
EXECUTIVE SUMMARY

Personal property, such as, account balances, insurance policies, wages owed, and deposits, can and do become abandoned or forgotten. In other provinces and international jurisdictions, established laws and processes enable the reunification of individuals with their unclaimed property. In Manitoba, no such process exists.

The Manitoba Law Reform Commission (the “Commission”) has chosen to study the issue of whether this province should enact unclaimed property legislation similar to the legislation enacted in Alberta, British Columbia, Quebec and New Brunswick and recommended by the Uniform Law Conference of Canada (“ULCC”) in its draft Act.¹ The Commission conducted research, conferred with individuals in the enacting jurisdictions and consulted with interested parties to determine the potential benefits and challenges of establishing an unclaimed property program in this province.

The Commission recommends that Manitoba establish a process for the management of unclaimed intangible personal property. In doing so, the Commission recommends that both the types of intangible unclaimed property to be covered under the Act and the definition of “holder”, who will be subject to the requirements to remit property to the administrator, be broadly defined. Remittance of unclaimed property by the holder to the administrator of unclaimed property should be mandatory after an enumerated period of time.

In considering whether Manitoba should enact unclaimed intangible personal property legislation, the Commission started from the position that unclaimed personal property should not rest indefinitely with holders who are not the rightful owners of the property. The main objective of such legislation should, therefore, be the facilitation of a process to reunite owners with their property in a way that is efficient for the government or third party to administer and accessible for the owners of such property to use.

¹ Uniform Law Conference of Canada *Uniform Unclaimed Intangible Property Act* [ULCC Act], online: <https://www.ulcc.ca/en/uniform-acts-en-gb-1/545-unclaimed-intangible-property-act/1114-unclaimed-intangible-property-act>. The ULCC Act can be found at Appendix A.