, **6:64**

**CULLEN COMMISSION**

- Cromwell legal opinion, **2:9**
- Findings, **1:2**

**CULLEN COMMISSION—Cont'd**

- Unexplained wealth orders, **2:9**

**DEFINITIONS**

- Alberta
  - instruments, **5:14**
  - proceeds, **5:11**
  - property, **5:27**
  - restitution assistance order, **5:57**
  - restraint
    - instruments, **5:20**
    - proceeds, **5:19**
- British Columbia
  - instruments, **4:13**
  - interests in property, **4:16**
  - location of assets, **4:23**
  - proceeds, **4:12**
  - property, **4:16**
  - unlawful activity, **4:11**
- Literary proceeds
  - agents, **3:16**
  - charged, **3:13**
  - contract for recounting crime, **3:9**
  - conviction, **3:13**
  - designated crime, **3:10**
  - legitimate owners, **3:8**
  - proceeds of a contract, **3:14**
  - publication, **3:15**
  - spouses, **3:16**
- Manitoba
  - instruments, **7:13**
  - location of assets, **7:21**
  - proceeds, **7:11**
  - unlawful activity, **7:10**
- New Brunswick
  - instruments, **10:13**
  - interests in property, **10:14**
  - location of assets, **10:23**
  - proceeds, **10:11**
  - property, **10:14**
  - unlawful activity, **10:10**
- Nova Scotia
  - generally, **11:9.50**
  - instruments, **11:13**
  - location of assets, **11:21**

**DEFINITIONS—Cont'd**

- Nova Scotia—Cont'd
  - proceeds, **11:11**
  - unlawful activity, **11:10**
- Nunavut
  - instruments, **12:13**
  - interests in property, **12:15**
  - proceeds, **12:11**
  - property, **12:15**
  - retrospectivity, **12:10**
  - unlawful activity, **12:10**
- Ontario
  - conspiracy, **8:15**
  - instruments, **8:13**
  - interests in property, **8:17**
  - location of assets, **8:28**
  - proceeds, **8:12**
  - property, **8:17**
  - unlawful activity, **8:10**
  - vehicular instruments, **8:14**
- Quebec
  - instruments, **9:15**
  - location of assets, **9:23**
  - prescription, **9:12**
  - proceeds, **9:13**
  - seizure before judgment, **9:19**
  - unlawful activity, **9:11**
- Saskatchewan
  - instruments, **6:14**
  - location of assets, **6:25**
  - proceeds, **6:11**
  - unlawful activity, **6:10**
- Terminology, **1:3**

**DELAY OF PROCEEDINGS**

- Nunavut, **12:33**

**DESIGNATED CRIME**

- Literary proceeds, **3:10**

**DETENTION OF SEIZED ITEMS**

- See **CRIMINAL CODE; INTERIM ACTIONS BY A PEACE OFFICER** Alberta

**DIRECTOR**

- Alberta
  - see **ATTORNEY GENERAL**
- British Columbia
  - director, **4:15**
    - general, **4:59 to 4:62**
    - liability, **4:60**
    - right to possession, **4:62.50**
- Literary proceeds, **3:18**
- Manitoba
  - director, **7:14**
    - liability, **7:62**
- New Brunswick
  - see **ATTORNEY GENERAL**
- Nova Scotia
  - see **MANAGER**
    - manager model and limitation of liability, **11:14**
- Nunavut
  - approaches to litigation, **12:4**
  - compellability, **12:53**
  - liability, **12:51**
  - property management, **12:54**
  - review of actions, **12:51**
- Ontario
  - Civil Remedies Act, **8:60**
  - Literary Proceeds Act, **3:8**
- Quebec
  - see **ATTORNEY GENERAL**
- Saskatchewan
  - director, **6:15**
    - liability, **6:67**
    - not compellable, **6:71**

**DISCLOSURE OF INFORMATION**

- Alberta
  - information and agreements, **5:67**
- British Columbia
  - freedom of information, privacy, wiretaps and records, **4:61**
  - information, agreements and offence provisions, **4:59 to 4:62**

**DISCLOSURE OF INFORMATION—Cont'd**  
 British Columbia—Cont'd  
   preliminary disclosure orders, **7:29**  
   production of information and records, **4:62**  
 Manitoba  
   information and agreements, **7:61**  
 New Brunswick  
   agreements, **10:57**  
   information, **10:56**  
 Nova Scotia  
   information and agreements, **11:48**  
 Nunavut  
   agreements, **12:52**  
   freedom of information, **12:52**  
   privacy, **12:52**  
 Ontario  
   Civil Remedies Act, **8:57**  
   Literary proceeds, **3:38**  
 Quebec  
   information and agreements, **9:51**  
 Saskatchewan  
   information and agreements, **6:66**  
 Youth Criminal Justice Act, **4:59 to 4:62**

**DOUBLE JEOPARDY**  
 See PREVIOUS CONVICTIONS

**DUAL CRIMINALITY**  
 Literary proceeds, **3:11**

**ESCHEATS ACT**  
 Manitoba  
   general, **7:65**  
 New Brunswick  
   general, **10:59**  
 Ontario  
   Civil Remedies Act, **8:59**  
   Literary Proceeds Act, **3:18**  
 Quebec  
   general, **9:50**

**ESCHEATS ACT—Cont'd**  
 Saskatchewan  
   general, **6:70**

**ESCHEATS AND FORFEITURES ACT**  
 See ESCHEATS ACT

**EVIDENCE**  
 Alberta  
   civil procedure, **5:66**  
   compensation assistance orders, **5:89**  
   evidence, **5:66**  
   forfeiture  
     claims to property, **5:34**  
     procedure, **5:33**  
   restitution  
     assistance order, **5:57**  
     offender disclosure, **5:57**  
   restraints, **5:22**  
     instruments, **5:20**  
     proceeds, **5:19**  
   review of restraint, **5:26**  
 British Columbia  
   advancement, **4:42**  
   civil rules, **4:58**  
   no charge or conviction, **4:41**  
   prior convictions, **4:40**  
 Manitoba  
   civil procedure, **7:54**  
   forfeiture, **7:33**  
 New Brunswick  
   in proceedings, **10:30**  
 Nova Scotia  
   civil procedure, **11:45**  
 Nunavut, **12:49**  
 Ontario  
   civil procedure, **8:50**  
   evidentiary presumption, **8:38**  
   forfeiture, **8:30, 8:31**  
   preservation, **8:27**  
   standard of proof, **8:37**  
 Quebec  
   civil procedure, **9:6**

**EVIDENCE—Cont'd**

- Quebec—Cont'd
  - evidence, **9:31**
  - seizure before judgment (“SBJ”), **9:23**
- Saskatchewan
  - civil procedure, **6:60**
  - director not compellable, **6:71**
  - no charge or conviction, **6:39 to 6:46**
  - prior convictions, **6:39 to 6:46**

**EX PARTE**

- See WITHOUT NOTICE

**FORFEITURE FUND**

- Nunavut
  - general, **12:55**
  - victim compensation, **12:56**

**FORFEITURE ORDERS**

- Alberta
  - ancillary orders, **5:42**
  - claims to property, **5:34**
  - default, **5:32**
  - forfeiture, **5:37**
  - preconditions for forfeiture, **5:31**
  - procedural matters, **5:33**
  - property
    - danger or illegal, **5:40**
    - not disposed of, **5:43**
    - return of, to victim, **5:38**
    - victim compensation, and, **5:39**
    - where not forfeited, **5:36**
- British Columbia
  - covenants, **4:35**
  - date of forfeiture, **4:34**
  - forfeiture, **4:31 to 4:38**
  - orders, **4:32**
  - orders at or after forfeiture, **4:51**
  - parties, **4:33**
- Federal Sanctions legislation, **1:6.50**
- Literary proceeds
  - forfeiture, **3:26**

**FORFEITURE ORDERS—Cont'd**

- Manitoba
  - date of forfeiture, **7:32**
  - forfeiture, **7:41**
  - preconditions, **7:31**
- New Brunswick
  - finality, **10:39**
  - forfeiture, **10:35 to 10:39**
  - limited or conditional, **10:36**
  - relief from, **10:38**
- Nova Scotia
  - administrative forfeiture law, **11:33.50**
  - administrative forfeiture of financed vehicles, **11:30.50**
  - conduct of proceedings, **11:33**
  - financed vehicles, **11:30**
  - forfeiture, **11:28 to 11:33**
  - forfeiture orders, **11:31**
- Nunavut
  - date of forfeiture, **12:31**
  - discharge, **12:33**
  - notification, **12:30**
  - orders, **12:29**
  - parties, **12:30**
- Ontario
  - instruments, **8:31**
  - proceeds, **8:30**
  - road safety, **8:32**
  - settlements, **8:20**
- Quebec
  - forfeiture, **9:26**
  - grounds for forfeiture, **9:28**
  - preconditions for forfeiture, **9:27**
  - property rights unenforceable, **9:29**
- Saskatchewan
  - covenants, **6:36**
  - date of forfeiture, **6:35**
  - forfeiture, **6:35**
  - orders, **6:34**
  - oreconditions, **6:34**
  - parties, **6:15**

**GRANTS FROM FORFEITED FUNDS**

Alberta, **5:41**  
 British Columbia, **4:63, 4:64**  
 Manitoba, **7:57**  
 New Brunswick, **10:54**  
 Nova Scotia, **11:46**  
 Nunavut, **12:55**  
 Ontario, **8:53**  
 Quebec, **9:46**  
 Saskatchewan, **6:63**

**GUILTY PLEA, EFFECT OF**  
See CLEARLY NOT IN THE INTERESTS OF JUSTICE**HEARSAY**

Alberta, **5:66**  
 British Columbia, **4:58**  
 Manitoba, **7:33**  
 New Brunswick, **10:53**  
 Nova Scotia, **11:45**  
 Nunavut, **12:49**  
 Ontario, **8:50**  
 Quebec, **9:14**  
 Saskatchewan, **6:60**

**ILLEGAL ACTS**

See UNLAWFUL ACTIVITY

**IMMUNITY**

See LIABILITY

**INFORMATION**

See DISCLOSURE OF INFORMATION

**IN REM FORFEITURE**

Alberta, **5:5**  
 British Columbia, **4:5**  
 General, **1:1 to 1:6**  
 Manitoba, **7:5**  
 New Brunswick, **10:5**  
 Nova Scotia, **11:5**  
 Nunavut, **12:5**  
 Ontario, **8:5**  
 Quebec, **9:5**

**IN REM FORFEITURE—Cont'd**Saskatchewan, **6:5****INSOLVENCY**

See BANKRUPTCY AND INSOLVENCY

**INSTRUMENTS**

Alberta  
 definition, **5:14**  
 instruments or proceeds, **5:13**  
 preconditions, **5:15**  
 British Columbia  
 definition, **4:14**  
 instruments or proceeds, **4:13**  
 preservation orders, **4:24**  
 Manitoba  
 definition, **7:13**  
 instruments or proceeds, **7:12**  
 New Brunswick  
 definition, **10:13**  
 instruments or proceeds, **10:12**  
 Nova Scotia  
 definition, **11:13**  
 instruments or proceeds, **11:12**  
 Nunavut  
 definition, **12:13**  
 instruments or proceeds, **12:12**  
 Ontario  
 definition, **8:13**  
 instruments or proceeds, **8:12**  
 road safety, **8:14**  
 Quebec  
 definition, **9:15**  
 instruments or proceeds, **9:14**  
 Saskatchewan  
 definition, **6:14**  
 instruments or proceeds, **6:13**

**INTERESTS OF JUSTICE**  
 British Columbia  
 clearly not in the interests, **4:50**  
 Literary proceeds, **3:28**  
 Manitoba  
 clearly not in the interests, **7:47**

**INTERESTS OF JUSTICE**

—Cont'd

- New Brunswick
  - interests of justice, **10:46**
- Nova Scotia
  - interests of justice, clearly not in, **11:38**
- Nunavut
  - clearly not in the interests, **12:42**
- Ontario
  - clearly not in the interests
    - civil remedies, **8:43**
    - literary proceeds, **3:34**
- Quebec
  - measures in the interests of justice, **9:36**
- Saskatchewan
  - clearly not in the interests, **6:53**

**INTERIM ACTIONS BY A PEACE OFFICER**

- Alberta, **5:29**
- British Columbia, **4:55**

**INTERIM ORDER**

- See PRESERVING PROPERTY

**INTERIM PRESERVATION ORDER**

- See PRESERVING PROPERTY

**INTERIM SALE**

- Alberta, **5:23**
- British Columbia, **4:28**
- Manitoba, **7:19**
- New Brunswick, **10:26**
- Nova Scotia, **11:24**
- Nunavut, **12:25**
- Ontario
  - instruments, **8:24**
  - proceeds, **8:23**
  - road safety, **8:25**
- Saskatchewan, **6:28**

**INVESTIGATIONS**

- Alberta, **5:29**
- Saskatchewan, **6:21**

**IPO**

- See PRESERVING PROPERTY

**IRELAND**

- Forfeiture, **1:10**

**LAWFUL INTEREST HOLDERS**

- See PROTECTION ORDERS

**LEGAL EXPENSES**

- See also COSTS

- Alberta
  - not permitted, **5:63**
- British Columbia
  - not permitted, **4:17**
- Literary proceeds, **3:25**
- Manitoba
  - not permitted, **7:16**
- New Brunswick
  - not permitted, **10:17**
- Nova Scotia
  - not permitted, **11:16**
- Nunavut, **12:16**
- Ontario
  - Civil Remedies Act, **8:18**
  - Literary Proceeds Act, **3:25**
- Quebec
  - not permitted, **9:17**
- Saskatchewan
  - not permitted, **6:17**

**LEGISLATIVE HISTORY**

- Alberta, **5:2**
- British Columbia, **4:2**
- Literary proceeds, **3:3**
- Manitoba, **7:2**
- New Brunswick, **10:2**
- Nova Scotia, **11:2**
- Nunavut, **12:2**
- Ontario, **8:2**
- Quebec, **9:2**
- Saskatchewan, **6:2**

**LEGITIMATE OWNER**

- See UNINVOLVED INTEREST HOLDER

**LIABILITY**

- Alberta
  - general, **5:63**
- British Columbia
  - covenants, **4:35**
  - general, **4:60**
- Immunity from self-incrimination and derivative use immunity, **2:9**
- Magnitsky Law
  - see SANCTIONS
- Manitoba
  - civil proceedings against the director, **7:62**
  - covenants, **7:34**
  - general, **7:62**
- New Brunswick
  - Attorney General, **10:58**
  - covenants, **10:31**
- Nova Scotia
  - covenants, **11:32**
- Nunavut
  - covenants, **12:32**
  - director, **12:51**
- Ontario
  - Civil Remedies Act, **8:51**
- Saskatchewan
  - general, **6:67**
- Special Economics Measures Act
  - see SANCTIONS

**LIMITATION PERIOD**

- Alberta
  - general, **5:65**
- British Columbia
  - general, **4:67**
- Manitoba
  - administrative forfeiture, **7:35**
  - administrative forfeiture lawsuits, **7:64**
  - general, **7:64**
- New Brunswick
  - general, **10:10**
- Nova Scotia
  - general, **11:49**

**LIMITATION PERIOD—Cont'd**

- Nunavut
  - general, **12:59**
  - order to delay proceedings, **12:33**
- Ontario
  - Civil Remedies Act, **8:56**
  - Literary Proceeds Act, **3:12**
- Quebec
  - general, **9:12**
- Saskatchewan
  - general, **6:72**

**LITERARY PROCEEDS**

- Alberta
  - Criminal Notoriety Act, **3:3**
- Manitoba
  - Profits of Criminal Notoriety Act, **3:3**
- Nova Scotia
  - Criminal Notoriety Act, **3:3**
- Ontario
  - action, **3:29**
  - agents, **3:16**
  - application, **3:29**
  - asset management, **3:34**
  - bankruptcy, **3:19**
  - challenges, **3:32**
  - charges
    - meaning, **3:13**
    - preserving property, **3:23**
  - Civil Remedies Act exclusion of constructive trusts, **3:4**
  - proceeds, **8:11**
  - constitutional challenges, **3:32**
  - contract for Recounting Crime, **3:9**
  - conviction
    - meaning, **3:11**
    - once prosecution determined, **3:24**
    - preserving property, **3:22**
  - costs, **3:25**
  - designated crime, **3:10**
  - director asset management, **3:18**
  - dual criminality, **3:11**

**LITERARY PROCEEDS—Cont'd**

Ontario—Cont'd  
financial matters, **3:34**  
forfeiture, **3:26**  
information, **3:38**  
insolvency, **3:19**  
interests of justice, **3:28**  
legal expenses, **3:25**  
legitimate owners  
forfeiture, **3:27**  
parties, **3:17**  
liability, government, **3:39**  
limitation period, **3:12**  
memoirs, **3:9**  
obligations, **3:20**  
obligations on parties to a  
contract, **3:20**  
parties  
agents, **3:16**  
director asset management,  
**3:18**  
legitimate owners, **3:17**  
payments instead of proceeding,  
**3:31**  
preservation  
after prosecution is  
determined, **3:24**  
charges, **3:22**  
conviction, **3:23**  
privacy, **3:38**  
proceeds of a contract, **3:14**  
prohibiting profiting from the  
recounting of crimes, **3:3**  
publication, **3:15**  
purposes, **3:8**  
regulations, **3:41**  
retrospectivity, **3:11**  
special purpose account, **3:35**  
spouses, **3:16**  
standard of proof, **3:30**  
tips for practitioners, **3:6**  
transitional, **3:40**  
victims and compensation, **3:36**  
Victims Right to Proceeds of  
Crime Act, **3:3**

**LITERARY PROCEEDS—Cont'd**

Saskatchewan  
case law, **3:5**  
Profits of Criminal Notoriety Act,  
**3:3**  
Seizure of Criminal Property Act  
exclusion, **6:12**  
United States, **3:2**

**LITIGATION TIPS**

See PRACTICE TIPS FOR  
LITIGATORS

**LIVING EXPENSES**

See LEGAL EXPENSES (biProvi-  
sions generally do not allow  
for living expenses from  
frozen assets/bi.)

**MANAGEMENT OF SEIZED AND  
FORFEITED PROPERTY  
ACT**

New Brunswick, **10:54**

**MANAGER**

See also DIRECTOR; RECEIVER  
MANAGER  
Nova Scotia  
asset management, **11:46**  
property management, **11:26**

**MANITOBA**

See CRIMINAL PROPERTY FOR-  
FEITURE ACT; LITERARY  
PROCEEDS

**MEMOIRS**

See LITERARY PROCEEDS

**MINISTER OF JUSTICE**

Alberta, **5:16**  
Nunavut, **12:14**  
Quebec, **9:4**

**NEW BRUNSWICK**

See CIVIL FORFEITURE ACT

**NOT CRIMINALLY  
RESPONSIBLE**

Generally, **8:37**

**NOTICE**

- Alberta
  - instruments, **5:20**
  - precondition for forfeiture, **5:31**
  - proceeds, **5:19**
- British Columbia
  - administrative forfeiture, **4:37**
  - forfeiture, **4:33**
  - preservation/IPO, **4:25**
- Manitoba
  - forfeiture, **7:31**
  - preservation/interim order, **7:22**
- New Brunswick
  - filing, **10:60**
  - forfeiture, **10:29**
  - preservation, **10:24**
- Nova Scotia
  - forfeiture, **11:29**
  - preservation/IPO, **11:22**
  - produce information, **11:47**
- Nunavut
  - delay, **12:33**
  - forfeiture, **12:30**
  - general, **12:24**
- Ontario
  - claimants and notice, **8:34**
  - conspiracy, **8:33**
  - forfeiture, **8:29 to 8:35**
  - preservation, **8:22 to 8:28**
- Quebec
  - service, **9:30**
- Saskatchewan
  - forfeiture, **6:34**
  - preservation/interim orders, **6:26**

**NOVA SCOTIA**

- See **CIVIL FORFEITURE ACT;**  
**LITERARY PROCEEDS**
- Civil Forfeiture Act, **App. H1**
- Civil Forfeiture Regulations, **App.**  
**H2**

**OFFENCES**

- Nova Scotia, **11:50**

**ORDERS**

- Alberta
  - ancillary orders, **5:42**
  - compensation assistance, **5:69**
  - default forfeiture, **5:32**
  - ex parte restraints, **5:21**
  - forfeiture, **5:37**
  - interim Compensation Assis-  
tance, **5:69**
  - interlocutory, **5:24**
  - restitution assistance, **5:57**
  - restraints
    - overview of, **5:18 to 5:28**
    - preconditions
      - instruments, **5:20**
      - proceeds, **5:19**
      - process to challenge, **5:25**
      - review of, **5:26**
- British Columbia
  - forfeiture, **4:32**
  - interim preservation orders, **4:20**
  - post forfeiture orders, **4:51**
- Manitoba
  - date of forfeiture, **7:32**
  - forfeiture, **7:41**
- New Brunswick
  - finality of forfeiture, **10:39**
  - interim preservation orders,  
**10:20**
  - limited or conditional forfeiture,  
**10:36**
  - post forfeiture orders, **10:37**
  - relief from forfeiture, **10:38**
- Nova Scotia
  - forfeiture, **11:28 to 11:33**
  - forfeiture orders, **11:31**
- Nunavut
  - date of forfeiture, **12:31**
  - delay of proceeding, **12:33**
  - forfeiture, **12:29**
  - interim order, **12:19**
  - interim order enforcement, **12:21**
  - test for interim order, **12:21**

**ORDERS—Cont'd**

- Ontario
  - civil remedies proceeds, **8:30**
  - conspiracies, **8:33**
  - instruments, **8:31**
  - literary proceeds
    - forfeiture, **3:32**
    - preservation
      - charges, **3:23**
      - conviction, **3:22**
  - road safety, **8:32**
- Quebec
  - forfeiture
    - grounds, **9:28**
    - preconditions, **9:27**
  - property right unenforceable, **9:29**
  - seizure before judgment, **9:19**
- Saskatchewan
  - date of forfeiture, **6:35**
  - forfeiture, **6:34**
  - preservation/interim orders, **6:20**

**ORDERS FOLLOWING FORFEITURE**

See **PROPERTY ORDERS AT OR AFTER FORFEITURE**

**PARTIES**

- Alberta
  - procedural, **5:33**
  - who brings proceeding, **5:16**
- British Columbia
  - general, **4:33**
- Literary proceeds
  - agents, **3:16**
  - director asset management, **3:18**
  - legitimate owners, **3:17**
- Manitoba
  - general, **7:14**
- New Brunswick
  - general, **10:20**
- Nunavut, **12:30**
- Ontario
  - Civil Remedies Act, **8:29 to 8:35**

**PARTIES—Cont'd**

- Ontario—Cont'd
  - claimants and notice, **8:34**
  - conspiracy, **8:33**
  - literary proceeds
    - agents, **3:16**
    - director, **3:18**
    - legitimate owners, **3:8**
    - parties to contract, **3:20**
    - spouses, **3:16**
- Quebec
  - general, **9:4**
- Saskatchewan
  - general, **6:15**

**PERSONAL PROPERTY SECURITY ACT**

- Alberta
  - bona fide interest holder, **5:44**
- British Columbia
  - forms, **4:70**
  - registrations, **4:26**
- Manitoba
  - general, **7:25**
- Nova Scotia
  - general, **11:23**
- Nunavut
  - enforcement, **12:20**
  - notice, **12:24**
- Ontario
  - instruments, **8:24**
  - proceeds, **8:23**
  - vehicular instruments, **8:25**
- Saskatchewan
  - sealing orders, **6:32**
  - security interests, **6:29**

**PLEADINGS AND PARTICULARS**

See **CIVIL PROCEDURE** British Columbia

**POLICE, INFORMATION**

- Alberta
  - general, **5:67**
- British Columbia
  - general, **4:59 to 4:62**

**POLICE, INFORMATION****—Cont'd**

- Manitoba
  - general, **7:61**
- New Brunswick
  - general, **10:57**
- Nunavut, **12:52**
- Ontario
  - Civil Remedies Act
    - general, **8:57**
    - other jurisdictions, **8:58**
- Quebec
  - general, **9:51**
- Saskatchewan
  - general, **6:66**

**PRACTICE TIPS FOR LITIGATORS**

- Alberta, **5:7**
- British Columbia, **4:8**
- Literary proceeds, **3:6**
- Manitoba, **7:7**
- New Brunswick, **10:7**
- Nova Scotia, **11:7**
- Nunavut, **12:7**
- Ontario, **8:7**
- Quebec, **9:8**
- Saskatchewan, **6:7**

**PRESCRIPTION**

- Quebec, **9:12**

**PRESERVING PROPERTY**

- Alberta
  - see RESTRAINTS
- British Columbia
  - case law, **4:30**
  - instruments, **4:24**
  - interim preservation orders, **4:20**
  - interim sale, **4:28**
  - location of assets, **4:23**
  - preliminary order to preserve, **4:20**
  - range of orders, **4:21**
  - receiver manager, **4:29**
  - remedial power to craft, **4:27**

**PRESERVING PROPERTY****—Cont'd**

- British Columbia—Cont'd
  - right of director to possession, **4:62.50**
  - test for an order, **4:22**
  - without notice, **4:25**
- Manitoba
  - case law, **7:27**
  - interim orders, **7:19**
  - interim sale, **7:24**
  - location of assets, **7:21**
  - preliminary preservation orders, **7:28**
  - property management, **7:23**
  - range of orders, **7:19**
  - receiver manager, **7:26**
  - test for an order, **7:20**
  - without notice, **7:22**
- New Brunswick
  - case law, **10:27**
  - interim preservation orders, **10:20**
  - interim sale, **10:26**
  - location of Assets, **10:23**
  - property management, **10:25**
  - range of orders, **10:21**
  - receiver manager, **10:23**
  - test for an order, **10:22**
  - without notice, **10:24**
- Nova Scotia
  - case law, **11:27**
  - interim preservation orders, **11:19**
  - interim sale, **11:24**
  - location of assets, **11:21**
  - preliminary order to preserve, **6:20.50**
  - preliminary preservation order, **11:18.50**
  - property management, **11:26**
  - range of orders, **11:19**
  - receiver manager, **11:25**
  - test for an order, **11:20**

**PRESERVING PROPERTY**

**—Cont'd**

- Nova Scotia—Cont'd
  - unexplained weath orders-UWOs, **11:27.30**
  - UWO case law, **11:27.70**
  - without notice, **11:22**
- Nunavut
  - appeals, **12:22**
  - case law, **12:27**
  - enforcement of orders, **12:20**
  - general, **12:18 to 12:27**
  - interim orders, **12:19**
  - receiver-manager, **12:26**
  - test for an interim order, **12:21**
  - without notice, **12:23**
- Ontario
  - Civil Remedies Act, general, **8:22 to 8:28**
  - case law, **8:27**
  - conspiracies, **8:26**
  - instruments, **8:24**
  - proceeds, **8:23**
  - road safety, **8:25**
  - literary proceeds
    - charges, **3:23**
    - conviction, **3:22**
    - prosecution determined, **3:24**
- Quebec
  - CCP, **9:22**
  - Interim alienation of property, **9:25.50**
  - seizure before judgment (“SBJ”), **9:19**
  - case law, **9:21**
  - case law other provinces, **9:24**
  - grounds, **9:20**
- Saskatchewan
  - case law, **6:31**
  - interim orders, **6:20**
  - interim sale, **6:28**
  - investigation, **6:28**
  - limitation on orders, **6:23**
  - location of assets, **6:25**
  - property management), **6:28**

**PRESERVING PROPERTY**

**—Cont'd**

- Saskatchewan—Cont'd
  - range of orders, **6:22**
  - receiver manager, **6:30**
  - test for an order, **6:24**
  - without notice, **6:26**
- PRESUMPTION OF ADVANCEMENT**
  - British Columbia, **4:42**
  - cash and proceeds, **4:44**
  - criminal organizations, **4:43**
  - fleeing police, **4:46**
  - vehicles and conveyances as instruments, **4:46**
- PRESUMPTIONS**
  - Alberta
    - instruments, **5:15**
    - proceeds, **5:11**
  - British Columbia
    - advancement, **4:42**
    - cash and proceeds, **4:44**
    - criminal organizations, **4:43**
    - fleeing police, **4:46**
    - general, **4:40**
    - Growing cannabis, **4:46.50**
    - vehicles and conveyances as instruments, **4:46**
  - Manitoba
    - cash, **7:40**
    - conveyances, **7:39**
    - criminal organization, **7:38**
    - general, **7:37 to 7:40**
    - instruments, **7:39**
    - preliminary disclosure orders, **7:29**
    - proceeds, **7:40**
  - New Brunswick
    - general, **10:34**
  - Nova Scotia
    - general, **11:35**
  - Nunavut, **12:35**
  - Ontario, **8:38**

**PRESUMPTIONS—Cont'd**

- Quebec
  - criminal
    - conviction, **9:32**
    - organization, **9:33**
  - declaring rights unenforceable, **9:29**
  - general, **9:31**
  - Immovable property and cannabis, **9:34.30**
  - Instruments and offences of a sexual nature, **9:34.70**
  - proceeds, **9:34**
  - rights unenforceable, **9:16**
  - Vehicles, **9:34.50**
- Saskatchewan
  - criminal organization, **6:40**
  - instruments, **6:41**
  - proceeds, **6:42**

**PRESUMPTIVELY PROTECTED INTERESTS**

- Manitoba, **7:43**
- New Brunswick, **10:41**
- Nunavut, **12:38**
- Saskatchewan, **6:48**

**PREVIOUS CONVICTIONS**

- Alberta
  - general, **5:22**
- British Columbia
  - no charges, **4:41**
  - no conviction, **4:41**
  - use of, **4:40**
- Manitoba
  - general, **7:37 to 7:40**
- New Brunswick
  - general, **10:34**
- Nova Scotia
  - general, **11:34**
- Nunavut, **12:35**
- Ontario
  - Civil Remedies Act, **8:38**
  - Literary Proceeds Act, **3:11**

**PREVIOUS CONVICTIONS****—Cont'd**

- Quebec
  - general, **9:32**
- Saskatchewan
  - general, **6:39 to 6:46**

**PRIVACY LAW**

- Nova Scotia
  - general, **11:48**

**PRIVACY LAWS**

- Alberta
  - general, **5:67**
- British Columbia
  - general, **4:59 to 4:62**
- Charter challenge, **5:67**
- Confidential informer privilege, **8:57**
- Manitoba
  - general, **7:61**
- New Brunswick
  - general, **10:56**
- Nunavut, **12:52**
- Ontario
  - Civil Remedies Act, **8:57**
- Quebec
  - general, **9:51**
- Saskatchewan
  - general, **6:66**
- Youth Criminal Justice Act, **4:59 to 4:62**

**PROCEEDS**

- Alberta
  - definition, **5:11**
  - instruments or proceeds, **5:13**
  - preconditions, **5:12**
- British Columbia
  - definition, **4:12**
  - instruments or proceeds, **4:13**
- Manitoba
  - definition, **7:11**
  - proceeds or instruments, **7:12**
- New Brunswick
  - definition, **10:11**

**PROCEEDS—Cont'd**

- New Brunswick—Cont'd
  - instruments or proceeds, **10:12**
- Nova Scotia
  - definition, **11:11**
  - instruments or proceeds, **11:12**
- Nunavut
  - definition, **12:11**
  - instruments or proceeds, **12:12**
- Ontario
  - definition, **8:11**
  - instruments or proceeds, **8:12**
  - proceeds of contract, **3:14**
- Quebec
  - definition, **9:13**
  - instruments or proceeds, **9:14**
  - presumptions, **9:34**
- Saskatchewan
  - definition, **6:11**
  - excludes literary proceeds, **6:12**
  - instruments or proceeds, **6:13**

**PROCEEDS OF A CONTRACT**

- Literary proceeds, **3:14**

**PROFITS OF CRIMINAL NOTORIETY ACT**

- See LITERARY PROCEEDS  
Manitoba; LITERARY  
PROCEEDS Saskatchewan

**PROHIBITING PROFITING FROM THE RECOUNTING OF CRIMES ACT**

- See LITERARY PROCEEDS  
Ontario

**PROPERTY**

- Alberta
  - contraband, **5:35**
  - dangerous or illegal, **5:40**
  - location of assets, **5:27**
  - property
    - not disposed of, **5:43**
    - not forfeited, **5:36**
    - returned to victim, **5:38**

**PROPERTY—Cont'd**

- Alberta—Cont'd
  - property—Cont'd
    - used for victim compensation, **5:39**
    - restitution offender disclosure, **5:57**
- British Columbia
  - contraband, **4:66**
  - definition, **4:16**
  - financed Vehicles, **4:16**
  - location of assets, **4:23**
  - right of director to possession, **4:62.50**
  - serial numbered goods, **4:16**
  - Unclaimed Property Act, **4:69**
- Manitoba
  - contraband, **7:15**
- New Brunswick
  - contraband, **10:16**
  - definition, **10:14**
  - Escheats and Forfeiture Act, **10:59**
  - location of assets, **10:23**
- Nova Scotia
  - property and contraband, **11:15**
- Nunavut
  - contraband, **12:58**
  - interests in property, **12:15**
  - property, **12:15**
- Ontario
  - assets in Ontario, **8:28**
  - Civil Remedies Act, contraband, **8:55**
  - interests in property, **8:17**
  - literary proceeds and Escheats Act, **3:18**
  - literary proceeds contract for recounting crime, **3:9**
  - location of assets, **8:28**
  - maintenance of property by a public body, **8:21**
  - proceeds, **8:11**
  - proceeds of contract, **3:14**
  - road safety, **8:14**

**PROPERTY—Cont'd**

- Quebec
  - declaring rights unenforceable, **9:29**
  - property in Quebec, **9:23**
  - rights, **9:16**
- Saskatchewan
  - contraband, **6:16**
  - definition, **6:16**
  - Escheats Act, **6:16**
  - location of assets, **6:25**
  - property management, **6:28**

**PROPERTY MANAGEMENT**

See ASSET MANAGEMENT

**PROPERTY ORDERS AT OR AFTER FORFEITURE**

- Alberta
  - ancillary orders, **5:42**
- British Columbia
  - general, **4:51**
- New Brunswick
  - general, **10:36**
- Nova Scotia
  - general, **11:33**
- Nunavut
  - date of forfeiture, **12:31**
  - orders, **12:29**

**PROTECTED HOLDERS**

See PROTECTION ORDERS

**PROTECTION ORDERS**

- Alberta
  - claims to property, **5:34**
  - return to victim, **5:38**
- British Columbia
  - onus of proof, **4:48**
  - protection order, **4:47, 4:48**
- Manitoba
  - instruments, **7:45**
  - presumptively protected interests, **7:43**
  - proceeds, **7:44**

**PROTECTION ORDERS—Cont'd**

- New Brunswick
  - discretionary
    - instruments, **10:43**
    - onus of proof, **10:44**
    - proceeds, **10:42**
  - presumptively protected interests, **10:41**
- Nova Scotia
  - general, **11:36**
- Nunavut
  - general, **12:37 to 12:40**
  - lawful interest holder, **12:39**
  - onus of proof, **12:40**
  - protected holders, **12:38**
- Ontario
  - legitimate owner, **8:40**
  - literary proceeds, legitimate owner, **3:27**
  - payments instead of proceeding, **3:32**
  - responsible owner, **8:41**
  - responsible vehicle owner, **8:42**
- Quebec
  - interests of justice, **9:36**
  - persons of good faith, **9:37**
- Saskatchewan
  - instruments, **6:50**
  - presumptively protected interests, **6:48**
  - proceeds, **6:49**
  - protection order, **6:47 to 6:50**

**PUBLICATION**

- Literary proceeds, **3:15**

**PURPOSES**

- Alberta, **5:9**
- British Columbia, **4:10**
- Literary proceeds, **3:8**
- Manitoba, **7:9**
- New Brunswick, **10:9**
- Nova Scotia, **11:9**
- Nunavut, **12:9**
- Ontario, **8:9**
- Quebec, **9:10**

CIVIL ASSET FORFEITURE IN CANADA

**PURPOSES—Cont'd**

Saskatchewan, **6:9**

**QUEBEC FORFEITURE ACT**

Quebec

general, **9:2**

overview, **9:7**

structure, **9:3**

**REAL PROPERTY**

British Columbia

form of registration, **4:70**

registrations, **4:26**

New Brunswick

filing notices, **10:60**

Quebec

cancellation of registration, **9:48**

**RECEIVER MANAGER**

British Columbia, **4:29**

Manitoba, **7:26**

New Brunswick, **10:32**

Nova Scotia, **11:25**

Nunavut, **12:26**

Ontario

Director Asset Management, **8:60**

preservation orders, **8:22 to 8:28**

Saskatchewan, **6:30**

**RECOUNTING CRIMES**

See LITERARY PROCEEDS

**REGULATIONS**

Alberta

general, **5:68**

British Columbia

general, **4:70**

Manitoba

general, **7:67**

New Brunswick

general, **10:62**

Nova Scotia

general, **11:52**

Nunavut, **12:62**

Ontario

Civil Remedies Act, **8:62**

**REGULATIONS—Cont'd**

Quebec

general, **9:52**

Saskatchewan

general, **6:73**

**RELIEF FROM FORFEITURE**

See also INTERESTS OF

JUSTICE; PROTECTION

ORDERS

New Brunswick, **10:38**

**REMEDIAL POWER**

See PRESERVING PROPERTY

**RESPONSIBLE OWNER**

See UNINVOLVED INTEREST

HOLDER

Ontario, **8:41**

**RESPONSIBLE VEHICLE**

OWNER

Ontario, **8:42**

**RESTITUTION**

Alberta

victims, **5:59**

British Columbia

victims, **4:66**

Manitoba

victims, **7:58**

New Brunswick

victims, **10:54**

Nova Scotia

victims, **11:46**

Nunavut, **12:56**

Ontario

Civil Remedies Act, **8:53**

Literary Proceeds Act, **3:40**

Saskatchewan

victims, **6:64**

**RESTRAINTS**

Alberta

assets in, **5:27**

case law, **5:28**

ex parte, **5:21**

**RESTRAINTS—Cont'd**

- Alberta—Cont'd
  - interlocutory orders affecting, **5:24**
  - overview, **5:18 to 5:28**
  - preconditions
    - instruments, **5:20**
    - proceeds, **5:19**
  - process to challenge, **5:25**
  - review of restraint, **5:26**

**RETROSPECTIVITY,  
RETROSPECTIVE  
APPLICATION**

- Alberta, **5:10**
- British Columbia, **4:11**
- Literary proceeds, **3:11**
- Manitoba, **7:10**
- New Brunswick, **10:10**
- Nova Scotia, **11:10**
- Nunavut, **12:10**
- Ontario, **8:10**
- Quebec, **9:11**
- Saskatchewan, **6:10**

**ROAD SAFETY**

- Ontario
  - forfeiture, **8:32**
  - preservation orders, **8:25**
  - responsible vehicle owner, **8:42**
  - road safety, **8:14**

**SANCTIONS**

- Magnitsky Law, **1:6.50**
- Non-conviction-based forfeiture, **1:6.50**
- Special Economic Measures Act, **1:6.50**

**SASKATCHEWAN**

- See **LITERARY PROCEEDS;  
SEIZURE OF CRIMINAL  
PROPERTY ACT**

**SEALING ORDER**

- Generally, **11:45**
- Saskatchewan, **6:32**

**SEARCH AND SEIZURE**

- Alberta
  - seizure, **5:29**
- British Columbia
  - seizure, **4:55**
- Saskatchewan
  - search and seizure, **6:21**

**SEARCHES**

- Alberta
  - seizure, **5:29**
- British Columbia
  - real and personal, **4:26**
  - registrations, **4:70**
- New Brunswick
  - registrations, **10:60**
- Quebec
  - cancellation of registration, **9:49**
- Saskatchewan
  - search and seizure, **6:21**

**SECURITY INTERESTS**

- British Columbia
  - form of registration, **4:70**
  - personal property, **4:26**
  - real property, **4:26**
- Manitoba
  - personal property, **7:25**
- New Brunswick
  - real property, **10:60**
- Nova Scotia
  - personal property, **11:23**
- Nunavut
  - enforcement, **12:20**
  - interim orders, **12:19**
- Ontario
  - instruments, **8:24**
  - personal property, proceeds, **8:23**
  - road safety, **8:25**
- Quebec
  - cancellation of registration, **9:48**
- Saskatchewan
  - property interests, **6:29**

**SEIZURE OF CRIMINAL  
PROPERTY ACT**

Saskatchewan  
general, **6:2**  
overview, **6:6**  
structure, **6:3**

**SEVERANCE**

See **CHALLENGES TO A CIVIL  
FORFEITURE CASE**; British  
Columbia; Charter and  
Constitutional

**SHERIFF**

Nunavut  
enforcement of interim orders,  
**12:20**  
general, **12:60**

**SOUTH AFRICA**

Forfeiture, **1:10**

**SPECIAL PURPOSE ACCOUNT**

Alberta  
payment of compensation, **5:59**  
victims of crime fund, **5:60**  
British Columbia  
general, **4:63, 4:64**  
victims, **4:64**  
Manitoba  
general, **7:57**  
New Brunswick  
general, **10:54**  
Nova Scotia  
general, **11:46**  
Nunavut, **12:55**  
Ontario  
Civil Remedies Act, **8:52**  
Literary Proceeds Act, **3:39**  
Saskatchewan  
general, **6:63**  
victims, **6:64**

**SPOUSES**

Literary proceeds, **3:16**

**STANDARD OF PROOF**

Alberta  
forfeiture, **5:30 to 5:47**  
restraint, **5:18 to 5:28**  
British Columbia  
forfeiture, **4:39 to 4:46**  
interim preservation order, **4:20**  
Manitoba  
forfeiture, **7:37 to 7:40**  
interim order, **7:19**  
New Brunswick  
forfeiture, **10:61**  
interim preservation order, **10:20**  
Nova Scotia  
forfeiture, **11:34**  
interim preservation order, **11:19**  
Nunavut  
forfeiture, **12:29**  
interim orders, **12:19**  
Ontario  
forfeiture, **8:37**  
literary proceeds, **3:30**  
Saskatchewan  
forfeiture, **6:33 to 6:38**  
interim order, **6:20**

**STAYS**

Alberta, **5:17**

**TAXATION**

As unlawful activity  
British Columbia, **4:11**  
Quebec, **9:11**

**TIPS FOR LITIGATORS**

See **PRACTICE TIPS FOR  
LITIGATORS**

**TRANSITIONAL**

Alberta, **5:69**

**TRUE CRIME STORIES**

See **LITERARY PROCEEDS**

**UNCLAIMED PROPERTY ACT**

British Columbia, **4:69**

**UNEXPLAINED WEALTH  
ORDERS**

- British Columbia, **4:30.30**
- Constitutionality, **2:9**
- Cullen Commission, **1:2**
- Manitoba, **7:29, 7:29.1**
- Saskatchewan
  - preliminary disclosure order, **6:32.30**
  - case law, **6:32.70**
- UWOs - Parties, PEPs, Relationships, Connected and Affiliated, **4:30.50**
- UWOs - Procedural Issues, **4:30.70**

**UNINVOLVED INTEREST  
HOLDER**

- Ontario, **8:41**

**UNITED KINGDOM**

- Ancient roots, **1:8**
- Forfeiture, **1:10**
- Value-based forfeiture
  - British Columbia, **4:12**
  - Nunavut, **12:11**

**UNITED STATES**

- British Columbia
  - administrative forfeiture, **4:6**
- General
  - roots of forfeiture, **1:9**
- Literary proceeds
  - general, **3:2**

**UNLAWFUL ACTIVITY**

- Alberta
  - definition illegal acts, **5:10**
- British Columbia
  - definition, **4:11**
- Manitoba
  - definition, **7:10**
- New Brunswick
  - definition, **10:10**
- Nova Scotia
  - definition, **11:10**
- Nunavut, **12:10**

**UNLAWFUL ACTIVITY—Cont'd**

- Ontario
  - definition, **8:10**
  - literary proceeds designated crime, **3:10**
- Quebec
  - definition, **9:11**
- Saskatchewan
  - definition, **6:10**

**VICTIM COMPENSATION**

- Alberta
  - claims to property, **5:34**
  - money, **5:59**
  - property, **5:39**
  - return of property to victim, **5:38**
- British Columbia
  - general, **4:66**
- Manitoba
  - general, **7:58**
- New Brunswick
  - general, **10:54**
- Nova Scotia
  - general, **11:46**
- Nunavut, **12:56**
- Ontario
  - Civil Remedies Act, **8:53**
  - Literary Proceeds Act, **3:36**
- Quebec
  - asset management, **9:45**
  - general, **9:46**
- Saskatchewan
  - general, **6:64**

**VICTIMS OF CRIME FUND**

- Alberta, **5:60**

**VICTIMS RESTITUTION AND  
COMPENSATION PAYMENT  
ACT**

- See Civil Forfeiture Act Alberta

**VICTIMS RIGHT TO PROCEEDS  
OF CRIME ACT**

- See LITERARY PROCEEDS
  - Ontario

CIVIL ASSET FORFEITURE IN CANADA

**WIRETAPS**

- Alberta, **5:67**
- British Columbia
  - freedom of information, privacy,  
wiretaps and records, **4:61**

**WITHOUT NOTICE**

- Alberta
  - restraints, **5:21**
- British Columbia
  - interim preservation order, **4:25**
- Manitoba
  - interim order, **7:22**
- New Brunswick
  - interim preservation order, **10:24**

**WITHOUT NOTICE—Cont'd**

- Nova Scotia
  - interim preservation order, **11:22**
- Nunavut, **12:23**
- Ontario
  - claimants and notice, **8:34**
  - preservation, **8:22 to 8:28**
- Saskatchewan
  - interim orders, **6:26**

**YOUTH CRIMINAL JUSTICE  
ACT**

- Privacy and disclosure, **4:59 to 4:62**