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Ministry of the
Attorney General

Ministère du
Procureur général

September 28, 2006

CIVIL ASSET FORFEITURE

The Remedies for Organized Crime and Other Unlawful Activities Act (Civil Remedies Act) enables the Attorney General to ask the court for an order forfeiting the proceeds of unlawful activity to the Crown. The law permits a court, at the request of the Attorney General, to freeze, seize, and forfeit to the Crown assets that are determined to be the proceeds or instruments of unlawful activity.

Under the legislation, the court can grant an interim order to freeze assets pending the outcome of the forfeiture proceeding. Government lawyers go to court, and if they can prove that the assets in question are the proceeds or instruments of unlawful activity, the court can issue orders forfeiting the assets to the Crown.

In addition to forfeiture provisions, the act allows the court to grant an order for damages or any order necessary to prevent or reduce the risk of injury to the public, where the court finds a conspiracy to engage in unlawful activity that has or likely will cause injury to the public.

Civil asset forfeiture focuses solely on the connection between property and unlawful activity, and is not based on any criminal conviction. By contrast, criminal asset forfeiture permits forfeiture of assets obtained by or used in the commission of an offence following the conviction of an individual.

Forfeited assets are normally liquidated and deposited into a special purpose account. The legislation enables direct victims of the unlawful activity, the Crown, municipal corporations and prescribed public bodies to submit a claim for compensation or cost recovery against the forfeited assets. Remaining funds may be disbursed for grants to assist victims of unlawful activity or prevent victimization.

The Civil Remedies for Illicit Activities Office (CRIA) of the Ministry of the Attorney General is responsible for enforcing the Civil Remedies Act. CRIA is recognized nationally and internationally for its precedent-setting work. CRIA has successfully argued all of its forfeiture cases to date.

193 King Street East, Hamilton

Before this downtown Hamilton property was forfeited under the Civil Remedies Act, police responded to calls to the building almost every day for 10 years. When the main floor commercial space was occupied by the Sandbar Tavern, there were between eight and 12 police calls a day. The building was the location of two crack cocaine-related murders, numerous stabbings and drug offences, including crack cocaine possession, use and trafficking.

On March 7, 2006, the court granted the Crown temporary control of the building, and on March 28, 2006 the court forfeited the building to the Crown, along with a bank account containing approximately \$10,000 associated with the property.

Today, the Attorney General transferred ownership of the property to the city of Hamilton, to ensure that the community is no longer victimized by this former crack house. The city will use the property in its downtown redevelopment project. This is the first time in Ontario that a building forfeited under the Civil Remedies Act has been transferred to a community that had been victimized by unlawful activity.

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