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TORONTO  
1983  
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

119462

SECOND AND THIRD SESSIONS OF THE  
TWENTY-FOURTH PARLIAMENT

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BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

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SESSIONS

OCTOBER 20th to 23rd, 1952

and

FEBRUARY 12th to APRIL 2nd, 1953

119463



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No. 1

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2ND SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# **BILL**

**The St. Lawrence Development Act, 1952 (No. 2)**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

The purpose of this Bill is to further expedite the development of the International Rapids Section of the St. Lawrence River.

The powers of The Hydro-Electric Power Commission of Ontario as to the taking of land in connection with this development are set out specifically.

In addition, the rights and procedures respecting compensation for land and property acquired by the Commission for the purposes of the development are set out specifically.



No. 1

1952  
(2nd Sess.)

# BILL

## The St. Lawrence Development Act, 1952 (No. 2)

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

1. In this Act,

Interpre-  
tation

- (a) "Board" means Ontario Municipal Board; *New*.
- (b) "Canada-Ontario agreement" means the agreement between the Government of Canada and the Government of Ontario providing for the development of power resources in the International Rapids Section of the St. Lawrence River, dated the 3rd day of December, 1951, and set out as the Schedule to *The International Rapids Power Development Agree- 1952, c. 42*  
*ment Act, 1952*;
- (c) "Commission" means The Hydro-Electric Power Commission of Ontario; 1952, c. 100, s. 1, cls. (a, b).
- (d) "land" includes any estate, term, easement, right or interest in, to, over or affecting land; 1952, c. 100, s. 1, cl. (c), *amended*.
- (e) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas and other power and also energy; 1952, c. 100, s. 1, cl. (d).
- (f) "property" means property of any kind, other than land, and includes any interest in property; *New*.
- (g) "supply" includes delivery, dealing in and sale;
- (h) "works" includes all property, plant, machinery, buildings, erections, constructions, installations.

materials, devices, fittings, apparatus, appliances and equipment for the generation, transformation, transmission, distribution, supply or use of power. 1952, c. 100, s. 1, cls. (e, f).

When Commission may undertake power development

**2.** When the works described in Article II of the Canada-Ontario agreement have been approved by the International Joint Commission established under the Boundary Waters Treaty of 1909 and when the order of His Excellency the Governor General of Canada referred to in Article III of the Canada-Ontario agreement has been made and when the Commission has been authorized by the Lieutenant-Governor in Council to proceed concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, the Commission shall undertake and perform all the obligations of the Government of Ontario under the Canada-Ontario agreement, except the transfer of the administration of the works, sites and lands belonging to Ontario provided for in clause 3 of Article V and in Article XI of the Canada-Ontario agreement, and shall proceed with the construction, maintenance and operation of the works to develop and utilize the power resources of the International Rapids Section of the St. Lawrence River, and for this purpose may enjoy and exercise in its own name all the rights and benefits of the Government of Ontario under the Canada-Ontario agreement. 1952, c. 100, ss. 2, 3, *amended*.

Lands transferred by Canada

**3.** Upon the transfer of the administration of the lands belonging to Canada provided for in Article V of the Canada-Ontario agreement, such lands vest in the Commission. 1952, c. 100, s. 4.

Title to lands and works

**4.** All lands acquired and all works constructed by the Commission under this Act belong to the Commission. 1952, c. 100, s. 5.

Indemnification of Crown

**5.** The Commission shall indemnify and save harmless Her Majesty in right of Ontario in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works authorized by this Act. 1952, c. 100, s. 11.

Rates for water diverted

**6.** The Commission shall pay Her Majesty in right of Ontario compensation in such manner and upon such terms as may be agreed upon by them from time to time for water diverted under clause *a* of subsection 1 of section 8. 1952, c. 100, s. 12.

General fund applicable

**7.** The purposes and objects of this Act shall be deemed to be purposes and objects of the Commission under section 12

of *The Power Commission Act* and any liabilities of the Commission heretofore incurred and any expenditure of funds by the Commission heretofore made therefor are ratified and confirmed. 1952, c. 100, s. 9. Rev. Stat.,  
c. 281

8.—(1) When the conditions mentioned in section 2 have been fulfilled and the Commission is required to proceed with the works mentioned therein, the Commission, without any further approval, may, Powers

- (a) divert the waters of the St. Lawrence River in such manner and in such amount as in its opinion is necessary for the operation and utilization of the works, construct, maintain and operate the works, and by the use of these waters generate power and use, transform, transmit, convert, distribute, make available for use and supply it;
- (b) construct, install, maintain and operate works and roads required for or incidental to the other matters authorized by this Act;
- (c) connect any of the works constructed or installed under clause *a* or *b* with any other power works or systems;
- (d) acquire for the purposes of this Act by purchase, lease or otherwise, or without the consent of the owner, enter upon, take possession of, expropriate and use such land, waters, water privileges, water powers, access and other roads, buildings and works as in its opinion are necessary, and use, utilize, develop and improve them, and upon such terms as it deems proper, sell, lease or dispose of such of them as in its opinion are no longer necessary for its purposes;
- (e) acquire for the purposes of this Act, by purchase or otherwise, water, coal, steam, oil, material, equipment and other supplies;
- (f) do such other acts and things as in its opinion are reasonably necessary for carrying out this section. 1952, c. 100, s. 6 (1). *amended.*

(2) Subject to the approval of the Lieutenant-Governor in Council and for the purposes of this Act, the Commission may, Conditional  
powers

- (a) exercise any of the powers conferred upon it by *The Power Commission Act*;

- (b) by agreement and in lieu of compensation rehabilitate any person in respect of any land or property;
- (c) provide such services as are normally provided by a municipality or other local public authority either by itself or through or in conjunction with the municipality or other local public authority;
- (d) determine that a claim for compensation made under this Act is to be regarded as a claim in respect of an interest in land or an interest in property where such may not be the case in law;
- (e) do such acts and things as in its opinion are reasonably necessary for carrying out the Canada-Ontario agreement and this Act.

Municipal powers enlarged

(3) Every municipality and other local public authority has power to enter into the agreements provided for in clause *b* of subsection 2. *New.*

Deposit of plan and description

**9.**—(1) Where the Commission desires to expropriate land under the powers conferred by this Act, it shall deposit in the proper registry or land titles office a plan and description of the land signed by the chairman or a member or the secretary or an engineer of the Commission, or by an Ontario land surveyor, and thereupon the land vests in the Commission.

Where land temporarily required, etc.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, vests in the Commission.

Power to take whole lot when part only required

(3) Where the Commission is of opinion that it can obtain the whole of any lot or parcel of land of which a part may be expropriated by it at a more reasonable price or to greater advantage than by acquiring the part only, it may expropriate the whole of the lot or parcel and also a right-of-way thereto, if it is separated from the work, and may afterwards sell and convey the same or any part thereof as it deems expedient.

Correcting plans and descriptions

(4) Where any omission, misstatement or erroneous description is made in a plan or description, a correct plan and description may be deposited with like effect.

Verification of plans and descriptions

(5) Where a plan and description purporting to be signed by the chairman or a member or the secretary or an engineer

of the Commission or by an Ontario land surveyor is so deposited, it shall be deemed to have been deposited by the direction and authority of the Commission and as indicating that in the opinion of the Commission the land therein described is necessary for the purposes of this Act, and the plan and description shall not be called in question except by the Commission or by a person acting for the Commission. *New.*

**10.**—(1) If any resistance or opposition is made by any person to the Commission, or to any person acting for it, entering upon and taking possession of land acquired for the purposes of this Act or exercising any power in respect thereof, the judge of the county court of the county in which the land is situate may, on proof of the execution of a conveyance of the land to the Commission, or agreement therefor, or of the depositing in the proper registry or land titles office of a plan and description thereof under section 9, and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county in which the land is situate directing him to put down such resistance or opposition, and to put the Commission, or a person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power. <sup>Warrant for possession</sup>

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance or opposition, and shall put the Commission, or the person acting for it, in possession thereof, and shall forthwith make return to the court of such warrant and of the manner in which he executed it. *New.* <sup>Duty and powers of sheriff</sup>

**11.**—(1) The Commission shall make to the owner of land entered upon, taken or used by it for the purposes of this Act just compensation under this Act for any damage necessarily resulting from such entry, taking or use, beyond any advantage that the owner may derive from the work for which the lands have been so entered upon, taken or used. <sup>Right to compensation</sup>

(2) The Commission shall make to the owner of any land or property injuriously affected in the carrying out of the purposes of this Act just compensation under this Act for any damage necessarily resulting therefrom, beyond any advantage that the owner may derive from the work for the purpose of which the land or property was injuriously affected. *New.* <sup>Idem</sup>

**12.**—(1) Where land is expropriated or any other action is taken by the Commission that in its opinion might occasion a claim for compensation under this Act by any owner of land or property, it shall give notice to the owner. <sup>Notice to owner</sup>

Contents  
of notice

- (2) Every such notice shall,
- (a) describe the land expropriated or the land or property that may be injuriously affected;
  - (b) in the case of an expropriation,
    - (i) state the date and particulars of the deposit of the plan and description, and
    - (ii) describe the nature of the work to be done; and
  - (c) in any case other than that of an expropriation, describe the action taken or to be taken that might occasion a claim for compensation.

Time of  
notice

- (3) Every such notice shall be given,
- (a) in the case of an expropriation, within sixty days after the deposit of the plan and description; and
  - (b) in all other cases at any time not later than sixty days after the taking of such action or of the possibility of a claim being made coming to the attention of the Commission,

and shall state that the person notified must file with the Commission within six months of the receipt of the notice particulars of any claim that he may have in respect of the expropriation or other action.

Method of  
notice

- (4) The notice shall be given,
- (a) where the owner is known and his residence is known, by serving the notice upon or mailing it by registered post addressed to him at his residence; and
  - (b) where the owner is unknown or his residence is unknown, by publication of the notice once a week for at least three weeks in a newspaper having general circulation in the county in which the land or property affected is situate. *New.*

Where notice  
given

**13.**—(1) Where notice has been given by the Commission under section 12, no claim of any kind for compensation in respect of the subject-matter of the notice shall be referred to the Board unless the claim and particulars thereof have been filed with the Commission within the period prescribed in the notice or within such further period as may in any case be agreed upon by the Commission.

(2) Where no notice has been given by the Commission under section 12, a claim for compensation shall be made by giving notice thereof to the Commission, and the provisions of this Act with respect to the fixing, payment and application of compensation apply thereto. *New.*

**14.** Every person who has any estate or interest in any land or property acquired, taken or used in or injuriously affected in the carrying out of the purposes of this Act, or who represents any such person, shall, upon demand made therefor by or on behalf of the Commission, furnish to the Commission a true statement showing the particulars of such estate and interest and of every charge, lien or encumbrance to which the same is subject, and of the claim made by such person in respect of such estate or interest. *New.*

**15.**—(1) Where the Commission and the owner cannot agree upon the amount of compensation, either party may give notice in writing to the other and to the Board requiring that the amount of compensation be determined by the Board, and thereupon the Board shall be seized of the matter, which shall be proceeded with in accordance with the practice and procedure of the Board.

(2) Either party may appeal with leave of a justice of appeal to the Court of Appeal from any order made by the Board under subsection 1, and the practice and procedure governing appeals from a county court apply *mutatis mutandis*.

(3) The decision of the Court of Appeal is final. *New.*

**16.**—(1) Where at any time before the compensation has been actually ascertained or determined, land taken under this Act, or any part thereof, is found to be unnecessary for the purposes for which it was so taken, or if it is found that a more limited estate or interest therein only is required, the Commission may by notice in writing deposited in the proper registry or land titles office, declare that the land or such part thereof is not required and is abandoned by the Commission, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon,

(a) the land declared to be abandoned reverts in the person from whom it was taken or in those entitled to claim under him; or

(b) in the event of a limited estate or interest therein being retained by the Commission, the land so reverts subject to the estate or interest so retained.

Effect upon compensation

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case, shall be taken into account in determining the amount to be paid to any person claiming compensation.

Damages where abandonment complete

(3) Where the whole of the land taken is abandoned, the person from whom it was taken is entitled to all damages sustained and all costs incurred by him in consequence of the taking and abandonment, and the amount of the damages shall be determined in the manner provided by this Act, and if a reference as to compensation is pending, shall be determined on such reference. *New.*

Contracts by tenants in tail, executors and others

**17.**—(1) Any tenant in tail or for life, guardian, committee, executor, administrator or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, unborn issue, mental incompetents or other persons, seized, possessed or interested in any land or property, may contract and agree with the Commission for the sale of the whole or any part thereof, and may convey or deliver the same to the Commission, and may also contract and agree with the Commission as to the amount of compensation to be paid for any such land or property, or for damage occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under this Act.

Representation of person under disability

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or property is situate may, after due notice to the persons interested, appoint a guardian or person to represent the person under disability for any of the purposes mentioned in subsection 1. *New.*

Payment of compensation into court

**18.**—(1) In the cases provided for in section 17 the Commission shall, and in all other cases if for any reason the Commission deems it advisable, it may, pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at 5 per cent for six months.

Proceedings after payment into court

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land or property is purchased, acquired or taken by the Commission under this Act, and calling upon all persons entitled to the land or property or to any part thereof to file their claims to



the compensation or any part thereof, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice and to law appertains.

(3) If such order of distribution is obtained less than six months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the Commission, and if it is not obtained until after six months have expired the judge may order the Commission to pay interest for such further period as he deems just. Adjustment

(4) Where unborn issue or an unascertained person or class are interested in the compensation, the judge may appoint such person as he deems proper to represent or act for them, and any order made is binding on them. *New.* Representation of parties

**19.** If the compensation agreed upon or adjudged does not exceed \$100, it may be paid to the person who under this Act may lawfully convey the land or deliver the property or agree as to the compensation, saving always the rights of any other person to the compensation as against the person receiving it. *New.* Payment of compensation up to \$100

**20.** The compensation agreed upon or adjudged stands in the stead of the land or property, and any claim to or encumbrance thereon shall, as respects the Commission, be converted into a claim to or upon the compensation, and no longer affects the land or property so acquired, taken or used. *New.* Character of compensation

**21.**—(1) Interest at the rate of 5 per cent per annum may be allowed on the compensation from the time when the land or property was taken, used or injuriously affected; but no person to whom a sum equal to or greater than the compensation has been offered in writing shall be allowed interest thereon for any time subsequent to the date of the offer. Interest on compensation money

(2) If the Board is of the opinion that any delay in determining the compensation is attributable wholly or in part to a person entitled to the compensation or any part of it, the Board may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just. *New.* When interest may be withheld

**22.** If the damage occasioned to any land or property alleged to be injuriously affected in the carrying out of the purposes of this Act may be removed wholly or in part by any alteration in, or addition to, any work, or by the construction When reparation by Commission may be ordered

of any additional work, or by the abandonment of any part of the land taken from the claimant, or by the grant to him of any land or easement, and if the Commission before an award is made undertakes to make such alteration or addition, or to construct such additional work or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be determined in view of such undertaking, and the Board shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made, or such additional work constructed, or such part of the land abandoned, or such grant made to him. *New.*

Compensation to be under Act

**23.** All claims and proceedings in respect of compensation or damages for any land or property acquired, taken or used in or injuriously affected in the carrying out of the purposes of this Act shall be brought under and in accordance with this Act and not otherwise. *New.*

1952, c. 100, repealed

**24.** *The St. Lawrence Development Act, 1952* is repealed.

Commencement

**25.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**26.** This Act may be cited as *The St. Lawrence Development Act, 1952 (No. 2)*.







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BILL

The St. Lawrence Development  
Act, 1952 (No. 2)

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*1st Reading*

October 20th, 1952

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 1

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2ND SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

The St. Lawrence Development Act, 1952 (No. 2)

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





No. 1

1952  
(2nd Sess.)

# BILL

## The St. Lawrence Development Act, 1952 (No. 2)

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

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means Ontario Municipal Board; *New*.
- (b) "Canada-Ontario agreement" means the agreement between the Government of Canada and the Government of Ontario providing for the development of power resources in the International Rapids Section of the St. Lawrence River, dated the 3rd day of December, 1951, and set out as the Schedule to *The International Rapids Power Development Agree- 1952, c. 42  
ment Act, 1952*;
- (c) "Commission" means The Hydro-Electric Power Commission of Ontario; 1952, c. 100, s. 1, cls. (a, b).
- (d) "land" includes any estate, term, easement, right or interest in, to, over or affecting land; 1952, c. 100, s. 1, cl. (c), *amended*.
- (e) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas and other power and also energy; 1952, c. 100, s. 1, cl. (d).
- (f) "property" means property of any kind, other than land, and includes any interest in property; *New*.
- (g) "supply" includes delivery, dealing in and sale;
- (h) "works" includes all property, plant, machinery, buildings, erections, constructions, installations,

materials, devices, fittings, apparatus, appliances and equipment for the generation, transformation, transmission, distribution, supply or use of power. 1952, c. 100, s. 1, cls. (e, f).

When Commission may undertake power development

**2.** When the works described in Article II of the Canada-Ontario agreement have been approved by the International Joint Commission established under the Boundary Waters Treaty of 1909 and when the order of His Excellency the Governor General of Canada referred to in Article III of the Canada-Ontario agreement has been made and when the Commission has been authorized by the Lieutenant-Governor in Council to proceed concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, the Commission shall undertake and perform all the obligations of the Government of Ontario under the Canada-Ontario agreement, except the transfer of the administration of the works, sites and lands belonging to Ontario provided for in clause 3 of Article V and in Article XI of the Canada-Ontario agreement, and shall proceed with the construction, maintenance and operation of the works to develop and utilize the power resources of the International Rapids Section of the St. Lawrence River, and for this purpose may enjoy and exercise in its own name all the rights and benefits of the Government of Ontario under the Canada-Ontario agreement. 1952, c. 100, ss. 2, 3, *amended*.

Lands transferred by Canada

**3.** Upon the transfer of the administration of the lands belonging to Canada provided for in Article V of the Canada-Ontario agreement, such lands vest in the Commission. 1952, c. 100, s. 4.

Title to lands and works

**4.** All lands acquired and all works constructed by the Commission under this Act belong to the Commission. 1952, c. 100, s. 5.

Indemnification of Crown

**5.** The Commission shall indemnify and save harmless Her Majesty in right of Ontario in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works authorized by this Act. 1952, c. 100, s. 11.

Rates for water diverted

**6.** The Commission shall pay Her Majesty in right of Ontario compensation in such manner and upon such terms as may be agreed upon by them from time to time for water diverted under clause *a* of subsection 1 of section 8. 1952, c. 100, s. 12.

General fund applicable

**7.** The purposes and objects of this Act shall be deemed to be purposes and objects of the Commission under section 12

of *The Power Commission Act* and any liabilities of the Commission heretofore incurred and any expenditure of funds by the Commission heretofore made therefor are ratified and confirmed. 1952, c. 100, s. 9. Rev. Stat.,  
c. 281

8.—(1) When the conditions mentioned in section 2 have been fulfilled and the Commission is required to proceed with the works mentioned therein, the Commission, without any further approval, may, Powers

- (a) divert the waters of the St. Lawrence River in such manner and in such amount as in its opinion is necessary for the operation and utilization of the works, construct, maintain and operate the works, and by the use of these waters generate power and use, transform, transmit, convert, distribute, make available for use and supply it;
- (b) construct, install, maintain and operate works and roads required for or incidental to the other matters authorized by this Act;
- (c) connect any of the works constructed or installed under clause *a* or *b* with any other power works or systems;
- (d) acquire for the purposes of this Act by purchase, lease or otherwise, or without the consent of the owner, enter upon, take possession of, expropriate and use such land, waters, water privileges, water powers, access and other roads, buildings and works as in its opinion are necessary, and use, utilize, develop and improve them, and upon such terms as it deems proper, sell, lease or dispose of such of them as in its opinion are no longer necessary for its purposes;
- (e) acquire for the purposes of this Act, by purchase or otherwise, water, coal, steam, oil, material, equipment and other supplies;
- (f) do such other acts and things as in its opinion are reasonably necessary for carrying out this section. 1952, c. 100, s. 6 (1), *amended*.

(2) Subject to the approval of the Lieutenant-Governor in Council and for the purposes of this Act, the Commission may, Conditional  
powers

- (a) exercise any of the powers conferred upon it by *The Power Commission Act*;

- (b) by agreement and in lieu of compensation rehabilitate any person in respect of any land or property;
- (c) provide such services as are normally provided by a municipality or other local public authority either by itself or through or in conjunction with the municipality or other local public authority;
- (d) determine that a claim for compensation made under this Act is to be regarded as a claim in respect of an interest in land or an interest in property where such may not be the case in law;
- (e) do such acts and things as in its opinion are reasonably necessary for carrying out the Canada-Ontario agreement and this Act.

Municipal powers enlarged

(3) Every municipality and other local public authority has power to enter into the agreements provided for in clause *b* of subsection 2. *New.*

Deposit of plan and description

9.—(1) Where the Commission desires to expropriate land under the powers conferred by this Act, it shall deposit in the proper registry or land titles office a plan and description of the land signed by the chairman or a member or the secretary or an engineer of the Commission, or by an Ontario land surveyor, and thereupon the land vests in the Commission.

Where land temporarily required, etc.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, vests in the Commission.

Power to take whole lot when part only required

(3) Where the Commission is of opinion that it can obtain the whole of any lot or parcel of land of which a part may be expropriated by it at a more reasonable price or to greater advantage than by acquiring the part only, it may expropriate the whole of the lot or parcel and also a right-of-way thereto, if it is separated from the work, and may afterwards sell and convey the same or any part thereof as it deems expedient.

Correcting plans and descriptions

(4) Where any omission, misstatement or erroneous description is made in a plan or description, a correct plan and description may be deposited with like effect.

Verification of plans and descriptions

(5) Where a plan and description purporting to be signed by the chairman or a member or the secretary or an engineer

of the Commission or by an Ontario land surveyor is so deposited, it shall be deemed to have been deposited by the direction and authority of the Commission and as indicating that in the opinion of the Commission the land therein described is necessary for the purposes of this Act, and the plan and description shall not be called in question except by the Commission or by a person acting for the Commission.  
*New.*

**10.**—(1) If any resistance or opposition is made by any person to the Commission, or to any person acting for it, entering upon and taking possession of land acquired for the purposes of this Act or exercising any power in respect thereof, the judge of the county court of the county in which the land is situate may, on proof of the execution of a conveyance of the land to the Commission, or agreement therefor, or of the depositing in the proper registry or land titles office of a plan and description thereof under section 9, and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county in which the land is situate directing him to put down such resistance or opposition, and to put the Commission, or a person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power. <sup>Warrant for possession</sup>

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance or opposition, and shall put the Commission, or the person acting for it, in possession thereof, and shall forthwith make return to the court of such warrant and of the manner in which he executed it. *New.* <sup>Duty and powers of sheriff</sup>

**11.**—(1) The Commission shall make to the owner of land entered upon, taken or used by it for the purposes of this Act just compensation under this Act for any damage necessarily resulting from such entry, taking or use, beyond any advantage that the owner may derive from the work for which the lands have been so entered upon, taken or used. <sup>Right to compensation</sup>

(2) The Commission shall make to the owner of any land or property injuriously affected in the carrying out of the purposes of this Act just compensation under this Act for any damage necessarily resulting therefrom, beyond any advantage that the owner may derive from the work for the purpose of which the land or property was injuriously affected. *New.* <sup>Idem</sup>

**12.**—(1) Where land is expropriated or any other action is taken by the Commission that in its opinion might occasion a claim for compensation under this Act by any owner of land or property, it shall give notice to the owner. <sup>Notice to owner</sup>

Contents  
of notice

- (2) Every such notice shall,
- (a) describe the land expropriated or the land or property that may be injuriously affected;
  - (b) in the case of an expropriation,
    - (i) state the date and particulars of the deposit of the plan and description, and
    - (ii) describe the nature of the work to be done; and
  - (c) in any case other than that of an expropriation, describe the action taken or to be taken that might occasion a claim for compensation.

Time of  
notice

- (3) Every such notice shall be given,
- (a) in the case of an expropriation, within sixty days after the deposit of the plan and description; and
  - (b) in all other cases at any time not later than sixty days after the taking of such action or of the possibility of a claim being made coming to the attention of the Commission,

and shall state that the person notified must file with the Commission within six months of the receipt of the notice particulars of any claim that he may have in respect of the expropriation or other action.

Method of  
notice

- (4) The notice shall be given,
- (a) where the owner is known and his residence is known, by serving the notice upon or mailing it by registered post addressed to him at his residence; and
  - (b) where the owner is unknown or his residence is unknown, by publication of the notice once a week for at least three weeks in a newspaper having general circulation in the county in which the land or property affected is situate. *New.*

Where notice  
given

**13.**—(1) Where notice has been given by the Commission under section 12, no claim of any kind for compensation in respect of the subject-matter of the notice shall be referred to the Board unless the claim and particulars thereof have been filed with the Commission within the period prescribed in the notice or within such further period as may in any case be agreed upon by the Commission.

(2) Where no notice has been given by the Commission under section 12, a claim for compensation shall be made by giving notice thereof to the Commission, and the provisions of this Act with respect to the fixing, payment and application of compensation apply thereto. *New.* Where no notice given

**14.** Every person who has any estate or interest in any land or property acquired, taken or used in or injuriously affected in the carrying out of the purposes of this Act, or who represents any such person, shall, upon demand made therefor by or on behalf of the Commission, furnish to the Commission a true statement showing the particulars of such estate and interest and of every charge, lien or encumbrance to which the same is subject, and of the claim made by such person in respect of such estate or interest. *New.* Power of Commission to require particulars

**15.**—(1) Where the Commission and the owner cannot agree upon the amount of compensation, either party may give notice in writing to the other and to the Board requiring that the amount of compensation be determined by the Board, and thereupon the Board shall be seized of the matter, which shall be proceeded with in accordance with the practice and procedure of the Board. Where compensation cannot be agreed upon

(2) Either party may appeal with leave of a justice of appeal to the Court of Appeal from any order made by the Board under subsection 1, and the practice and procedure governing appeals from a county court apply *mutatis mutandis*. Appeal to Court of Appeal

(3) The decision of the Court of Appeal is final. *New.* Finality

**16.**—(1) Where at any time before the compensation has been actually ascertained or determined, land taken under this Act, or any part thereof, is found to be unnecessary for the purposes for which it was so taken, or if it is found that a more limited estate or interest therein only is required, the Commission may by notice in writing deposited in the proper registry or land titles office, declare that the land or such part thereof is not required and is abandoned by the Commission, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon, Right of Commission to abandon land taken

- (a) the land declared to be abandoned reverts in the person from whom it was taken or in those entitled to claim under him; or
- (b) in the event of a limited estate or interest therein being retained by the Commission, the land so reverts subject to the estate or interest so retained.

Effect upon  
compensa-  
tion

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case, shall be taken into account in determining the amount to be paid to any person claiming compensation.

Damages  
where  
abandon-  
ment  
complete

(3) Where the whole of the land taken is abandoned, the person from whom it was taken is entitled to all damages sustained and all costs incurred by him in consequence of the taking and abandonment, and the amount of the damages shall be determined in the manner provided by this Act, and if a reference as to compensation is pending, shall be determined on such reference. *New.*

Contracts  
by tenants  
in tail,  
executors  
and others

**17.**—(1) Any tenant in tail or for life, guardian, committee, executor, administrator or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, unborn issue, mental incompetents or other persons, seized, possessed or interested in any land or property, may contract and agree with the Commission for the sale of the whole or any part thereof, and may convey or deliver the same to the Commission, and may also contract and agree with the Commission as to the amount of compensation to be paid for any such land or property, or for damage occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under this Act.

Representa-  
tion of  
person under  
disability

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or property is situate may, after due notice to the persons interested, appoint a guardian or person to represent the person under disability for any of the purposes mentioned in subsection 1. *New.*

Payment of  
compensa-  
tion into  
court

**18.**—(1) In the cases provided for in section 17 the Commission shall, and in all other cases if for any reason the Commission deems it advisable, it may, pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at 5 per cent for six months.

Proceedings  
after pay-  
ment into  
court

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land or property is purchased, acquired or taken by the Commission under this Act, and calling upon all persons entitled to the land or property or to any part thereof to file their claims to



the compensation or any part thereof, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice and to law appertains.

(3) If such order of distribution is obtained less than six Adjustment months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the Commission, and if it is not obtained until after six months have expired the judge may order the Commission to pay interest for such further period as he deems just.

(4) Where unborn issue or an unascertained person or class Representation of parties are interested in the compensation, the judge may appoint such person as he deems proper to represent or act for them, and any order made is binding on them. *New.*

**19.** If the compensation agreed upon or adjudged does not exceed \$100, it may be paid to the person who under this Act may lawfully convey the land or deliver the property or agree as to the compensation, saving always the rights of any other person to the compensation as against the person receiving it. Payment of compensation up to \$100  
*New.*

**20.** The compensation agreed upon or adjudged stands in the stead of the land or property, and any claim to or encumbrance thereon shall, as respects the Commission, be converted into a claim to or upon the compensation, and no longer affects the land or property so acquired, taken or used. Character of compensation  
*New.*

**21.**—(1) Interest at the rate of 5 per cent per annum may be allowed on the compensation from the time when the land or property was taken, used or injuriously affected; but no person to whom a sum equal to or greater than the compensation has been offered in writing shall be allowed interest thereon for any time subsequent to the date of the offer. Interest on compensation money

(2) If the Board is of the opinion that any delay in determining the compensation is attributable wholly or in part to a person entitled to the compensation or any part of it, the Board may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just. When interest may be withheld  
*New.*

**22.** If the damage occasioned to any land or property alleged to be injuriously affected in the carrying out of the purposes of this Act may be removed wholly or in part by any alteration in, or addition to, any work, or by the construction When reparation by Commission may be ordered

of any additional work, or by the abandonment of any part of the land taken from the claimant, or by the grant to him of any land or easement, and if the Commission before an award is made undertakes to make such alteration or addition, or to construct such additional work or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be determined in view of such undertaking, and the Board shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made, or such additional work constructed, or such part of the land abandoned, or such grant made to him. *New.*

Compensation to be under Act

**23.** All claims and proceedings in respect of compensation or damages for any land or property acquired, taken or used in or injuriously affected in the carrying out of the purposes of this Act shall be brought under and in accordance with this Act and not otherwise. *New.*

1952, c. 100, repealed

**24.** *The St. Lawrence Development Act, 1952* is repealed.

Commencement

**25.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**26.** This Act may be cited as *The St. Lawrence Development Act, 1952 (No. 2)*.







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BILL

The St. Lawrence Development  
Act, 1952 (No. 2)

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*1st Reading*

October 20th, 1952

*2nd Reading*

October 22nd, 1952

*3rd Reading*

October 23rd, 1952

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Mr. PORTER

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2ND SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## **BILL**

**An Act respecting an Agreement between the Government of  
Canada and the Government of Ontario for the Suspension  
of Certain Taxing Acts by Ontario**

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MR. FROST (Victoria)

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#### EXPLANATORY NOTE

The purpose of this Bill is to authorize an agreement between the Government of Canada and the Government of Ontario under which Ontario suspends the levy of income and corporation taxes for a period of five years during which period Canada pays Ontario compensatory sums of money as set out in the agreement.



No. 2

1952  
(2nd Sess.)

# BILL

## An Act respecting an Agreement between the Government of Canada and the Government of Ontario for the Suspension of Certain Taxing Acts by Ontario

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

1. The Treasurer of Ontario is authorized on behalf of Her Majesty the Queen in right of Ontario to sign an agreement between the Government of Canada and the Government of Ontario in the form set out in the Schedule to this Act or in such other form or to such other effect as the Lieutenant-Governor in Council may approve. Authority to sign agreement
2. When the agreement mentioned in section 1 is signed by the Treasurer of Ontario under the authority of this Act and by the Minister of Finance for Canada under the authority of the Parliament of Canada, it is valid and is binding upon Her Majesty the Queen in right of Ontario. When deemed to be valid and binding upon Ontario
3. *The Income Tax Act* (Ontario), being chapter 25 of the Revised Statutes of Ontario, 1937, is repealed as of the 1st day of January, 1952. R.S.O. 1937, c. 25, repealed
4. No tax shall be levied under *The Income Tax Act* upon income of the calendar years 1952, 1953, 1954, 1955 and 1956, and no person shall be required, without a demand in writing from the Treasurer of Ontario or a person thereunto authorized by the Treasurer, to file returns under that Act in respect of income of those years. Personal income tax suspended Rev. Stat., c. 175
- 5.—(1) No tax shall be levied under sections 14 and 15 of *The Corporations Tax Act* on income of the calendar years 1952, 1953, 1954, 1955 and 1956. Corporation income tax suspended Rev. Stat., c. 72

(2) Nothing in this section affects the levy of the tax under sections 14 and 15 of *The Corporations Tax Act* on the income of a corporation the fiscal year of which does not coincide Idem

with the calendar year but ends in the calendar year 1952, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year that are in the calendar year 1952 bears to the total number of days of such fiscal year.

Idem

Rev. Stat.,  
c. 72

(3) Nothing in this section affects the levy of the tax under sections 14 and 15 of *The Corporations Tax Act* on the income of a corporation the fiscal year of which does not coincide with the calendar year but ends in the calendar year 1957, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year that are in the calendar year 1956 bears to the total number of days of such fiscal year.

Other  
corporation  
taxes  
suspended

6. Subject to section 5, no tax that becomes due and payable under *The Corporations Tax Act* after the 31st day of December, 1951, and before the 1st day of January, 1957, shall be levied.

Returns

7.—(1) Notwithstanding section 17 of *The Corporations Tax Act*, no company the fiscal year of which ends after the 30th day of December, 1952, and before the 1st day of January, 1957, shall be required, without a notice or demand in writing from the Treasurer of Ontario or from an officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, to deliver to the Treasurer a return for any fiscal year that ends between such dates.

Idem

(2) The provisions of the said section 17 requiring any company to deliver to the Treasurer of Ontario a return upon notice or demand in writing continue to apply as if this Act had not been passed.

Fiscal  
years of  
companies

8.—(1) Notwithstanding subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company the fiscal year or other fiscal period of which ended on a day of the calendar year 1950 shall, for the purposes of this Act, be deemed to have ended the fiscal year next following exactly twelve months after the close of the first-mentioned fiscal year or other fiscal period.

Idem

(2) Subsection 1 does not apply to a company that ceased to have an office or to hold assets or to transact business in Ontario or the existence of which was terminated on a day of the calendar year 1951.

Idem

(3) Notwithstanding subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company the fiscal year or other fiscal period of which ended on a day of the calendar year 1951 shall, for the purposes of this Act, be deemed to

end its fiscal year in the calendar year 1957 on the same day in such year as its fiscal year or other fiscal period ended in the calendar year 1951.

(4) Except as provided by subsection 3 and notwithstanding <sup>Idem</sup> subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company incorporated on or after the 1st day of January, 1951, shall, for the purposes of this Act, be deemed to end its fiscal year ending in the calendar year 1957 on the day in that year exactly twelve months or a multiple of twelve months following the day on which it was incorporated.

(5) Subsections 3 and 4 do not apply to the last fiscal period <sup>Idem</sup> of a company that ceased to have an office or to hold assets or to transact business in Ontario or the existence of which was terminated on a day of the calendar year 1957.

9. No tax shall be levied under section 288 and subsection 9 <sup>Reciprocal exchanges</sup> of section 293 of *The Insurance Act* on premiums or deposits <sup>Rev. Stat., c. 183</sup> collected during the calendar years 1952, 1953, 1954, 1955 and 1956 from subscribers in respect of risks located in Ontario.

10. The Treasurer of Ontario is authorized, for the purpose <sup>Refunds authorized</sup> of carrying out the terms of the agreement mentioned in section 1, to make refunds of taxes referred to therein without interest.

11.—(1) There shall be set apart from the Consolidated <sup>Distribution of subsidy to municipalities</sup> Revenue Fund on the 31st day of December in each of the calendar years 1952, 1953, 1954, 1955 and 1956 the sum of \$250,254.58 and the sum so set apart shall, on the 31st day of December in each of such years, be credited to the cities, towns and villages and organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding census taken under the authority of the Parliament of Canada, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this section, and such sum shall be in lieu of the sum to be set apart from the Consolidated Revenue Fund under subsection 1 of section 46 of *The Corporations Tax Act*.

(2) Subsections 2, 3, 4, 5 and 6 of section 46 of *The Corporations Tax Act* apply to the sum of \$250,254.58 to be set <sup>Application of Rev. Stat., c. 72, s. 46, subs. 2-6</sup> apart under subsection 1.

12. The Lieutenant-Governor in Council may terminate <sup>Termination of agreement</sup> the agreement mentioned in section 1 in accordance with its terms.

**Commence-** **13.**—(1) This Act, except sections 3 to 12, comes into  
**ment** force on the day it receives Royal Assent.

**Idem** (2) Sections 3 to 12 come into force on the day that the  
agreement mentioned in section 1 becomes valid and binding  
under section 2.

**Short title** **14.** This Act may be cited as *The Corporations and Income  
Taxes Suspension Act, 1952*.



## COVENANT BY THE PROVINCE

2. Subject as hereinafter provided,
- (a) the Province will not impose or permit any municipality to impose
- (i) individual income taxes or corporation income taxes on income of the period commencing on January 1, 1952, and ending on December 31, 1956, or
  - (ii) corporation taxes on corporations payable during, or in respect of any act, matter or thing done, occurring, arising or any operations or activities carried on during, the said period;
- (b) without restricting the generality of subparagraph (a), the Province will take such action as is necessary to ensure that neither the Province nor any municipality will assess, levy, or collect any of the taxes therein mentioned in or in respect of the period therein mentioned and in particular, but not so as to restrict the generality of the foregoing, will repeal, suspend or nullify or cause to be or to remain repealed, suspended or nullified, during the said period the enactments enumerated in Appendix "A" imposing the taxes mentioned in the said subparagraph and any other enactments of the Province providing for the imposition of the said taxes, and will not, during the said period amend, revise, re-enact or bring into operation any of the said enactments or enact any new enactments in the place thereof; and
- (c) the Province will not impose or permit any municipality to impose any tax on any security or any other tax that would have the effect of evading the true intent and purpose of this agreement which is, except as specifically provided in this agreement, to secure the sole occupancy of the individual income, corporation income and corporation tax fields to Canada during the period mentioned in subparagraph (a).

## NATURAL RESOURCES

3.—(1) Notwithstanding anything contained in clause two, the Province may, during the period commencing on January 1, 1952, and ending on December 31, 1956, impose, levy and collect royalties and rentals on or in respect of natural resources within the Province.

(2) Notwithstanding anything contained in clause two, the Province and any municipality authorized by the Province may, during the period mentioned in paragraph one of this clause, impose, levy and collect taxes on income derived from mining operations or income derived from logging operations, or from both, carried on in the Province during the said period, but the Province will not permit a municipality to impose such a tax except in lieu of a tax on property or on any interest in property, other than residential property or any interest therein, of the person carrying on the said mining or logging operations.

(3) Canada will allow as a deduction in computing income under The Income Tax Act of the period mentioned in paragraph one of this clause, royalties and rentals, and taxes, mentioned in paragraphs one and two of this clause, respectively.

## COMPUTATION AND MANNER OF PAYMENT

## DETERMINATION OF PAYMENT

4.—(1) The guaranteed minimum annual amount referred to in clause one is \$101,801,370, being the sum of the following amounts:

- (a) the amount of \$14,691,850, being the estimated yield of an individual income tax of 5% of the individual income tax payable to Canada by residents of the Province for the taxation year 1948;

- (b) the amount of \$67,565,566, being the estimated yield of a corporation income tax of 8½% on the income of corporations attributable to their operations in the Province in the taxation year 1948;
  - (c) the amount of \$16,388,947, being the average annual amount of revenue received by the Province under the Succession Duty Act in the fiscal years of the Province ending in 1947, 1948 and 1949; and
  - (d) the amount of \$3,155,007, being the amount of statutory subsidies payable by Canada to the Province in respect of the calendar year 1948.
- (2) The adjusted annual amount referred to in clause one will, in respect of a fiscal year, be an amount determined with reference to the calendar year immediately preceding that fiscal year, such amount being the greater of
- (a) the guaranteed minimum annual amount, or
  - (b) the amount that is the product of \$101,801,370 (the guaranteed minimum annual amount) and the product obtained by multiplying
    - (i) the ratio that the value of the gross national product per capita in that calendar year bears to the said value in the calendar year 1948,
 by
    - (ii) the ratio that the population of the Province for that calendar year bears to the said population for the calendar year 1948, which, it is agreed, was 4,359,695 persons.
- (3) For the purposes of paragraph two of this clause,
- (a) the ratio that the population of the Province for each of the calendar years 1951, 1952, 1953, 1954 and 1955 bears to the said population for the calendar year 1948 shall be the said ratio as certified by the Dominion Statistician, and for the purpose of computing the said ratio, the population of the Province shall be,
    - (i) for the calendar year 1951, 4,597,542 persons, being the population of the Province as ascertained by the census thereof taken in that year, and
    - (ii) for each of the calendar years 1952, 1953, 1954 and 1955, the population of the Province as estimated by the Dominion Statistician, and where a census is taken in the Province in the calendar year 1956, the population of the Province for each of those years as computed by the Dominion Statistician on the assumption that the population changed uniformly in each year succeeding the calendar year 1951 by one-fifth of the number of persons by which the population in the calendar year 1956, as ascertained by the census thereof, differed from the population in the calendar year 1951;
  - (b) the population of Canada, for the purpose of computing the gross national product per capita, shall be,
    - (i) for the calendar year 1948, 13,283,728 persons, being the sum of the populations of the Provinces of Canada, Newfoundland, and the Yukon and Northwest Territories, computed by the Dominion Statistician on the assumption that the population of each province changed uniformly in each year between 1942 or the year of the census last preceding the year 1948, whichever was later, and the population of 1951 as ascertained by the census thereof, and that for the purpose of such com-

putation the 1948 population of Newfoundland was 344,694 persons, of the Yukon Territory was 7,731 persons, and of the Northwest Territories was 14,669 persons,

- (ii) for the calendar year 1951, 14,009,429 persons, being the population as ascertained by the census thereof taken in that year, and
- (iii) for each of the calendar years 1952, 1953, 1954 and 1955, the sum of the populations of the Provinces of Canada, the Yukon Territory and the Northwest Territories in that year, the population of each such Province or Territory to be the population thereof as estimated by the Dominion Statistician or in the case of a Province or Territory in which a census is taken in the calendar year 1956, the population thereof as computed by the Dominion Statistician on the assumption that the population changed uniformly in each year succeeding the calendar year 1951 by one-fifth of the number of persons by which the population in the calendar year 1956, as ascertained by the census thereof, differed from the population in the calendar year 1951; and
- (c) the ratio that the value of the gross national product per capita in any calendar year bears to the said value in the calendar year 1948 shall be the said ratio as certified by the Dominion Statistician pursuant to estimates of the said values made by him on February 28, 1957.

(4) For the purpose of establishing the ratios to be certified by the Dominion Statistician under this clause in respect of the value of gross national product per capita, any part of a dollar included in the value of gross national product per capita shall be expressed as a decimal fraction of five digits after the decimal point, and, in any certificate provided by the Dominion Statistician under this clause, the ratios therein mentioned in respect of the population of the Province and of the value of gross national product per capita shall be expressed as the percentage that the said population and value, respectively, for the later relevant year, are of the said population and value, respectively, for the earlier relevant year and a fractional part of one per cent. shall be expressed as a decimal fraction of five digits after the decimal point.

#### DEDUCTIONS IN RESPECT OF SUCCESSION DUTY CREDITS

5.—(1) As the Province does not in this agreement undertake to refrain from levying succession duties, the Province will pay to Canada an amount equal to the amount of all succession duty credits arising out of deaths occurring during the five fiscal years mentioned in clause one, the payment to be made

- (a) by deductions, as provided in this clause, from amounts otherwise payable by Canada to the Province under this agreement, and
- (b) by payments by the Province to Canada as provided in this clause.

(2) Forthwith after June 15 in each fiscal year mentioned in clause one, the Minister of National Revenue of Canada will furnish to the Province his certificate setting forth the total amount of succession duty credits allowed by Canada in the three fiscal years immediately preceding the said fiscal year irrespective of the times of the deaths out of which the said credits arose and an amount equal to one-third of the total amount of the succession duty credits set out in the certificate shall be deducted as herein-after provided from the amount payable by Canada to the Province under clause seven in that fiscal year, it being considered that the amount so computed will approximate the amount of the succession duty credits that will eventually be allowed by Canada in respect of deaths occurring in that year.

(3) In each of the fiscal years mentioned in clause one, there shall be deducted from each quarterly payment to be made in that year under



paragraph four of clause seven, one-quarter of the amount to be deducted in that year under paragraph two of this clause and the fourth deduction in respect of the fiscal year ending in 1957 shall be made from the amount payable by Canada to the Province under paragraph nine of clause seven.

(4) The amount of any deduction made under paragraph three and the amount to be deducted under that paragraph from the amount payable under paragraph nine of clause seven shall be deducted from the amount payable by Canada to the Province under clause one.

(5) On or before June 15 in the year 1957 and each subsequent year, the Minister of National Revenue of Canada will deliver to the Province his certificate setting forth the amount of succession duty credits allowed by Canada on or before March 31 immediately preceding the delivery of the certificate, arising out of deaths occurring in the five fiscal years mentioned in clause one, and the Province will, on June 30 of that year, pay to Canada the amount, if any, by which

(a) the aggregate of the succession duty credits as disclosed in the certificate

exceeds

(b) the aggregate of the deductions made pursuant to paragraph three and the payments theretofore made under this paragraph,

with interest on the said amount at the rate of 3% per annum from December 31, 1954, to the date of payment.

(6) When the Minister of National Revenue of Canada determines finally the total amount of succession duty credits that Canada may allow as a result of deaths occurring in the five fiscal years mentioned in clause one, he shall furnish to the Province a final certificate setting forth

(a) the total amount of the succession duty credits allowed by Canada as a result of deaths occurring in the five fiscal years mentioned in clause one, and

(b) the aggregate of the deductions made pursuant to paragraph three and the payments, if any, by the Province pursuant to paragraph five,

and if the amount specified in subparagraph (a) exceeds the amount specified in subparagraph (b), the Province will forthwith pay to Canada the amount of the excess with interest thereon at the rate of 3% per annum from December 31, 1954, to the date of payment, and if the amount specified in subparagraph (b) exceeds the amount specified in subparagraph (a), Canada will forthwith pay to the Province the amount of the excess with interest thereon at 3% per annum from December 31, 1954, to the date of payment.

(7) In this clause "succession duty credits" means the amounts that have been and will hereafter be allowed by Canada as a deduction from succession duty otherwise payable by any person under The Dominion Succession Duty Act in respect of succession duties paid to the Province.

#### DEDUCTION OF CERTAIN CORPORATION INCOME TAX REVENUE LOSSES FROM THE PAYMENT

6.—(1) Where, during the period commencing on January 1, 1952 and ending on December 31, 1956,

(a) the whole or any part of the business or undertaking or of the property or assets employed in the business or undertaking of a corporation that is subject to tax under The Income Tax Act is acquired

(i) by Her Majesty in right of the Province or by any agent or servant of Her Majesty in such right,

- (ii) by any municipality or any public authority in the Province the income of which is exempt from taxation under the said Act, or
- (iii) by any incorporated company the income of which is exempt from taxation under paragraph (d) of subsection one of section fifty-seven of the said Act, or any enactment in the place thereof to the like effect, by reason of ownership of stock by Her Majesty in right of the Province or any agent, servant, municipality, or public authority aforesaid,

with the result that the said corporation ceases to carry on business, or

- (b) the stock of a corporation is so acquired with the result that the income of the corporation thereupon becomes exempt from taxation under paragraph (d) of subsection one of section fifty-seven of the said Act or any enactment in place thereof to the like effect, or
- (c) voting shares of a corporation are so acquired with the result that a majority of the said shares is held by Her Majesty in right of the Province or any agent, servant, municipality, public authority, or incorporated company aforesaid, or
- (d) the whole or any part of the business or undertaking or of the property or assets of a corporation as aforesaid is so acquired or is acquired by a corporation the majority of the voting shares of which are held by Her Majesty in right of the Province or any agent, servant, municipality, public authority, or incorporated company aforesaid, but the corporation does not as a result cease to carry on business,

the loss of revenue under the said Act, computed as provided in this clause, sustained by Canada as a result of the said acquisition in respect of any taxation year or part of a taxation year of the said corporation during the remainder of the said period after the said acquisition, may be deducted in the manner hereinafter provided from the payments remaining to be paid by Canada to the Province under this agreement or shall as hereinafter provided be paid by the Province to Canada.

(2) For the purposes of this clause, in the case of an acquisition mentioned in subparagraph (a) or (b) of paragraph one of this clause, the loss of revenue sustained by Canada in respect of any taxation year of a corporation shall be the amount of the tax that Canada would have been entitled to receive under The Income Tax Act in respect of the said year but for such acquisition, at the rate of tax applicable in the said year, if the income of the corporation during the said year had been the average annual income of the corporation during the last three complete taxation years prior to the said acquisition, or if the business or undertaking of the corporation was not carried on or operated during the whole of the said three years, the average annual income of the corporation during such portion thereof as the business was carried on or operated.

(3) For the purposes of this clause in the case of an acquisition mentioned in subparagraph (c) of paragraph one of this clause, the loss of revenue sustained by Canada in respect of any taxation year of a corporation shall be the amount by which

- (a) the amount of the tax that Canada would have been entitled to receive in respect of the said year but for such acquisition, computed in the manner described in paragraph two of this clause

exceeds

- (b) the tax that Canada actually becomes entitled to receive under the said Act from the corporation in respect of the said taxation year.

(4) For the purposes of this clause, in the case of an acquisition mentioned in subparagraph (d) of paragraph one of this clause, the loss of revenue sustained by Canada shall be the amount by which the tax actually received by Canada under the said Act from the corporation in respect of the said year is less than the tax Canada would have been entitled to receive but for the acquisition and if the Province and Canada do not agree as to the said amount, it shall be determined by a chartered accountant to be appointed for such purpose by the Minister of Finance of Canada on the recommendation of the President of the Canadian Institute of Chartered Accountants at the request of the Province or Canada.

(5) For the purposes of this clause the amount of the loss of revenue sustained by Canada in respect of a taxation year of a corporation that commences before and ends on or after January 1, 1957, shall be that proportion of the amount of the loss of revenue sustained by Canada in respect of the whole of the said taxation year computed as provided in paragraph two, three or four of this clause, as the case may be, that is the same as the proportion that the number of days in the said taxation year before the said date is of the number of days in the whole of the said year.

(6) The amount of the loss of revenue referred to in paragraph one of this clause sustained by Canada in respect of any taxation year or part of a taxation year of a corporation shall, upon being determined, be deducted from the amount payable under clause one in respect of the fiscal year therein mentioned in respect of which the next following quarterly instalment payable under clause seven is payable, by deducting the said amount in equal shares from the quarterly instalments remaining payable under clause seven at the time of the said determination in respect of the said year.

(7) The Province will pay to Canada an amount equal to any loss of revenue sustained by Canada referred to in paragraph one of this clause that has not been deducted from instalments payable under this agreement by Canada to the Province in the manner hereinbefore in this clause provided, forthwith after payment of the last such instalment if the amount is then determined, or if the amount is not then determined forthwith after the amount thereof is determined.

(8) This clause shall not apply in respect of the acquisition of the business, undertaking, assets, or stock or a company whose chief business is determined by the Minister of National Revenue of Canada to be the generation for distribution to, or the distribution to the public of electrical energy, gas or steam.

#### MANNER OF PAYMENT

7.—(1) For the purpose of estimating the amount payable in respect of a fiscal year mentioned in clause one, the Dominion Statistician will, not later than the fifteenth day of June in the said fiscal year, furnish to the Minister of Finance of Canada and to the Provincial Treasurer of the Province respectively, his certificate setting forth

- (a) the ratio that the population of the Province for each of the two calendar years preceding the said fiscal year bears to the said population for the calendar year 1948 as the said ratio is then estimated by him, and
- (b) the ratio that the value of the gross national product per capita in each such calendar year bears to the value of the gross national product per capita in the calendar year 1948, as the said ratio is then estimated by him,

except that the first certificate furnished under this paragraph need not set forth the said ratios in respect of the calendar year 1950.

(2) The first certificate issued under paragraph one shall describe the difference, if any, between

- (a) the methods and concepts employed by the Dominion Statistician in estimating the values of gross national product in respect of which the ratios mentioned in subparagraph (b) of paragraph one were established, and
- (b) the methods and concepts described in the book entitled "National Accounts, Income and Expenditure, 1926-1950",

and each subsequent certificate issued under paragraph one shall describe the difference, if any, between

- (c) the methods and concepts mentioned in subparagraph (a), and
- (d) the methods and concepts employed in estimating the said values in respect of which the ratios set out in the last preceding certificate issued by him under paragraph one were established.

(3) The amount payable by Canada to the Province under clause one in respect of any fiscal year therein mentioned shall be estimated forthwith after the certificate is furnished under paragraph one in that fiscal year, and, for that purpose, the calculations provided for in paragraph two of clause four shall be made on the basis of the information in that certificate.

(4) Subject to the provisions of this clause and to the deductions provided for in clauses five and six, Canada will pay to the Province on account of the amount finally to be paid in respect of a fiscal year the amount estimated in accordance with paragraph three of this clause to be payable in respect of that fiscal year, in quarterly instalments in the proportions and on the days following:

twenty-five per cent on June 30, of the fiscal year,  
 twenty-five per cent on September 30, next following,  
 twenty-five per cent on December 31, next following,  
 twenty-five per cent on March 31, next following,

except that the instalments that would otherwise be payable on June 30 and September 30, 1952 shall be paid forthwith after the execution of this agreement and the instalment that would otherwise be payable on March 31, 1957 shall be determined and paid in accordance with paragraph nine.

(5) The estimated amount payable under clause one in respect of a fiscal year therein mentioned commencing in the calendar year 1952, 1953, 1954 or 1955, shall be recalculated forthwith after the fifteenth day of June in the next following fiscal year on the basis of the relevant ratios of population and of values of gross national product per capita set out in the certificate of the Dominion Statistician furnished under paragraph one of this clause in the said next following fiscal year.

(6) If the amount estimated to be payable under clause one recalculated in accordance with paragraph five is greater than the said amount as estimated under paragraph three, Canada will be liable to pay to the Province, or if less, the Province will be liable to pay to Canada, at the time for payment of the instalment under this clause next following the said recalculation, the amount of the difference; and if the amount of the difference is payable by the Province to Canada, Canada may deduct the said amount from the said following instalment or any subsequent instalment under this agreement.

(7) The Dominion Statistician will, as soon as is possible after February 28, 1957 but not later than April 15, 1957, furnish to the Minister of Finance of Canada and to the Provincial Treasurer of the Province respectively, his certificate setting forth

- (a) the population of the Province and the population of Canada for each of the calendar years 1951, 1952, 1953, 1954 and 1955, computed as provided in subparagraphs (a) and (b), respectively, of paragraph three of clause four, and the ratio that the population of the Province for each of the said years bears to the population of the Province for the year 1948;

- (b) the value of the gross national product in each such calendar year as then estimated by him and the ratio that the said value per capita in each such calendar year bears to the said value per capita in the year 1948 as then estimated by him; and
- (c) the difference, if any, between the methods and concepts employed by him in estimating the values of the gross national product in respect of which the ratios mentioned in subparagraph (b) of this paragraph were established and the methods employed by him in estimating the said values in respect of which were established the ratios previously certified by him pursuant to which
  - (i) the estimated amount payable under clause one in respect of each of the fiscal years mentioned in paragraph five was re-calculated as provided in the said paragraph, and
  - (ii) the estimated amount payable in respect of the fiscal year commencing in the calendar year 1956, was calculated as provided in paragraph three,

and the certificate shall be final and conclusive for the purpose of this agreement.

(8) The total amount payable by Canada to the Province under clause one in respect of the five fiscal years mentioned therein shall be finally calculated forthwith after the certificate is furnished by the Dominion Statistician in accordance with paragraph seven, the said calculations to be made on the basis of the information in the certificate.

(9) Subject to paragraph eleven, Canada will, within fifteen days after the day on which the Dominion Statistician furnishes his certificate under paragraph seven, but not later than April 30, 1957, pay to the Province as a final payment the amount by which

- (a) the total amount payable by Canada calculated under paragraph eight

exceeds

- (b) the aggregate of the payments made on account thereof by Canada to the Province under this Agreement and the amounts, if any, deducted pursuant to clauses five and six,

and payment accordingly shall fully discharge Canada's obligation under clause one.

(10) If the amount specified in subparagraph (b) of paragraph nine exceeds the amount specified in subparagraph (a) thereof, the Province will, on May 15, 1957, pay to Canada an amount equal to the excess.

(11) If on the day on which the final amount is or could otherwise become payable by Canada under paragraph nine any matter affecting the payment by Canada of the final amount or any instalment pursuant to this clause, is before or is about to be submitted to the courts pursuant to clause ten, payment of that amount or that instalment, as the case may be, will be withheld until the matter has been finally decided and the amount in question shall thereafter in whole or in part be paid to the Province or retained by Canada in accordance with the final decision.

(12) For the purpose of establishing the ratios to be certified by the Dominion Statistician under this clause in respect of the value of gross national product per capita, any part of a dollar included in the value of gross national product per capita shall be expressed as a decimal fraction of five digits after the decimal point, and, in any certificate furnished by the Dominion Statistician under this clause, the ratios therein mentioned in respect of the population of the Province and of the value of gross national product per capita shall be expressed as the percentage that the said population and value, respectively, for the later relevant year, are of the

said population and value, respectively, for the earlier relevant year and a fractional part of one per cent shall be expressed as a decimal fraction of five digits after the decimal point.

(13) Any amount payable by the Province to Canada under paragraph ten of this clause or paragraph six of clause five may, if it is not paid, be recovered as a debt due to Canada by way of deduction or set off out of any amount payable by Canada to the Province.

## GENERAL PROVISIONS

### UNDERTAKINGS RESPECTING CERTAIN PROVINCIAL TAXES

8.—(1) The Province and any municipality may, notwithstanding anything contained in clause two, during the period mentioned therein,

- (a) collect individual income taxes, corporation income taxes and corporation taxes, the liability for which arose prior to the time after which the Province agreed in the Wartime Agreement Tax not to impose such taxes and the collection of which by the Province was permitted during the term of the said Wartime Tax Agreement; and
- (b) collect corporation income taxes and corporation taxes the liability for which arose prior to January 1, 1952, and after the period during which the Province agreed, in the Wartime Tax Agreement, not to impose such taxes.

(2) The Province may, notwithstanding anything contained in clause two, enact legislation during the period mentioned in subparagraph (a) thereof to impose or to authorize municipalities to impose the respective taxes therein mentioned and take such action as is necessary to bring into operation enactments suspended or nullified as provided in the said clause if the said legislation and enactments are not to come into operation until after the termination of the period therein mentioned or any earlier date on which this agreement is terminated under clause twelve, and are then to have operation only in respect of individual income or corporation income of periods after they come into operation or impose corporation taxes payable after or in respect of any act, matter or thing done, occurring, arising or any operations or activities carried on after they come into operation.

### UNDERTAKINGS RESPECTING EQUAL TREATMENT OF PROVINCES

9.—(1) If the Province and the government of at least one other province with which Canada has entered into another agreement object thereto, Canada will not enter into an agreement with another province

- (a) that provides for any payment to be made thereunder by Canada to a province that is a party to the agreement (other than payments in respect of, or by way of adjustment of, estimated amounts or deductions) otherwise than under clauses in such other agreement, one of which corresponds to clause one of this agreement and the other of which provides for payments and for the calculation of the amounts thereof in a like manner to clause four except paragraph one thereof, and that are expressed in the same form as clause one and clause four (except paragraph one thereof) respectively, and
- (b) that does not contain, in the said clause that corresponds to clause four, a paragraph corresponding to paragraph one of clause four, in which is fixed, for the purpose of the paragraphs of the said clause that corresponds to the paragraphs of clause four, other than paragraph one thereof, a guaranteed minimum annual payment not exceeding in the case of an agreement with a province named below the amount set out after the name of the province:—

Alberta.....	\$ 20,985,710
British Columbia.....	29,647,487
Manitoba.....	18,634,954
New Brunswick.....	12,576,093
Newfoundland.....	9,174,624
Nova Scotia.....	15,348,220
Ontario.....	101,801,370
Prince Edward Island.....	2,977,015
Quebec.....	85,080,466
Saskatchewan.....	20,026,085

(2) Where Canada has entered into or enters into an agreement with another province and

- (a) any clause of that other agreement corresponding to any clause of this agreement, other than the clause corresponding to clause four of this agreement, is expressed differently from the said corresponding clause of this agreement, or
- (b) any additional clause is contained in that other agreement in respect of which there is no corresponding clause in this agreement, or
- (c) a clause corresponding to any clause of this agreement, other than clause five, is omitted from that other agreement,

the Province is entitled, within ninety days after entry into this agreement or after receiving a copy of such other agreement from Canada, whichever is later, to require that the said clause in this agreement be amended so that it will be expressed in a like manner to the said clause contained in such other agreement and to like effect, or that the said additional clause be included in this agreement, or that the said clause so omitted be omitted from this agreement, respectively, and where this agreement is amended pursuant to this paragraph, the amendment shall have effect between the parties to this agreement from the date on which such other agreement, in respect of which such amendment was made, had effect between the parties thereto.

(3) After entry into this agreement, Canada will, before entry into a proposed agreement with another province, if the proposed agreement provides for any variation in the clauses therein that correspond to clause one and clause four not permitted under paragraph one of this clause, furnish a copy of the proposed agreement to the Provincial Treasurer of the Province and if the Provincial Treasurer of the Province has not notified the Minister of Finance of Canada that the Province objects to entry by Canada into the proposed agreement within thirty days after the receipt of the said copy by him, the Province shall be deemed not to object to entry into the proposed agreement by Canada.

(4) Where Canada enters into an agreement with another province after entry into this agreement, Canada will forthwith furnish a copy of such other agreement to the Provincial Treasurer of the Province.

(5) Where a clause in any other agreement corresponding to a clause in this agreement that applies in respect of the period of five years mentioned in clause one, or in respect of periods of twelve months, comes into operation otherwise than at the commencement of the period of five years or a period of twelve months, as the case may be, paragraphs one and two shall not apply to provisions that are necessary to adapt the clause to the portion of the period of five years or twelve months, as the case may be, remaining after it comes into operation; and paragraph two shall not apply to an appendix in any other agreement corresponding to Appendix "A" or Appendix "B" of this Agreement; and paragraphs one and two do not apply in respect of any provision in another agreement or the omission of any provision, the effect of which is to permit another Province to impose, levy and collect succession duties or to provide a method of discharging obligations by Canada or a Province under the Tax Rental Agreement, 1947, or any agreement ancillary thereto, or to section (i) of subparagraph (b) of paragraph (1) of clause sixteen.

(6) The Minister of Finance of Canada will exercise his best judgment to ensure that the same principles are adhered to in the selection of the enactments included in the appendices in any other agreement entered into after entry into this agreement, corresponding to Appendices "A" and "B" of this agreement, as have been adhered to in the selection of the enactments included in Appendices "A" and "B" of this agreement in accordance with the true intent and purpose of this agreement.

(7) In this clause "agreement with another province," "another agreement" or "other agreement" means an agreement between Canada and the government of a province other than the Province of a like nature to this agreement and having like purposes to this agreement.

#### DISPUTES AND DIFFERENCES

10.—(1) Where either party to this agreement gives notice to the other in writing that in its opinion

- (a) there is disagreement between the parties as to the interpretation of any provision of this agreement or any matter arising therefrom, or
- (b) the other party has contravened or failed to observe a provision of the agreement,

the Province will, within sixty days of delivery of the notice, cause the matter to be referred by the Lieutenant-Governor of the Province to the Court of Appeal of Ontario for hearing and consideration and for the opinion of the court.

(2) A reference under paragraph one shall be in the form of a question for the opinion of the court or other method of defining clearly the matter in issue, in such terms as the parties agree and if they cannot agree, the form and terms of the reference shall be determined by the Chief Justice of the Province upon the application of either party.

(3) Where one of the parties alleges that the other has contravened or failed to observe a provision of this agreement, the reference shall include a request for the opinion of the court as to the steps, if any, that ought to be taken by either or both of the parties in order to place the parties in the position in which they would have been had there been no such contravention or failure.

(4) Where, upon a reference under paragraph one, the opinion of the Court of Appeal of Ontario (or of the Supreme Court of Canada in the case of an appeal therefrom) discloses that the Province has contravened or failed to observe a provision of this agreement, the Province will promptly take such steps as are necessary to give effect to the opinion of the Court of Appeal of Ontario or the Supreme Court of Canada, as the case may be, and to place the parties in the position in which they would have been had there been no such contravention or failure, and to repay or cause to be repaid any money collected by the Province or a municipality by way of tax in contravention of this agreement; but if the Province fails to do so, Canada may, in the manner prescribed in clause twelve, terminate this agreement or may deduct the amount of any tax imposed or collected in contravention of this agreement from any amount payable by Canada to the Province.

(5) Where, upon a reference under paragraph one, the opinion of the Court of Appeal of Ontario (or of the Supreme Court of Canada in the case of an appeal therefrom) discloses that Canada has contravened or failed to observe a provision of this agreement, Canada will promptly take such steps as are necessary to give effect to the opinion of the Court of Appeal of Ontario or the Supreme Court of Canada, as the case may be, and to place the parties in the position in which they would have been had there been no such contravention or failure; but if Canada fails to do so, the Province may, in the manner prescribed in clause twelve, terminate this agreement forthwith.



11.—(1) The procedure in any reference under the provisions of clause ten shall be governed by the rules of the Court of Appeal of Ontario or otherwise shall be such as the court determines.

(2) The parties hereto agree to supply promptly such information as may be required by the Court of Appeal of Ontario for the purposes of a reference under clause ten and will accept as final and binding upon them the opinions of the Court of Appeal of Ontario in any such reference (or of the Supreme Court of Canada in the case of an appeal therefrom) and agree to accept and be governed, in interpreting and carrying out this agreement, by the opinions of the courts of other provinces (or of the Supreme Court of Canada in the case of an appeal therefrom) concerning a matter submitted to them under any other agreement entered into after January 1, 1952, between Canada and a Province of a like nature and having like purposes to this agreement, to the extent that those opinions may be applied in respect of this agreement.

(3) The parties hereto agree that the government of any other Province that has, after January 1, 1952, entered into an agreement of a like nature and having like purposes to this agreement may appear before the courts and be heard as a party to any proceedings consequent upon a reference under clause ten and the Province will accordingly, within ten days of the day on which a matter is referred to the Court of Appeal of Ontario under clause ten, give notice in writing of the reference to each province that has entered into such an agreement with Canada setting out clearly the matters in issue.

(4) Each party to a reference under this provision shall bear its own costs of the reference.

(5) The Province undertakes that it has procured or will, at the session of its Legislature next ensuing after the execution of this agreement, procure the enactment of such legislation as may be necessary

- (a) to ensure that the Court of Appeal of Ontario has jurisdiction to hear, consider and determine a matter referred to it under clause ten,
- (b) to declare, for the purposes of section 37 of the Supreme Court Act, chapter 35 of the Revised Statutes of Canada, 1927, that the opinion of the Court of Appeal of Ontario in respect of a matter referred to it under clause ten is to be deemed a judgment of that court and that an appeal lies therefrom as from a judgment in an action, and
- (c) to enable a Province that has, after January 1, 1952, entered into an agreement of a like nature and having like purposes to this agreement to appear before the courts and be heard as a party in respect of any matter referred to the Court of Appeal of Ontario under clause ten.

#### TERMINATION AFTER REFERENCE TO COURTS

12.—(1) A notice to terminate this agreement given under clause ten shall be given

- (a) in the case of termination by Canada, by notice in writing given by the Minister of Finance of Canada to the Provincial Treasurer of the Province, or
  - (b) in the case of termination by the Province, by notice in writing given by the Provincial Treasurer of the Province to the Minister of Finance of Canada.
- (2) A notice to terminate this agreement given under clause ten will
- (a) terminate the obligation of the Province not to impose or permit any municipality to impose individual income taxes, corporation income taxes, or corporation taxes, from and after the end of the calendar year in which such notice is given, and

## (b) terminate the obligation of Canada

- (i) to make any payments under this agreement in respect of fiscal years mentioned in clause one commencing in the calendar year following the calendar year in which the notice is given or subsequently, and
- (ii) under paragraph three of clause three to allow the deductions in computing income under The Income Tax Act therein mentioned from income of the calendar year following the calendar year in which the notice is given or subsequently.

(3) Termination of the obligations of the Province and of Canada as provided in subparagraphs (a) and (b) of paragraph two respectively shall not affect the operation of any clause of this agreement in respect of the fiscal years and calendar years mentioned in clause one and clause four, prior to or ending at the time of termination of the said obligations, and upon such termination the provisions of this agreement shall, subject to paragraph four of this clause, apply *mutatis mutandis* in respect of the said fiscal years and calendar years as if this agreement had been entered into only for the period of the said years.

(4) Notwithstanding that this agreement becomes applicable, *mutatis mutandis*, in respect of a number of fiscal years less than the five fiscal years mentioned in clause one as provided in paragraph three of this clause the amounts payable in respect of the fiscal years during which this agreement continues in full force and effect and the total amount finally payable by Canada in respect of the said fiscal years shall not be finally computed until the times mentioned in paragraphs seven, eight, nine and ten of clause seven and shall then be computed in the manner provided by clause four in respect of each such fiscal year in accordance with the information contained in the certificate of the Dominion Statistician furnished under paragraph seven of clause seven.

## TAX CREDITS AFTER EXPIRY OF AGREEMENT

13. Unless the Province otherwise agrees, Canada will, if this agreement has not been terminated under clause twelve,

- (a) allow as a deduction from individual income tax imposed by Canada on income of each of the calendar years 1957, 1958, 1959, 1960 and 1961, of a person who resides or is employed in the Province,
  - (i) individual income tax payable under the laws of the Province on income of the same year, or
  - (ii) five per cent of the amount of the individual income tax imposed by Canada on the said income of that year,

whichever is less, but if individual income tax is imposed on the said income by more than one province the total amount allowed as a deduction in respect of all such taxes shall not exceed the said five per cent;

- (b) allow as a deduction from the duty otherwise payable under The Dominion Succession Duty Act, in respect of a succession to property consequent upon a death during the period commencing on April 1, 1957 and ending on March 31, 1962 an amount in respect of succession duties paid to the Province and the government of any other province in respect of the succession to or transmission of the property consequent upon that death equal to the amount of the duty otherwise payable multiplied by the lesser of:
  - (i) one half, or
  - (ii) the total amount of duties paid under the laws of the Province and the laws of any other province in respect of all property the succession to which is subject to duty under the said Act

consequent upon that death, divided by the total amount of duty otherwise payable under the said Act consequent upon that death in respect of all successions to property on which duties were paid under the laws of the Province or the laws of any other province,

and in this paragraph "duty otherwise payable" means the duty that would be payable under The Dominion Succession Duty Act if there were no provision in that Act to allow a successor to make a deduction under that Act in respect of succession duties paid to a province, and

- (c) allow as a deduction from corporation income tax imposed by Canada on income of a corporation of each of the calendar years 1957, 1958, 1959, 1960 and 1961,
  - (i) corporation income tax payable under the laws of the Province on income of the corporation of the same year, or
  - (ii) seven per cent of the taxable income of the corporation that is attributable to the operations of the corporation in the Province in that year in accordance with rules that will hereafter be set out in The Income Tax Act, or regulations made thereunder, including any amendments or modifications of such rules,

whichever is less.

## SAVING CLAUSES

### RELIEF OF UNEMPLOYMENT

14. Nothing contained in this agreement shall be construed as an admission by either party to this agreement that the said party is responsible for the whole or any part of the cost of the relief of unemployment, either during the operation of this agreement or at any other time.

### OTHER AGREEMENTS

15. Nothing contained in this agreement shall be deemed to vary or terminate any of the rights or obligations of the Province or Canada under any agreement heretofore entered into between them or to limit their authority to enter into any further agreement in addition to or by way of amendment to this agreement.

### INTERPRETATION

16.—(1) In this agreement and any appendix thereto, unless the context otherwise requires,

- (a) "census" means a census of population taken by the Dominion Bureau of Statistics;
- (b) "corporation tax" means, subject to paragraph three of this clause, a tax or fee other than a tax on net income but including a tax on gross revenue or any part thereof, the imposing of which singles out for taxation or for discriminatory rates or burdens of taxation corporations, or any class or classes thereof, or any individual corporation or any class of persons that is composed mainly of corporations, either formally or in effect, by imposing a tax or fee on or in respect of any Act, matter or thing or any activities or operations mainly done by, or affecting, or carried on by corporations, or otherwise, except
  - (i) a bona fide and reasonable provincial license, registration, filing or other fee; provided that no fee or a class of fees first charged or imposed after January 1, 1947, shall exceed \$250 per annum for each corporation and no fee charged or imposed on or prior to the said day which is in excess of \$250 per annum for each corporation shall be increased and no fee

charged or imposed on or prior to the said day which is less than \$250 per annum for each corporation shall be increased to an amount in excess of \$250 per annum for each corporation;

- (ii) the fees charged for the incorporation of a company;
- (iii) a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality, or where they are to be exercised or enjoyed only in territory not included in any municipality, by any authority (including the Province) having jurisdiction in such territory;
- (iv) any assessment under The Workmen's Compensation Act;
- (v) a business or occupancy tax based on floor space or on the rental or assessed value of property, imposed by a municipality, or in territory not included in any municipality by any authority (including the Province) having jurisdiction in such territory;
- (vi) any royalty or rental on or in respect of natural resources within the Province;
- (vii) a bona fide and reasonable business or occupancy tax imposed by a municipality or in a territory not included in a municipality by any authority (including the Province) having jurisdiction in such territory on the gross revenue or gross receipts within the municipality or territory from all or part of the business of;
  - (A) a telephone, electric light, electric power, gas, street railway or bus company, in lieu of taxes imposed on power lines, pole lines, towers, cables, wires, conductors, conduits, equipment, mains, tracks and other like property or improvements at a rate not in excess of three per cent (in the case of a telephone company, four per cent) of the gross receipts or gross revenue subject to the tax; or
  - (B) of any other corporation if
    - (I) the tax is imposed under legislation enacted prior to June 27, 1946,
    - (II) the tax is in lieu of such a tax based on floor space or upon the rental or assessed value of property,
    - (III) the tax is imposed on a corporation or class of corporations that is subject to the said tax under legislation enacted prior to June 27, 1946, and
    - (IV) the rate of tax is not in excess of the general tax rate; and
- (viii) a license fee in respect of personal property of a corporation imposed in lieu of a personal property tax that could be levied upon the personal property of the corporation under or pursuant to a provincial statute enumerated in Appendix "B" if
  - (A) the license fee does not exceed the amount that the corporation could be required to pay as a personal property tax in lieu of which the license fee is imposed, and
  - (B) payment of the license fee exempts the corporation from liability to pay the personal property tax in lieu of which the license fee is imposed;

- (c) "corporation income tax" means a tax that is levied on the net income or any part thereof of a corporation but does not include a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality, or where they are to be exercised or enjoyed only in territory not included in any municipality, by any authority (including the Province) having jurisdiction in such territory;
- (d) "Dominion Statistician" includes any person performing the duties of the office of Dominion Statistician during his absence for any reason or while the said office is vacant;
- (e) "fiscal year" means the period of twelve months commencing with the first day of April and ending with the thirty-first day of March next following;
- (f) "income derived from logging operations" by a person in any year means, where logs are acquired and cut in the Province by the person and are delivered to a sawmill, pulp or paper plant or other place for processing or manufacturing logs, or delivered to a carrier for export from Canada, or delivered otherwise
- (i) if they are sold by him in the year prior to or on delivery the net profit or gain derived by him from
    - (A) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting and sale of the logs, or
    - (B) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting, transportation and sale of the logs, or
    - (C) the acquisition, transportation and sale of the logs, and
  - (ii) if they are not sold by him prior to or on delivery but are processed, manufactured or exported from Canada by him in the year, the net profit or gain reasonably deemed to have been derived by him from
    - (A) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting and the transportation of the logs, or
    - (B) the acquisition and transportation of the logs

computed in respect of logs processed, manufactured or exported during the year, by deducting from the value of the logs at the time of delivery the cost of acquiring, cutting and transporting such logs, and
  - (iii) for the purpose of section (ii)
    - (A) "value of the logs" means
      - (I) the fair market value, where such is ascertainable from transactions in logs of similar species and quality and in comparable quantities between persons dealing at arms length, or
      - (II) where the fair market value is not so ascertainable, the amount determined by adding to the aggregate cost of all logs delivered in the year to a pulp or paper plant or sawmill or other place for processing or manufacturing logs or to a carrier for export the portion of the total profit derived by such person from such activities in the year that may reasonably be attributed to the acquiring, cutting, transporting and delivery of such logs or a reasonable

amount per cord or per thousand board feet, as the case may be, of the logs so delivered in respect of such profits, provided that the amount so added shall not exceed

- (a) where the logs are processed or manufactured into pulp or paper, the lesser amount of an appropriate proportion of the following amounts:
  - (i) 35 per cent of the total profit derived by the person from such activities, or
  - (ii) \$4.00 per rough cord or \$8.00 per thousand board feet (according to the basis of measurement used) of the logs so delivered, or
- (b) where the logs are processed or manufactured into lumber or delivered to a carrier for export, the lesser amount of an appropriate proportion of the following amounts:
  - (i) 50 per cent of the profit derived from such activities, or
  - (ii) \$8.00 per thousand board feet, and
- (c) for the purpose of sub-items (a) and (b),
  - (i) the appropriate proportion shall be the portion that the volume of logs cut in the province by the person in the fiscal year, or where the logging period does not coincide with the fiscal year, during the logging period ending in the year, is of the total logs so cut and otherwise obtained by the person in such year, and
  - (ii) profit derived from processing logs into pulp and paper or lumber shall be the total profits from such activities less
    1. returns, if any, received by way of dividends, interest, or other like payments from stock, shares, bonds, debentures, loans or other like investments,
    2. net profit, if any, from the sale of logs as such, and
    3. net profit, if any, from the sale of stumpage or rights to cut timber,
 but before any deduction for taxes on income from logging operations.
- (g) "income derived from mining operations" means the net profit or gain derived or deemed to have been derived from mining operations by a person engaged therein with or without an allowance in respect of depletion and if such a person receives net profit or gain from sources other than mining operations either by reason of the carrying on by him of the processing of mineral ore extracted by him or otherwise, the net profit or gain to be deemed to have been derived by him from mining operations shall not exceed that portion of the total net profit or gain received by him from all sources, determined by deducting from the said total

- (i) the returns received by him by way of dividends, interest or other like payments from stock, shares, bonds, debentures, loans or other like investments;
  - (ii) the net profit or gain, if any, derived by him from, and attributable in accordance with sound accounting principles to, the carrying on of any business, or derived from and so attributable to any source, other than mining operations and the processing and sale of mineral ores or products produced therefrom and other than as a return on investments mentioned in section (i) of this paragraph; and
  - (iii) an amount by way of return on capital employed by him in processing mineral ores or products derived therefrom, equal to eight per cent of the original cost to him of the depreciable assets including machinery, equipment, plant, buildings, works and improvements, used by him in the processing of mineral ore or products derived therefrom but not in excess of sixty-five per cent of that portion of the said total net profit or gain remaining after deducting therefrom the amounts specified in sections (i) and (ii) of this paragraph; provided that, in the case of a person who mines and smelts mineral ores from which metals other than gold, silver or platinum are recovered in amounts exceeding in value five per cent of the total value of metals recovered, the amount to be deducted under this section shall not in any case be a smaller amount than the following proportion of the total net profit or gain remaining after deducting therefrom the amounts specified in sections (i) and (ii):
    - (A) where both copper and nickel are recovered, each in amounts which exceed in value five per cent of the total values of metals recovered . . . . . forty per cent,
    - (B) where both lead and zinc are recovered, each in amounts which exceed in value five per cent of the total value of metals recovered . . . . . thirty per cent,
    - (C) where both copper and zinc are recovered, each in amounts which exceed in value five per cent of the total value of metals recovered . . . . . twenty per cent,
    - (D) in other cases . . . . . fifteen per cent.
- (h) "individual income tax" means any tax imposed upon the net income or gross revenue, or any part thereof, of individuals or partnerships and includes a poll or head tax based on income but does not include:
- (i) a registration fee for the purpose of raising moneys required for a health programme that has been or may be established by the Province or a municipality and that is imposed as a uniform fixed amount per person and that does not vary in relation to income, provided that provisions for
    - (A) a maximum payment in respect of members of a family, based on the number of members of the family,
    - (B) exemption of persons in receipt of income less than a reasonable minimum amount, or
    - (C) a variation of rates based on the age of the persons in respect of whom the fee is required to be paid,
 shall not cause such a fee to be deemed to be a fee imposed other than as a uniform fixed amount per person or to vary in relation to income; or

- (ii) a bona fide and reasonable business or occupancy tax imposed by a municipality, or in a territory not included in a municipality by any authority (including the Province) having jurisdiction in such territory, on the gross revenue or gross receipts within the municipality or territory from all or part of the business,
  - (A) of a telephone, electric light, electric power, gas, street railway or bus business, in lieu of taxes imposed on power lines, pole lines, towers, cables, wires, conductors, conduits, equipment, mains, tracks, and other like property or improvements, at a rate not in excess of three per cent (in the case of a telephone business, four per cent) of the gross receipts or gross revenue subject to the tax, or
  - (B) of any other business if
    - (I) the tax is imposed under legislation enacted prior to June 27, 1946,
    - (II) the tax is in lieu of such a tax based on floor space or upon the rental or assessed value of property,
    - (III) the tax is imposed on a business, or class of business, that is subject to the said tax under legislation enacted prior to June 27, 1946, and
    - (IV) the rate of tax is not in excess of the general tax rate.
- (i) "Income Tax Act" means the Income Tax Act of Canada as amended from time to time or any enactment substituted therefor or in the place thereof and includes the regulations made thereunder;
- (j) "mine" includes any work or undertaking in which mineral ore is extracted or produced including a quarry;
- (k) "minerals" includes gold, silver, rare and precious metals or stones, copper, iron, tin, lead, zinc, nickel, salt, saline deposits, alkali, coal, limestone, granite, slate, marble or other quarriable stone, gypsum, clay marl, gravel, sand and volcanic ash but does not include petroleum or natural gas;
- (l) "mineral ore" includes all unprocessed minerals or mineral-bearing substances;
- (m) "mining operations" means the extraction or production of mineral ore from or in any mine or its transportation to, or any part of the distance to the point of egress from the mine including any processing thereof prior to or in the course of such transportation but not including any processing thereof after removal from the mine;
- (n) "municipality" includes a county, city, town, village, township or improvement district whether incorporated or otherwise established by or under general or special Act of the Legislature or otherwise, school trustees or other school authority, and any board, commission, or other authority created by the Province or the Legislature which levies or has the right to levy taxes, rates, license fees or royalties and includes the Crown in right of the Province levying, in unorganized territories, local taxes or taxes upon income derived from mining operations or income derived from logging operations, or both, for the purpose of raising revenues for local purposes;
- (o) "natural resources" means lands and waters, and any rights to or interests in lands and waters, vested in the Crown in right of



the Province, including forests, minerals, petroleum and natural gas on or in such lands and waters and rights vested in the Crown in the said right to take wild animals and fish on or in such lands and waters;

- (p) "person" or any word or expression descriptive of a person, includes any body corporate or politic, and the heirs, executors, administrators or other legal representative of such person, according to the law of that part of Canada to which the context extends;
- (q) "population" for any year means the said population on the first day of June in the said year;
- (r) "processing" includes milling, concentrating, smelting, refining, fabricating, transporting or distributing but, when applied to mineral ore, does not include any of those operations that are performed with respect to the mineral ore before its removal from the mine;
- (s) "rental" means a charge imposed on a person in respect of the occupation or use by him of a natural resource, whether improved or unimproved, including the use of water or water power sites, without severance, taking, extraction or removal thereof or of any part thereof, the real intent and purpose of which charge is to compensate for the value of such occupation or use;
- (t) "royalty" means a charge
  - (i) required to be paid by a person in respect of any right conferred on or vested in him to sever, take, extract or remove any thing forming part of the natural resources of the Province including therein timber, mineral ore, petroleum and natural gas, and wild animals or fish the right to take which forms part of the said natural resources,
  - (ii) the amount of which is determined by reference to the quantity or value or both of the thing that he severs, takes, extracts or removes, or alternatively, in the case of mineral ore, the value at market prices of the minerals contained therein, after extraction therefrom, and
  - (iii) the real intent and purpose of which is to compensate the Province for the value in whole or in part of the said thing prior to its severance, taking, extraction or removal;

but does not include a charge, the amount of which is determined in relation to the profits or gross receipts derived by the said person from the sale of products produced by the processing or manufacturing of the said thing unless provision is made for a reasonable deduction from the profits or gross receipts in determining the amount of the charge, in respect of the costs and value added to the said thing by reason of the processing or manufacturing for the purpose of eliminating, in the determination of the amount of the charge, any value added to the said thing by the said processing or manufacturing;

- (u) "security" means any mortgage, bond, debenture, stock, share or any document constituting evidence of title to or interest in capital assets, property, profits, earnings or royalties of any person or corporation;
- (v) "statutory subsidies" means the payments required to be made by Canada to the Province under The British North America Acts 1867 to 1951 and the Provincial Subsidies Act, R.S.C. 1927, Chapter 192;
- (w) "The Dominion Succession Duty Act" means The Dominion Succession Duty Act of Canada as amended from time to time or any enactment substituted therefor or in the place thereof, and includes the regulations made thereunder;

- (x) "value of gross national product" in any year means the total value at market prices of all goods and services produced in that year by the labour, capital and enterprise of persons resident in Canada as determined by the Dominion Statistician (the value so determined being known as "the value of gross national products at market prices") minus the amount that the Dominion Statistician determines to be the component thereof representing indirect taxes after first deducting from such taxes the amount of any subsidies by governments towards current cost of production;
- (y) "Wartime Tax Agreement" means the agreement entered into between Canada and the Province dated 30th day of March, 1942;
- (z) a reference to the book entitled "National Accounts, Income and Expenditure, 1926-1950" is a reference to the book so entitled published in December, 1951, by authority of the Right Honourable C. D. Howe, M.P., Minister of Trade and Commerce;
- (aa) words importing the masculine gender include the feminine and the neuter;
- (bb) words in the singular include the plural, and words in the plural include the singular; and
- (cc) a reference to a calendar year immediately preceding a fiscal year means the last complete calendar year prior to the beginning of the fiscal year.

(2) For the purposes of this agreement, Newfoundland shall be deemed to have been at all times a part of Canada.

(3) For the purposes of this agreement, all the taxes imposed by the enactments enumerated in Appendix "A" not being individual income taxes or corporation income taxes shall be deemed to be corporation taxes, and all the taxes imposed by the enactments enumerated in Appendix "B" shall be deemed for such purpose not to be corporation taxes, corporation income taxes or individual income taxes.

(4) In this agreement, where reference is made to a clause, paragraph, subparagraph, section, appendix or other provision without anything in the context to indicate that a provision in some other agreement, statute or instrument is intended to be referred to, the reference shall be deemed to be a reference to a provision of this agreement, and, unless the context otherwise requires, where reference is made to a paragraph, subparagraph or section, the reference shall be deemed to be a reference to a paragraph, subparagraph or section of the clause or paragraph, as the case may be, in which the reference is made.

IN WITNESS WHEREOF the Honourable Douglas Charles Abbott, Minister of Finance, has hereunto set his hand on behalf of Canada, and the Honourable Leslie M. Frost, Provincial Treasurer, has hereunto set his hand on behalf of the Province.

Signed on behalf of Canada by the Honourable Douglas Charles Abbott, Minister of Finance, in the presence of }  
 .....  
 Minister of Finance

Signed on behalf of the Province of Ontario by the Honourable Leslie M. Frost, Provincial Treasurer, in the presence of }  
 .....  
 Provincial Treasurer

## APPENDIX A

*To the Agreement between the Government of Canada and the Government of Ontario, dated the \_\_\_\_\_ day of \_\_\_\_\_, 1952.*

The Corporations Tax Act, R.S.O. 1950, c. 72  
 The Income Tax Act (Ontario), R.S.O. 1937, c. 25  
 The Income Tax Act, R.S.O. 1950, c. 175  
 The Insurance Act, R.S.O. 1950, c. 183, ss. 288 and 293 (9)

## APPENDIX B

*To the Agreement between the Government of Canada and the Government of Ontario, dated the \_\_\_\_\_ day of \_\_\_\_\_, 1952.*

The Administration of Justice Expenses Act, R.S.O. 1950, c. 5  
 The Apprenticeship Act, R.S.O. 1950, c. 19  
 The Arbitration Act, R.S.O. 1950, c. 20  
 The Artificial Insemination Act, R.S.O. 1950, c. 23  
 The Assessment Act, R.S.O. 1950, c. 24  
 Gross revenue tax on telephone companies and telephone businesses not to exceed four per cent.  
 The Assignment of Book Debts Act, R.S.O. 1950, c. 25  
 The Athletics Control Act, R.S.O. 1950, c. 27  
 The Auxiliary Classes Act, R.S.O. 1950, c. 29  
 The Beach Protection Act, R.S.O. 1950, c. 32  
 The Beaches and River Beds Act, R.S.O. 1950, c. 33  
 The Blind Workmen's Compensation Act, R.S.O. 1950, c. 37  
 The Boards of Education Act, R.S.O. 1950, c. 38  
 The Boilers and Pressure Vessels Act, 1951, 1951, c. 7  
 The Bread Sales Act, R.S.O. 1950, c. 39  
 The Burlington Beach Act, R.S.O. 1950, c. 43  
 The Collection Agencies Act, R.S.O. 1950, c. 56  
 The Community Centres Act, R.S.O. 1950, c. 58  
 The Companies Act, R.S.O. 1950, c. 59  
 The Companies Information Act, R.S.O. 1950, c. 60  
 The Conditional Sales Act, R.S.O. 1950, c. 61  
 The Conservation Authorities Act, R.S.O. 1950, c. 62  
 The Continuation Schools Act, R.S.O. 1950, c. 66  
 The Corporation Securities Registration Act, R.S.O. 1950, c. 71  
 The Credit Unions Act, R.S.O. 1950, c. 79  
 The Crown Timber Act, R.S.O. 1950, c. 82  
 The Crown Timber Act, 1952, 1952, c. 15  
 The Cullers Act, R.S.O. 1950, c. 84  
 The Custody of Documents Act, R.S.O. 1950, c. 85  
 The Dairy Products Act, R.S.O. 1950, c. 86  
 The Damage by Fumes Arbitration Act, R.S.O. 1950, c. 87  
 The Department of Municipal Affairs Act, R.S.O. 1950, c. 96  
 The Ditches and Watercourses Act, R.S.O. 1950, c. 105  
 The Dog Tax and Live Stock Protection Act, R.S.O. 1950, c. 107  
 The Employment Agencies Act, R.S.O. 1950, c. 114  
 The Extra-provincial Corporations Act, R.S.O. 1950, c. 124  
 The Factory, Shop and Office Building Act, R.S.O. 1950, c. 126  
 The Farm Products Containers Act, R.S.O. 1950, c. 129  
 The Farm Products Grades and Sales Act, R.S.O. 1950, c. 130  
 The Farm Products Marketing Act, R.S.O. 1950, c. 131  
 The Ferries Act, R.S.O. 1950, c. 135  
 The Fire Marshals Act, R.S.O. 1950, c. 140  
 The Forest Fires Prevention Act, R.S.O. 1950, c. 144  
 The Forest Resources Regulation Act, R.S.O. 1950, c. 146  
 The Game and Fisheries Act, R.S.O. 1950, c. 153  
 The Gasoline Handling Act, R.S.O. 1950, c. 156  
 The Gasoline Tax Act, R.S.O. 1950, c. 157  
 The High Schools Act, R.S.O. 1950, c. 165  
 The Highway Improvement Act, R.S.O. 1950, c. 166  
 The Highway Traffic Act, R.S.O. 1950, c. 167  
 The Hospitals Tax Act, R.S.O. 1950, c. 170

- The Insurance Act, R.S.O. 1950, c. 183 (except ss. 288 and 293 (9) ).  
 The Investment Contracts Act, R.S.O. 1950, c. 187  
 The Judges' Orders Enforcement Act, R.S.O. 1950, c. 189  
 The Jurors Act, R.S.O. 1950, c. 191  
 The Lakes and Rivers Improvement Act, R.S.O. 1950, c. 195  
 The Land Transfer Tax Act, R.S.O. 1950, c. 198  
 The Law Stamps Act, R.S.O. 1950, c. 201  
 The Lightning Rods Act, R.S.O. 1950, c. 206  
 The Limited Partnership Act, R.S.O. 1950, c. 208  
 The Liquor Control Act, R.S.O. 1950, c. 210  
 The Liquor Licence Act, R.S.O. 1950, c. 211  
 The Live Stock and Live Stock Products Act, R.S.O. 1950, c. 212  
 The Live Stock Branding Act, R.S.O. 1950, c. 213  
 The Loan and Trust Corporations Act, R.S.O. 1950, c. 214  
 The Local Improvement Act, R.S.O. 1950, c. 215  
 The Logging Tax Act, R.S.O. 1950, c. 216  
 The Long Point Park Act, R.S.O. 1950, c. 217  
 The Marriage Act, R.S.O. 1950, c. 222  
 The Mechanics' Lien Act, R.S.O. 1950, c. 227  
 The Milk Control Act, R.S.O. 1950, c. 233  
 The Mills Licensing Act, R.S.O. 1950, c. 234  
 The Mining Act, R.S.O. 1950, c. 236  
 The Mining Tax Act, R.S.O. 1950, c. 237—so long as the tax under section 4 continues to be levied on income from mining operations as defined in this Agreement.  
 The Mortgage Tax Act, R.S.O. 1950, c. 240  
 The Mercantile and Charitable Uses Act, R.S.O. 1950, c. 241  
 The Municipal Health Services Act, R.S.O. 1950, c. 250  
 The Natural Gas Conservation Act, R.S.O. 1950, c. 251  
 The Niagara Parks Act, R.S.O. 1950, c. 253  
 The Official Notices Publication Act, R.S.O. 1950, c. 257  
 The Ontario Municipal Board Act, R.S.O. 1950, c. 262  
 The Pawnbrokers Act, R.S.O. 1950, c. 272  
 The Prepaid Hospital and Medical Services Act, R.S.O. 1950, c. 285  
 The Presqu'île Park Act, R.S.O. 1950, c. 286  
 The Private Detectives Act, R.S.O. 1950, c. 287  
 The Private Hospitals Act, R.S.O. 1950, c. 289  
 The Private Sanitaria Act, R.S.O. 1950, c. 290  
 The Provincial Auctioneers Act, R.S.O. 1950, c. 296  
 The Provincial Land Tax Act, R.S.O. 1950, c. 298  
 The Provincial Parks Act, R.S.O. 1950, c. 300  
 The Public Commercial Vehicles Act, R.S.O. 1950, c. 304  
 The Public Libraries Act, R.S.O. 1950, c. 310  
 The Public Officers' Fees Act, R.S.O. 1950, c. 312  
 The Public Parks Act, R.S.O. 1950, c. 314  
 The Public Schools Act, R.S.O. 1950, c. 316  
 The Public Service Act, R.S.O. 1950, c. 317  
 The Public Trustee Act, R.S.O. 1950, c. 319  
 The Public Utilities Act, R.S.O. 1950, c. 320  
 The Public Vehicles Act, R.S.O. 1950, c. 322  
 The Pulpwood Conservation Act, R.S.O. 1950, c. 325  
 The Race Tracks Tax Act, R.S.O. 1950, c. 327  
 The Racing Commission Act, R.S.O. 1950, c. 329  
 The Railway Fire Charge Act, R.S.O. 1950, c. 330  
 The Real Estate and Business Brokers Act, R.S.O. 1950, c. 332  
 The Sanatoria for Consumptives Act, R.S.O. 1950, c. 346  
 The Securities Act, R.S.O. 1950, c. 351  
 The Security Transfer Tax Act, R.S.O. 1950, c. 352  
 The Separate Schools Act, R.S.O. 1950, c. 356  
 The Statute Labour Act, R.S.O. 1950, c. 372  
 The Stock Yards Act, R.S.O. 1950, c. 376  
 The Succession Duty Act, R.S.O. 1950, c. 378  
 The Surrogate Courts Act, R.S.O. 1950, c. 380  
 The Teachers' Superannuation Act, R.S.O. 1950, c. 384  
 The Telephone Act, R.S.O. 1950, c. 387  
 The Theatres and Cinematographs Act, R.S.O. 1950, c. 389  
 The Tourist Establishments Act, R.S.O. 1950, c. 393  
 The Town Sites Act, R.S.O. 1950, c. 394  
 The Transportation of Fowl Act, R.S.O. 1950, c. 397

The Travelling Shows Act, R.S.O. 1950, c. 398  
 The Unwrought Metal Sales Act, R.S.O. 1950, c. 404  
 The Vacant Land Cultivation Act, R.S.O. 1950, c. 405  
 The Vital Statistics Act, R.S.O. 1950, c. 412  
 The Vocational Education Act, R.S.O. 1950, c. 413  
 The Weed Control Act, R.S.O. 1950, c. 421  
 The Well Drillers Act, R.S.O. 1950, c. 423  
 The Workmen's Compensation Act, R.S.O. 1950, c. 430

And any other enactment or law of the Province imposing a tax consistent with this agreement.

Notwithstanding anything contained in paragraph (3) of clause 16, any increase in a fee imposed or fixed pursuant to authority conferred by an enactment listed in this appendix shall, if the fee would have been a corporation tax but for the inclusion in this appendix of the enactments pursuant to which it is imposed or fixed, be subject to the limitations imposed by section (i) of subparagraph (b) of paragraph (1) of clause 16.

Notwithstanding anything in this agreement, where an enactment enumerated in this Appendix empowers the Province or a municipality to impose a tax, fee, royalty or other levy without defining the basis upon which it may be imposed or limiting the amount, the Province will not impose or permit a municipality to impose a corporation tax, corporation income tax or individual income tax as defined in this agreement.

Any Act superseding and replacing any of the Acts listed in Appendix B shall be deemed to be included in Appendix B unless the principles and quantum of taxation in the superseding Act differ from those in the Act superseded, in which event the definitions in section sixteen of the Agreement shall apply.

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BILL.

An Act respecting an Agreement between  
the Government of Canada and the  
Government of Ontario for the Suspension  
of Certain Taxing Acts by Ontario

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*1st Reading*

October 20th, 1952

*2nd Reading*

*3rd Reading*

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MR. FROST (Victoria)

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2ND SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## **BILL**

**An Act respecting an Agreement between the Government of  
Canada and the Government of Ontario for the Suspension  
of Certain Taxing Acts by Ontario**

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MR. FROST (Victoria)

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No. 2

1952  
(2nd Sess.)

# BILL

## An Act respecting an Agreement between the Government of Canada and the Government of Ontario for the Suspension of Certain Taxing Acts by Ontario

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

- 1.** The Treasurer of Ontario is authorized on behalf of Her Majesty the Queen in right of Ontario to sign an agreement between the Government of Canada and the Government of Ontario in the form set out in the Schedule to this Act or in such other form or to such other effect as the Lieutenant-Governor in Council may approve. Authority to sign agreement
- 2.** When the agreement mentioned in section 1 is signed by the Treasurer of Ontario under the authority of this Act and by the Minister of Finance for Canada under the authority of the Parliament of Canada, it is valid and is binding upon Her Majesty the Queen in right of Ontario. When deemed to be valid and binding upon Ontario
- 3.** *The Income Tax Act* (Ontario), being chapter 25 of the Revised Statutes of Ontario, 1937, is repealed as of the 1st day of January, 1952. R.S.O. 1937, c. 25, repealed
- 4.** No tax shall be levied under *The Income Tax Act* upon income of the calendar years 1952, 1953, 1954, 1955 and 1956 and no person shall be required, without a demand in writing from the Treasurer of Ontario or a person thereunto authorized by the Treasurer, to file returns under that Act in respect of income of those years. Personal income tax suspended Rev. Stat., c. 175
- 5.**—(1) No tax shall be levied under sections 14 and 15 of *The Corporations Tax Act* on income of the calendar years 1952, 1953, 1954, 1955 and 1956. Corporation income tax suspended Rev. Stat., c. 72

(2) Nothing in this section affects the levy of the tax under sections 14 and 15 of *The Corporations Tax Act* on the income of a corporation the fiscal year of which does not coincide Idem

with the calendar year but ends in the calendar year 1952, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year that are in the calendar year 1952 bears to the total number of days of such fiscal year.

Idem

Rev. Stat.,  
c. 72

(3) Nothing in this section affects the levy of the tax under sections 14 and 15 of *The Corporations Tax Act* on the income of a corporation the fiscal year of which does not coincide with the calendar year but ends in the calendar year 1957, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year that are in the calendar year 1956 bears to the total number of days of such fiscal year.

Other  
corporation  
taxes  
suspended

6. Subject to section 5, no tax that becomes due and payable under *The Corporations Tax Act* after the 31st day of December, 1951, and before the 1st day of January, 1957, shall be levied.

Fiscal  
years of  
companies

7.—(1) Notwithstanding subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company the fiscal year or other fiscal period of which ended on a day of the calendar year 1950 shall, for the purposes of this Act, be deemed to have ended the fiscal year next following exactly twelve months after the close of the first-mentioned fiscal year or other fiscal period.

Idem

(2) Subsection 1 does not apply to a company that ceased to have an office or to hold assets or to transact business in Ontario or the existence of which was terminated on a day of the calendar year 1951.

Idem

(3) Notwithstanding subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company the fiscal year or other fiscal period of which ended on a day of the calendar year 1951 shall, for the purposes of this Act, be deemed to end its fiscal year in the calendar year 1957 on the same day in such year as its fiscal year or other fiscal period ended in the calendar year 1951.

Idem

(4) Except as provided by subsection 3 and notwithstanding subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company incorporated on or after the 1st day of January, 1951, shall, for the purposes of this Act, be deemed to end its fiscal year ending in the calendar year 1957 on the day in that year exactly twelve months or a multiple of twelve months following the day on which it was incorporated.

Idem

(5) Subsections 3 and 4 do not apply to the last fiscal period of a company that ceased to have an office or to hold assets

or to transact business in Ontario or the existence of which was terminated on a day of the calendar year 1957.

**8.** No tax shall be levied under section 288 and subsection 9 of section 293 of *The Insurance Act* on premiums or deposits collected during the calendar years 1952, 1953, 1954, 1955 and 1956 from subscribers in respect of risks located in Ontario. Reciprocal exchanges Rev. Stat., c. 183

**9.** The Treasurer of Ontario is authorized, for the purpose of carrying out the terms of the agreement mentioned in section 1, to make refunds of taxes referred to therein without interest. Refunds authorized

**10.**—(1) There shall be set apart from the Consolidated Revenue Fund on the 31st day of December in each of the calendar years 1952, 1953, 1954, 1955 and 1956 the sum of \$250,254.58 and the sum so set apart shall, on the 31st day of December in each of such years, be credited to the cities, towns and villages and organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding census taken under the authority of the Parliament of Canada, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this section, and such sum shall be in lieu of the sum to be set apart from the Consolidated Revenue Fund under subsection 1 of section 46 of *The Corporations Tax Act*. Distribution of subsidy to municipalities

(2) Subsections 2, 3, 4, 5 and 6 of section 46 of *The Corporations Tax Act* apply to the sum of \$250,254.58 to be set apart under subsection 1. Application of Rev. Stat., c. 72, s. 46, subs. 2-6

**11.** The Lieutenant-Governor in Council may terminate the agreement mentioned in section 1 in accordance with its terms. Termination of agreement

**12.**—(1) This Act, except sections 3 to 11, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3 to 11 come into force on the day that the agreement mentioned in section 1 becomes valid and binding under section 2. Idem

**13.** This Act may be cited as *The Corporations and Income Taxes Suspension Act, 1952*. Short title



## COVENANT BY THE PROVINCE

2. Subject as hereinafter provided,
- (a) the Province will not impose or permit any municipality to impose
- (i) individual income taxes or corporation income taxes on income of the period commencing on January 1, 1952, and ending on December 31, 1956, or
  - (ii) corporation taxes on corporations payable during, or in respect of any act, matter or thing done, occurring, arising or any operations or activities carried on during, the said period;
- (b) without restricting the generality of subparagraph (a), the Province will take such action as is necessary to ensure that neither the Province nor any municipality will assess, levy, or collect any of the taxes therein mentioned in or in respect of the period therein mentioned and in particular, but not so as to restrict the generality of the foregoing, will repeal, suspend or nullify or cause to be or to remain repealed, suspended or nullified, during the said period the enactments enumerated in Appendix "A" imposing the taxes mentioned in the said subparagraph and any other enactments of the Province providing for the imposition of the said taxes, and will not, during the said period amend, revise, re-enact or bring into operation any of the said enactments or enact any new enactments in the place thereof; and
- (c) the Province will not impose or permit any municipality to impose any tax on any security or any other tax that would have the effect of evading the true intent and purpose of this agreement which is, except as specifically provided in this agreement, to secure the sole occupancy of the individual income, corporation income and corporation tax fields to Canada during the period mentioned in subparagraph (a).

## NATURAL RESOURCES

3.—(1) Notwithstanding anything contained in clause two, the Province may, during the period commencing on January 1, 1952, and ending on December 31, 1956, impose, levy and collect royalties and rentals on or in respect of natural resources within the Province.

(2) Notwithstanding anything contained in clause two, the Province and any municipality authorized by the Province may, during the period mentioned in paragraph one of this clause, impose, levy and collect taxes on income derived from mining operations or income derived from logging operations, or from both, carried on in the Province during the said period, but the Province will not permit a municipality to impose such a tax except in lieu of a tax on property or on any interest in property, other than residential property or any interest therein, of the person carrying on the said mining or logging operations.

(3) Canada will allow as a deduction in computing income under The Income Tax Act of the period mentioned in paragraph one of this clause, royalties and rentals, and taxes, mentioned in paragraphs one and two of this clause, respectively.

## COMPUTATION AND MANNER OF PAYMENT

## DETERMINATION OF PAYMENT

4.—(1) The guaranteed minimum annual amount referred to in clause one is \$101,801,370, being the sum of the following amounts:

- (a) the amount of \$14,691,850, being the estimated yield of an individual income tax of 5% of the individual income tax payable to Canada by residents of the Province for the taxation year 1948;

- (b) the amount of \$67,565,566, being the estimated yield of a corporation income tax of  $8\frac{1}{2}\%$  on the income of corporations attributable to their operations in the Province in the taxation year 1948;
- (c) the amount of \$16,388,947, being the average annual amount of revenue received by the Province under the Succession Duty Act in the fiscal years of the Province ending in 1947, 1948 and 1949; and
- (d) the amount of \$3,155,007, being the amount of statutory subsidies payable by Canada to the Province in respect of the calendar year 1948.

(2) The adjusted annual amount referred to in clause one will, in respect of a fiscal year, be an amount determined with reference to the calendar year immediately preceding that fiscal year, such amount being the greater of

- (a) the guaranteed minimum annual amount, or
- (b) the amount that is the product of \$101,801,370 (the guaranteed minimum annual amount) and the product obtained by multiplying
  - (i) the ratio that the value of the gross national product per capita in that calendar year bears to the said value in the calendar year 1948,

by

- (ii) the ratio that the population of the Province for that calendar year bears to the said population for the calendar year 1948, which, it is agreed, was 4,359,695 persons.
- (3) For the purposes of paragraph two of this clause,
- (a) the ratio that the population of the Province for each of the calendar years 1951, 1952, 1953, 1954 and 1955 bears to the said population for the calendar year 1948 shall be the said ratio as certified by the Dominion Statistician, and for the purpose of computing the said ratio, the population of the Province shall be,
    - (i) for the calendar year 1951, 4,597,542 persons, being the population of the Province as ascertained by the census thereof taken in that year, and
    - (ii) for each of the calendar years 1952, 1953, 1954 and 1955, the population of the Province as estimated by the Dominion Statistician, and where a census is taken in the Province in the calendar year 1956, the population of the Province for each of those years as computed by the Dominion Statistician on the assumption that the population changed uniformly in each year succeeding the calendar year 1951 by one-fifth of the number of persons by which the population in the calendar year 1956, as ascertained by the census thereof, differed from the population in the calendar year 1951;
  - (b) the population of Canada, for the purpose of computing the gross national product per capita, shall be,
    - (i) for the calendar year 1948, 13,283,728 persons, being the sum of the populations of the Provinces of Canada, Newfoundland, and the Yukon and Northwest Territories, computed by the Dominion Statistician on the assumption that the population of each province changed uniformly in each year between 1942 or the year of the census last preceding the year 1948, whichever was later, and the population of 1951 as ascertained by the census thereof, and that for the purpose of such com-

putation the 1948 population of Newfoundland was 344,694 persons, of the Yukon Territory was 7,731 persons, and of the Northwest Territories was 14,669 persons,

- (ii) for the calendar year 1951, 14,009,429 persons, being the population as ascertained by the census thereof taken in that year, and
- (iii) for each of the calendar years 1952, 1953, 1954 and 1955, the sum of the populations of the Provinces of Canada, the Yukon Territory and the Northwest Territories in that year, the population of each such Province or Territory to be the population thereof as estimated by the Dominion Statistician or in the case of a Province or Territory in which a census is taken in the calendar year 1956, the population thereof as computed by the Dominion Statistician on the assumption that the population changed uniformly in each year succeeding the calendar year 1951 by one-fifth of the number of persons by which the population in the calendar year 1956, as ascertained by the census thereof, differed from the population in the calendar year 1951; and
- (c) the ratio that the value of the gross national product per capita in any calendar year bears to the said value in the calendar year 1948 shall be the said ratio as certified by the Dominion Statistician pursuant to estimates of the said values made by him on February 28, 1957.

(4) For the purpose of establishing the ratios to be certified by the Dominion Statistician under this clause in respect of the value of gross national product per capita, any part of a dollar included in the value of gross national product per capita shall be expressed as a decimal fraction of five digits after the decimal point, and, in any certificate provided by the Dominion Statistician under this clause, the ratios therein mentioned in respect of the population of the Province and of the value of gross national product per capita shall be expressed as the percentage that the said population and value, respectively, for the later relevant year, are of the said population and value, respectively, for the earlier relevant year and a fractional part of one per cent. shall be expressed as a decimal fraction of five digits after the decimal point.

#### DEDUCTIONS IN RESPECT OF SUCCESSION DUTY CREDITS

5.—(1) As the Province does not in this agreement undertake to refrain from levying succession duties, the Province will pay to Canada an amount equal to the amount of all succession duty credits arising out of deaths occurring during the five fiscal years mentioned in clause one, the payment to be made

- (a) by deductions, as provided in this clause, from amounts otherwise payable by Canada to the Province under this agreement, and
- (b) by payments by the Province to Canada as provided in this clause.

(2) Forthwith after June 15 in each fiscal year mentioned in clause one, the Minister of National Revenue of Canada will furnish to the Province his certificate setting forth the total amount of succession duty credits allowed by Canada in the three fiscal years immediately preceding the said fiscal year irrespective of the times of the deaths out of which the said credits arose and an amount equal to one-third of the total amount of the succession duty credits set out in the certificate shall be deducted as hereinafter provided from the amount payable by Canada to the Province under clause seven in that fiscal year, it being considered that the amount so computed will approximate the amount of the succession duty credits that will eventually be allowed by Canada in respect of deaths occurring in that year.

(3) In each of the fiscal years mentioned in clause one, there shall be deducted from each quarterly payment to be made in that year under

paragraph four of clause seven, one-quarter of the amount to be deducted in that year under paragraph two of this clause and the fourth deduction in respect of the fiscal year ending in 1957 shall be made from the amount payable by Canada to the Province under paragraph nine of clause seven.

(4) The amount of any deduction made under paragraph three and the amount to be deducted under that paragraph from the amount payable under paragraph nine of clause seven shall be deducted from the amount payable by Canada to the Province under clause one.

(5) On or before June 15 in the year 1957 and each subsequent year, the Minister of National Revenue of Canada will deliver to the Province his certificate setting forth the amount of succession duty credits allowed by Canada on or before March 31 immediately preceding the delivery of the certificate, arising out of deaths occurring in the five fiscal years mentioned in clause one, and the Province will, on June 30 of that year, pay to Canada the amount, if any, by which

(a) the aggregate of the succession duty credits as disclosed in the certificate

exceeds

(b) the aggregate of the deductions made pursuant to paragraph three and the payments theretofore made under this paragraph,

with interest on the said amount at the rate of 3% per annum from December 31, 1954, to the date of payment.

(6) When the Minister of National Revenue of Canada determines finally the total amount of succession duty credits that Canada may allow as a result of deaths occurring in the five fiscal years mentioned in clause one, he shall furnish to the Province a final certificate setting forth

(a) the total amount of the succession duty credits allowed by Canada as a result of deaths occurring in the five fiscal years mentioned in clause one, and

(b) the aggregate of the deductions made pursuant to paragraph three and the payments, if any, by the Province pursuant to paragraph five,

and if the amount specified in subparagraph (a) exceeds the amount specified in subparagraph (b), the Province will forthwith pay to Canada the amount of the excess with interest thereon at the rate of 3% per annum from December 31, 1954, to the date of payment, and if the amount specified in subparagraph (b) exceeds the amount specified in subparagraph (a), Canada will forthwith pay to the Province the amount of the excess with interest thereon at 3% per annum from December 31, 1954, to the date of payment.

(7) In this clause "succession duty credits" means the amounts that have been and will hereafter be allowed by Canada as a deduction from succession duty otherwise payable by any person under The Dominion Succession Duty Act in respect of succession duties paid to the Province.

#### DEDUCTION OF CERTAIN CORPORATION INCOME TAX REVENUE LOSSES FROM THE PAYMENT

6.—(1) Where, during the period commencing on January 1, 1952 and ending on December 31, 1956,

(a) the whole or any part of the business or undertaking or of the property or assets employed in the business or undertaking of a corporation that is subject to tax under The Income Tax Act is acquired

(i) by Her Majesty in right of the Province or by any agent or servant of Her Majesty in such right,



- (ii) by any municipality or any public authority in the Province the income of which is exempt from taxation under the said Act, or
  - (iii) by any incorporated company the income of which is exempt from taxation under paragraph (d) of subsection one of section fifty-seven of the said Act, or any enactment in the place thereof to the like effect, by reason of ownership of stock by Her Majesty in right of the Province or any agent, servant, municipality, or public authority aforesaid,
- with the result that the said corporation ceases to carry on business, or
- (b) the stock of a corporation is so acquired with the result that the income of the corporation thereupon becomes exempt from taxation under paragraph (d) of subsection one of section fifty-seven of the said Act or any enactment in place thereof to the like effect, or
  - (c) voting shares of a corporation are so acquired with the result that a majority of the said shares is held by Her Majesty in right of the Province or any agent, servant, municipality, public authority, or incorporated company aforesaid, or
  - (d) the whole or any part of the business or undertaking or of the property or assets of a corporation as aforesaid is so acquired or is acquired by a corporation the majority of the voting shares of which are held by Her Majesty in right of the Province or any agent, servant, municipality, public authority, or incorporated company aforesaid, but the corporation does not as a result cease to carry on business,

the loss of revenue under the said Act, computed as provided in this clause, sustained by Canada as a result of the said acquisition in respect of any taxation year or part of a taxation year of the said corporation during the remainder of the said period after the said acquisition, may be deducted in the manner hereinafter provided from the payments remaining to be paid by Canada to the Province under this agreement or shall as hereinafter provided be paid by the Province to Canada.

(2) For the purposes of this clause, in the case of an acquisition mentioned in subparagraph (a) or (b) of paragraph one of this clause, the loss of revenue sustained by Canada in respect of any taxation year of a corporation shall be the amount of the tax that Canada would have been entitled to receive under The Income Tax Act in respect of the said year but for such acquisition, at the rate of tax applicable in the said year, if the income of the corporation during the said year had been the average annual income of the corporation during the last three complete taxation years prior to the said acquisition, or if the business or undertaking of the corporation was not carried on or operated during the whole of the said three years, the average annual income of the corporation during such portion thereof as the business was carried on or operated.

(3) For the purposes of this clause in the case of an acquisition mentioned in subparagraph (c) of paragraph one of this clause, the loss of revenue sustained by Canada in respect of any taxation year of a corporation shall be the amount by which

- (a) the amount of the tax that Canada would have been entitled to receive in respect of the said year but for such acquisition, computed in the manner described in paragraph two of this clause

exceeds

- (b) the tax that Canada actually becomes entitled to receive under the said Act from the corporation in respect of the said taxation year.

(4) For the purposes of this clause, in the case of an acquisition mentioned in subparagraph (d) of paragraph one of this clause, the loss of revenue sustained by Canada shall be the amount by which the tax actually received by Canada under the said Act from the corporation in respect of the said year is less than the tax Canada would have been entitled to receive but for the acquisition and if the Province and Canada do not agree as to the said amount, it shall be determined by a chartered accountant to be appointed for such purpose by the Minister of Finance of Canada on the recommendation of the President of the Canadian Institute of Chartered Accountants at the request of the Province or Canada.

(5) For the purposes of this clause the amount of the loss of revenue sustained by Canada in respect of a taxation year of a corporation that commences before and ends on or after January 1, 1957, shall be that proportion of the amount of the loss of revenue sustained by Canada in respect of the whole of the said taxation year computed as provided in paragraph two, three or four of this clause, as the case may be, that is the same as the proportion that the number of days in the said taxation year before the said date is of the number of days in the whole of the said year.

(6) The amount of the loss of revenue referred to in paragraph one of this clause sustained by Canada in respect of any taxation year or part of a taxation year of a corporation shall, upon being determined, be deducted from the amount payable under clause one in respect of the fiscal year therein mentioned in respect of which the next following quarterly instalment payable under clause seven is payable, by deducting the said amount in equal shares from the quarterly instalments remaining payable under clause seven at the time of the said determination in respect of the said year.

(7) The Province will pay to Canada an amount equal to any loss of revenue sustained by Canada referred to in paragraph one of this clause that has not been deducted from instalments payable under this agreement by Canada to the Province in the manner hereinbefore in this clause provided, forthwith after payment of the last such instalment if the amount is then determined, or if the amount is not then determined forthwith after the amount thereof is determined.

(8) This clause shall not apply in respect of the acquisition of the business, undertaking, assets, or stock or a company whose chief business is determined by the Minister of National Revenue of Canada to be the generation for distribution to, or the distribution to the public of electrical energy, gas or steam.

#### MANNER OF PAYMENT

7.—(1) For the purpose of estimating the amount payable in respect of a fiscal year mentioned in clause one, the Dominion Statistician will, not later than the fifteenth day of June in the said fiscal year, furnish to the Minister of Finance of Canada and to the Provincial Treasurer of the Province respectively, his certificate setting forth

- (a) the ratio that the population of the Province for each of the two calendar years preceding the said fiscal year bears to the said population for the calendar year 1948 as the said ratio is then estimated by him, and
- (b) the ratio that the value of the gross national product per capita in each such calendar year bears to the value of the gross national product per capita in the calendar year 1948, as the said ratio is then estimated by him,

except that the first certificate furnished under this paragraph need not set forth the said ratios in respect of the calendar year 1950.

(2) The first certificate issued under paragraph one shall describe the difference, if any, between

- (a) the methods and concepts employed by the Dominion Statistician in estimating the values of gross national product in respect of which the ratios mentioned in subparagraph (b) of paragraph one were established, and
- (b) the methods and concepts described in the book entitled "National Accounts, Income and Expenditure, 1926-1950",

and each subsequent certificate issued under paragraph one shall describe the difference, if any, between

- (c) the methods and concepts mentioned in subparagraph (a), and
- (d) the methods and concepts employed in estimating the said values in respect of which the ratios set out in the last preceding certificate issued by him under paragraph one were established.

(3) The amount payable by Canada to the Province under clause one in respect of any fiscal year therein mentioned shall be estimated forthwith after the certificate is furnished under paragraph one in that fiscal year, and, for that purpose, the calculations provided for in paragraph two of clause four shall be made on the basis of the information in that certificate.

(4) Subject to the provisions of this clause and to the deductions provided for in clauses five and six, Canada will pay to the Province on account of the amount finally to be paid in respect of a fiscal year the amount estimated in accordance with paragraph three of this clause to be payable in respect of that fiscal year, in quarterly instalments in the proportions and on the days following:

twenty-five per cent on June 30, of the fiscal year,  
 twenty-five per cent on September 30, next following,  
 twenty-five per cent on December 31, next following,  
 twenty-five per cent on March 31, next following,

except that the instalments that would otherwise be payable on June 30 and September 30, 1952 shall be paid forthwith after the execution of this agreement and the instalment that would otherwise be payable on March 31, 1957 shall be determined and paid in accordance with paragraph nine.

(5) The estimated amount payable under clause one in respect of a fiscal year therein mentioned commencing in the calendar year 1952, 1953, 1954 or 1955, shall be recalculated forthwith after the fifteenth day of June in the next following fiscal year on the basis of the relevant ratios of population and of values of gross national product per capita set out in the certificate of the Dominion Statistician furnished under paragraph one of this clause in the said next following fiscal year.

(6) If the amount estimated to be payable under clause one recalculated in accordance with paragraph five is greater than the said amount as estimated under paragraph three, Canada will be liable to pay to the Province, or if less, the Province will be liable to pay to Canada, at the time for payment of the instalment under this clause next following the said recalculation, the amount of the difference; and if the amount of the difference is payable by the Province to Canada, Canada may deduct the said amount from the said following instalment or any subsequent instalment under this agreement.

(7) The Dominion Statistician will, as soon as is possible after February 28, 1957 but not later than April 15, 1957, furnish to the Minister of Finance of Canada and to the Provincial Treasurer of the Province respectively, his certificate setting forth

- (a) the population of the Province and the population of Canada for each of the calendar years 1951, 1952, 1953, 1954 and 1955, computed as provided in subparagraphs (a) and (b), respectively, of paragraph three of clause four, and the ratio that the population of the Province for each of the said years bears to the population of the Province for the year 1948;

- (b) the value of the gross national product in each such calendar year as then estimated by him and the ratio that the said value per capita in each such calendar year bears to the said value per capita in the year 1948 as then estimated by him; and
- (c) the difference, if any, between the methods and concepts employed by him in estimating the values of the gross national product in respect of which the ratios mentioned in subparagraph (b) of this paragraph were established and the methods employed by him in estimating the said values in respect of which were established the ratios previously certified by him pursuant to which
  - (i) the estimated amount payable under clause one in respect of each of the fiscal years mentioned in paragraph five was recalculated as provided in the said paragraph, and
  - (ii) the estimated amount payable in respect of the fiscal year commencing in the calendar year 1956, was calculated as provided in paragraph three,

and the certificate shall be final and conclusive for the purpose of this agreement.

(8) The total amount payable by Canada to the Province under clause one in respect of the five fiscal years mentioned therein shall be finally calculated forthwith after the certificate is furnished by the Dominion Statistician in accordance with paragraph seven, the said calculations to be made on the basis of the information in the certificate.

(9) Subject to paragraph eleven, Canada will, within fifteen days after the day on which the Dominion Statistician furnishes his certificate under paragraph seven, but not later than April 30, 1957, pay to the Province as a final payment the amount by which

- (a) the total amount payable by Canada calculated under paragraph eight

exceeds

- (b) the aggregate of the payments made on account thereof by Canada to the Province under this Agreement and the amounts, if any, deducted pursuant to clauses five and six,

and payment accordingly shall fully discharge Canada's obligation under clause one.

(10) If the amount specified in subparagraph (b) of paragraph nine exceeds the amount specified in subparagraph (a) thereof, the Province will, on May 15, 1957, pay to Canada an amount equal to the excess.

(11) If on the day on which the final amount is or could otherwise become payable by Canada under paragraph nine any matter affecting the payment by Canada of the final amount or any instalment pursuant to this clause, is before or is about to be submitted to the courts pursuant to clause ten, payment of that amount or that instalment, as the case may be, will be withheld until the matter has been finally decided and the amount in question shall thereafter in whole or in part be paid to the Province or retained by Canada in accordance with the final decision.

(12) For the purpose of establishing the ratios to be certified by the Dominion Statistician under this clause in respect of the value of gross national product per capita, any part of a dollar included in the value of gross national product per capita shall be expressed as a decimal fraction of five digits after the decimal point, and, in any certificate furnished by the Dominion Statistician under this clause, the ratios therein mentioned in respect of the population of the Province and of the value of gross national product per capita shall be expressed as the percentage that the said population and value, respectively, for the later relevant year, are of the

said population and value, respectively, for the earlier relevant year and a fractional part of one per cent shall be expressed as a decimal fraction of five digits after the decimal point.

(13) Any amount payable by the Province to Canada under paragraph ten of this clause or paragraph six of clause five may, if it is not paid, be recovered as a debt due to Canada by way of deduction or set off out of any amount payable by Canada to the Province.

## GENERAL PROVISIONS

### UNDERTAKINGS RESPECTING CERTAIN PROVINCIAL TAXES

8.—(1) The Province and any municipality may, notwithstanding anything contained in clause two, during the period mentioned therein,

- (a) collect individual income taxes, corporation income taxes and corporation taxes, the liability for which arose prior to the time after which the Province agreed in the Wartime Agreement Tax not to impose such taxes and the collection of which by the Province was permitted during the term of the said Wartime Tax Agreement; and
- (b) collect corporation income taxes and corporation taxes the liability for which arose prior to January 1, 1952, and after the period during which the Province agreed, in the Wartime Tax Agreement, not to impose such taxes.

(2) The Province may, notwithstanding anything contained in clause two, enact legislation during the period mentioned in subparagraph (a) thereof to impose or to authorize municipalities to impose the respective taxes therein mentioned and take such action as is necessary to bring into operation enactments suspended or nullified as provided in the said clause if the said legislation and enactments are not to come into operation until after the termination of the period therein mentioned or any earlier date on which this agreement is terminated under clause twelve, and are then to have operation only in respect of individual income or corporation income of periods after they come into operation or impose corporation taxes payable after or in respect of any act, matter or thing done, occurring, arising or any operations or activities carried on after they come into operation.

### UNDERTAKINGS RESPECTING EQUAL TREATMENT OF PROVINCES

9.—(1) If the Province and the government of at least one other province with which Canada has entered into another agreement object thereto, Canada will not enter into an agreement with another province

- (a) that provides for any payment to be made thereunder by Canada to a province that is a party to the agreement (other than payments in respect of, or by way of adjustment of, estimated amounts or deductions) otherwise than under clauses in such other agreement, one of which corresponds to clause one of this agreement and the other of which provides for payments and for the calculation of the amounts thereof in a like manner to clause four except paragraph one thereof, and that are expressed in the same form as clause one and clause four (except paragraph one thereof) respectively, and
- (b) that does not contain, in the said clause that corresponds to clause four, a paragraph corresponding to paragraph one of clause four, in which is fixed, for the purpose of the paragraphs of the said clause that corresponds to the paragraphs of clause four, other than paragraph one thereof, a guaranteed minimum annual payment not exceeding in the case of an agreement with a province named below the amount set out after the name of the province:—

Alberta .....	\$ 20,985,710
British Columbia .....	29,647,487
Manitoba .....	18,634,954
New Brunswick .....	12,576,093
Newfoundland .....	9,174,624
Nova Scotia .....	15,348,220
Ontario .....	101,801,370
Prince Edward Island .....	2,977,015
Quebec .....	85,080,466
Saskatchewan .....	20,026,085

(2) Where Canada has entered into or enters into an agreement with another province and

- (a) any clause of that other agreement corresponding to any clause of this agreement, other than the clause corresponding to clause four of this agreement, is expressed differently from the said corresponding clause of this agreement, or
- (b) any additional clause is contained in that other agreement in respect of which there is no corresponding clause in this agreement, or
- (c) a clause corresponding to any clause of this agreement, other than clause five, is omitted from that other agreement,

the Province is entitled, within ninety days after entry into this agreement or after receiving a copy of such other agreement from Canada, whichever is later, to require that the said clause in this agreement be amended so that it will be expressed in a like manner to the said clause contained in such other agreement and to like effect, or that the said additional clause be included in this agreement, or that the said clause so omitted be omitted from this agreement, respectively, and where this agreement is amended pursuant to this paragraph, the amendment shall have effect between the parties to this agreement from the date on which such other agreement, in respect of which such amendment was made, had effect between the parties thereto.

(3) After entry into this agreement, Canada will, before entry into a proposed agreement with another province, if the proposed agreement provides for any variation in the clauses therein that correspond to clause one and clause four not permitted under paragraph one of this clause, furnish a copy of the proposed agreement to the Provincial Treasurer of the Province and if the Provincial Treasurer of the Province has not notified the Minister of Finance of Canada that the Province objects to entry by Canada into the proposed agreement within thirty days after the receipt of the said copy by him, the Province shall be deemed not to object to entry into the proposed agreement by Canada.

(4) Where Canada enters into an agreement with another province after entry into this agreement, Canada will forthwith furnish a copy of such other agreement to the Provincial Treasurer of the Province.

(5) Where a clause in any other agreement corresponding to a clause in this agreement that applies in respect of the period of five years mentioned in clause one, or in respect of periods of twelve months, comes into operation otherwise than at the commencement of the period of five years or a period of twelve months, as the case may be, paragraphs one and two shall not apply to provisions that are necessary to adapt the clause to the portion of the period of five years or twelve months, as the case may be, remaining after it comes into operation; and paragraph two shall not apply to an appendix in any other agreement corresponding to Appendix "A" or Appendix "B" of this Agreement; and paragraphs one and two do not apply in respect of any provision in another agreement or the omission of any provision, the effect of which is to permit another Province to impose, levy and collect succession duties or to provide a method of discharging obligations by Canada or a Province under the Tax Rental Agreement, 1947, or any agreement ancillary thereto, or to section (i) of subparagraph (b) of paragraph (1) of clause sixteen.

(6) The Minister of Finance of Canada will exercise his best judgment to ensure that the same principles are adhered to in the selection of the enactments included in the appendices in any other agreement entered into after entry into this agreement, corresponding to Appendices "A" and "B" of this agreement, as have been adhered to in the selection of the enactments included in Appendices "A" and "B" of this agreement in accordance with the true intent and purpose of this agreement.

(7) In this clause "agreement with another province," "another agreement" or "other agreement" means an agreement between Canada and the government of a province other than the Province of a like nature to this agreement and having like purposes to this agreement.

#### DISPUTES AND DIFFERENCES

10.—(1) Where either party to this agreement gives notice to the other in writing that in its opinion

- (a) there is disagreement between the parties as to the interpretation of any provision of this agreement or any matter arising therefrom, or
- (b) the other party has contravened or failed to observe a provision of the agreement,

the Province will, within sixty days of delivery of the notice, cause the matter to be referred by the Lieutenant-Governor of the Province to the Court of Appeal of Ontario for hearing and consideration and for the opinion of the court.

(2) A reference under paragraph one shall be in the form of a question for the opinion of the court or other method of defining clearly the matter in issue, in such terms as the parties agree and if they cannot agree, the form and terms of the reference shall be determined by the Chief Justice of the Province upon the application of either party.

(3) Where one of the parties alleges that the other has contravened or failed to observe a provision of this agreement, the reference shall include a request for the opinion of the court as to the steps, if any, that ought to be taken by either or both of the parties in order to place the parties in the position in which they would have been had there been no such contravention or failure.

(4) Where, upon a reference under paragraph one, the opinion of the Court of Appeal of Ontario (or of the Supreme Court of Canada in the case of an appeal therefrom) discloses that the Province has contravened or failed to observe a provision of this agreement, the Province will promptly take such steps as are necessary to give effect to the opinion of the Court of Appeal of Ontario or the Supreme Court of Canada, as the case may be, and to place the parties in the position in which they would have been had there been no such contravention or failure, and to repay or cause to be repaid any money collected by the Province or a municipality by way of tax in contravention of this agreement; but if the Province fails to do so, Canada may, in the manner prescribed in clause twelve, terminate this agreement or may deduct the amount of any tax imposed or collected in contravention of this agreement from any amount payable by Canada to the Province.

(5) Where, upon a reference under paragraph one, the opinion of the Court of Appeal of Ontario (or of the Supreme Court of Canada in the case of an appeal therefrom) discloses that Canada has contravened or failed to observe a provision of this agreement, Canada will promptly take such steps as are necessary to give effect to the opinion of the Court of Appeal of Ontario or the Supreme Court of Canada, as the case may be, and to place the parties in the position in which they would have been had there been no such contravention or failure; but if Canada fails to do so, the Province may, in the manner prescribed in clause twelve, terminate this agreement forthwith.

11.—(1) The procedure in any reference under the provisions of clause ten shall be governed by the rules of the Court of Appeal of Ontario or otherwise shall be such as the court determines.

(2) The parties hereto agree to supply promptly such information as may be required by the Court of Appeal of Ontario for the purposes of a reference under clause ten and will accept as final and binding upon them the opinions of the Court of Appeal of Ontario in any such reference (or of the Supreme Court of Canada in the case of an appeal therefrom) and agree to accept and be governed, in interpreting and carrying out this agreement, by the opinions of the courts of other provinces (or of the Supreme Court of Canada in the case of an appeal therefrom) concerning a matter submitted to them under any other agreement entered into after January 1, 1952, between Canada and a Province of a like nature and having like purposes to this agreement, to the extent that those opinions may be applied in respect of this agreement.

(3) The parties hereto agree that the government of any other Province that has, after January 1, 1952, entered into an agreement of a like nature and having like purposes to this agreement may appear before the courts and be heard as a party to any proceedings consequent upon a reference under clause ten and the Province will accordingly, within ten days of the day on which a matter is referred to the Court of Appeal of Ontario under clause ten, give notice in writing of the reference to each province that has entered into such an agreement with Canada setting out clearly the matters in issue.

(4) Each party to a reference under this provision shall bear its own costs of the reference.

(5) The Province undertakes that it has procured or will, at the session of its Legislature next ensuing after the execution of this agreement, procure the enactment of such legislation as may be necessary

- (a) to ensure that the Court of Appeal of Ontario has jurisdiction to hear, consider and determine a matter referred to it under clause ten,
- (b) to declare, for the purposes of section 37 of the Supreme Court Act, chapter 35 of the Revised Statutes of Canada, 1927, that the opinion of the Court of Appeal of Ontario in respect of a matter referred to it under clause ten is to be deemed a judgment of that court and that an appeal lies therefrom as from a judgment in an action, and
- (c) to enable a Province that has, after January 1, 1952, entered into an agreement of a like nature and having like purposes to this agreement to appear before the courts and be heard as a party in respect of any matter referred to the Court of Appeal of Ontario under clause ten.

#### TERMINATION AFTER REFERENCE TO COURTS

12.—(1) A notice to terminate this agreement given under clause ten shall be given

- (a) in the case of termination by Canada, by notice in writing given by the Minister of Finance of Canada to the Provincial Treasurer of the Province, or
- (b) in the case of termination by the Province, by notice in writing given by the Provincial Treasurer of the Province to the Minister of Finance of Canada.

(2) A notice to terminate this agreement given under clause ten will

- (a) terminate the obligation of the Province not to impose or permit any municipality to impose individual income taxes, corporation income taxes, or corporation taxes, from and after the end of the calendar year in which such notice is given, and



(b) terminate the obligation of Canada

- (i) to make any payments under this agreement in respect of fiscal years mentioned in clause one commencing in the calendar year following the calendar year in which the notice is given or subsequently, and
- (ii) under paragraph three of clause three to allow the deductions in computing income under The Income Tax Act therein mentioned from income of the calendar year following the calendar year in which the notice is given or subsequently.

(3) Termination of the obligations of the Province and of Canada as provided in subparagraphs (a) and (b) of paragraph two respectively shall not affect the operation of any clause of this agreement in respect of the fiscal years and calendar years mentioned in clause one and clause four, prior to or ending at the time of termination of the said obligations, and upon such termination the provisions of this agreement shall, subject to paragraph four of this clause, apply *mutatis mutandis* in respect of the said fiscal years and calendar years as if this agreement had been entered into only for the period of the said years.

(4) Notwithstanding that this agreement becomes applicable, *mutatis mutandis*, in respect of a number of fiscal years less than the five fiscal years mentioned in clause one as provided in paragraph three of this clause the amounts payable in respect of the fiscal years during which this agreement continues in full force and effect and the total amount finally payable by Canada in respect of the said fiscal years shall not be finally computed until the times mentioned in paragraphs seven, eight, nine and ten of clause seven and shall then be computed in the manner provided by clause four in respect of each such fiscal year in accordance with the information contained in the certificate of the Dominion Statistician furnished under paragraph seven of clause seven.

#### TAX CREDITS AFTER EXPIRY OF AGREEMENT

13. Unless the Province otherwise agrees, Canada will, if this agreement has not been terminated under clause twelve,

- (a) allow as a deduction from individual income tax imposed by Canada on income of each of the calendar years 1957, 1958, 1959, 1960 and 1961, of a person who resides or is employed in the Province,
  - (i) individual income tax payable under the laws of the Province on income of the same year, or
  - (ii) five per cent of the amount of the individual income tax imposed by Canada on the said income of that year,

whichever is less, but if individual income tax is imposed on the said income by more than one province the total amount allowed as a deduction in respect of all such taxes shall not exceed the said five per cent;

- (b) allow as a deduction from the duty otherwise payable under The Dominion Succession Duty Act, in respect of a succession to property consequent upon a death during the period commencing on April 1, 1957 and ending on March 31, 1962 an amount in respect of succession duties paid to the Province and the government of any other province in respect of the succession to or transmission of the property consequent upon that death equal to the amount of the duty otherwise payable multiplied by the lesser of:
  - (i) one half, or
  - (ii) the total amount of duties paid under the laws of the Province and the laws of any other province in respect of all property the succession to which is subject to duty under the said Act

consequent upon that death, divided by the total amount of duty otherwise payable under the said Act consequent upon that death in respect of all successions to property on which duties were paid under the laws of the Province or the laws of any other province,

and in this paragraph "duty otherwise payable" means the duty that would be payable under The Dominion Succession Duty Act if there were no provision in that Act to allow a successor to make a deduction under that Act in respect of succession duties paid to a province, and

- (c) allow as a deduction from corporation income tax imposed by Canada on income of a corporation of each of the calendar years 1957, 1958, 1959, 1960 and 1961,
- (i) corporation income tax payable under the laws of the Province on income of the corporation of the same year, or
  - (ii) seven per cent of the taxable income of the corporation that is attributable to the operations of the corporation in the Province in that year in accordance with rules that will hereafter be set out in The Income Tax Act, or regulations made thereunder, including any amendments or modifications of such rules,

whichever is less.

## SAVING CLAUSES

### RELIEF OF UNEMPLOYMENT

14. Nothing contained in this agreement shall be construed as an admission by either party to this agreement that the said party is responsible for the whole or any part of the cost of the relief of unemployment, either during the operation of this agreement or at any other time.

### OTHER AGREEMENTS

15. Nothing contained in this agreement shall be deemed to vary or terminate any of the rights or obligations of the Province or Canada under any agreement heretofore entered into between them or to limit their authority to enter into any further agreement in addition to or by way of amendment to this agreement.

### INTERPRETATION

16.—(1) In this agreement and any appendix thereto, unless the context otherwise requires,

- (a) "census" means a census of population taken by the Dominion Bureau of Statistics;
- (b) "corporation tax" means, subject to paragraph three of this clause, a tax or fee other than a tax on net income but including a tax on gross revenue or any part thereof, the imposing of which singles out for taxation or for discriminatory rates or burdens of taxation corporations, or any class or classes thereof, or any individual corporation or any class of persons that is composed mainly of corporations, either formally or in effect, by imposing a tax or fee on or in respect of any Act, matter or thing or any activities or operations mainly done by, or affecting, or carried on by corporations, or otherwise, except
  - (i) a bona fide and reasonable provincial license, registration, filing or other fee; provided that no fee or a class of fees first charged or imposed after January 1, 1947, shall exceed \$250 per annum for each corporation and no fee charged or imposed on or prior to the said day which is in excess of \$250 per annum for each corporation shall be increased and no fee

charged or imposed on or prior to the said day which is less than \$250 per annum for each corporation shall be increased to an amount in excess of \$250 per annum for each corporation;

- (ii) the fees charged for the incorporation of a company;
- (iii) a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality, or where they are to be exercised or enjoyed only in territory not included in any municipality, by any authority (including the Province) having jurisdiction in such territory;
- (iv) any assessment under The Workmen's Compensation Act;
- (v) a business or occupancy tax based on floor space or on the rental or assessed value of property, imposed by a municipality, or in territory not included in any municipality by any authority (including the Province) having jurisdiction in such territory;
- (vi) any royalty or rental on or in respect of natural resources within the Province;
- (vii) a bona fide and reasonable business or occupancy tax imposed by a municipality or in a territory not included in a municipality by any authority (including the Province) having jurisdiction in such territory on the gross revenue or gross receipts within the municipality or territory from all or part of the business of;
  - (A) a telephone, electric light, electric power, gas, street railway or bus company, in lieu of taxes imposed on power lines, pole lines, towers, cables, wires, conductors, conduits, equipment, mains, tracks and other like property or improvements at a rate not in excess of three per cent (in the case of a telephone company, four per cent) of the gross receipts or gross revenue subject to the tax; or
  - (B) of any other corporation if
    - (I) the tax is imposed under legislation enacted prior to June 27, 1946,
    - (II) the tax is in lieu of such a tax based on floor space or upon the rental or assessed value of property,
    - (III) the tax is imposed on a corporation or class of corporations that is subject to the said tax under legislation enacted prior to June 27, 1946, and
    - (IV) the rate of tax is not in excess of the general tax rate; and
- (viii) a license fee in respect of personal property of a corporation imposed in lieu of a personal property tax that could be levied upon the personal property of the corporation under or pursuant to a provincial statute enumerated in Appendix "B" if
  - (A) the license fee does not exceed the amount that the corporation could be required to pay as a personal property tax in lieu of which the license fee is imposed, and
  - (B) payment of the license fee exempts the corporation from liability to pay the personal property tax in lieu of which the license fee is imposed;

- (c) "corporation income tax" means a tax that is levied on the net income or any part thereof of a corporation but does not include a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality, or where they are to be exercised or enjoyed only in territory not included in any municipality, by any authority (including the Province) having jurisdiction in such territory;
- (d) "Dominion Statistician" includes any person performing the duties of the office of Dominion Statistician during his absence for any reason or while the said office is vacant;
- (e) "fiscal year" means the period of twelve months commencing with the first day of April and ending with the thirty-first day of March next following;
- (f) "income derived from logging operations" by a person in any year means, where logs are acquired and cut in the Province by the person and are delivered to a sawmill, pulp or paper plant or other place for processing or manufacturing logs, or delivered to a carrier for export from Canada, or delivered otherwise
- (i) if they are sold by him in the year prior to or on delivery the net profit or gain derived by him from
    - (A) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting and sale of the logs, or
    - (B) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting, transportation and sale of the logs, or
    - (C) the acquisition, transportation and sale of the logs, and
  - (ii) if they are not sold by him prior to or on delivery but are processed, manufactured or exported from Canada by him in the year, the net profit or gain reasonably deemed to have been derived by him from
    - (A) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting and the transportation of the logs, or
    - (B) the acquisition and transportation of the logs

computed in respect of logs processed, manufactured or exported during the year, by deducting from the value of the logs at the time of delivery the cost of acquiring, cutting and transporting such logs, and
  - (iii) for the purpose of section (ii)
    - (A) "value of the logs" means
      - (I) the fair market value, where such is ascertainable from transactions in logs of similar species and quality and in comparable quantities between persons dealing at arms length, or
      - (II) where the fair market value is not so ascertainable, the amount determined by adding to the aggregate cost of all logs delivered in the year to a pulp or paper plant or sawmill or other place for processing or manufacturing logs or to a carrier for export the portion of the total profit derived by such person from such activities in the year that may reasonably be attributed to the acquiring, cutting, transporting and delivery of such logs or a reasonable

amount per cord or per thousand board feet, as the case may be, of the logs so delivered in respect of such profits, provided that the amount so added shall not exceed

- (a) where the logs are processed or manufactured into pulp or paper, the lesser amount of an appropriate proportion of the following amounts:
  - (i) 35 per cent of the total profit derived by the person from such activities, or
  - (ii) \$4.00 per rough cord or \$8.00 per thousand board feet (according to the basis of measurement used) of the logs so delivered, or
- (b) where the logs are processed or manufactured into lumber or delivered to a carrier for export, the lesser amount of an appropriate proportion of the following amounts:
  - (i) 50 per cent of the profit derived from such activities, or
  - (ii) \$8.00 per thousand board feet, and
- (c) for the purpose of sub-items (a) and (b),
  - (i) the appropriate proportion shall be the portion that the volume of logs cut in the province by the person in the fiscal year, or where the logging period does not coincide with the fiscal year, during the logging period ending in the year, is of the total logs so cut and otherwise obtained by the person in such year, and
  - (ii) profit derived from processing logs into pulp and paper or lumber shall be the total profits from such activities less
    1. returns, if any, received by way of dividends, interest, or other like payments from stock, shares, bonds, debentures, loans or other like investments,
    2. net profit, if any, from the sale of logs as such, and
    3. net profit, if any, from the sale of stumpage or rights to cut timber,
 but before any deduction for taxes on income from logging operations.
- (g) "income derived from mining operations" means the net profit or gain derived or deemed to have been derived from mining operations by a person engaged therein with or without an allowance in respect of depletion and if such a person receives net profit or gain from sources other than mining operations either by reason of the carrying on by him of the processing of mineral ore extracted by him or otherwise, the net profit or gain to be deemed to have been derived by him from mining operations shall not exceed that portion of the total net profit or gain received by him from all sources, determined by deducting from the said total

- (i) the returns received by him by way of dividends, interest or other like payments from stock, shares, bonds, debentures, loans or other like investments;
  - (ii) the net profit or gain, if any, derived by him from, and attributable in accordance with sound accounting principles to, the carrying on of any business, or derived from and so attributable to any source, other than mining operations and the processing and sale of mineral ores or products produced therefrom and other than as a return on investments mentioned in section (i) of this paragraph; and
  - (iii) an amount by way of return on capital employed by him in processing mineral ores or products derived therefrom, equal to eight per cent of the original cost to him of the depreciable assets including machinery, equipment, plant, buildings, works and improvements, used by him in the processing of mineral ore or products derived therefrom but not in excess of sixty-five per cent of that portion of the said total net profit or gain remaining after deducting therefrom the amounts specified in sections (i) and (ii) of this paragraph; provided that, in the case of a person who mines and smelts mineral ores from which metals other than gold, silver or platinum are recovered in amounts exceeding in value five per cent of the total value of metals recovered, the amount to be deducted under this section shall not in any case be a smaller amount than the following proportion of the total net profit or gain remaining after deducting therefrom the amounts specified in sections (i) and (ii):
    - (A) where both copper and nickel are recovered, each in amounts which exceed in value five per cent of the total values of metals recovered . . . . . forty per cent,
    - (B) where both lead and zinc are recovered, each in amounts which exceed in value five per cent of the total value of metals recovered . . . . . thirty per cent,
    - (C) where both copper and zinc are recovered, each in amounts which exceed in value five per cent of the total value of metals recovered . . . . . twenty per cent,
    - (D) in other cases . . . . . fifteen per cent.
- (h) "individual income tax" means any tax imposed upon the net income or gross revenue, or any part thereof, of individuals or partnerships and includes a poll or head tax based on income but does not include:
- (i) a registration fee for the purpose of raising moneys required for a health programme that has been or may be established by the Province or a municipality and that is imposed as a uniform fixed amount per person and that does not vary in relation to income, provided that provisions for
    - (A) a maximum payment in respect of members of a family, based on the number of members of the family,
    - (B) exemption of persons in receipt of income less than a reasonable minimum amount, or
    - (C) a variation of rates based on the age of the persons in respect of whom the fee is required to be paid,
 shall not cause such a fee to be deemed to be a fee imposed other than as a uniform fixed amount per person or to vary in relation to income; or

- (ii) a bona fide and reasonable business or occupancy tax imposed by a municipality, or in a territory not included in a municipality by any authority (including the Province) having jurisdiction in such territory, on the gross revenue or gross receipts within the municipality or territory from all or part of the business,
  - (A) of a telephone, electric light, electric power, gas, street railway or bus business, in lieu of taxes imposed on power lines, pole lines, towers, cables, wires, conductors, conduits, equipment, mains, tracks, and other like property or improvements, at a rate not in excess of three per cent (in the case of a telephone business, four per cent) of the gross receipts or gross revenue subject to the tax, or
  - (B) of any other business if
    - (I) the tax is imposed under legislation enacted prior to June 27, 1946,
    - (II) the tax is in lieu of such a tax based on floor space or upon the rental or assessed value of property,
    - (III) the tax is imposed on a business, or class of business, that is subject to the said tax under legislation enacted prior to June 27, 1946, and
    - (IV) the rate of tax is not in excess of the general tax rate.
- (i) "Income Tax Act" means the Income Tax Act of Canada as amended from time to time or any enactment substituted therefor or in the place thereof and includes the regulations made thereunder;
- (j) "mine" includes any work or undertaking in which mineral ore is extracted or produced including a quarry;
- (k) "minerals" includes gold, silver, rare and precious metals or stones, copper, iron, tin, lead, zinc, nickel, salt, saline deposits, alkali, coal, limestone, granite, slate, marble or other quarriable stone, gypsum, clay marl, gravel, sand and volcanic ash but does not include petroleum or natural gas;
- (l) "mineral ore" includes all unprocessed minerals or mineral-bearing substances;
- (m) "mining operations" means the extraction or production of mineral ore from or in any mine or its transportation to, or any part of the distance to the point of egress from the mine including any processing thereof prior to or in the course of such transportation but not including any processing thereof after removal from the mine;
- (n) "municipality" includes a county, city, town, village, township or improvement district whether incorporated or otherwise established by or under general or special Act of the Legislature or otherwise, school trustees or other school authority, and any board, commission, or other authority created by the Province or the Legislature which levies or has the right to levy taxes, rates, license fees or royalties and includes the Crown in right of the Province levying, in unorganized territories, local taxes or taxes upon income derived from mining operations or income derived from logging operations, or both, for the purpose of raising revenues for local purposes;
- (o) "natural resources" means lands and waters, and any rights to or interests in lands and waters, vested in the Crown in right of

the Province, including forests, minerals, petroleum and natural gas on or in such lands and waters and rights vested in the Crown in the said right to take wild animals and fish on or in such lands and waters;

- (p) "person" or any word or expression descriptive of a person, includes any body corporate or politic, and the heirs, executors, administrators or other legal representative of such person, according to the law of that part of Canada to which the context extends;
- (q) "population" for any year means the said population on the first day of June in the said year;
- (r) "processing" includes milling, concentrating, smelting, refining, fabricating, transporting or distributing but, when applied to mineral ore, does not include any of those operations that are performed with respect to the mineral ore before its removal from the mine;
- (s) "rental" means a charge imposed on a person in respect of the occupation or use by him of a natural resource, whether improved or unimproved, including the use of water or water power sites, without severance, taking, extraction or removal thereof or of any part thereof, the real intent and purpose of which charge is to compensate for the value of such occupation or use;
- (t) "royalty" means a charge
  - (i) required to be paid by a person in respect of any right conferred on or vested in him to sever, take, extract or remove any thing forming part of the natural resources of the Province including therein timber, mineral ore, petroleum and natural gas, and wild animals or fish the right to take which forms part of the said natural resources,
  - (ii) the amount of which is determined by reference to the quantity or value or both of the thing that he severs, takes, extracts or removes, or alternatively, in the case of mineral ore, the value at market prices of the minerals contained therein, after extraction therefrom, and
  - (iii) the real intent and purpose of which is to compensate the Province for the value in whole or in part of the said thing prior to its severance, taking, extraction or removal;

but does not include a charge, the amount of which is determined in relation to the profits or gross receipts derived by the said person from the sale of products produced by the processing or manufacturing of the said thing unless provision is made for a reasonable deduction from the profits or gross receipts in determining the amount of the charge, in respect of the costs and value added to the said thing by reason of the processing or manufacturing for the purpose of eliminating, in the determination of the amount of the charge, any value added to the said thing by the said processing or manufacturing;

- (u) "security" means any mortgage, bond, debenture, stock, share or any document constituting evidence of title to or interest in capital assets, property, profits, earnings or royalties of any person or corporation;
- (v) "statutory subsidies" means the payments required to be made by Canada to the Province under The British North America Acts 1867 to 1951 and the Provincial Subsidies Act, R.S.C. 1927, Chapter 192;
- (w) "The Dominion Succession Duty Act" means The Dominion Succession Duty Act of Canada as amended from time to time or any enactment substituted therefor or in the place thereof, and includes the regulations made thereunder;



- (x) "value of gross national product" in any year means the total value at market prices of all goods and services produced in that year by the labour, capital and enterprise of persons resident in Canada as determined by the Dominion Statistician (the value so determined being known as "the value of gross national products at market prices") minus the amount that the Dominion Statistician determines to be the component thereof representing indirect taxes after first deducting from such taxes the amount of any subsidies by governments towards current cost of production;
- (y) "Wartime Tax Agreement" means the agreement entered into between Canada and the Province dated 30th day of March, 1942;
- (z) a reference to the book entitled "National Accounts, Income and Expenditure, 1926-1950" is a reference to the book so entitled published in December, 1951, by authority of the Right Honourable C. D. Howe, M.P., Minister of Trade and Commerce;
- (aa) words importing the masculine gender include the feminine and the neuter;
- (bb) words in the singular include the plural, and words in the plural include the singular; and
- (cc) a reference to a calendar year immediately preceding a fiscal year means the last complete calendar year prior to the beginning of the fiscal year.

(2) For the purposes of this agreement, Newfoundland shall be deemed to have been at all times a part of Canada.

(3) For the purposes of this agreement, all the taxes imposed by the enactments enumerated in Appendix "A" not being individual income taxes or corporation income taxes shall be deemed to be corporation taxes, and all the taxes imposed by the enactments enumerated in Appendix "B" shall be deemed for such purpose not to be corporation taxes, corporation income taxes or individual income taxes.

(4) In this agreement, where reference is made to a clause, paragraph, subparagraph, section, appendix or other provision without anything in the context to indicate that a provision in some other agreement, statute or instrument is intended to be referred to, the reference shall be deemed to be a reference to a provision of this agreement, and, unless the context otherwise requires, where reference is made to a paragraph, subparagraph or section, the reference shall be deemed to be a reference to a paragraph, subparagraph or section of the clause or paragraph, as the case may be, in which the reference is made.

IN WITNESS WHEREOF the Honourable Douglas Charles Abbott, Minister of Finance, has hereunto set his hand on behalf of Canada, and the Honourable Leslie M. Frost, Provincial Treasurer, has hereunto set his hand on behalf of the Province.

Signed on behalf of Canada by the Honourable Douglas Charles Abbott, Minister of Finance, in the presence of	}	..... Minister of Finance
Signed on behalf of the Province of Ontario by the Honourable Leslie M. Frost, Provincial Treasurer, in the presence of	}	..... Provincial Treasurer

## APPENDIX A

*To the Agreement between the Government of Canada and the Government of Ontario, dated the \_\_\_\_\_ day of \_\_\_\_\_, 1952.*

- The Corporations Tax Act, R.S.O. 1950, c. 72
- The Income Tax Act (Ontario), R.S.O. 1937, c. 25
- The Income Tax Act, R.S.O. 1950, c. 175
- The Insurance Act, R.S.O. 1950, c. 183, ss. 288 and 293 (9)

## APPENDIX B

*To the Agreement between the Government of Canada and the Government of Ontario, dated the \_\_\_\_\_ day of \_\_\_\_\_, 1952.*

- The Administration of Justice Expenses Act, R.S.O. 1950, c. 5
- The Apprenticeship Act, R.S.O. 1950, c. 19
- The Arbitration Act, R.S.O. 1950, c. 20
- The Artificial Insemination Act, R.S.O. 1950, c. 23
- The Assessment Act, R.S.O. 1950, c. 24
  - Gross revenue tax on telephone companies and telephone businesses not to exceed four per cent.
- The Assignment of Book Debts Act, R.S.O. 1950, c. 25
- The Athletics Control Act, R.S.O. 1950, c. 27
- The Auxiliary Classes Act, R.S.O. 1950, c. 29
- The Beach Protection Act, R.S.O. 1950, c. 32
- The Beaches and River Beds Act, R.S.O. 1950, c. 33
- The Blind Workmen's Compensation Act, R.S.O. 1950, c. 37
- The Boards of Education Act, R.S.O. 1950, c. 38
- The Boilers and Pressure Vessels Act, 1951, 1951, c. 7
- The Bread Sales Act, R.S.O. 1950, c. 39
- The Burlington Beach Act, R.S.O. 1950, c. 43
- The Collection Agencies Act, R.S.O. 1950, c. 56
- The Community Centres Act, R.S.O. 1950, c. 58
- The Companies Act, R.S.O. 1950, c. 59
- The Companies Information Act, R.S.O. 1950, c. 60
- The Conditional Sales Act, R.S.O. 1950, c. 61
- The Conservation Authorities Act, R.S.O. 1950, c. 62
- The Continuation Schools Act, R.S.O. 1950, c. 66
- The Corporation Securities Registration Act, R.S.O. 1950, c. 71
- The Credit Unions Act, R.S.O. 1950, c. 79
- The Crown Timber Act, R.S.O. 1950, c. 82
- The Crown Timber Act, 1952, 1952, c. 15
- The Cullers Act, R.S.O. 1950, c. 84
- The Custody of Documents Act, R.S.O. 1950, c. 85
- The Dairy Products Act, R.S.O. 1950, c. 86
- The Damage by Fumes Arbitration Act, R.S.O. 1950, c. 87
- The Department of Municipal Affairs Act, R.S.O. 1950, c. 96
- The Ditches and Watercourses Act, R.S.O. 1950, c. 105
- The Dog Tax and Live Stock Protection Act, R.S.O. 1950, c. 107
- The Employment Agencies Act, R.S.O. 1950, c. 114
- The Extra-provincial Corporations Act, R.S.O. 1950, c. 124
- The Factory, Shop and Office Building Act, R.S.O. 1950, c. 126
- The Farm Products Containers Act, R.S.O. 1950, c. 129
- The Farm Products Grades and Sales Act, R.S.O. 1950, c. 130
- The Farm Products Marketing Act, R.S.O. 1950, c. 131
- The Ferries Act, R.S.O. 1950, c. 135
- The Fire Marshals Act, R.S.O. 1950, c. 140
- The Forest Fires Prevention Act, R.S.O. 1950, c. 144
- The Forest Resources Regulation Act, R.S.O. 1950, c. 146
- The Game and Fisheries Act, R.S.O. 1950, c. 153
- The Gasoline Handling Act, R.S.O. 1950, c. 156
- The Gasoline Tax Act, R.S.O. 1950, c. 157
- The High Schools Act, R.S.O. 1950, c. 165
- The Highway Improvement Act, R.S.O. 1950, c. 166
- The Highway Traffic Act, R.S.O. 1950, c. 167
- The Hospitals Tax Act, R.S.O. 1950, c. 170

- The Insurance Act, R.S.O. 1950, c. 183 (except ss. 288 and 293 (9) ).  
 The Investment Contracts Act, R.S.O. 1950, c. 187  
 The Judges' Orders Enforcement Act, R.S.O. 1950, c. 189  
 The Jurors Act, R.S.O. 1950, c. 191  
 The Lakes and Rivers Improvement Act, R.S.O. 1950, c. 195  
 The Land Transfer Tax Act, R.S.O. 1950, c. 198  
 The Law Stamps Act, R.S.O. 1950, c. 201  
 The Lightning Rods Act, R.S.O. 1950, c. 206  
 The Limited Partnership Act, R.S.O. 1950, c. 208  
 The Liquor Control Act, R.S.O. 1950, c. 210  
 The Liquor Licence Act, R.S.O. 1950, c. 211  
 The Live Stock and Live Stock Products Act, R.S.O. 1950, c. 212  
 The Live Stock Branding Act, R.S.O. 1950, c. 213  
 The Loan and Trust Corporations Act, R.S.O. 1950, c. 214  
 The Local Improvement Act, R.S.O. 1950, c. 215  
 The Logging Tax Act, R.S.O. 1950, c. 216  
 The Long Point Park Act, R.S.O. 1950, c. 217  
 The Marriage Act, R.S.O. 1950, c. 222  
 The Mechanics' Lien Act, R.S.O. 1950, c. 227  
 The Milk Control Act, R.S.O. 1950, c. 233  
 The Mills Licensing Act, R.S.O. 1950, c. 234  
 The Mining Act, R.S.O. 1950, c. 236  
 The Mining Tax Act, R.S.O. 1950, c. 237—so long as the tax under section 4 continues to be levied on income from mining operations as defined in this Agreement.  
 The Mortgage Tax Act, R.S.O. 1950, c. 240  
 The Mortmain and Charitable Uses Act, R.S.O. 1950, c. 241  
 The Municipal Health Services Act, R.S.O. 1950, c. 250  
 The Natural Gas Conservation Act, R.S.O. 1950, c. 251  
 The Niagara Parks Act, R.S.O. 1950, c. 253  
 The Official Notices Publication Act, R.S.O. 1950, c. 257  
 The Ontario Municipal Board Act, R.S.O. 1950, c. 262  
 The Pawnbrokers Act, R.S.O. 1950, c. 272  
 The Prepaid Hospital and Medical Services Act, R.S.O. 1950, c. 285  
 The Presqu'île Park Act, R.S.O. 1950, c. 286  
 The Private Detectives Act, R.S.O. 1950, c. 287  
 The Private Hospitals Act, R.S.O. 1950, c. 289  
 The Private Sanitaria Act, R.S.O. 1950, c. 290  
 The Provincial Auctioneers Act, R.S.O. 1950, c. 296  
 The Provincial Land Tax Act, R.S.O. 1950, c. 298  
 The Provincial Parks Act, R.S.O. 1950, c. 300  
 The Public Commercial Vehicles Act, R.S.O. 1950, c. 304  
 The Public Libraries Act, R.S.O. 1950, c. 310  
 The Public Officers' Fees Act, R.S.O. 1950, c. 312  
 The Public Parks Act, R.S.O. 1950, c. 314  
 The Public Schools Act, R.S.O. 1950, c. 316  
 The Public Service Act, R.S.O. 1950, c. 317  
 The Public Trustee Act, R.S.O. 1950, c. 319  
 The Public Utilities Act, R.S.O. 1950, c. 320  
 The Public Vehicles Act, R.S.O. 1950, c. 322  
 The Pulpwood Conservation Act, R.S.O. 1950, c. 325  
 The Race Tracks Tax Act, R.S.O. 1950, c. 327  
 The Racing Commission Act, R.S.O. 1950, c. 329  
 The Railway Fire Charge Act, R.S.O. 1950, c. 330  
 The Real Estate and Business Brokers Act, R.S.O. 1950, c. 332  
 The Sanatoria for Consumptives Act, R.S.O. 1950, c. 346  
 The Securities Act, R.S.O. 1950, c. 351  
 The Security Transfer Tax Act, R.S.O. 1950, c. 352  
 The Separate Schools Act, R.S.O. 1950, c. 356  
 The Statute Labour Act, R.S.O. 1950, c. 372  
 The Stock Yards Act, R.S.O. 1950, c. 376  
 The Succession Duty Act, R.S.O. 1950, c. 378  
 The Surrogate Courts Act, R.S.O. 1950, c. 380  
 The Teachers' Superannuation Act, R.S.O. 1950, c. 384  
 The Telephone Act, R.S.O. 1950, c. 387  
 The Theatres and Cinematographs Act, R.S.O. 1950, c. 389  
 The Tourist Establishments Act, R.S.O. 1950, c. 393  
 The Town Sites Act, R.S.O. 1950, c. 394  
 The Transportation of Fowl Act, R.S.O. 1950, c. 397

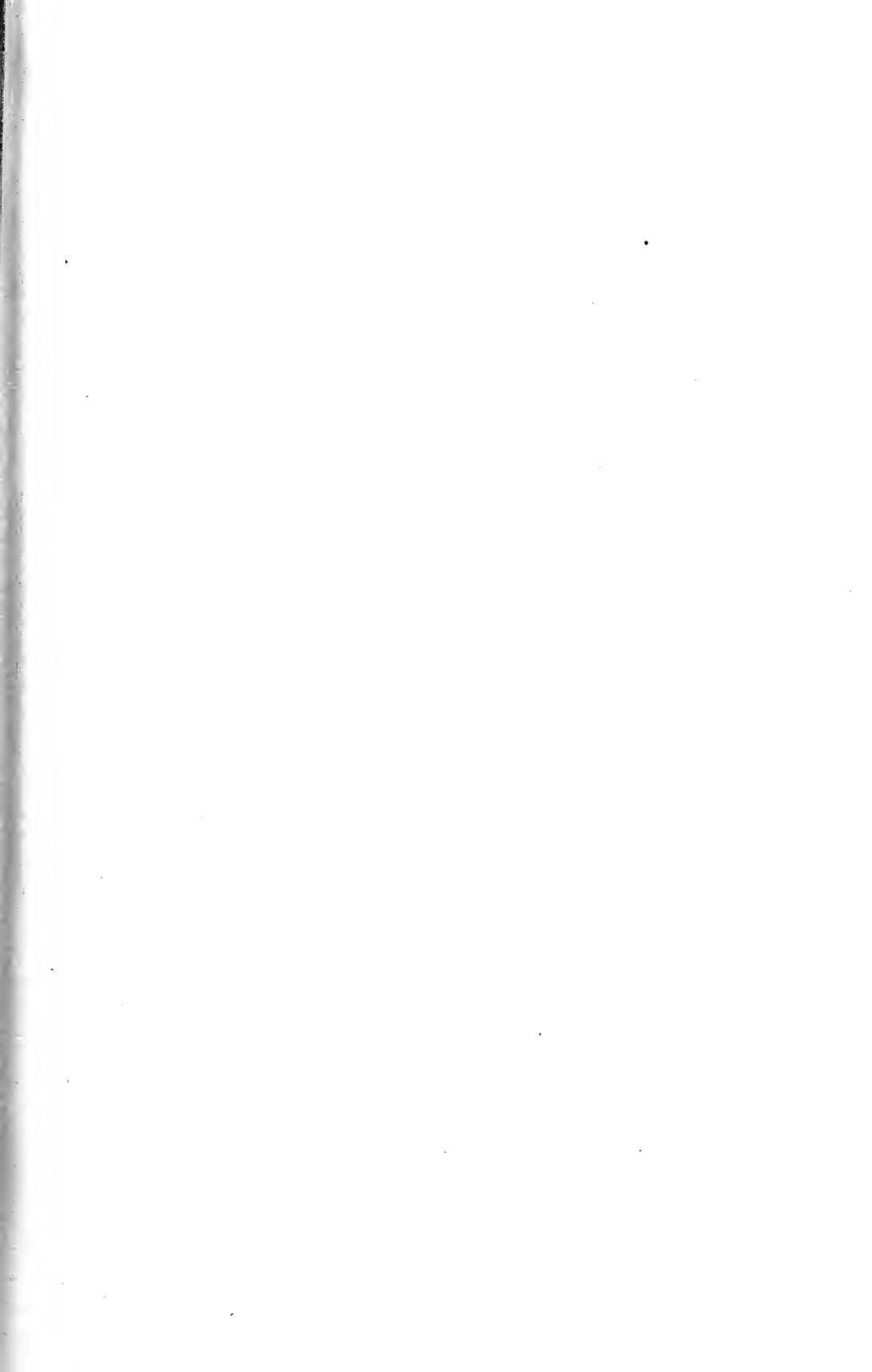
The Travelling Shows Act, R.S.O. 1950, c. 398  
 The Unwrought Metal Sales Act, R.S.O. 1950, c. 404  
 The Vacant Land Cultivation Act, R.S.O. 1950, c. 405  
 The Vital Statistics Act, R.S.O. 1950, c. 412  
 The Vocational Education Act, R.S.O. 1950, c. 413  
 The Weed Control Act, R.S.O. 1950, c. 421  
 The Well Drillers Act, R.S.O. 1950, c. 423  
 The Workmen's Compensation Act, R.S.O. 1950, c. 430

And any other enactment or law of the Province imposing a tax consistent with this agreement.

Notwithstanding anything contained in paragraph (3) of clause 16, any increase in a fee imposed or fixed pursuant to authority conferred by an enactment listed in this appendix shall, if the fee would have been a corporation tax but for the inclusion in this appendix of the enactments pursuant to which it is imposed or fixed, be subject to the limitations imposed by section (i) of subparagraph (b) of paragraph (1) of clause 16.

Notwithstanding anything in this agreement, where an enactment enumerated in this Appendix empowers the Province or a municipality to impose a tax, fee, royalty or other levy without defining the basis upon which it may be imposed or limiting the amount, the Province will not impose or permit a municipality to impose a corporation tax, corporation income tax or individual income tax as defined in this agreement.

Any Act superseding and replacing any of the Acts listed in Appendix B shall be deemed to be included in Appendix B unless the principles and quantum of taxation in the superseding Act differ from those in the Act superseded, in which event the definitions in section sixteen of the Agreement shall apply.



BILL

An Act respecting an Agreement between the Government of Canada and the Government of Ontario for the Suspension of Certain Taxing Acts by Ontario

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*1st Reading*

October 20th, 1952

*2nd Reading*

October 22nd, 1952

*3rd Reading*

October 23rd, 1952

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MR. FROST (Victoria)

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No. 3

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2ND SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

**An Act to amend The Highway Improvement Act**

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MR. DOUCETT

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#### EXPLANATORY NOTE

The purpose of this Bill is to have all Crown moneys spent on highways provided by the Legislature.

This purpose is effected by abolishing the Highway Improvement Fund and substituting voted moneys.



No. 3

1952  
(2nd Sess.)

# BILL

## An Act to amend The Highway Improvement Act

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

- 1.** Clause *e* of section 1 of *The Highway Improvement Act* is repealed. Rev. Stat., c. 166, s. 1, cl. *e*, repealed
- 2.** Sections 7, 8 and 9 of *The Highway Improvement Act* are repealed. Rev. Stat., c. 166, ss. 7, 8, 9, repealed
- 3.** Subsection 2 of section 18 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 18, subs. 2, amended
- 4.** Subsection 2 of section 23 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the second line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 23, subs. 2, amended
- 5.** Subsection 13 of section 27 of *The Highway Improvement Act*, as amended by section 1 of *The Highway Improvement Amendment Act, 1951*, is further amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 27, subs. 13, amended
- 6.—(1)** Subsection 14 of section 28 of *The Highway Improvement Act*, as re-enacted by section 2 of *The Highway Improvement Amendment Act, 1951*, is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 28, subs. 14 (1951, c. 33, s. 2), amended
- (2)** Subsection 15 of the said section 28 is amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 28, subs. 15 (1951, c. 33, s. 2), amended

Rev. Stat.,  
c. 166, s. 28,  
subs. 17  
(1951,  
c. 33, s. 2),  
amended (3) Subsection 17 of the said section 28 is amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 28,  
subs. 18  
(1951,  
c. 33, s. 2),  
amended (4) Subsection 18 of the said section 28 is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 28a,  
subs. 5  
(1951,  
c. 33, s. 2),  
amended **7.** Subsection 5 of section 28a of *The Highway Improvement Act*, as enacted by section 2 of *The Highway Improvement Amendment Act, 1951*, is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 33,  
amended **8.** Section 33 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eleventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 43,  
subs. 1,  
amended **9.** Subsection 1 of section 43 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the sixth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 46,  
subs. 2,  
amended **10.** Subsection 2 of section 46 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 47,  
amended **11.** Section 47 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 49,  
subs. 2,  
amended **12.** Subsection 2 of section 49 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fifth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 50,  
amended **13.** Section 50 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the sixteenth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 52,  
subs. 2,  
amended **14.**—(1) Subsection 2 of section 52 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eighth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

(2) Subsection 3 of the said section 52 is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 52, subs. 3, amended

**15.** Subsection 1 of section 54 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 54, subs. 1, amended

**16.** Subsection 2 of section 58 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 58, subs. 2, amended

**17.** Section 73 of *The Highway Improvement Act* is amended by striking out the word "Fund" where it occurs in the seventh and ninth lines respectively and inserting in lieu thereof in each instance the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 73, amended

**18.** Subsection 6 of section 78 of *The Highway Improvement Act* is amended by striking out the word "Fund" where it occurs in the second and fourth lines respectively and inserting in lieu thereof in each instance the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 78, subs. 6, amended

**19.** Subsection 4 of section 83 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the first line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 83, subs. 4, amended

**20.** Subsection 4 of section 100 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eighth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 100, subs. 4, amended

**21.** *The Highway Improvement Act* is amended by adding thereto the following Part: Rev. Stat., c. 166, amended

## PART X

### HIGHWAY RESERVE ACCOUNT

106. There shall be established in the Consolidated Revenue Fund an account to be known as the Highway Reserve Account to which shall be credited such amounts as are appropriated by the Legislature for that account. Highway Reserve Account

Payments out of Account	107. The Minister may pay out of the Highway Reserve Account expenditures incurred in the construction of highways.
Commence- ment	<b>22.</b> —(1) This Act, except sections 1 to 20, comes into force on the day it receives Royal Assent.
Idem	(2) Sections 1 to 20 come into force on the 1st day of April, 1953.
Short title	<b>23.</b> This Act may be cited as <i>The Highway Improvement Amendment Act, 1952</i> .



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BILL

An Act to amend 'The Highway  
Improvement Act

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*1st Reading*

October 20th, 1952

*2nd Reading*

*3rd Reading*

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MR. DOUCETT

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No. 3

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2ND SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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# BILL

An Act to amend The Highway Improvement Act

---

MR. DOUCETT

---





No. 3

1952  
(2nd Sess.)

# BILL

## An Act to amend The Highway Improvement Act

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

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3. Subsection 2 of section 18 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 18, subs. 2, amended
4. Subsection 2 of section 23 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the second line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 23, subs. 2, amended
5. Subsection 13 of section 27 of *The Highway Improvement Act*, as amended by section 1 of *The Highway Improvement Amendment Act, 1951*, is further amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 27, subs. 13, amended
- 6.—(1) Subsection 14 of section 28 of *The Highway Improvement Act*, as re-enacted by section 2 of *The Highway Improvement Amendment Act, 1951*, is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 28, subs. 14 (1951), c. 33, s. 2, amended
- (2) Subsection 15 of the said section 28 is amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 28, subs. 15 (1951), c. 33, s. 2, amended

Rev. Stat.,  
c. 166, s. 28,  
subs. 17  
(1951,  
c. 33, s. 2),  
amended

(3) Subsection 17 of the said section 28 is amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 28,  
subs. 18  
(1951,  
c. 33, s. 2),  
amended

(4) Subsection 18 of the said section 28 is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 28a,  
subs. 5  
(1951,  
c. 33, s. 2),  
amended

7. Subsection 5 of section 28a of *The Highway Improvement Act*, as enacted by section 2 of *The Highway Improvement Amendment Act, 1951*, is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 33,  
amended

8. Section 33 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eleventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 43,  
subs. 1,  
amended

9. Subsection 1 of section 43 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the sixth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 46,  
subs. 2,  
amended

10. Subsection 2 of section 46 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 47,  
amended

11. Section 47 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 49,  
subs. 2,  
amended

12. Subsection 2 of section 49 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fifth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 50,  
amended

13. Section 50 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the sixteenth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,  
c. 166, s. 52,  
subs. 2,  
amended

14.—(1) Subsection 2 of section 52 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eighth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

(2) Subsection 3 of the said section 52 is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 52, subs. 3, amended

**15.** Subsection 1 of section 54 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 54, subs. 1, amended

**16.** Subsection 2 of section 58 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 58, subs. 2, amended

**17.** Section 73 of *The Highway Improvement Act* is amended by striking out the word "Fund" where it occurs in the seventh and ninth lines respectively and inserting in lieu thereof in each instance the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 73, amended

**18.** Subsection 6 of section 78 of *The Highway Improvement Act* is amended by striking out the word "Fund" where it occurs in the second and fourth lines respectively and inserting in lieu thereof in each instance the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 78, subs. 6, amended

**19.** Subsection 4 of section 83 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the first line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 83, subs. 4, amended

**20.** Subsection 4 of section 100 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eighth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat., c. 166, s. 100, subs. 4, amended

**21.** *The Highway Improvement Act* is amended by adding thereto the following Part: Rev. Stat., c. 166, amended

## PART X

### HIGHWAY RESERVE ACCOUNT

106. There shall be established in the Consolidated Revenue Fund an account to be known as the Highway Reserve Account to which shall be credited such amounts as are appropriated by the Legislature for that account. Highway Reserve Account

Payments out of Account	107. The Minister may pay out of the Highway Reserve Account expenditures incurred in the construction of highways.
Commence- ment	<b>22.</b> —(1) This Act, except sections 1 to 20, comes into force on the day it receives Royal Assent.
Idem	(2) Sections 1 to 20 come into force on the 1st day of April, 1953.
Short title	<b>23.</b> This Act may be cited as <i>The Highway Improvement Amendment Act, 1952</i> .



BILL

An Act to amend The Highway  
Improvement Act

---

*1st Reading*

October 20th, 1952

*2nd Reading*

October 22nd, 1952

*3rd Reading*

October 23rd, 1952

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MR. DOUCETT

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2ND SESSION, 24TH LEGISLATURE, ONTARIO  
1 ELIZABETH II, 1952

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## BILL

An Act for granting to Her Majesty a certain additional sum  
of money for the Public Service for the fiscal year  
ending the 31st day of March, 1953

---

MR. FROST (Victoria)

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# BILL

## An Act for granting to Her Majesty a certain additional sum of money for the Public Service for the fiscal year ending the 31st day of March, 1953

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by a message from the Honourable Preamble.  
Louis Orville Breithaupt, Lieutenant-Governor of the Province of Ontario, and the estimate accompanying the same, that the sum of \$20,000,000 is required to defray certain expenses of the Public Service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1953, and for other purposes connected with the Public Service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

**1.** There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$20,000,000 to be applied towards defraying the several charges and expenses of the Highway Reserve Account, not otherwise provided for, from the 1st day of April, 1952, to the 31st day of March, 1953, in accordance with *The Highway Improvement Amendment Act, 1952.* \$20,000,000 granted for fiscal year 1952-53

**2.** The due application of all moneys expended under this Act out of the Consolidated Revenue Fund shall be accounted for to Her Majesty. Accounting for expenditure

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Supply Act, 1952* (No. 2). Short title

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## BILL

An Act for granting to Her Majesty a certain additional sum of money for the Public Service for the fiscal year ending the 31st day of March, 1953

---

*1st Reading*

October 23rd, 1952

*2nd Reading*

October 23rd, 1952

*3rd Reading*

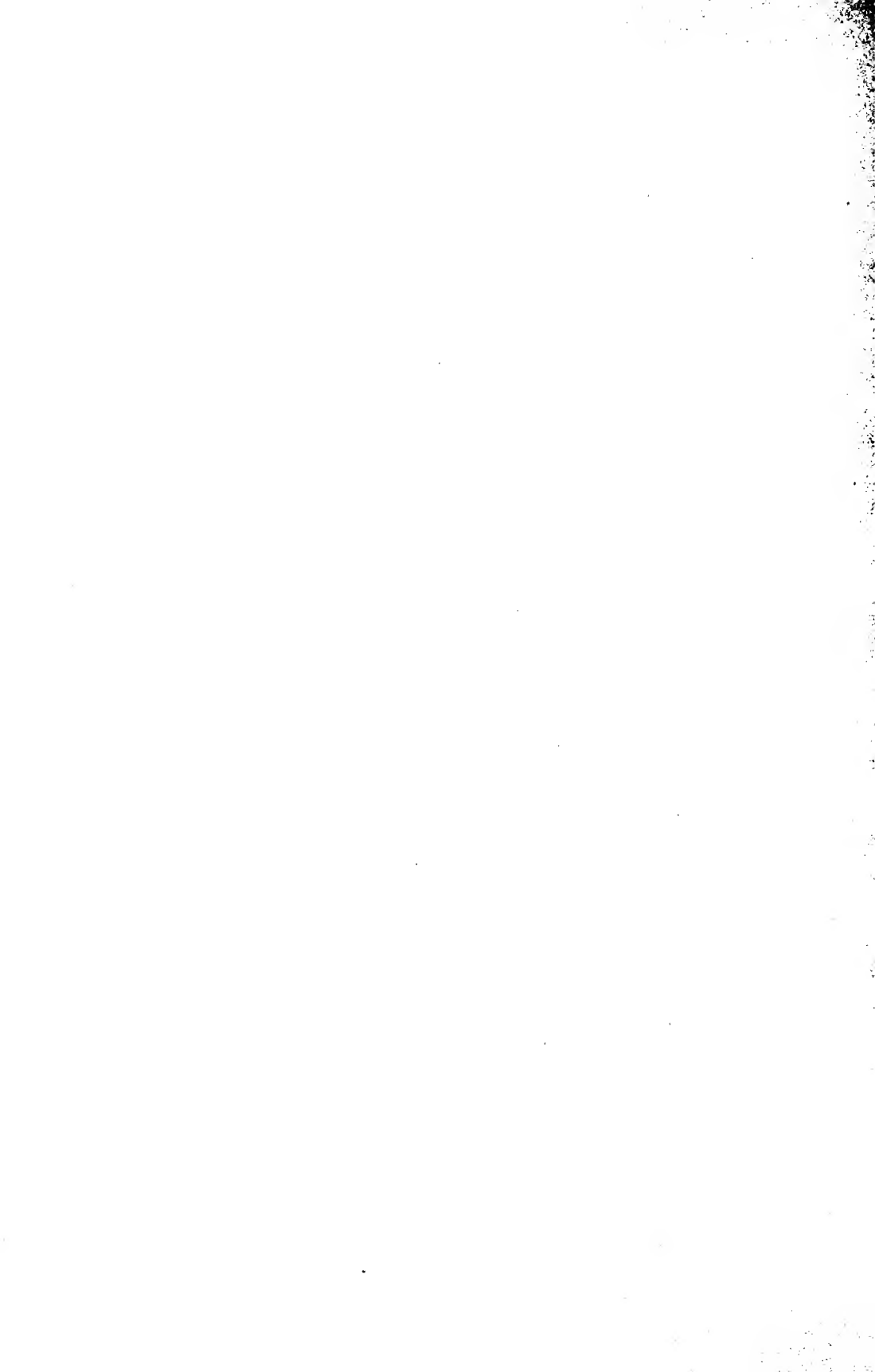
October 23rd, 1953

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Mr. FROST (Victoria)

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No. 1

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to incorporate The Roman Catholic  
Bishop of Fort William**

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MR. MAPLEDORAM

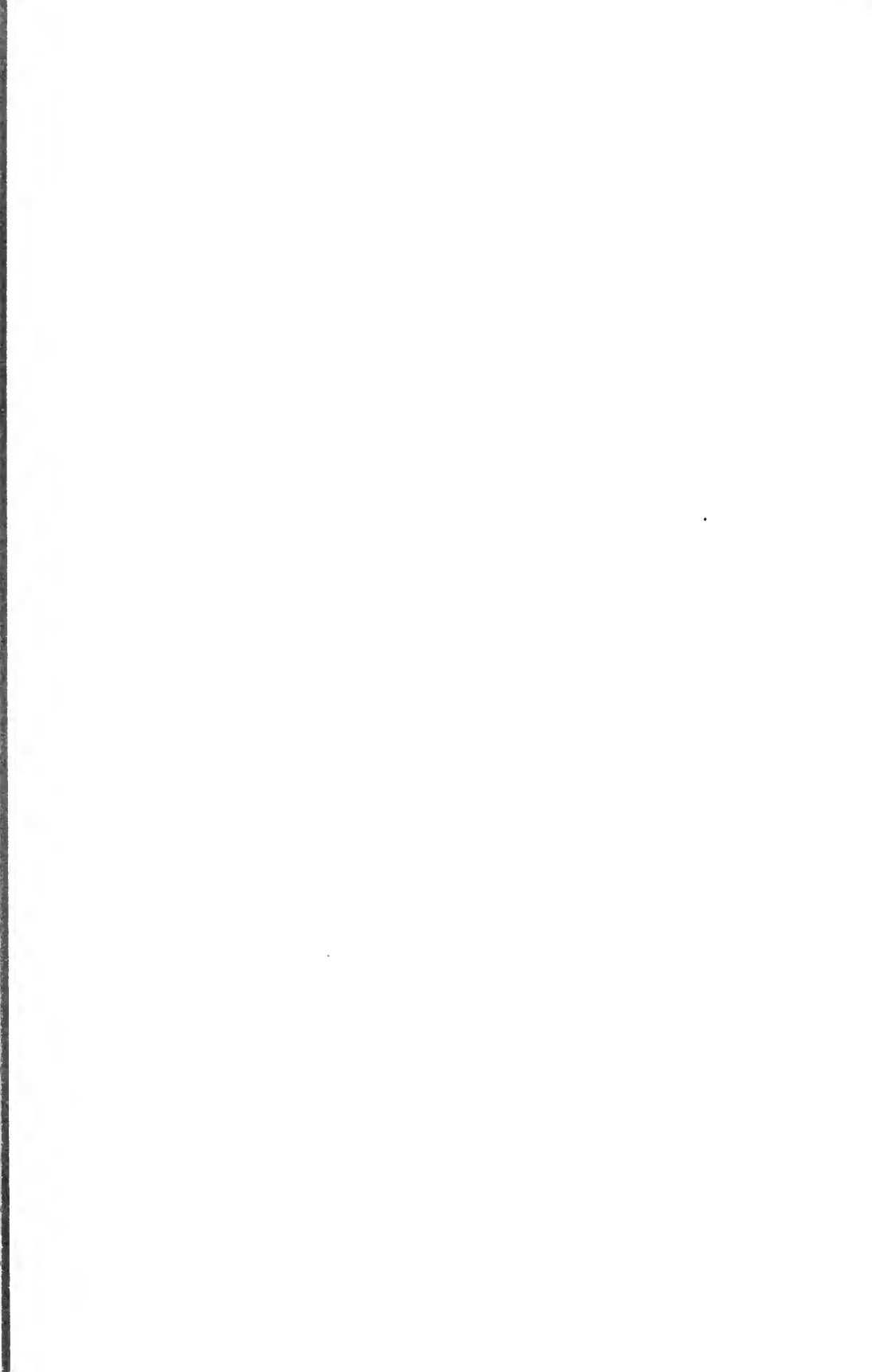
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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to incorporate The Roman Catholic Bishop of Fort William

**W**HEREAS the Most Reverend Edward Quentin Jen-<sup>Preamble</sup>nings, the Roman Catholic Bishop of the Diocese of Fort William, by his petition has represented that a new diocese has been created under the name of "The Diocese of Fort William", which comprises in part that portion of The Diocese of Sault Ste. Marie lying west of the eighty-sixth meridian of longitude and in part that portion of The Archdiocese of St. Boniface situate in Ontario, the boundaries of which new diocese are more particularly described as:

Commencing at a point on the Interprovincial Boundary between Ontario and Manitoba where the said boundary is intersected by the centre line of the road allowance between Townships Forty-four, Range XVI, and Forty-five, Range XVI, of Manitoba, the said centre line being the twelfth base line of the system of Dominion Land Surveys; thence easterly to the ninety-first meridian of longitude; thence south along the ninety-first meridian of longitude to the height of land separating the Albany River watershed from the Great Lakes watershed; thence easterly following the said height of land to its intersection with the eighty-sixth meridian of longitude; thence south along the eighty-sixth meridian of longitude to the International Boundary; thence westerly along the International Boundary to the westerly boundary of Ontario; thence north along the said westerly boundary of Ontario to the place of beginning;

and that certain real and personal property within the said territorial boundaries of The Diocese of Fort William is now standing registered in the names of either The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada, a corporation incorporated by special Act, being chapter 121 of the Statutes of Ontario, 1905, or La Corporation Archevêque Catholique Romaine de St. Boniface, a corporation incorporated by special Act, being chapter 149 of the Statutes of Ontario, 1911, or in the names of parishes or missions as corporations created pursuant to special Act, being chapter 150 of the Statutes of Ontario, 1911; and whereas the petitioner has prayed that an Act be passed incorporating The Roman Catholic Bishop of Fort William and his successors in office as a corporation sole and vesting in The Roman Catholic Bishop of Fort William as a corpora-

tion sole all real and personal property within the territorial boundaries of The Diocese of Fort William now vested in The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada and La Corporation Archiepiscopale Catholique Romaine de St. Boniface and in the names of any parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation

**1.** On and after the day this Act comes into force, the Most Reverend Edward Quentin Jennings, the Roman Catholic Bishop of the Diocese of Fort William and his successors in office for the time being, duly nominated and appointed as such Bishop according to the usages and rites of the Roman Catholic Church, is hereby created a corporation sole, with perpetual succession and a corporate seal, under the name "The Roman Catholic Bishop of Fort William" (hereinafter called the Corporation), with power, notwithstanding any act or law respecting mortmain and charitable uses, to acquire and hold lands, and all lands, real estate, tenements and hereditaments heretofore granted, conveyed or devised to, or which are hereafter granted, conveyed or devised to The Roman Catholic Bishop of Fort William are hereby vested in the Corporation, subject to any trusts affecting the same, and with power, subject to all existing trusts, to sell, convey, lease, mortgage or otherwise deal with the same or any part thereof.

Borrowing power

**2.** The Corporation may borrow money in such amounts, on such terms, and from such persons, firms and corporations, including chartered banks, as may be determined by the Corporation, and may issue and sell or pledge bonds, debentures and obligations upon such terms and conditions as the Corporation may decide, and may mortgage, charge and hypothecate its real and personal property, and may pledge its general credit to secure such bonds, debentures and obligations, and may make, draw, endorse and negotiate promissory notes and bills of exchange.

Vesting of property in Corporation

**3.—(1)** All real and personal property situate within the boundaries of The Diocese of Fort William as set out and described in the preamble which is now vested or standing either in the name of The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada or in the name of La Corporation Archiepiscopale Catholique Romaine de St. Boniface or in the names of any



parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911, is hereby vested in the Corporation; and, subject to any trusts affecting the same, the Corporation may sell, convey, mortgage, lease or otherwise deal with the said property under the name and seal of The Roman Catholic Bishop of Fort William.

(2) No contract or engagement entered into or liability incurred by The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada or La Corporation Archevêpiscopale Catholique Romaine de St. Boniface or any parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911, affecting the real or personal property hereby vested in the Corporation shall be affected by such vesting and all such contracts, engagements and liabilities affecting the said real or personal property shall devolve upon, be binding upon and be discharged by the Corporation. <sup>Existing contracts, etc.</sup>

4. The Bishop for the time being is hereby empowered to execute all conveyances, mortgages, bonds, debentures or other instruments in the name of the Corporation and to affix the seal of the Corporation thereto. <sup>Execution of documents</sup>

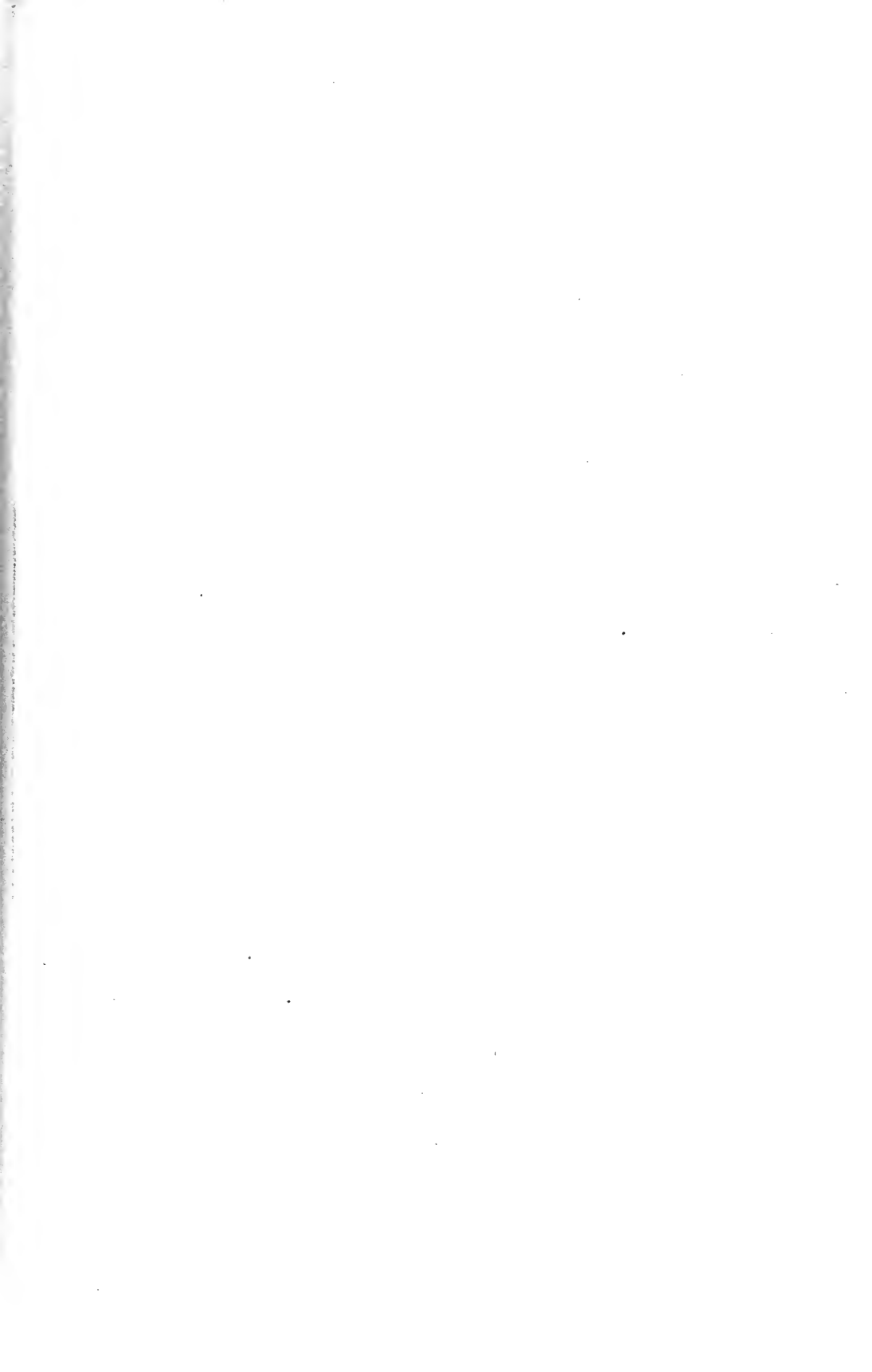
5. Upon a vacancy happening in the office of The Roman Catholic Bishop of Fort William or in case the Bishop for the time being of the Diocese, from sickness, infirmity or any other cause, becomes incapable of performing his duties in the Diocese, then the person who for the time being is appointed, according to the usages and rites of the Roman Catholic Church, to administer the affairs of the Roman Catholic Church in The Diocese of Fort William shall during such vacancy or incapacity have the same powers as are by this Act conferred upon the Corporation or the Bishop. <sup>Vacancies</sup>

6. A declaration on the face of any conveyance, mortgage, bond, debenture or other instrument that it has been executed by the person and in the manner mentioned in sections 4 and 5 is sufficient evidence of the matters therein referred to. <sup>Declaration as evidence</sup>

7. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

8. This Act may be cited as *The Roman Catholic Bishop of Fort William Incorporation Act, 1953.* <sup>Short title</sup>





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BILL

An Act to incorporate The Roman Catholic  
Bishop of Fort William

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MAPLEDORAM

*(Private Bill)*

No. 1

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to incorporate The Roman Catholic  
Bishop of Fort William

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MR. MAPLEDORAM

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to incorporate The Roman Catholic Bishop of Fort William

**W**HEREAS the Most Reverend Edward Quentin Jen-<sup>Preamble</sup>nings, the Roman Catholic Bishop of the Diocese of Fort William, by his petition has represented that a new diocese has been created under the name of "The Diocese of Fort William", which comprises in part that portion of The Diocese of Sault Ste. Marie lying west of the eighty-sixth meridian of longitude and in part that portion of The Archdiocese of St. Boniface situate in Ontario, the boundaries of which new diocese are more particularly described as:

Commencing at a point on the Interprovincial Boundary between Ontario and Manitoba where the said boundary is intersected by the centre line of the road allowance between Townships Forty-four, Range XVI, and Forty-five, Range XVI, of Manitoba, the said centre line being the twelfth base line of the system of Dominion Land Surveys; thence easterly to the ninety-first meridian of longitude; thence south along the ninety-first meridian of longitude to the height of land separating the Albany River watershed from the Great Lakes watershed; thence easterly following the said height of land to its intersection with the eighty-sixth meridian of longitude; thence south along the eighty-sixth meridian of longitude to the International Boundary; thence westerly along the International Boundary to the westerly boundary of Ontario; thence north along the said westerly boundary of Ontario to the place of beginning;

and that certain real and personal property within the said territorial boundaries of The Diocese of Fort William is now standing registered in the names of either The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada, a corporation incorporated by special Act, being chapter 121 of the Statutes of Ontario, 1905, or La Corporation Archevêque Catholique Romaine de St. Boniface, a corporation incorporated by special Act, being chapter 149 of the Statutes of Ontario, 1911, or in the names of parishes or missions as corporations created pursuant to special Act, being chapter 150 of the Statutes of Ontario, 1911; and whereas the petitioner has prayed that an Act be passed incorporating The Roman Catholic Bishop of Fort William and his successors in office as a corporation sole and vesting in The Roman Catholic Bishop of Fort William as a corpora-

tion sole all real and personal property within the territorial boundaries of The Diocese of Fort William now vested in The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada and La Corporation Archiepiscopale Catholique Romaine de St. Boniface and in the names of any parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Incorporation**

**1.** On and after the day this Act comes into force, the Most Reverend Edward Quentin Jennings, the Roman Catholic Bishop of the Diocese of Fort William and his successors in office for the time being, duly nominated and appointed as such Bishop according to the usages and rites of the Roman Catholic Church, is hereby created a corporation sole, with perpetual succession and a corporate seal, under the name "The Roman Catholic Bishop of Fort William" (hereinafter called the Corporation), with power, notwithstanding any act or law respecting mortmain and charitable uses, to acquire and hold lands, and all lands, real estate, tenements and hereditaments heretofore granted, conveyed or devised to, or which are hereafter granted, conveyed or devised to The Roman Catholic Bishop of Fort William are hereby vested in the Corporation, subject to any trusts affecting the same, and with power, subject to all existing trusts, to sell, convey, lease, mortgage or otherwise deal with the same or any part thereof.

**Borrowing power**

**2.** The Corporation may borrow money in such amounts, on such terms, and from such persons, firms and corporations, including chartered banks, as may be determined by the Corporation, and may issue and sell or pledge bonds, debentures and obligations upon such terms and conditions as the Corporation may decide, and may mortgage, charge and hypothecate its real and personal property, and may pledge its general credit to secure such bonds, debentures and obligations, and may make, draw, endorse and negotiate promissory notes and bills of exchange.

**Vesting of property in Corporation**

**3.—(1)** All real and personal property situate within the boundaries of The Diocese of Fort William as set out and described in the preamble which is now vested or standing either in the name of The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada or in the name of La Corporation Archiepiscopale Catholique Romaine de St. Boniface or in the names of any



parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911, is hereby vested in the Corporation; and, subject to any trusts affecting the same, the Corporation may sell, convey, mortgage, lease or otherwise deal with the said property under the name and seal of The Roman Catholic Bishop of Fort William.

(2) No contract or engagement entered into or liability incurred by The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada or La Corporation Archeviescopale Catholique Romaine de St. Boniface or any parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911, affecting the real or personal property hereby vested in the Corporation shall be affected by such vesting and all such contracts, engagements and liabilities affecting the said real or personal property shall devolve upon, be binding upon and be discharged by the Corporation. Existing contracts, etc.

4. The Bishop for the time being is hereby empowered to execute all conveyances, mortgages, bonds, debentures or other instruments in the name of the Corporation and to affix the seal of the Corporation thereto. Execution of documents

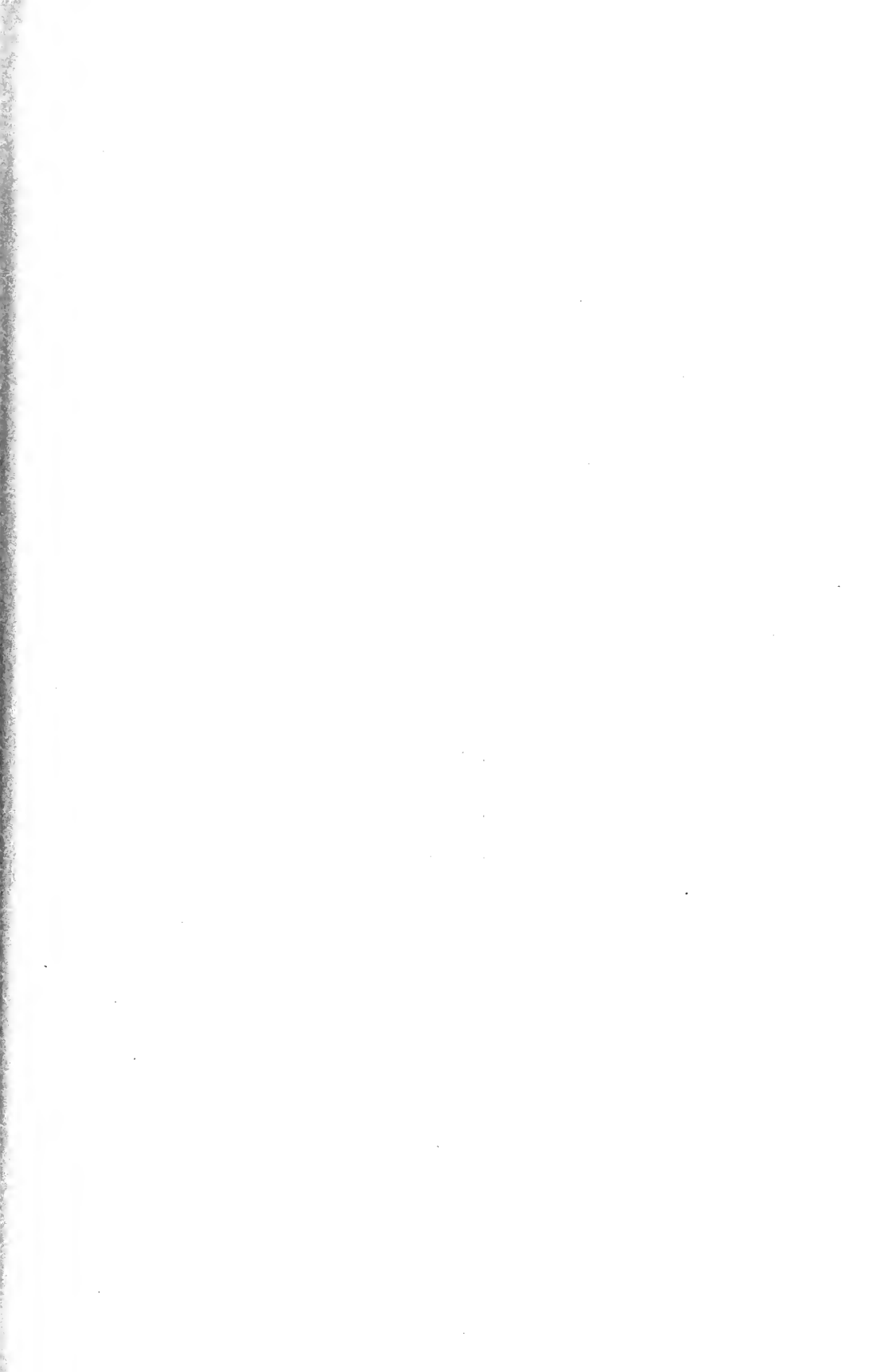
5. Upon a vacancy happening in the office of The Roman Catholic Bishop of Fort William or in case the Bishop for the time being of the Diocese, from sickness, infirmity or any other cause, becomes incapable of performing his duties in the Diocese, then the person who for the time being is appointed, according to the usages and rites of the Roman Catholic Church, to administer the affairs of the Roman Catholic Church in The Diocese of Fort William shall during such vacancy or incapacity have the same powers as are by this Act conferred upon the Corporation or the Bishop. Vacancies

6. A declaration on the face of any conveyance, mortgage, bond, debenture or other instrument that it has been executed by the person and in the manner mentioned in sections 4 and 5 is sufficient evidence of the matters therein referred to. Declaration as evidence

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Roman Catholic Bishop of Fort William Incorporation Act, 1953*. Short title





BILL

An Act to incorporate The Roman Catholic  
Bishop of Fort William

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*1st Reading*

February 17th, 1953

*2nd Reading*

March 11th, 1953

*3rd Reading*

March 17th, 1953

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MR. MAPLEDORAM

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No. 2

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act respecting the Board of Education  
of the Town of Port Colborne**

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MR. MORNINGSTAR

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the Board of Education of the Town of Port Colborne

**W**HEREAS the Board of Education of the Town of Port Colborne by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The membership of the Board of Education established under *The Boards of Education Act* for the Union School Section of the Town of Port Colborne in the County of Welland and School Section Number Eight of the Township of Humberstone in the said County, comprising the High School District of Port Colborne, shall be the same as that provided for a town in clauses *c*, *d* and *e* of subsection 1 of section 7 of *The Boards of Education Act*.

Membership of Board of Education

Rev. Stat., c. 38

**2.** The first members of the Board as constituted under section 1 shall take office on the 1st day of January, 1954.

First members

**3.** Nominations and elections for the Board shall be held in 1953 and thereafter at the same time and place and by the same returning officer as the municipal nominations and elections in the Town of Port Colborne, and the persons qualified to vote in School Section Number Eight shall vote at such polling place as shall be designated by the returning officer for the Town of Port Colborne.

Nominations and elections

**4.** The clerk of the Township of Humberstone shall annually furnish the clerk of the Town of Port Colborne with a certified copy of the list of voters qualified to vote on public and secondary school matters in School Section Number Eight.

Voters' lists

**5.** The name of the Board shall be The Port Colborne Board of Education.

Name

Applica-  
tion of  
Rev. Stat.,  
c. 38

**6.** Subject to this Act, all the provisions of *The Boards of Education Act* shall apply.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Port Colborne Board of Education Act, 1953*.









BILL.

An Act respecting the Board of Education  
of the Town of Port Colborne

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MORNINGSTAR

*(Private Bill)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act respecting the Board of Education  
of the Town of Port Colborne**

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MR. MORNINGSTAR

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# BILL

## An Act respecting the Board of Education of the Town of Port Colborne

**W**HEREAS the Board of Education of the Town of Port Colborne by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The membership of the Board of Education established under *The Boards of Education Act* for the Union School Section of the Town of Port Colborne in the County of Welland and School Section Number Eight of the Township of Humberstone in the said County, comprising the High School District of Port Colborne, shall be the same as that provided for a town in clauses *c*, *d* and *e* of subsection 1 of section 7 of *The Boards of Education Act*.

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Applica-  
tion of  
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c. 38

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Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Port Colborne Board of Education Act, 1953*.









An Act respecting the Board of Education  
of the Town of Port Colborne

---

*1st Reading*

February 17th, 1953

*2nd Reading*

March 4th, 1953

*3rd Reading*

March 13th, 1953

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MR. MORNINGSTAR

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting The Young Men's Christian  
Association of St. Catharines

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MR. MORNINGSTAR

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(PRIVATE BILL)



# BILL

## An Act respecting The Young Men's Christian Association of St. Catharines

**W**HEREAS The Young Men's Christian Association of <sup>Preamble</sup> St. Catharines by its petition has represented that the buildings, lands, equipment and undertaking of the association are presently exempt from taxation except for taxation for local improvements and school purposes; and whereas the petitioner has prayed for special legislation providing for the exemption of the association from taxation for school purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 10 of *The Young Men's Christian Association of* <sup>1928,</sup> *St. Catharines Act, 1928* is repealed and the following sub-<sup>c. 107, s. 10,</sup> re-enacted stituted therefor:

**10.** The buildings, lands, equipment and undertaking of <sup>Exemption</sup> the association, so long as they are occupied by and <sup>from</sup> used for the purposes of the association, are hereby declared to be exempt from taxation for municipal and school purposes, other than local improvement charges.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Young Men's Christian* <sup>Short title</sup> *Association of St. Catharines Act, 1953.*

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BILL

An Act respecting The Young Men's  
Christian Association of St. Catharines

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MORNINGSTAR

*(Private Bill)*

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting The Young Women's Christian  
Association of St. Catharines

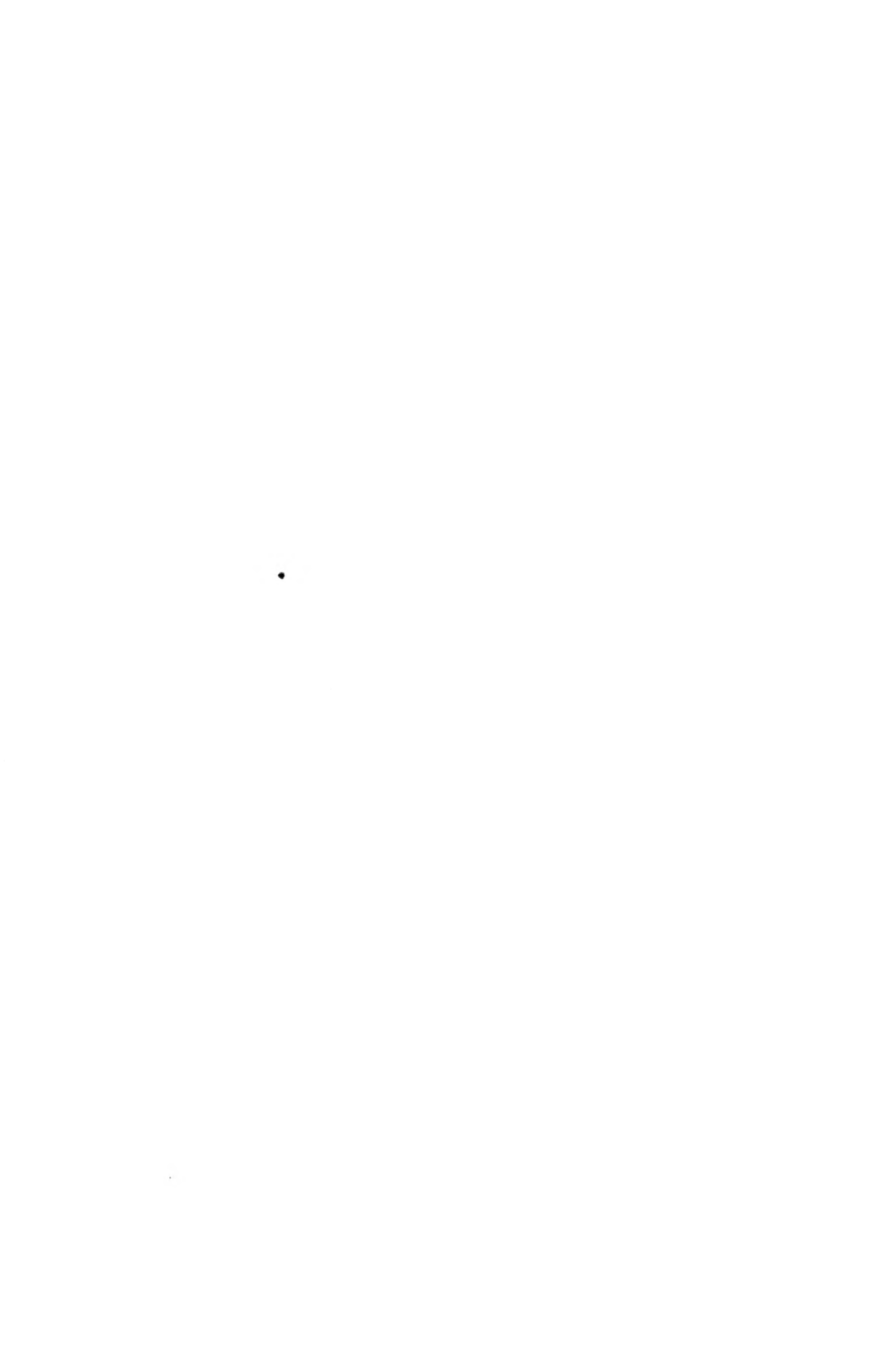
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MR. MORNINGSTAR

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(PRIVATE BILL)



# BILL

## An Act respecting The Young Women's Christian Association of St. Catharines

**W**HEREAS The Young Women's Christian Association Preamble of St. Catharines by its petition has represented that the buildings, lands, equipment and undertaking of the association are presently exempt from taxation except for taxation for local improvements and school purposes; and whereas the petitioner has prayed for special legislation providing for the exemption of the association from taxation for school purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 9 of *The Young Women's Christian Association of St. Catharines Act, 1928* is repealed and the following sub-1928, c. 107, s. 9, re-enactedstituted therefor:

9. The buildings, lands, equipment and undertaking of the association, so long as they are occupied by and Exemption from taxation used for the purposes of the association, are hereby declared to be exempt from taxation for municipal and school purposes, other than local improvement charges.

**2.** This Act comes into force on the day it receives Royal Commencement Assent.

**3.** This Act may be cited as *The Young Women's Christian Association of St. Catharines Act, 1953*. Short title

BILL

An Act respecting The Young Women's  
Christian Association of St. Catharines.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MORNINGSTAR

*(Private Bill)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to incorporate The Young Men's and Young Women's  
Christian Association of London

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MR. ROBERTS (London)

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(PRIVATE BILL)



# BILL

## An Act to incorporate The Young Men's and Young Women's Christian Association of London

**W**HEREAS The Young Men's and Young Women's <sup>Preamble</sup> Christian Association of London by its petition has represented that The London Young Men's Christian Association and the Young Women's Christian Association of London have united and become amalgamated in one association under the name of "The Young Men's and Young Women's Christian Association of London"; and whereas the Association has prayed that an Act be passed incorporating the Association as a body corporate and politic under the name of "The Young Men's and Young Women's Christian Association of London"; and whereas the Association is governed by a constitution and by-laws which have received the assent of the members of the Association; and whereas it is desired to define the powers of the Association; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Morley Aylesworth, Albert E. Silverwood, Hukhana <sup>Incorporation</sup> Detwiler, Lula B. McWilliams, Florence J. Buchanan, Marion Currie, Maurice E. George and J. Allyn Taylor and such other persons as are now members of the Association or hereafter become members of the body corporate hereby created are hereby constituted a body politic and corporate under the name of "The Young Men's and Young Women's Christian Association of London", herein referred to as the "Association".

2.—(1) The objects of the Association shall be the spiritual, <sup>Objects</sup> mental, social, educational and physical welfare and improvement of young men, boys, young women and girls, by the erection, operation, maintenance and support of buildings, rooms, libraries, gymnasiums, swimming pools, dormitories, restaurants, cafeterias, athletic quarters and grounds, aquatic

facilities, recreation facilities, summer camps, the holding, maintenance and support of meetings, lectures and educational instructions and courses and for such other matters as may from time to time be determined.

Branch associations

(2) The Association shall have power to establish, maintain and operate branch associations in the City of London and in the vicinity of the said City.

Constitution and by-laws

3. The constitution and by-laws by which the Association is now governed shall be the constitution and by-laws of the Association and they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the terms, conditions and provisions therein stated.

Officers and directors

4. The officers and directors of the Association in office at the time this Act comes into force shall be the officers and directors of the Association and shall continue in their respective offices until their successors are elected or appointed, in accordance with the constitution and by-laws of the Association.

Vesting of property

5. All real and personal property belonging to or held in trust for the Young Women's Christian Association of London and The London Young Men's Christian Association is and shall henceforth be vested in the Association to be held, used, administered and disposed of, subject to the provisions of this Act and in accordance with the constitution and by-laws of the Association.

Existing debts, etc.

6. The Association and all its property shall remain liable for the payment or satisfaction of any debts or obligations heretofore contracted or incurred in the same manner and to the same extent as if this Act had not been passed.

Real property

7. The Association shall have power to acquire and hold in the City of London and in the vicinity thereof any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust and to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and to apply the proceeds of any such property for the purposes of the Association; provided that no land at any time acquired by the Association and not required for its actual use and purposes or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee or trustees on its behalf, for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.



**8.** The buildings, lands, equipment and undertaking of the Association, so long as they are occupied by, used and carried on for the purposes of the Association, shall be exempt from taxation, except for local improvements. Exemption from taxation

**9.** The Association shall have power to borrow money for its purposes upon its credit and shall have power to mortgage, hypothecate or pledge any of its real or personal property as security for any loan. Borrowing powers

**10.** The Association shall have power to establish an endowment fund or funds for any of its purposes and shall have power to create such funds out of its own moneys or securities for moneys and out of any subscriptions, gifts, donations and bequests under such trust, regulations and conditions in respect thereto as may from time to time be determined by the board of directors of the Association. Endowment fund

**11.** The Association shall have power to lend, invest and reinvest any of its funds and moneys in any securities from time to time authorized by law as investments for trust funds. Loans and investments

**12.** The Association shall have power to establish, aid or support such courses in technical, vocational or trades education as the board of directors of the Association may from time to time determine. Educational courses

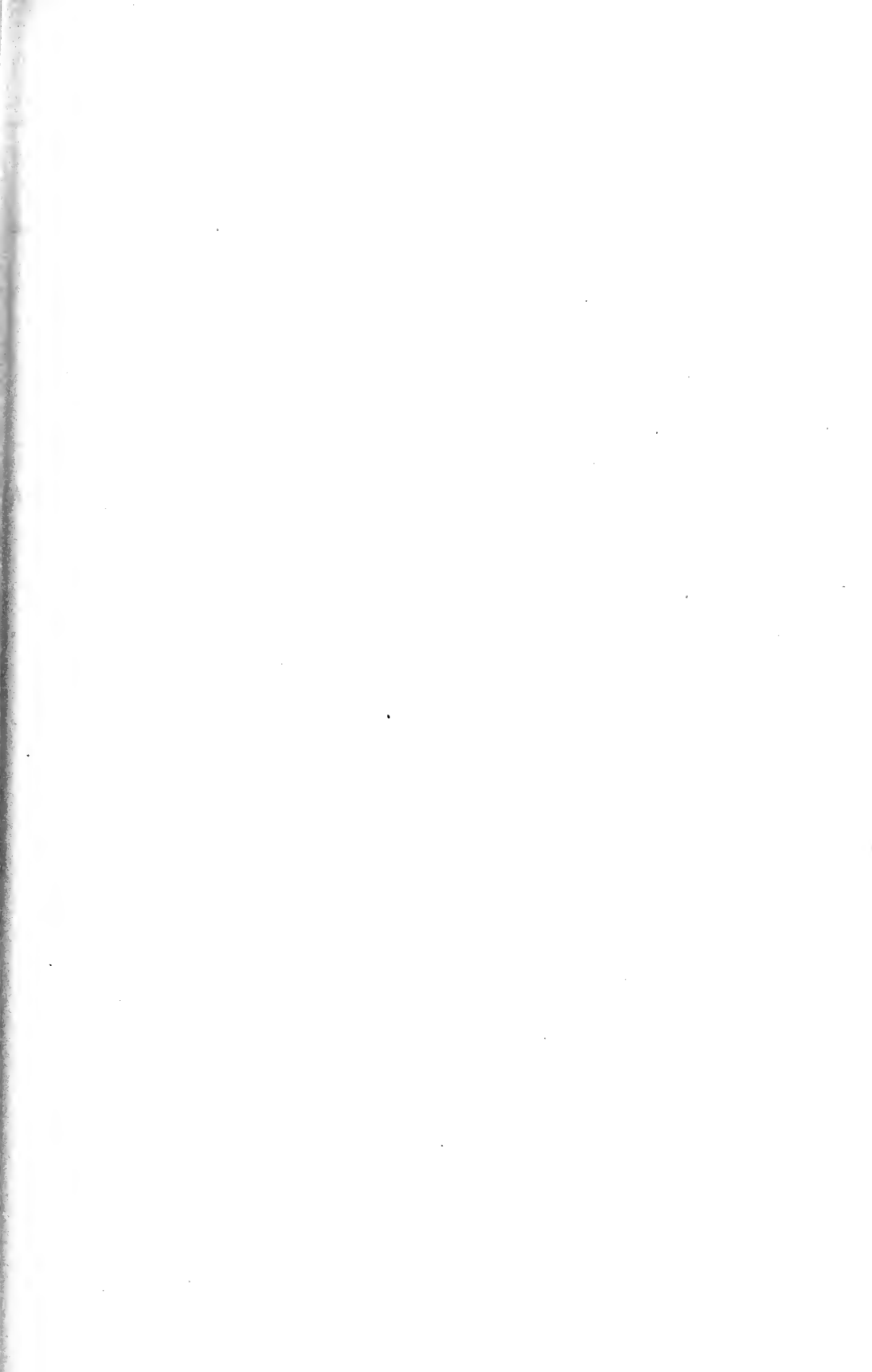
**13.** The following are repealed: Repeal

- (a) *An Act to incorporate The London Young Men's Christian Association*, being chapter 115 of the Statutes of Ontario, 1899. 1899, c.115
- (b) *An Act to incorporate the Young Women's Christian Association of London, Ontario*, being chapter 124 of the Statutes of Ontario, 1905. 1905, c. 124
- (c) *The London Young Women's Christian Association Act, 1927*. 1927, c. 147

**14.** This Act comes into force on the day it receives Royal Assent. Commencement

**15.** This Act may be cited as *The Young Men's and Young Women's Christian Association of London Act, 1953*. Short title





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BILL

An Act to incorporate The Young Men's  
and Young Women's Christian Association  
of London

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. ROBERTS (London)

*(Private Bill)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

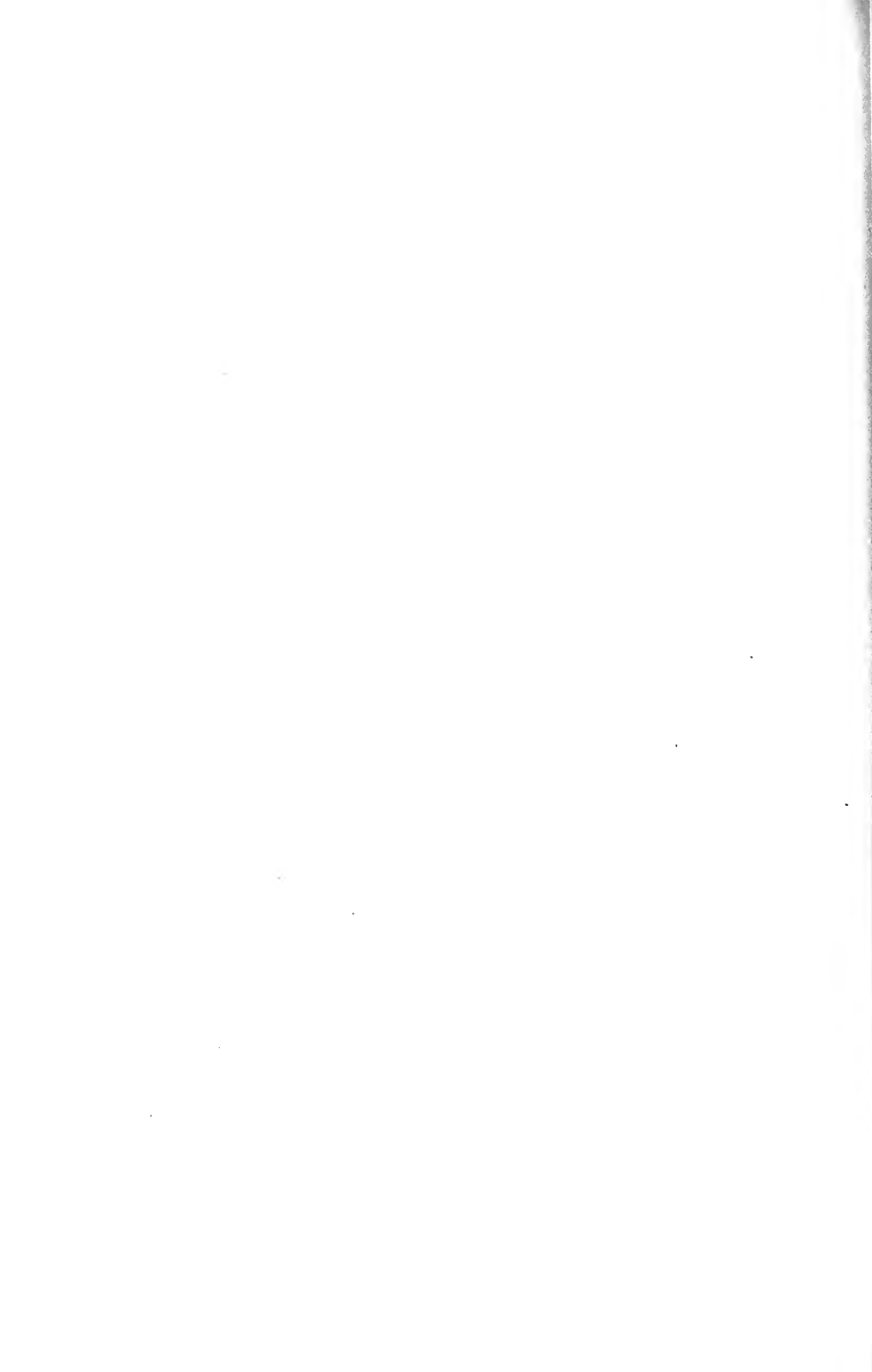
An Act to incorporate The Young Men's and Young Women's  
Christian Association of London

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MR. ROBARTS (London)

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act to incorporate The Young Men's and Young Women's Christian Association of London

**W**HEREAS The Young Men's and Young Women's Christian Association of London by its petition has represented that The London Young Men's Christian Association and the Young Women's Christian Association of London have united and become amalgamated in one association under the name of "The Young Men's and Young Women's Christian Association of London"; and whereas the Association has prayed that an Act be passed incorporating the Association as a body corporate and politic under the name of "The Young Men's and Young Women's Christian Association of London"; and whereas the Association is governed by a constitution and by-laws which have received the assent of the members of the Association; and whereas it is desired to define the powers of the Association; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Morley Aylesworth, Albert E. Silverwood, Hukhana Detwiler, Lula B. McWilliams, Florence J. Buchanan, Marion Currie, Maurice E. George and J. Allyn Taylor and such other persons as are now members of the Association or hereafter become members of the body corporate hereby created are hereby constituted a body politic and corporate under the name of "The Young Men's and Young Women's Christian Association of London", herein referred to as the "Association".

2.—(1) The objects of the Association shall be the spiritual, mental, social, educational and physical welfare and improvement of young men, boys, young women and girls, by the erection, operation, maintenance and support of buildings, rooms, libraries, gymnasiums, swimming pools, dormitories, restaurants, cafeterias, athletic quarters and grounds, aquatic

facilities, recreation facilities, summer camps, the holding, maintenance and support of meetings, lectures and educational instructions and courses and for such other matters as may from time to time be determined.

Branch associations

(2) The Association shall have power to establish, maintain and operate branch associations in the City of London and in the vicinity of the said City.

Constitution and by-laws

3. The constitution and by-laws by which the Association is now governed shall be the constitution and by-laws of the Association and they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the terms, conditions and provisions therein stated.

Officers and directors

4. The officers and directors of the Association in office at the time this Act comes into force shall be the officers and directors of the Association and shall continue in their respective offices until their successors are elected or appointed, in accordance with the constitution and by-laws of the Association.

Vesting of property

5. All real and personal property belonging to or held in trust for the Young Women's Christian Association of London and The London Young Men's Christian Association is and shall henceforth be vested in the Association to be held, used, administered and disposed of, subject to the provisions of this Act and in accordance with the constitution and by-laws of the Association.

Existing debts, etc.

6. The Association and all its property shall remain liable for the payment or satisfaction of any debts or obligations heretofore contracted or incurred in the same manner and to the same extent as if this Act had not been passed.

Real property

7. The Association shall have power to acquire and hold in the City of London and in any other municipality any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust and to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and to apply the proceeds of any such property for the purposes of the Association; provided that no land at any time acquired by the Association and not required for its actual use and purposes or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee or trustees on its behalf, for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.



**8.** The council of a municipality may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned by the Association and occupied by, used solely and carried on for the purposes of the Association, on such conditions as may be set out in the by-law.

Exemption  
from  
taxation

Rev. Stat.,  
c. 24

**9.** The Association shall have power to borrow money for its purposes upon its credit and shall have power to mortgage, hypothecate or pledge any of its real or personal property as security for any loan.

Borrowing  
powers

**10.** The Association shall have power to establish an endowment fund or funds for any of its purposes and shall have power to create such funds out of its own moneys or securities for moneys and out of any subscriptions, gifts, donations and bequests under such trust, regulations and conditions in respect thereto as may from time to time be determined by the board of directors of the Association.

Endowment  
fund

**11.** The Association shall have power to lend, invest and reinvest any of its funds and moneys in any securities from time to time authorized by law as investments for trust funds.

Loans and  
investments

**12.** The Association shall have power to establish, aid or support such courses in technical, vocational or trades education as the board of directors of the Association may from time to time determine.

Educational  
courses

**13.** The following are repealed:

Repeal

- (a) *An Act to incorporate The London Young Men's Christian Association*, being chapter 115 of the Statutes of Ontario, 1899.
- (b) *An Act to incorporate the Young Women's Christian Association of London, Ontario*, being chapter 124 of the Statutes of Ontario, 1905.
- (c) *The London Young Women's Christian Association Act, 1927*.

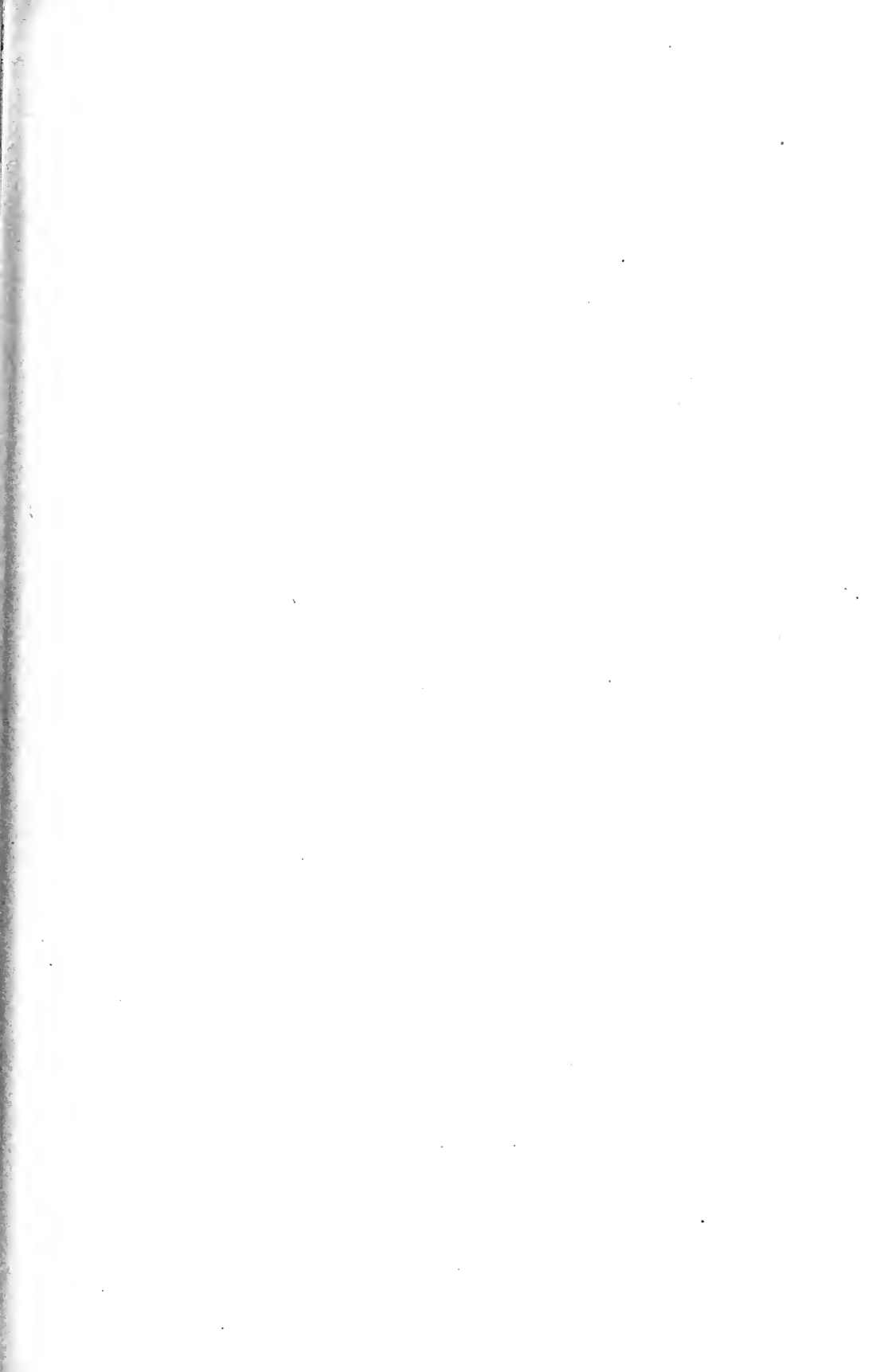
**14.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**15.** This Act may be cited as *The Young Men's and Young Women's Christian Association of London Act, 1953*.

Short title





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BILL

An Act to incorporate The Young Men's  
and Young Women's Christian Association  
of London

---

*1st Reading*

February 17th, 1953

*2nd Reading*

*3rd Reading*

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MR. ROBARTS (London)

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*(Reprinted as amended by the Committee on  
Private Bills)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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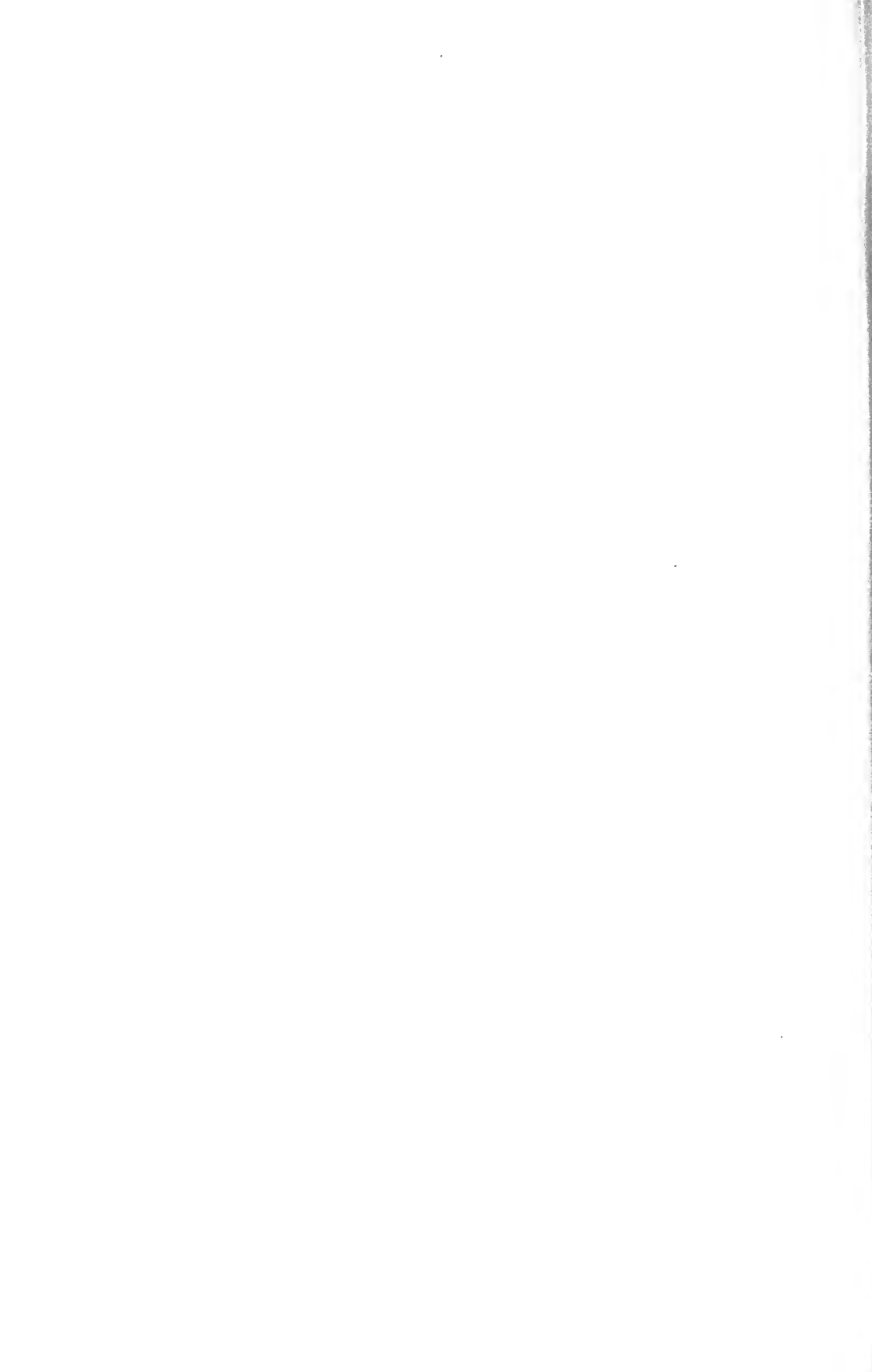
## BILL

An Act to incorporate The Young Men's and Young Women's  
Christian Association of London

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MR. ROBARTS (London)

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# BILL

## An Act to incorporate The Young Men's and Young Women's Christian Association of London

**W**HEREAS The Young Men's and Young Women's Christian Association of London by its petition has represented that The London Young Men's Christian Association and the Young Women's Christian Association of London have united and become amalgamated in one association under the name of "The Young Men's and Young Women's Christian Association of London"; and whereas the Association has prayed that an Act be passed incorporating the Association as a body corporate and politic under the name of "The Young Men's and Young Women's Christian Association of London"; and whereas the Association is governed by a constitution and by-laws which have received the assent of the members of the Association; and whereas it is desired to define the powers of the Association; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Morley Aylesworth, Albert E. Silverwood, Hukhana Detwiler, Lula B. McWilliams, Florence J. Buchanan, Marion Currie, Maurice E. George and J. Allyn Taylor and such other persons as are now members of the Association or hereafter become members of the body corporate hereby created are hereby constituted a body politic and corporate under the name of "The Young Men's and Young Women's Christian Association of London", herein referred to as the "Association". Incorporation

2.—(1) The objects of the Association shall be the spiritual, mental, social, educational and physical welfare and improvement of young men, boys, young women and girls, by the erection, operation, maintenance and support of buildings, rooms, libraries, gymnasiums, swimming pools, dormitories, restaurants, cafeterias, athletic quarters and grounds, aquatic Objects

facilities, recreation facilities, summer camps, the holding, maintenance and support of meetings, lectures and educational instructions and courses and for such other matters as may from time to time be determined.

Branch associations

(2) The Association shall have power to establish, maintain and operate branch associations in the City of London and in the vicinity of the said City.

Constitution and by-laws

3. The constitution and by-laws by which the Association is now governed shall be the constitution and by-laws of the Association and they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the terms, conditions and provisions therein stated.

Officers and directors

4. The officers and directors of the Association in office at the time this Act comes into force shall be the officers and directors of the Association and shall continue in their respective offices until their successors are elected or appointed, in accordance with the constitution and by-laws of the Association.

Vesting of property

5. All real and personal property belonging to or held in trust for the Young Women's Christian Association of London and The London Young Men's Christian Association is and shall henceforth be vested in the Association to be held, used, administered and disposed of, subject to the provisions of this Act and in accordance with the constitution and by-laws of the Association.

Existing debts, etc.

6. The Association and all its property shall remain liable for the payment or satisfaction of any debts or obligations heretofore contracted or incurred in the same manner and to the same extent as if this Act had not been passed.

Real property

7. The Association shall have power to acquire and hold in the City of London and in any other municipality any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust and to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and to apply the proceeds of any such property for the purposes of the Association; provided that no land at any time acquired by the Association and not required for its actual use and purposes or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee or trustees on its behalf, for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.



**8.** The council of a municipality may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned by the Association and occupied by, used solely and carried on for the purposes of the Association, on such conditions as may be set out in the by-law. Exemption from taxation  
Rev. Stat., c. 24

**9.** The Association shall have power to borrow money for its purposes upon its credit and shall have power to mortgage, hypothecate or pledge any of its real or personal property as security for any loan. Borrowing powers

**10.** The Association shall have power to establish an endowment fund or funds for any of its purposes and shall have power to create such funds out of its own moneys or securities for moneys and out of any subscriptions, gifts, donations and bequests under such trust, regulations and conditions in respect thereto as may from time to time be determined by the board of directors of the Association. Endowment fund

**11.** The Association shall have power to lend, invest and reinvest any of its funds and moneys in any securities from time to time authorized by law as investments for trust funds. Loans and investments

**12.** The Association shall have power to establish, aid or support such courses in technical, vocational or trades education as the board of directors of the Association may from time to time determine. Educational courses

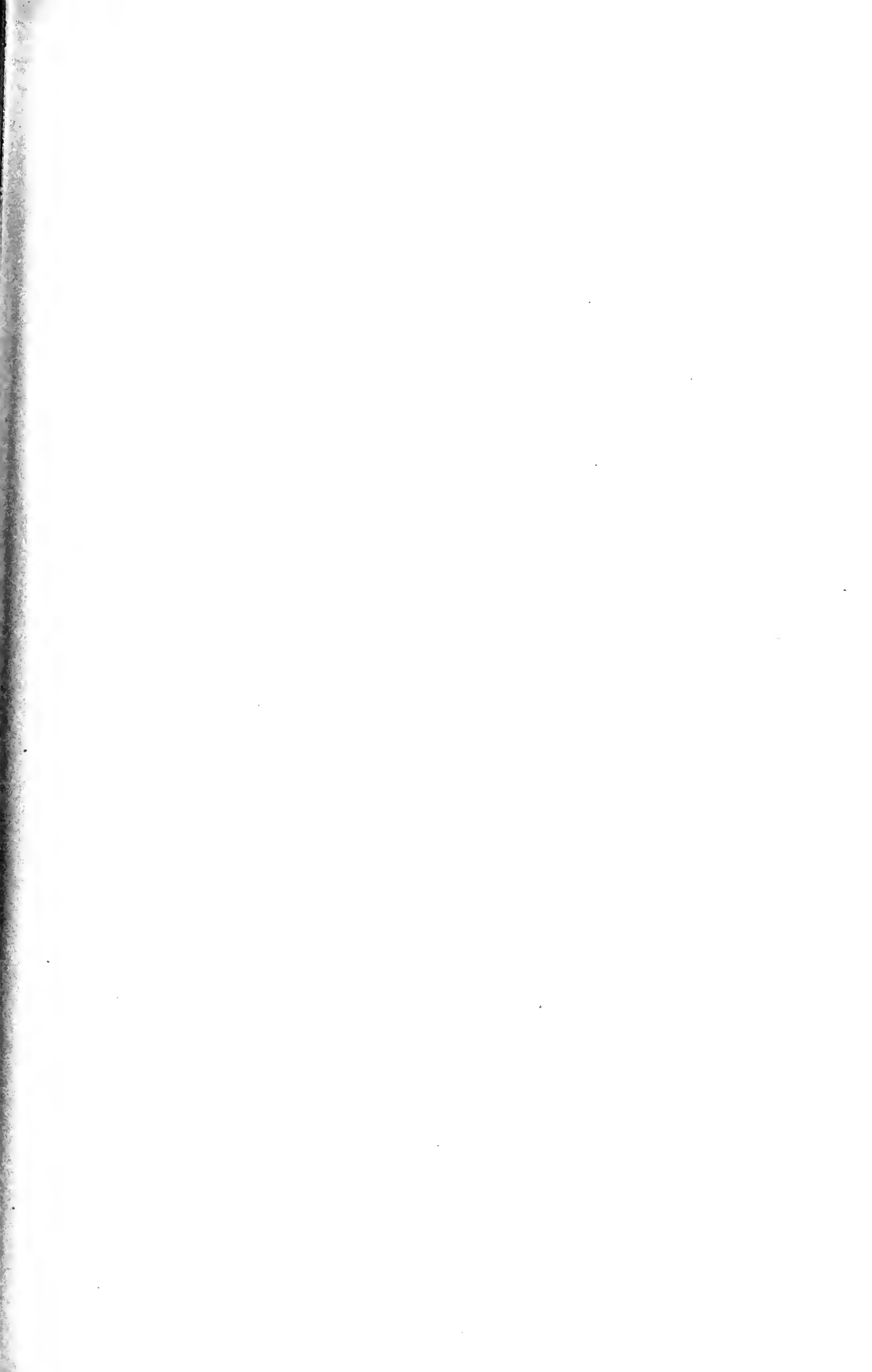
**13.** The following are repealed: Repeal

- (a) *An Act to incorporate The London Young Men's Christian Association*, being chapter 115 of the Statutes of Ontario, 1899. 1899, c.115
- (b) *An Act to incorporate the Young Women's Christian Association of London, Ontario*, being chapter 124 of the Statutes of Ontario, 1905. 1905, c. 124
- (c) *The London Young Women's Christian Association Act, 1927*. 1927, c. 147

**14.** This Act comes into force on the day it receives Royal Assent. Commencement

**15.** This Act may be cited as *The Young Men's and Young Women's Christian Association of London Act, 1953*. Short title





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BILL

An Act to incorporate The Young Men's  
and Young Women's Christian Association  
of London

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*1st Reading*

February 17th, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

March 18th, 1953

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Mr. ROBARTS (London)

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the Riverside Cemetery  
Company of Port Arthur

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MR. WARDROPE

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(PRIVATE BILL)



# BILL

## An Act respecting the Riverside Cemetery Company of Port Arthur

**W**HEREAS the "Riverside Cemetery Company of Port Arthur" by its petition has represented that it was incorporated under that name in or about 1884 under *An Act respecting Cemetery Companies*, being chapter 170 of the Revised Statutes of Ontario, 1877, and that the fact of such incorporation is a recital in *An Act respecting the Riverside Cemetery Company of Port Arthur*, being chapter 82 of the Statutes of Ontario, 1886, and that the records in connection with the incorporation have been lost and there is now no documentary evidence of its incorporation; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Riverside Cemetery Company of Port Arthur, hereinafter called the Corporation, shall be deemed to have been properly incorporated as a body corporate and politic in 1884 under the said *An Act respecting Cemetery Companies* and to have continued and shall continue as a body corporate and politic.

(2) The Corporation shall be without share capital.

No share capital

**2.** The Corporation shall be subject to *The Companies Act* and the provisions thereof shall apply as if it had been incorporated under that Act and the Corporation shall also be subject to *The Cemeteries Act*.

Application of Rev. Stat., cc. 59, 46

**3.** The purposes of the Corporation shall be as follows:

Purposes of Corporation

(a) To maintain and operate the cemetery heretofore maintained and operated at the City of Port Arthur, in the District of Thunder Bay, under the said name.

(b) To take and accept all gifts, legacies and bequests of money or other personalty and to acquire, hold and possess by gift, devise, bequest, purchase or otherwise, lands, tenements or hereditaments and interests therein for the use, support or purpose of the Corporation, and all persons and bodies corporate shall have the full unrestricted right to give, grant, devise and bequeath to the Corporation any land or interest in land or any goods, chattels and effects, but nothing herein shall authorize the Corporation to engage in the business of trading in real estate.

(c) To establish, maintain and operate, if and when deemed advisable, a crematorium, columbarium and funeral chapel in connection with the said cemetery and in accordance with *The Cemeteries Act*.

Rev. Stat.,  
c. 46

(d) To borrow money upon the credit of the Corporation by way of overdraft on any bank or banks or otherwise, and to issue bonds, debentures or other securities of the Corporation for such sums as the Corporation may determine and at such rate of interest and for such periods as the Corporation may deem expedient, and to pledge or sell the same for such sums and at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the real or personal property of the Corporation, or both, to secure such bonds, debentures or other securities and any moneys borrowed for the purposes of the Corporation.

(e) To invest the moneys of the Corporation not immediately required for the purposes of the Corporation in any securities in which, under *The Trustee Act* or any other Act, trustees may invest trust funds.

Rev. Stat.,  
c. 400

(f) To do any or all of the above things as principals, agents, contractors, trustees or otherwise and by or through agents or otherwise and either alone or in conjunction with others.

(g) To do all such things as are incidental or conducive to the attainment of the above objects or any of them.

Membership

4. Any person owning one hundred superficial feet of land in the cemetery shall be entitled to become a member of the Corporation upon application and be eligible to become a director and the interest of a member in the Corporation shall be transferable in accordance with the by-laws and regulations from time to time in force.



**5.** The directors of the Corporation shall constitute the committee of management of the Corporation. Committee of management

**6.** The directors may from time to time make by-laws and regulations, not contrary to law or any provision of the letters patent, supplementary letters patent, if any, or *The Companies Act*, and from time to time, amend, vary or repeal the same, respecting: By-laws and regulations

- (a) The admission of members and the election or appointment of directors, trustees and officers.
- (b) The time and place of holding and the calling of meetings of members, trustees and directors and the requirements as to proxies and the procedure at and the conduct of such meetings.
- (c) The payment of officers and employees.
- (d) The control, management and conduct of the affairs of the Corporation.

**7.** Every by-law and regulation and every repeal, amendment, modification or variation thereof, unless in the meantime confirmed at a general meeting duly called for that purpose, shall have force only until the next annual meeting of the Corporation, and in default of confirmation thereat shall from that time cease to have force and in that case no new by-law or regulation to the same or the like effect or re-enactment thereof shall have any force until confirmed at a general meeting of the Corporation. Confirmation of by-laws, etc.

**8.** Such by-laws, regulations, amendments, modifications and variations shall replace, exclude and modify the regulations set out in Form 4 to *The Companies Act*, save that in any matters covered by Form 4 and not provided for in the Corporation's by-laws and regulations, the regulations and provisions of Form 4 shall apply and be in force but all such matters which after the passing of the Corporation's by-laws and regulations may be left to be governed by Form 4, may be varied, amended, excluded or modified by any by-laws or regulations. Application of Rev. Stat., c. 59, Form 4

**9.** The title to the lands heretofore acquired by the Corporation and conveyed into the name of the Corporation as set forth in Schedule A, and the title to the lands heretofore acquired by the Corporation and conveyed into the names of trustees for and on behalf of the Corporation as set forth in Schedule B, and the right of the Corporation to hold same, is hereby ratified and confirmed. Title to lands

Previous  
acts con-  
firmed

**10.** All acts done and performed by the Corporation within the scope of the authority granted by the said *An Act respecting Cemetery Companies* and amendments thereto or substitutions therefor are hereby ratified and confirmed.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Riverside Cemetery Company of Port Arthur Act, 1953*.

## SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay and Province of Ontario, and being composed of part of the North East Quarter of Section 50 of the Township of McIntyre, now in the City of Port Arthur, and more particularly described as follows:

COMMENCING at a point in the northerly limit of Oliver Road, at a distance of Six hundred and sixty feet (660') westerly from the east boundary of said section and measured at right angles thereto, said point being the place of beginning; thence north parallel to the said east boundary of Section 50, a distance of eight hundred and eleven and eight-tenths feet (811.8') to the north boundary thereof; thence west along said north boundary a distance of two hundred and fifteen and eight-tenths feet (215.8'); thence south thirty-seven (37) degrees west a distance of nine hundred and seven and five-tenths feet (907.5'); thence west astronomically a distance of one hundred and ninety-eight feet (198') to a point on the south-easterly shore of the old channel of the McIntyre River; thence south and westerly along said shore to a point, said point being at a distance of five hundred and five and six-tenths feet (505.6') and on a bearing of south forty-two (42) degrees ten (10) minutes west from the last mentioned point; thence south twenty-eight (28) degrees thirty-six (36) minutes east a distance of two hundred and nine and six-tenths feet (209.6') to the northerly limit of Oliver Road, thence north-easterly along said limit one thousand three hundred and thirty feet (1,330') more or less to the place of beginning.

## SCHEDULE B

*Firstly:* ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being that part of north-east quarter of Section 50, McIntyre Township, now in the City of Port Arthur, described as follows:

COMMENCING at a point in the north boundary of Section 50, McIntyre Township, now the City of Port Arthur, at a distance of fifteen hundred and thirty-five and eighty-two one hundredths feet (1535.82') from the north-east angle thereof; thence south at right angles to said north boundary thirty-three feet (33') to a point, which is the point of commencement; thence continuing south six hundred and ninety-five feet (695') to the north boundary of Riverside Cemetery; thence east along said north boundary of the cemetery one hundred and thirteen feet (113') to an angle; thence north thirty-seven degrees east (N. 37 E.) eight hundred and sixty-six and twenty-five one hundredths feet (866.25') more or less to a point distant perpendicularly thirty-three feet (33') south from the north boundary of Section 50; thence west parallel to and at a distance of thirty-three feet (33') southerly from the said north boundary six hundred and thirty-four and thirty-three one hundredths feet (634.33') back to the point of commencement, and containing five and ninety-six one hundredths acres (5.96 acres).

*Secondly:* ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay, and being composed of part of the south-east subdivision of Section 40 formerly in the Township of McIntyre, containing by admeasurement thirty-six (36) acres more or less, which portion is more particularly described as follows:

COMMENCING at a point in the easterly boundary of the said Section 40 where it is intersected by the production westerly of the southerly boundary of Montgomery Avenue and continuing westerly along the said

production a distance of thirty-three feet (33') to a point, which said point is the point of commencement of this description; thence westerly and along the said westerly production of the southerly boundary of Montgomery Avenue a distance of one thousand three hundred and two feet (1,302') to a point; thence southerly and parallel to the easterly boundary of the said Section 40 a distance of one thousand five hundred and thirty feet (1,530') more or less to the southerly boundary of the said Section 40; thence easterly and along the said southerly boundary a distance of six hundred and seventy-five feet (675') more or less to a point where a post has been planted at the north-west angle of St. Andrew's Cemetery, being the lands described in a certain Deed dated the 18th day of September, 1885, from Robert Laird, *et ux*, and William Henry Laird, of the One Part, to The Roman Catholic Episcopal Corporation of the Diocese of Peterborough, Ontario, of the Other Part, and registered on the 6th day of October, 1885, in the Registry Office for the Registry Division of Port Arthur as Number 769; thence northerly and parallel to the easterly boundary of the said Section 40 a distance of six hundred and ninety-five feet (695') to a point; thence easterly and parallel to the southerly boundary of the said Section 40 a distance of six hundred and twenty-seven feet (627') more or less to a point thirty-three feet (33') perpendicularly distant from the easterly boundary of the said Section 40; thence northerly and parallel to the easterly boundary of the said Section 40 and at a uniform distance of thirty-three feet (33') therefrom a distance of eight hundred and thirty-five feet (835') more or less to the point of commencement.







BILL

An Act respecting the Riverside Cemetery  
Company of Port Arthur

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. WARDROPE

*(Private Bill)*



No. 6

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the Riverside Cemetery  
Company of Port Arthur

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MR. WARDROPE

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## An Act respecting the Riverside Cemetery Company of Port Arthur

**W**HEREAS the “Riverside Cemetery Company of Port Arthur” by its petition has represented that it was incorporated under that name in or about 1884 under *An Act respecting Cemetery Companies*, being chapter 170 of the Revised Statutes of Ontario, 1877, and that the fact of such incorporation is a recital in *An Act respecting the Riverside Cemetery Company of Port Arthur*, being chapter 82 of the Statutes of Ontario, 1886, and that the records in connection with the incorporation have been lost and there is now no documentary evidence of its incorporation; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Riverside Cemetery Company of Port Arthur, hereinafter called the Corporation, shall be deemed to have been properly incorporated as a body corporate and politic in 1884 under the said *An Act respecting Cemetery Companies* and to have continued and shall continue as a body corporate and politic.

(2) The Corporation shall be without share capital.

Incorporation confirmed  
No share capital

**2.** The Corporation shall be subject to *The Companies Act* and the provisions thereof shall apply as if it had been incorporated under that Act and the Corporation shall also be subject to *The Cemeteries Act*.

Application of Rev. Stat., cc. 59, 46

**3.** The purposes of the Corporation shall be as follows:

Purposes of Corporation

(a) To maintain and operate the cemetery heretofore maintained and operated at the City of Port Arthur, in the District of Thunder Bay, under the said name.

(b) To take and accept all gifts, legacies and bequests of money or other personalty and to acquire, hold and possess by gift, devise, bequest, purchase or otherwise, lands, tenements or hereditaments and interests therein for the use, support or purpose of the Corporation, and all persons and bodies corporate shall have the full unrestricted right to give, grant, devise and bequeath to the Corporation any land or interest in land or any goods, chattels and effects, but nothing herein shall authorize the Corporation to engage in the business of trading in real estate.

(c) To establish, maintain and operate, if and when deemed advisable, a crematorium, columbarium and funeral chapel in connection with the said cemetery and in accordance with *The Cemeteries Act*.

Rev. Stat.,  
c. 46

(d) To borrow money upon the credit of the Corporation by way of overdraft on any bank or banks or otherwise, and to issue bonds, debentures or other securities of the Corporation for such sums as the Corporation may determine and at such rate of interest and for such periods as the Corporation may deem expedient, and to pledge or sell the same for such sums and at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the real or personal property of the Corporation, or both, to secure such bonds, debentures or other securities and any moneys borrowed for the purposes of the Corporation.

(e) To invest the moneys of the Corporation not immediately required for the purposes of the Corporation in any securities in which, under *The Trustee Act* or any other Act, trustees may invest trust funds.

Rev. Stat.,  
c. 400

(f) To do any or all of the above things as principals, agents, contractors, trustees or otherwise and by or through agents or otherwise and either alone or in conjunction with others.

(g) To do all such things as are incidental or conducive to the attainment of the above objects or any of them.

Membership

**4.** Any person owning one hundred superficial feet of land in the cemetery shall be entitled to become a member of the Corporation upon application and be eligible to become a director and the interest of a member in the Corporation shall be transferable in accordance with the by-laws and regulations from time to time in force.

5. The directors of the Corporation shall constitute the <sup>Committee of management</sup> committee of management of the Corporation.

6. The directors may from time to time make by-laws and <sup>By-laws and regulations</sup> regulations, not contrary to law or any provision of the letters patent, supplementary letters patent, if any, or *The Companies Act*, and from time to time, amend, vary or repeal the same, respecting:

- (a) The admission of members and the election or appointment of directors, trustees and officers.
- (b) The time and place of holding and the calling of meetings of members, trustees and directors and the requirements as to proxies and the procedure at and the conduct of such meetings.
- (c) The payment of officers and employees.
- (d) The control, management and conduct of the affairs of the Corporation.

7. Every by-law and regulation and every repeal, amend- <sup>Confirmation of by-laws, etc.</sup> ment, modification or variation thereof, unless in the meantime confirmed at a general meeting duly called for that purpose, shall have force only until the next annual meeting of the Corporation, and in default of confirmation thereat shall from that time cease to have force and in that case no new by-law or regulation to the same or the like effect or re-enactment thereof shall have any force until confirmed at a general meeting of the Corporation.

8. Such by-laws, regulations, amendments, modifications <sup>Application of Rev. Stat., c. 59, Form 4</sup> and variations shall replace, exclude and modify the regulations set out in Form 4 to *The Companies Act*, save that in any matters covered by Form 4 and not provided for in the Corporation's by-laws and regulations, the regulations and provisions of Form 4 shall apply and be in force but all such matters which after the passing of the Corporation's by-laws and regulations may be left to be governed by Form 4, may be varied, amended, excluded or modified by any by-laws or regulations.

9. The title to the lands heretofore acquired by the Cor- <sup>Title to lands</sup> poration and conveyed into the name of the Corporation as set forth in Schedule A, and the title to the lands heretofore acquired by the Corporation and conveyed into the names of trustees for and on behalf of the Corporation as set forth in Schedule B, and the right of the Corporation to hold same, is hereby ratified and confirmed.

Previous  
acts con-  
firmed

**10.** All acts done and performed by the Corporation within the scope of the authority granted by the said *An Act respecting Cemetery Companies* and amendments thereto or substitutions therefor are hereby ratified and confirmed.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Riverside Cemetery Company of Port Arthur Act, 1953*.

## SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay and Province of Ontario, and being composed of part of the North East Quarter of Section 50 of the Township of McIntyre, now in the City of Port Arthur, and more particularly described as follows:

COMMENCING at a point in the northerly limit of Oliver Road, at a distance of Six hundred and sixty feet (660') westerly from the east boundary of said section and measured at right angles thereto, said point being the place of beginning; thence north parallel to the said east boundary of Section 50, a distance of eight hundred and eleven and eight-tenths feet (811.8') to the north boundary thereof; thence west along said north boundary a distance of two hundred and fifteen and eight-tenths feet (215.8'); thence south thirty-seven (37) degrees west a distance of nine hundred and seven and five-tenths feet (907.5'); thence west astronomically a distance of one hundred and ninety-eight feet (198') to a point on the south-easterly shore of the old channel of the McIntyre River; thence south and westerly along said shore to a point, said point being at a distance of five hundred and five and six-tenths feet (505.6') and on a bearing of south forty-two (42) degrees ten (10) minutes west from the last mentioned point; thence south twenty-eight (28) degrees thirty-six (36) minutes east a distance of two hundred and nine and six-tenths feet (209.6') to the northerly limit of Oliver Road, thence north-easterly along said limit one thousand three hundred and thirty feet (1,330') more or less to the place of beginning.

## SCHEDULE B

*Firstly:* ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being that part of north-east quarter of Section 50, McIntyre Township, now in the City of Port Arthur, described as follows:

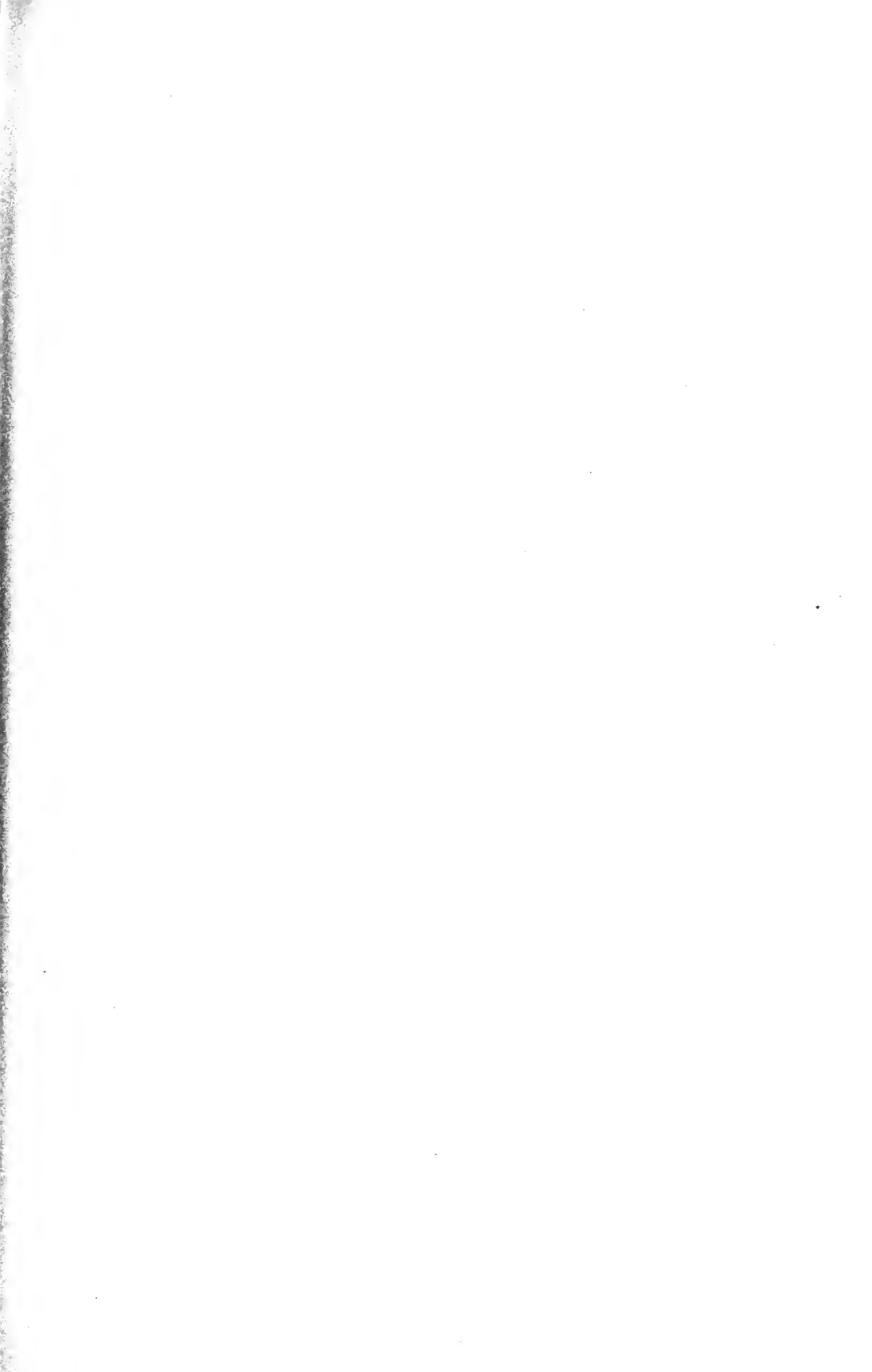
COMMENCING at a point in the north boundary of Section 50, McIntyre Township, now the City of Port Arthur, at a distance of fifteen hundred and thirty-five and eighty-two one hundredths feet (1535.82') from the north-east angle thereof; thence south at right angles to said north boundary thirty-three feet (33') to a point, which is the point of commencement; thence continuing south six hundred and ninety-five feet (695') to the north boundary of Riverside Cemetery; thence east along said north boundary of the cemetery one hundred and thirteen feet (113') to an angle; thence north thirty-seven degrees east (N. 37 E.) eight hundred and sixty-six and twenty-five one hundredths feet (866.25') more or less to a point distant perpendicularly thirty-three feet (33') south from the north boundary of Section 50; thence west parallel to and at a distance of thirty-three feet (33') southerly from the said north boundary six hundred and thirty-four and thirty-three one hundredths feet (634.33') back to the point of commencement, and containing five and ninety-six one hundredths acres (5.96 acres).

*Secondly:* ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay, and being composed of part of the south-east subdivision of Section 40 formerly in the Township of McIntyre, containing by admeasurement thirty-six (36) acres more or less, which portion is more particularly described as follows:

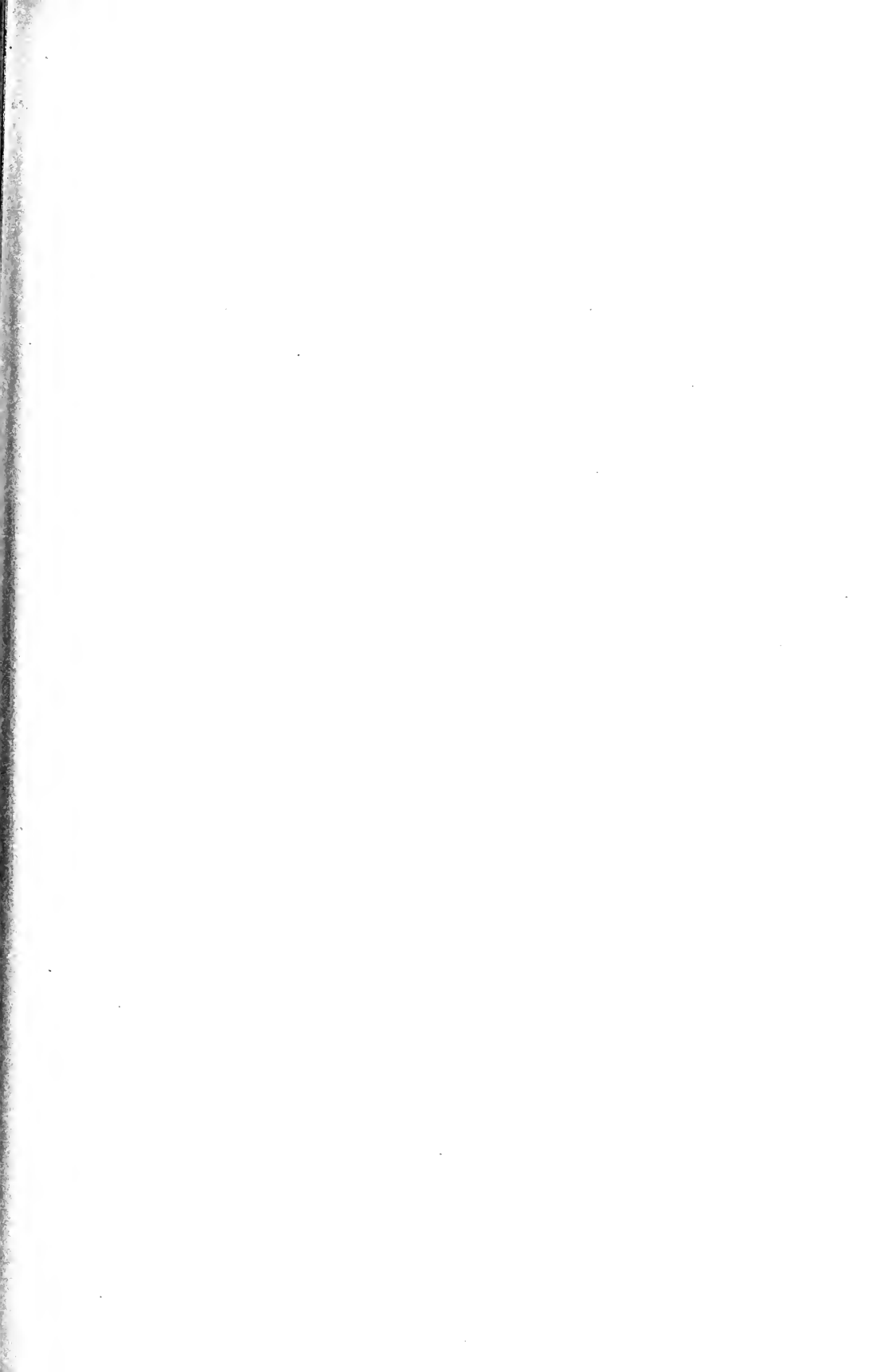
COMMENCING at a point in the easterly boundary of the said Section 40 where it is intersected by the production westerly of the southerly boundary of Montgomery Avenue and continuing westerly along the said

production a distance of thirty-three feet (33') to a point, which said point is the point of commencement of this description; thence westerly and along the said westerly production of the southerly boundary of Montgomery Avenue a distance of one thousand three hundred and two feet (1,302') to a point; thence southerly and parallel to the easterly boundary of the said Section 40 a distance of one thousand five hundred and thirty feet (1,530') more or less to the southerly boundary of the said Section 40; thence easterly and along the said southerly boundary a distance of six hundred and seventy-five feet (675') more or less to a point where a post has been planted at the north-west angle of St. Andrew's Cemetery, being the lands described in a certain Deed dated the 18th day of September, 1885, from Robert Laird, *et ux*, and William Henry Laird, of the One Part, to The Roman Catholic Episcopal Corporation of the Diocese of Peterborough, Ontario, of the Other Part, and registered on the 6th day of October, 1885, in the Registry Office for the Registry Division of Port Arthur as Number 769; thence northerly and parallel to the easterly boundary of the said Section 40 a distance of six hundred and ninety-five feet (695') to a point; thence easterly and parallel to the southerly boundary of the said Section 40 a distance of six hundred and twenty-seven feet (627') more or less to a point thirty-three feet (33') perpendicularly distant from the easterly boundary of the said Section 40; thence northerly and parallel to the easterly boundary of the said Section 40 and at a uniform distance of thirty-three feet (33') therefrom a distance of eight hundred and thirty-five feet (835') more or less to the point of commencement.









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BILL

An Act respecting the Riverside Cemetery  
Company of Port Arthur

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*1st Reading*

February 26th, 1953

*2nd Reading*

March 11th, 1953

*3rd Reading*

March 17th, 1953

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MR. WARDROPE

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No. 7

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the Town of Paris

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MR. NIXON

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## An Act respecting the Town of Paris

**W**HEREAS The Corporation of the Town of Paris by its <sup>Preamble</sup> petition has represented that the Town has for many years formed a portion of the County of Brant and is desirous of withdrawing from the County and becoming a separated municipality; and whereas the Town has notified the council of the County of its intention to apply for the passing of an Act withdrawing it from the County; and whereas the council of the Town on the 1st day of December, 1952, did submit for the opinion of the electors of the Town the question: "Are you in favour of the Town of Paris withdrawing from the County of Brant and becoming a Separated Municipality?", upon which question 1,614 of the electors voted in the affirmative and 306 of the electors voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

<sup>Interpretation</sup>

- (a) "Town" means the Town of Paris;
- (b) "County" means the County of Brant.

**2.** On and after the 1st day of January, 1954, the Town shall be withdrawn and for municipal purposes shall be separated from the County. <sup>Separation from County</sup>

**3.** On and after the 1st day of January, 1954, the costs and expenses of the County court house and jail and of all other matters and things set forth in section 373 of *The Municipal Act* shall be borne and paid as between the County and the Town as provided in that Act. <sup>Liability re court house, jail, etc. Rev. Stat., c. 243</sup>

**4.** The provisions of *The Municipal Act* in relation to matters consequent upon the formation of a new corporation and as to the adjustment of assets and liabilities as between <sup>Application of Rev. Stat., c. 243</sup>

the corporation of a county and the corporation of a town, not being a separated town, which is erected into a city, shall apply as between the County and the Town except that subsection 6 of section 36 of that Act shall be deemed not to apply.

Town  
council

**5.**—(1) After the year 1953, the council of the Town shall be composed of a mayor and six councillors, and shall be elected in the manner provided in *The Municipal Act* for the council of a town in a county, except there shall be no reeve or deputy reeve.

Election  
of 1954  
council

(2) The election of the council of the Town for the year 1954 and all proceedings incidental thereto shall be held in the manner provided for in the by-laws of the Town in effect on the 1st day of November, 1953, except that no reeve or deputy reeve shall be elected for 1954.

High school  
district

Rev. Stat.,  
c. 165

**6.** Notwithstanding this Act, The Paris High School District shall continue until its boundaries are changed in accordance with *The High Schools Act*, but on and after the 1st day of January, 1954, the Board of The Paris High School District shall be constituted as provided under subsection 3 of section 18 of *The High Schools Act*, and on and after the 1st day of January, 1954, all other provisions of *The High Schools Act* relating to a separated town shall apply as between The Paris High School District and the Town.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Town of Paris Act, 1953*.









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BILL

An Act respecting the Town of Paris

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. NIXON

*(Private Bill)*

No. 8

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting Institut des Franciscaines Missionnaires  
de Marie d'Ontario

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MR. NAULT

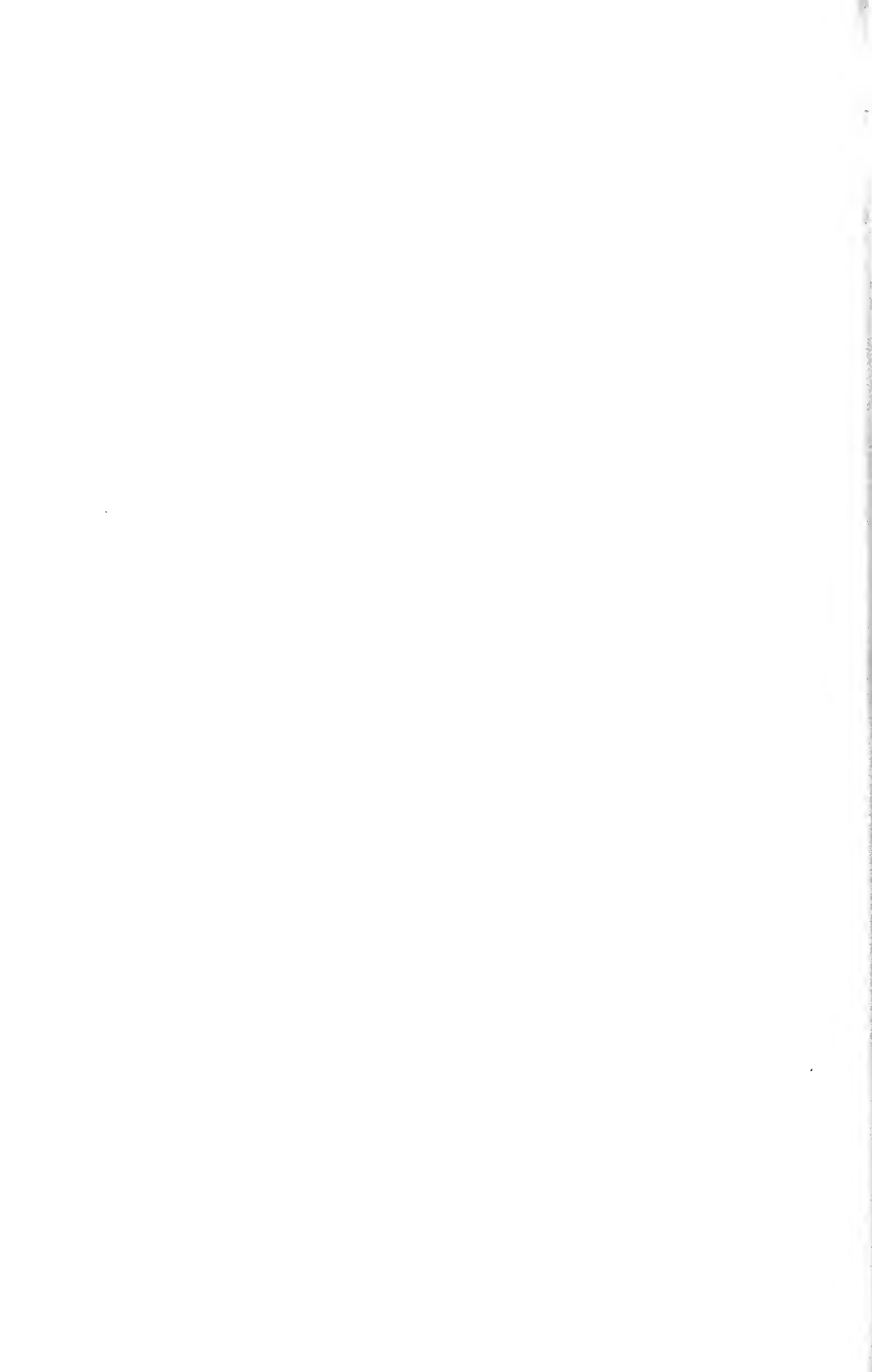
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(PRIVATE BILL)

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# BILL

## An Act respecting Institut des Franciscaines Missionnaires de Marie d'Ontario

**W**HEREAS Institut des Franciscaines Missionnaires de Marie d'Ontario, a corporation incorporated without share capital and without profits to its members under *The Companies Act*, by its petition has prayed for special legislation to exempt from taxation for municipal and school purposes all the real property owned, occupied and used by and for the purposes of the corporation; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All real property owned by Institut des Franciscaines Missionnaires de Marie d'Ontario shall, so long as the same is owned, occupied and used by and for the purposes of the said corporation, be exempt from taxation for municipal and school purposes other than local improvements. Tax exemption
2. This Act shall be deemed to have come into force on the 1st day of January, 1953. Commencement
3. This Act may be cited as *The Institut des Franciscaines Missionnaires de Marie d'Ontario Act, 1953*. Short title

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BILL

An Act respecting Institut des Franciscaines Missionnaires de Marie d'Ontario

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. NAULT

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the City of Kitchener

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MR. LEAVINE

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(PRIVATE BILL)



# BILL

## An Act respecting the City of Kitchener

**W**HEREAS The Corporation of the City of Kitchener by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of the Corporation of the City of Kitchener may pass by-laws to authorize and regulate, as may seem expedient, the erection and maintenance upon or under high-ways and lanes of poles, wires and cables and buried ducts and cables for transmitting electrical or electronic impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes and television programmes. <sup>Transmission poles, wires, etc.</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

**3.** This Act may be cited as *The City of Kitchener Act*, <sup>Short title</sup> 1953.

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BILL.

An Act respecting the City of Kitchener.

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. LEVINE

(*Private Bill*)

No. 10

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting Assumption College**

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MR. MURDOCH

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## An Act respecting Assumption College

**W**HEREAS Assumption College by its petition has represented that it was incorporated by an Act entitled *An Act to incorporate Assumption College, Sandwich, in the Diocese of London*, being chapter 136 of the Statutes of the Province of Canada, 1858; and that it has conducted and maintained an institution of learning in the Town of Sandwich, and, since *The City of Windsor (Amalgamation) Act, 1935*, in the City of Windsor; and whereas the petitioner has prayed for legislation varying the provisions of its Act of Incorporation in relation to its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Preamble

1935, c. 74

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpretation

- (a) "Board" means the Board of Governors of the College;
- (b) "Chancellor" means Chancellor of the College;
- (c) "College" means Assumption College;
- (d) "Corporation" means the body corporate of the College;
- (e) "graduates" means persons who have been awarded degrees by the College and persons who, having completed courses of instruction at the College, have been awarded degrees by the University of Western Ontario upon the recommendation of the Faculty of the College;
- (f) "President" means President of the College;

- (g) "property" includes all property, both real and personal;
- (h) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (i) "Senate" means Senate of the College;
- (j) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research.

Corporation continued

**2.** The Corporation of Assumption College is hereby continued as a body corporate with perpetual succession under the said name, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.

Objects and purposes

**3.** The College shall have university powers, including:

- (a) The power to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as may be determined by the Board.
- (b) The power to confer university degrees and honorary degrees and awards in any and all branches of learning.

Property

Rev. Stat., c. 184

**4.** The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property, in addition to or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

Trust property vested in College

**5.** All property hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the College, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College.



**6.** Property vested in the College shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. <sup>Property not liable to expropriation</sup>

**7.** Property vested in the College shall not be liable to taxation for provincial, municipal or school purposes and shall be exempt from every description of such taxation, but the interest of every lessee and occupant (other than an officer of the College or a member of the teaching staff or a student or servant of the College or an association or society of graduates or undergraduates or teachers or officers of the College) of real property vested in the College shall be liable to taxation. <sup>Tax exemption</sup>

**8.** All property vested in the College shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. <sup>Application of statutes of limitations</sup>

**9.** The property, and the income, revenues, issues and profits of all property, of the College shall be applied solely to achieving the objects and purposes of the College. <sup>Application of property to objects</sup>

**10.** The funds of the College not immediately required for its purposes, and the proceeds of all property which comes to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board shall deem meet. <sup>Investment of funds</sup>

**11.** The College, if authorized by by-law of the Board, may, <sup>Borrowing powers</sup>

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the College to secure any such bonds, debentures and obligations;

provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the College.

Board of  
Governors

**12.** The government, conduct, management and control of the College, and of its work, affairs and business, and all other matters shall be vested in the Board of Governors which shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College.

Composition

**13.** The Board shall be composed of the President, the Superior-General of the Congregation of St. Basil, the Superior of the Congregation of St. Basil at the College and his Councillors, the Treasurer of the College, all *ex officio*, and two other members of the Congregation of St. Basil who shall be elected by the Board for terms of three years, and who shall be eligible for re-election on the expiration of their terms, and such other persons and for such terms as the Board may by by-law prescribe.

Powers of  
Board

**14.**—(1) The Board shall have power,

- (a) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the College, and to repeal or vary the same;
- (b) to appoint members of the Board other than *ex officio* members, and deans of faculties and members of the teaching staff and all other officers, employees and servants of the College.

By-laws

(2) By-laws, rules and regulations made by the Board shall not require confirmation by the members of the Corporation.

Special  
by-laws

**15.** Without limiting the general powers conferred upon or vested in the Board, the Board may make by-laws.

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, and meetings and attendance at meetings, and fixing the quorum of the Board;

- (c) providing for the appointment of committees by the Board and for conferring authority upon any of such committees to act for the Board with respect to any matter or class or classes of matters;
- (d) providing for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the College as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

**16.**—(1) There shall be a Chancellor of the College who shall be the Bishop of the Roman Catholic diocese in which the principal establishment of the College is situated. <sup>Chancellor</sup>

(2) The Chancellor shall be the titular head of the College and shall confer all degrees. <sup>Idem</sup>

(3) In the absence of the Chancellor and Vice-Chancellor, the Senate shall appoint one of its number to confer degrees. <sup>Degrees</sup>

**17.**—(1) There shall be a President of the College who shall be a member of the Congregation of St. Basil appointed by the Superior-General of the Congregation of St. Basil, who shall hold office for a term of three years and who shall be eligible for re-appointment on the expiration of any such term. <sup>President</sup>

(2) The President shall be Vice-Chancellor and chief executive officer of the College and in the absence of or vacancy in the office of the Chancellor shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the College and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board. <sup>Idem</sup>

**18.** The Board may appoint a Vice-President of the College who shall be assistant to the President and in the absence of or vacancy in the office of President shall perform the functions of the President, and who shall have such other powers, rights and duties as shall be assigned to him by the Board. <sup>Vice-President</sup>

**19.**—(1) There shall be a Senate of the College comprised as follows: <sup>Senate</sup>

- (a) The Chancellor.
- (b) The President.

- (c) The Dean of each faculty and school within the College.
- (d) The Dean of Women.
- (e) The Librarian.
- (f) The Registrar.
- (g) Two members of the teaching staff of each faculty and school within the College to be elected every two years by their own number by the teaching staffs of the respective faculties and schools.
- (h) Two graduates of the College to be elected every two years by the graduates.
- (i) Such other persons as the Board may determine.

Term of  
office of  
elected  
members

(2) Elected representatives on the Senate shall hold office until their successors are elected; provided that elected representatives of faculties and schools shall cease to be members of the Senate upon ceasing to be a member of the faculty or school which they represent.

Powers of  
Senate

**20.** Unless otherwise determined by by-law of the Board, the Senate shall,

- (a) consider and determine all course of study, including requirements for admission;
- (b) recommend the establishment of additional faculties, schools, departments, chairs, or courses of instruction in the College;
- (c) receive and consider recommendations respecting academic matters from the Faculty Boards of the College;
- (d) conduct examinations and appoint examiners;
- (e) grant degrees and honorary degrees, and diplomas;
- (f) award College scholarships, medals and prizes;
- (g) make rules and regulations respecting the conduct and activities of the students of the College;
- (h) publish the College calendars;

- (i) make such recommendations as may be deemed proper for achieving the objects and purposes of the College;
- (j) make rules and regulations for the conduct of its affairs.

**21.** The accounts of the College shall be audited at least <sup>Audit</sup> once a year by a practising auditor.

**22.** The College shall submit to the Lieutenant-Governor <sup>Reports to</sup> in Council, upon request, the annual report of the College, and <sup>Lieutenant-Governor</sup> such other reports as may be so requested from time to time.

**23.** In the event of any conflict between the provisions of <sup>Conflict</sup> the said Act entitled *An Act to incorporate Assumption College, 1858, c. 136* *Sandwich, in the Diocese of London* and this Act, the provisions of this Act shall prevail.

**24.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**25.** This Act may be cited as *The Assumption College* <sup>Short title</sup> *Act, 1953.*





BILL

An Act respecting Assumption College

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MURDOCH

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*(Private Bill)*



No. 10

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting Assumption College**

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MR. MURDOCH

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*(Reprinted as amended by the Committee on Private Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting Assumption College

**W**HEREAS Assumption College by its petition has represented that it was incorporated by an Act entitled *An Act to incorporate Assumption College, Sandwich, in the Diocese of London*, being chapter 136 of the Statutes of the Province of Canada, 1858; and that it has conducted and maintained an institution of learning in the Town of Sandwich, and, since *The City of Windsor (Amalgamation) Act, 1935*, in the City of Windsor; and whereas the petitioner has prayed for legislation varying the provisions of its Act of Incorporation in relation to its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Preamble

1935, c. 74

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpretation

- (a) "Board" means the Board of Governors of the College;
- (b) "Chancellor" means Chancellor of the College;
- (c) "College" means Assumption College;
- (d) "Corporation" means the body corporate of the College;
- (e) "graduates" means persons who have been awarded degrees by the College and persons who, having completed courses of instruction at the College, have been awarded degrees by the University of Western Ontario upon the recommendation of the Faculty of the College;
- (f) "President" means President of the College;

- (g) "property" includes all property, both real and personal;
- (h) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (i) "Senate" means Senate of the College;
- (j) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research.

Corporation  
continued

**2.** The Corporation of Assumption College is hereby continued as a body corporate with perpetual succession under the said name, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.

Objects' and  
purposes

**3.** The College shall have university powers, including:

- (a) The power to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as may be determined by the Board.
- (b) The power to confer university degrees and honorary degrees and awards in any and all branches of learning.

Property

Rev. Stat.,  
c. 184

**4.** The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property, in addition to or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

Trust  
property—  
vested in  
College

**5.** All property hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the College, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College.

**6.** Property vested in the College shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any other person possessing the right to take land compulsorily for any purpose, and no power to expropriate real property hereafter conferred on any corporation, except a municipal corporation, or upon any other person, shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Property  
not liable  
to expro-  
priation

**7.** All property vested in the College shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application  
of statutes  
of limita-  
tions

**8.** The property, and the income, revenues, issues and profits of all property, of the College shall be applied solely to achieving the objects and purposes of the College.

Application  
of property  
to objects

**9.** The funds of the College not immediately required for its purposes, and the proceeds of all property which comes to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board shall deem meet.

Investment  
of funds

**10.** The College, if authorized by by-law of the Board, may,

Borrowing  
powers

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the College to secure any such bonds, debentures and obligations;

provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the College.

Board of  
Governors

**11.** The government, conduct, management and control of the College, and of its work, affairs and business, and all other matters shall be vested in the Board of Governors which shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College.

Composition

**12.** The Board shall be composed of the President, the Superior-General of the Congregation of St. Basil, the Superior of the Congregation of St. Basil at the College and his Councillors, the Treasurer of the College, all *ex officio*, and two other members of the Congregation of St. Basil who shall be elected by the Board for terms of three years, and who shall be eligible for re-election on the expiration of their terms, and such other persons and for such terms as the Board may by by-law prescribe.

Powers of  
Board

**13.**—(1) The Board shall have power,

- (a) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the College, and to repeal or vary the same;
- (b) to appoint members of the Board other than *ex officio* members, and deans of faculties and members of the teaching staff and all other officers, employees and servants of the College.

By-laws

(2) By-laws, rules and regulations made by the Board shall not require confirmation by the members of the Corporation.

Special  
by-laws

**14.** Without limiting the general powers conferred upon or vested in the Board, the Board may make by-laws,

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, and meetings and attendance at meetings, and fixing the quorum of the Board;
- (c) providing for the appointment of committees by the Board and for conferring authority upon any of such committees to act for the Board with respect to any matter or class or classes of matters;
- (d) providing for the appointment and establishment of such advisory, deliberative or administrative persons,

offices and bodies of the College as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

**15.**—(1) There shall be a Chancellor of the College who shall be the Bishop of the Roman Catholic diocese in which the principal establishment of the College is situated. <sup>Chancellor</sup>

(2) The Chancellor shall be the titular head of the College and shall confer all degrees. <sup>Idem</sup>

(3) In the absence of the Chancellor and Vice-Chancellor, the Senate shall appoint one of its number to confer degrees. <sup>Degrees</sup>

**16.**—(1) There shall be a President of the College who shall be a member of the Congregation of St. Basil appointed by the Superior-General of the Congregation of St. Basil, who shall hold office for a term of three years and who shall be eligible for re-appointment on the expiration of any such term. <sup>President</sup>

(2) The President shall be Vice-Chancellor and chief executive officer of the College and in the absence of or vacancy in the office of the Chancellor shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the College and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board. <sup>Idem</sup>

**17.** The Board may appoint a Vice-President of the College who shall be assistant to the President and in the absence of or vacancy in the office of President shall perform the functions of the President, and who shall have such other powers, rights and duties as shall be assigned to him by the Board. <sup>Vice-President</sup>

**18.**—(1) There shall be a Senate of the College comprised as follows: <sup>Senate</sup>

- (a) The Chancellor.
- (b) The President.
- (c) The Dean of each faculty and school within the College.
- (d) The Dean of Women.
- (e) The Librarian.

- (f) The Registrar.
- (g) Two members of the teaching staff of each faculty and school within the College to be elected every two years by their own number by the teaching staffs of the respective faculties and schools.
- (h) Two graduates of the College to be elected every two years by the graduates.
- (i) Such other persons as the Board may determine.

(2) Elected representatives on the Senate shall hold office until their successors are elected; provided that elected representatives of faculties and schools shall cease to be members of the Senate upon ceasing to be a member of the faculty or school which they represent.

Term of  
office of  
elected  
members

**19.** Unless otherwise determined by by-law of the Board, the Senate shall,

- (a) consider and determine all course of study, including requirements for admission;
- (b) recommend the establishment of additional faculties, schools, departments, chairs, or courses of instruction in the College;
- (c) receive and consider recommendations respecting academic matters from the Faculty Boards of the College;
- (d) conduct examinations and appoint examiners;
- (e) grant degrees and honorary degrees, and diplomas;
- (f) award College scholarships, medals and prizes;
- (g) make rules and regulations respecting the conduct and activities of the students of the College;
- (h) publish the College calendars;
- (i) make such recommendations as may be deemed proper for achieving the objects and purposes of the College;
- (j) make rules and regulations for the conduct of its affairs.

Powers of  
Senate



**20.** The accounts of the College shall be audited at least <sup>Audit</sup> once a year by a practising auditor.

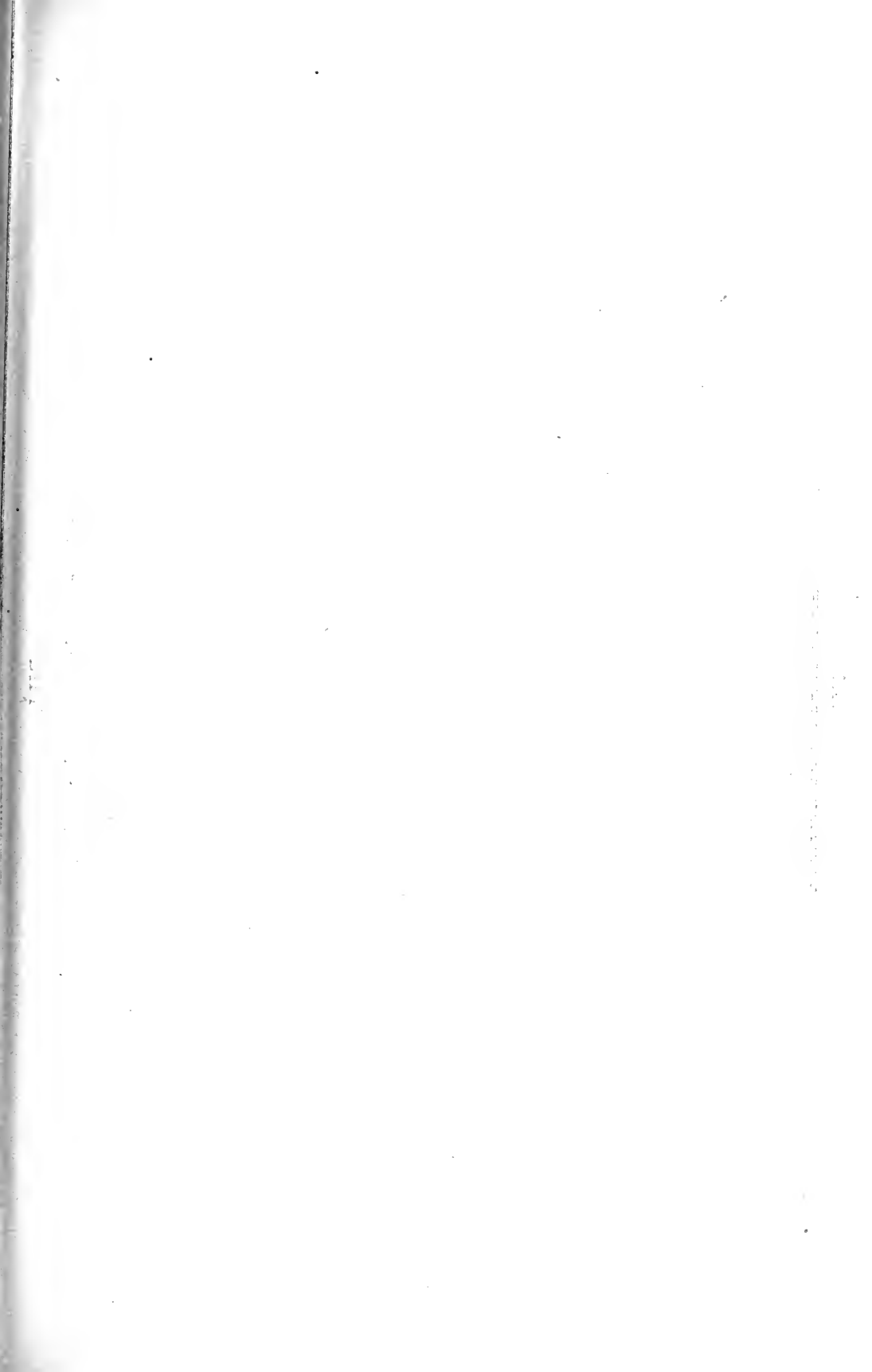
**21.** The College shall submit to the Lieutenant-Governor <sup>Reports to</sup> in Council, upon request, the annual report of the College, and <sup>Lieutenant-</sup> such other reports as may be so requested from time to time. <sup>Governor</sup>

**22.** In the event of any conflict between the provisions of <sup>Conflict</sup> the said Act entitled *An Act to incorporate Assumption College, 1858, c. 136 Sandwich, in the Diocese of London*" and this Act, the provisions of this Act shall prevail.

**23.** This Act comes into force on the day it receives <sup>Commence-</sup> Royal <sup>ment</sup> Assent.

**24.** This Act may be cited as *The Assumption College* <sup>Short title</sup> *Act, 1953.*





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**BILL**

An Act respecting Assumption College

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*1st Reading*

February 17th, 1953

*2nd Reading*

*3rd Reading*

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MR. MURDOCH

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*(Reprinted as amended by the Committee on  
Private Bills)*

No. 10

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting Assumption College

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MR. MURDOCH

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting Assumption College

**W**HEREAS Assumption College by its petition has repre- Preamble  
sented that it was incorporated by an Act entitled  
*An Act to incorporate Assumption College, Sandwich, in the*  
*Diocese of London*, being chapter 136 of the Statutes of the  
Province of Canada, 1858; and that it has conducted and  
maintained an institution of learning in the Town of Sand-  
wich, and, since *The City of Windsor (Amalgamation) Act*, 1935. c. 74  
1935, in the City of Windsor; and whereas the petitioner has  
prayed for legislation varying the provisions of its Act of  
Incorporation in relation to its organization, government and  
administration and enlarging and increasing its powers, rights  
and privileges; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Governors of the College;
- (b) "Chancellor" means Chancellor of the College;
- (c) "College" means Assumption College;
- (d) "Corporation" means the body corporate of the College;
- (e) "graduates" means persons who have been awarded degrees by the College and persons who, having completed courses of instruction at the College, have been awarded degrees by the University of Western Ontario upon the recommendation of the Faculty of the College;
- (f) "President" means President of the College;

- (g) "property" includes all property, both real and personal;
- (h) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (i) "Senate" means Senate of the College;
- (j) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research.

Corporation  
continued

**2.** The Corporation of Assumption College is hereby continued as a body corporate with perpetual succession under the said name, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.

Objects and  
purposes

**3.** The College shall have university powers, including:

- (a) The power to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as may be determined by the Board.
- (b) The power to confer university degrees and honorary degrees and awards in any and all branches of learning.

Property

Rev. Stat.,  
c. 184

**4.** The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property, in addition to or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

Trust  
property  
vested in  
College

**5.** All property hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the College, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College.



**6.** Property vested in the College shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any other person possessing the right to take land compulsorily for any purpose, and no power to expropriate real property hereafter conferred on any corporation, except a municipal corporation, or upon any other person, shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Property not liable to expropriation

**7.** All property vested in the College shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application of statutes of limitations

**8.** The property, and the income, revenues, issues and profits of all property, of the College shall be applied solely to achieving the objects and purposes of the College.

Application of property to objects

**9.** The funds of the College not immediately required for its purposes, and the proceeds of all property which comes to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board shall deem meet.

Investment of funds

**10.** The College, if authorized by by-law of the Board, may,

Borrowing powers

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the College to secure any such bonds, debentures and obligations;

provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the College.

Board of  
Governors

**11.** The government, conduct, management and control of the College, and of its work, affairs and business, and all other matters shall be vested in the Board of Governors which shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College.

Composition

**12.** The Board shall be composed of the President, the Superior-General of the Congregation of St. Basil, the Superior of the Congregation of St. Basil at the College and his Councillors, the Treasurer of the College, all *ex officio*, and two other members of the Congregation of St. Basil who shall be elected by the Board for terms of three years, and who shall be eligible for re-election on the expiration of their terms, and such other persons and for such terms as the Board may by by-law prescribe.

Powers of  
Board

**13.—(1)** The Board shall have power,

- (a) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the College, and to repeal or vary the same;
- (b) to appoint members of the Board other than *ex officio* members, and deans of faculties and members of the teaching staff and all other officers, employees and servants of the College.

By-laws

(2) By-laws, rules and regulations made by the Board shall not require confirmation by the members of the Corporation.

Special  
by-laws

**14.** Without limiting the general powers conferred upon or vested in the Board, the Board may make by-laws,

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, and meetings and attendance at meetings, and fixing the quorum of the Board;
- (c) providing for the appointment of committees by the Board and for conferring authority upon any of such committees to act for the Board with respect to any matter or class or classes of matters;
- (d) providing for the appointment and establishment of such advisory, deliberative or administrative persons,

offices and bodies of the College as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

**15.**—(1) There shall be a Chancellor of the College who shall be the Bishop of the Roman Catholic diocese in which the principal establishment of the College is situated. <sup>Chancellor</sup>

(2) The Chancellor shall be the titular head of the College and shall confer all degrees. <sup>Idem</sup>

(3) In the absence of the Chancellor and Vice-Chancellor, the Senate shall appoint one of its number to confer degrees. <sup>Degrees</sup>

**16.**—(1) There shall be a President of the College who shall be a member of the Congregation of St. Basil appointed by the Superior-General of the Congregation of St. Basil, who shall hold office for a term of three years and who shall be eligible for re-appointment on the expiration of any such term. <sup>President</sup>

(2) The President shall be Vice-Chancellor and chief executive officer of the College and in the absence of or vacancy in the office of the Chancellor shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the College and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board. <sup>Idem</sup>

**17.** The Board may appoint a Vice-President of the College who shall be assistant to the President and in the absence of or vacancy in the office of President shall perform the functions of the President, and who shall have such other powers, rights and duties as shall be assigned to him by the Board. <sup>Vice-President</sup>

**18.**—(1) There shall be a Senate of the College comprised as follows: <sup>Senate</sup>

- (a) The Chancellor.
- (b) The President.
- (c) The Dean of each faculty and school within the College.
- (d) The Dean of Women.
- (e) The Librarian.

- (f) The Registrar.
- (g) Two members of the teaching staff of each faculty and school within the College to be elected every two years by their own number by the teaching staffs of the respective faculties and schools.
- (h) Two graduates of the College to be elected every two years by the graduates.
- (i) Such other persons as the Board may determine.

Term of  
office of  
elected  
members

(2) Elected representatives on the Senate shall hold office until their successors are elected; provided that elected representatives of faculties and schools shall cease to be members of the Senate upon ceasing to be a member of the faculty or school which they represent.

Powers of  
Senate

**19.** Unless otherwise determined by by-law of the Board, the Senate shall,

- (a) consider and determine all course of study, including requirements for admission;
- (b) recommend the establishment of additional faculties, schools, departments, chairs, or courses of instruction in the College;
- (c) receive and consider recommendations respecting academic matters from the Faculty Boards of the College;
- (d) conduct examinations and appoint examiners;
- (e) grant degrees and honorary degrees, and diplomas;
- (f) award College scholarships, medals and prizes;
- (g) make rules and regulations respecting the conduct and activities of the students of the College;
- (h) publish the College calendars;
- (i) make such recommendations as may be deemed proper for achieving the objects and purposes of the College;
- (j) make rules and regulations for the conduct of its affairs.

**20.** The accounts of the College shall be audited at least <sup>Audit</sup> once a year by a practising auditor.

**21.** The College shall submit to the Lieutenant-Governor <sup>Reports to</sup> in Council, upon request, the annual report of the College, and <sup>Lieutenant-</sup> such other reports as may be so requested from time to time.

**22.** In the event of any conflict between the provisions of <sup>Conflict</sup> the said Act entitled *An Act to incorporate Assumption College, 1858, c. 136 Sandwich, in the Diocese of London*" and this Act, the provisions of this Act shall prevail.

**23.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**24.** This Act may be cited as *The Assumption College* <sup>Short title</sup> Act, 1953.





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BILL

An Act respecting Assumption College

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*1st Reading*

February 17th, 1953

*2nd Reading*

March 6th, 1953

*3rd Reading*

March 13th, 1953

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MR. MURDOCH

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

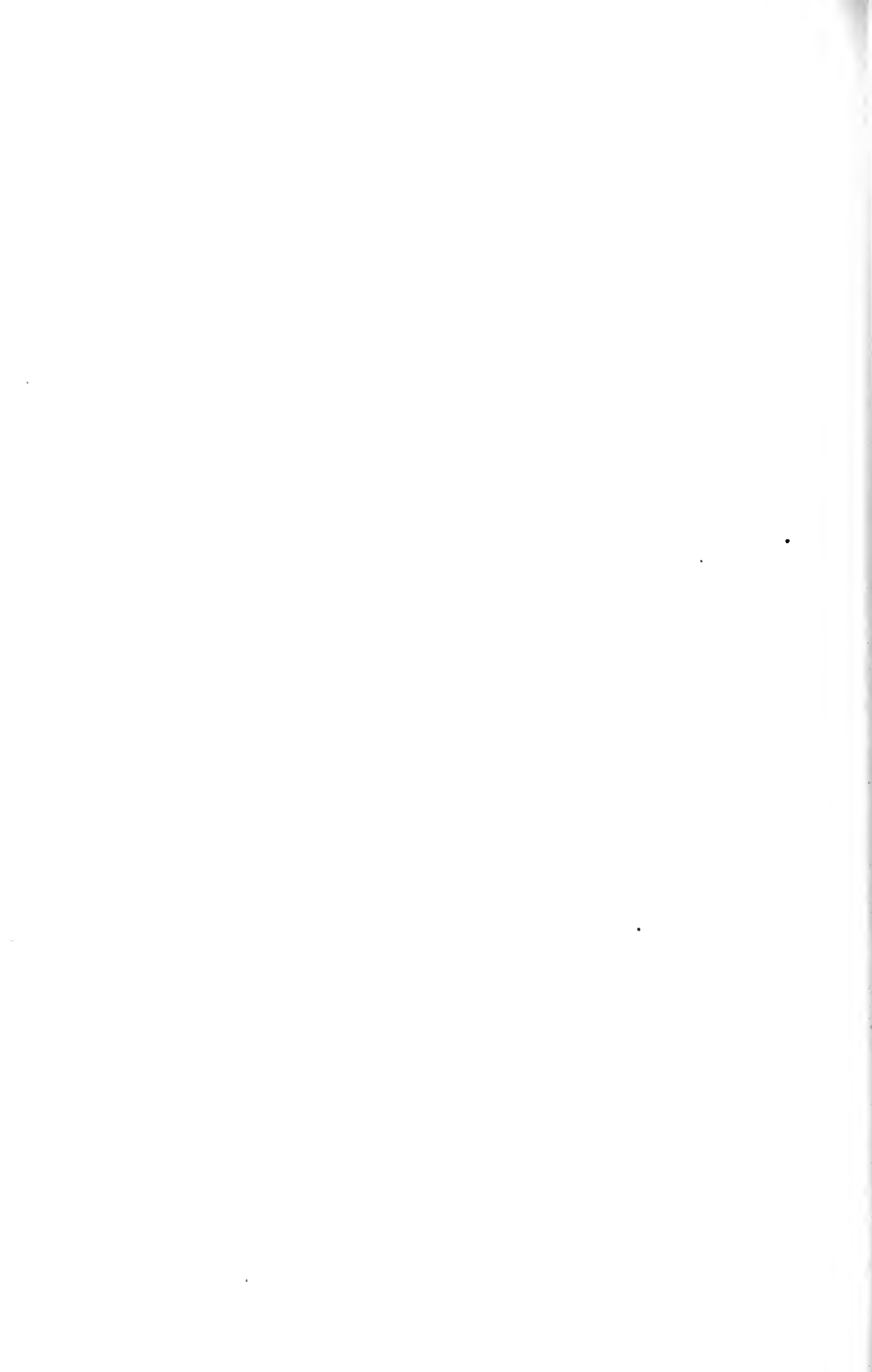
An Act respecting the Town of Hespeler

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MR. MYERS

---

(PRIVATE BILL)



# BILL

## An Act respecting the Town of Hespeler

**W**HEREAS The Corporation of the Town of Hespeler Preamble by its petition has represented that the Town has for many years formed a portion of the County of Waterloo and is desirous of withdrawing from the County and becoming a separated municipality; and whereas the Town has notified the council of the County of its intention to apply for the passing of an Act withdrawing it from the County; and whereas the council of the Town on the 2nd day of December, 1950, did submit for the opinion of the electors of the Town the question: "Are you in favour of the Town of Hespeler withdrawing from the County of Waterloo, and becoming a separated municipality?", upon which question 837 of the electors voted in the affirmative and 63 of the electors voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

(a) "Town" means the Town of Hespeler;

(b) "County" means the County of Waterloo.

2. On and after the 1st day of January, 1954, the Town Separation from County shall be withdrawn and for municipal purposes shall be separated from the County.

3. On and after the 1st day of January, 1954, the costs and Liability re court house, jail, etc. Rev. Stat., c. 243 expenses of the County court house and jail and of all other matters and things set forth in section 373 of *The Municipal Act* shall be borne and paid as between the County and the Town as provided in that Act.

4. The provisions of *The Municipal Act* in relation to Application of Rev. Stat., c. 243 matters consequent upon the formation of a new corporation

and as to the adjustment of assets and liabilities as between the corporation of a county and the corporation of a town, not being a separated town, which is erected into a city, shall apply as between the County and the Town except that subsection 6 of section 36 of that Act shall be deemed not to apply.

Town  
council

**5.**—(1) After the year 1953, the council of the Town shall be composed of a mayor and six councillors, and shall be elected in the manner provided in *The Municipal Act* for the council of a town in a county, except there shall be no reeve or deputy reeve.

Election  
of 1954  
council

(2) The election of the council of the Town for the year 1954 and all proceedings incidental thereto shall be held in the manner provided for in the by-laws of the Town in effect on the 1st day of November, 1953, except that no reeve or deputy reeve shall be elected for 1954.

High school  
district  
Rev. Stat.,  
c. 165

**6.** Notwithstanding the provisions of *The High Schools Act*, the Town shall be included in the existing high school district comprising the Town and other municipalities and such high school district shall continue until such time as the boundaries thereof are changed under the provisions of *The High Schools Act*, and the board of the high school district shall be composed as if the Town were not separated from the County.

Commence-  
ment

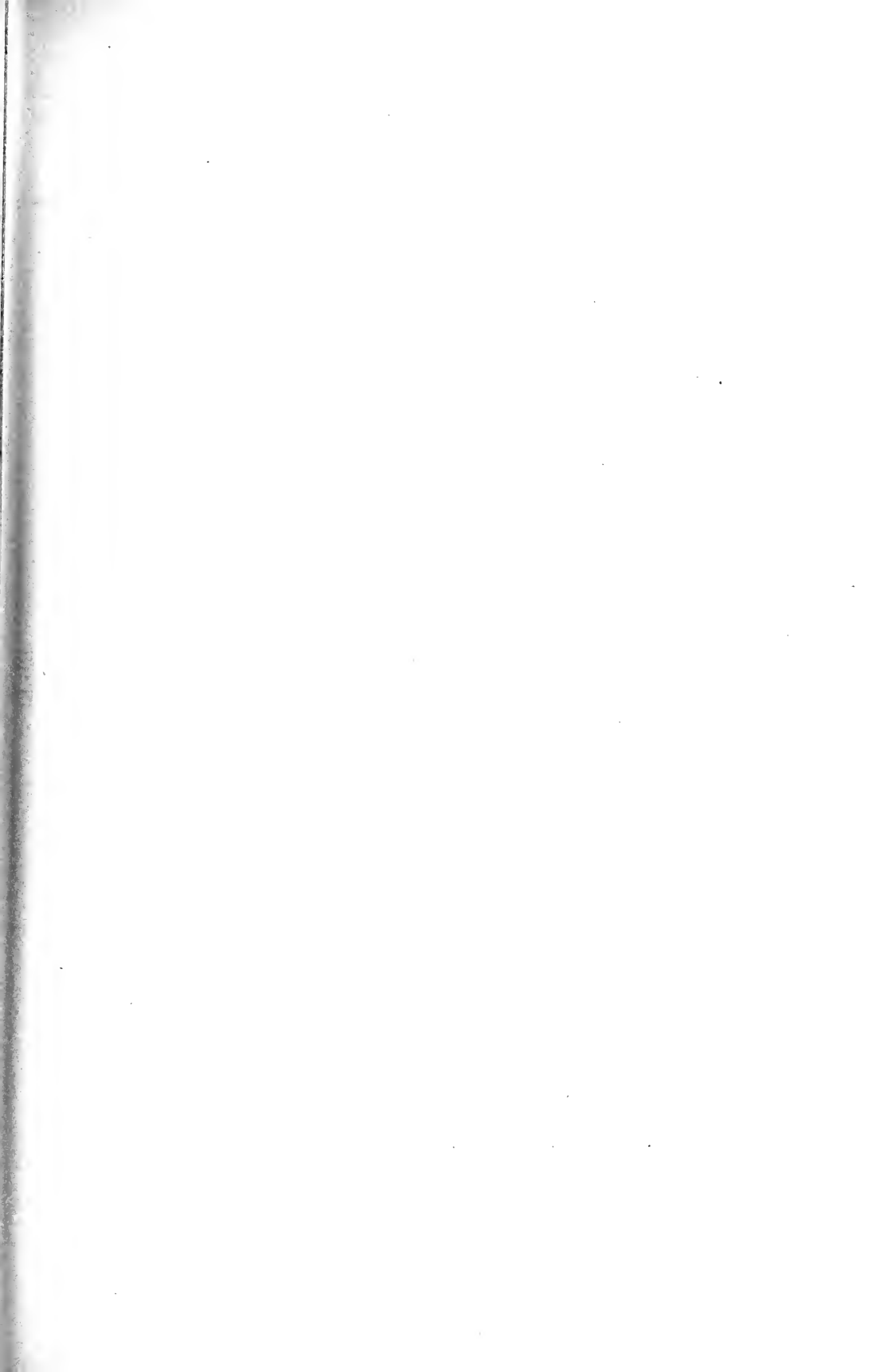
**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Town of Hespeler Act, 1953*.







# BILL

An Act respecting the Town of Hespeler

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MYERS

(*Private Bill*)



No. 12

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the City of Hamilton

---

MR. ELLIOTT

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 12

1953

# BILL

## An Act respecting the City of Hamilton

**W**HEREAS The Corporation of the City of Hamilton Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding the provisions of any general or special Transmission poles, wires, etc. Act, the Council of the corporation may pass by-laws for authorizing and regulating, upon such terms and conditions as to the council may seem expedient, the erection and maintenance upon highways and lanes within the limits of the Corporation of poles and wires, or the placing and maintenance of wires upon any poles with the authority of the owner, for the purpose of transmitting electrical or electronic impulses, signals and messages of every nature and kind including those of alarm and protective systems, radio programmes or parts thereof, and television programmes or parts thereof.

**2.** This Act comes into force on the day it receives Royal Commencement Assent.

**3.** This Act may be cited as *The City of Hamilton Act, 1953*. Short title

NO. 12  
**BILL**

An Act respecting the City of Hamilton

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. ELLIOTT

(*Private Bill*)

No. 13

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act respecting the City of Peterborough  
Separate School Board**

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MR. ROBARTS (London)

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Peterborough Separate School Board

**W**HEREAS The Board of Trustees of the Roman Catholic Preamble  
Separate Schools for the City of Peterborough, herein-  
after called the Board, by its petition has represented that it is  
expedient to provide for the election of its members as herein-  
after set forth; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** Notwithstanding the provisions of *The Separate Schools* Election of trustees by general vote Rev. Stat., c. 356  
*Act*, an election by general vote, without regard to wards or  
ward boundaries, by the separate school ratepayers of the City  
of Peterborough for the trustees of the Board, shall be held  
in the year 1953 at the same time and place and by the same  
returning officer or officers and shall be conducted in the same  
manner as the municipal nominations and elections in and for  
the City of Peterborough, and the provisions of *The Municipal* Rev. Stat., c. 243  
*Act* respecting the time and manner of holding nominations  
for elections including the method of receiving nominations  
for office, the resignation of persons nominated and declara-  
tions of qualification of office shall apply *mutatis mutandis*  
to such and all subsequent elections.

**2.** Notwithstanding the provisions of *The Separate Schools* Vacancies  
*Act*, the Board may, by appointment, between any two  
elections, fill any vacancies which may occur in the Board.

**3.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**4.** This Act may be cited as *The City of Peterborough* Short title  
*Separate School Board Act, 1953*.

NO. 10

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BILL

An Act respecting the City of Peterborough  
Separate School Board

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. ROBARTS (London)

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

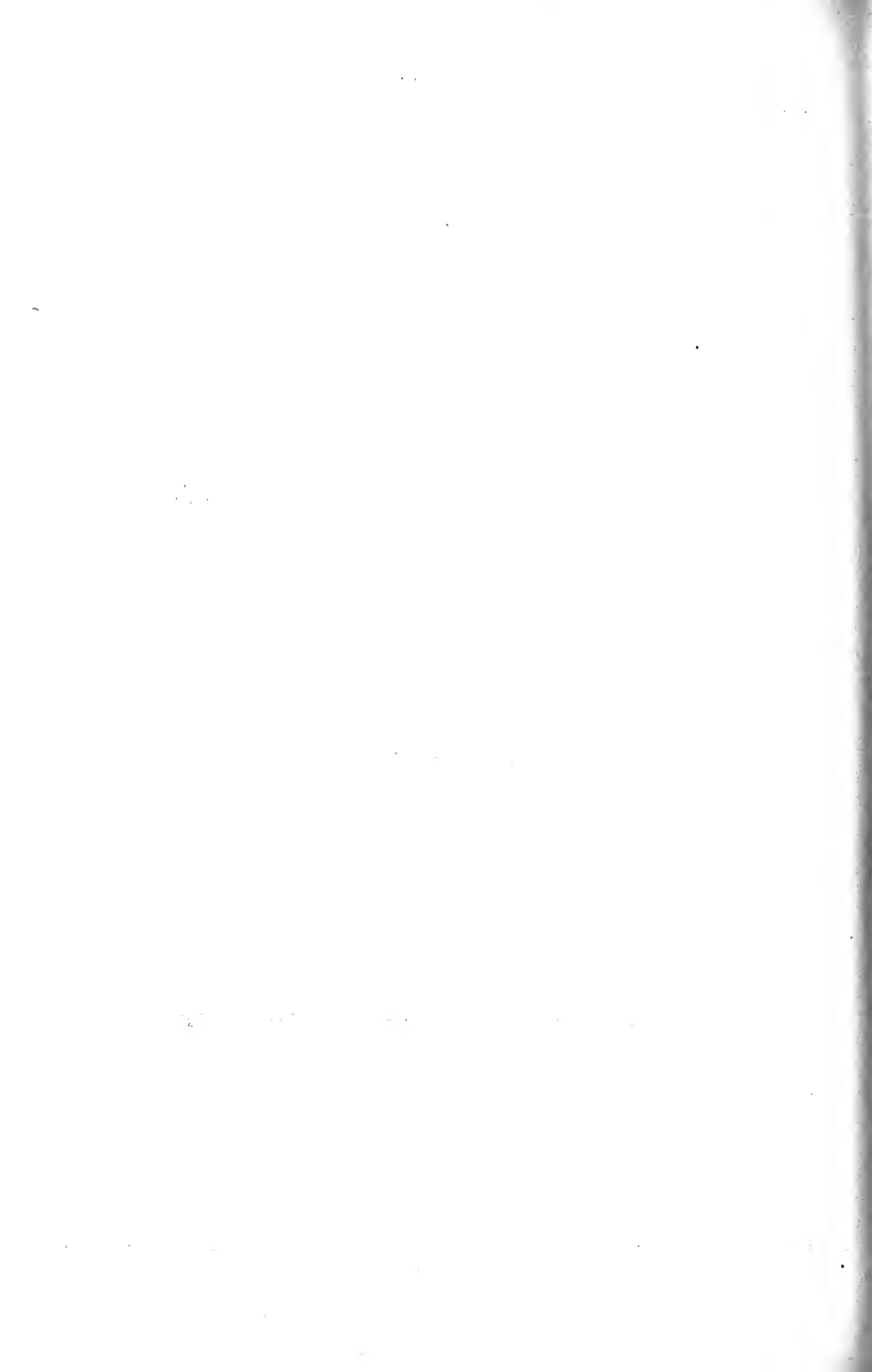
An Act respecting the City of Peterborough  
Separate School Board

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MR. ROBARTS (London)

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the City of Peterborough Separate School Board

**W**HEREAS The Board of Trustees of the Roman Catholic Preamble  
Separate Schools for the City of Peterborough, herein-  
after called the Board, by its petition has represented that it is  
expedient to provide for the election of its members as herein-  
after set forth; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Notwithstanding the provisions of *The Separate Schools* Election of  
trustees  
by general  
vote  
*Act*, an election by general vote, without regard to wards or  
ward boundaries, by the resident ratepayers who are supporters Rev. Stat.,  
c. 356  
of the separate schools of the City of Peterborough for the  
trustees of the Board, shall be held in the year 1953 at the  
same time and place and by the same returning officer or  
officers and shall be conducted in the same manner as the  
municipal nominations and elections in and for the City of  
Peterborough, and the provisions of *The Municipal Act* Rev. Stat.,  
c. 243  
respecting the time and manner of holding nominations for  
elections including the method of receiving nominations for  
office, the resignation of persons nominated and declarations of  
qualification of office shall apply *mutatis mutandis* to such and  
all subsequent elections.

2. Notwithstanding the provisions of *The Separate Schools* Vacancies  
*Act*, the Board may, by appointment, between any two  
elections, fill any vacancies which may occur in the Board.

3. This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

4. This Act may be cited as *The City of Peterborough* Short title  
*Separate School Board Act, 1953*.

BILL

An Act respecting the City of Peterborough  
Separate School Board

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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Mr. ROBARTS (London)

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*(Reprinted as amended by the Committee on  
Private Bills)*

No. 13

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act respecting the City of Peterborough  
Separate School Board**

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MR. ROBARTS (London)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Peterborough Separate School Board

**W**HEREAS The Board of Trustees of the Roman Catholic Preamble  
Separate Schools for the City of Peterborough, hereinafter called the Board, by its petition has represented that it is expedient to provide for the election of its members as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding the provisions of *The Separate Schools Act*, an election by general vote, without regard to wards or ward boundaries, by the resident ratepayers who are supporters of the separate schools of the City of Peterborough for the trustees of the Board, shall be held in the year 1953 at the same time and place and by the same returning officer or officers and shall be conducted in the same manner as the municipal nominations and elections in and for the City of Peterborough, and the provisions of *The Municipal Act* Election of trustees by general vote  
Rev. Stat., c. 356  
Rev. Stat., c. 243 respecting the time and manner of holding nominations for elections including the method of receiving nominations for office, the resignation of persons nominated and declarations of qualification of office shall apply *mutatis mutandis* to such and all subsequent elections.

**2.** Notwithstanding the provisions of *The Separate Schools Act*, the Board may, by appointment, between any two elections, fill any vacancies which may occur in the Board. Vacancies

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The City of Peterborough Separate School Board Act, 1953*. Short title

BILL

An Act respecting the City of Peterborough  
Separate School Board

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 20th, 1953

*3rd Reading*

March 25th, 1953

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MR. ROBARTS (London)

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31 D SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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## BILL

An Act respecting The Roman Catholic Episcopal Corporation  
for the Diocese of Peterborough, in Ontario, Canada

---

MR. ROBARTS (London)

---

(PRIVATE BILL)



# BILL

## An Act respecting The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada

**W**HEREAS The Roman Catholic Episcopal Corporation <sup>Preamble</sup> for the Diocese of Peterborough, in Ontario, Canada, by its petition has represented that by an Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82 and entitled *An Act to Incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese*, it was enacted, amongst other things, that whenever it might be deemed expedient to erect any new diocese or dioceses in that part of the Province formerly called Upper Canada, the Bishop or Bishops of such new diocese or dioceses, and his or their successor or successors for the time being, should have the same powers as were by the said Act conferred upon the Bishops of Kingston and Toronto respectively; and that in pursuance of the authority conferred by the said Act a new diocese was, prior to the year 1882, erected in Upper Canada and called the Diocese of Peterborough; and that by an Act passed in the forty-sixth year of the reign of Her late Majesty Queen Victoria, chaptered 65, the then Bishop of the said Diocese and his successors were constituted a body corporate under the name of "The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada", enjoying all the powers and privileges and subject to the provisions contained in the said Act passed in the eighth year of the said reign, chaptered 82, and further powers to borrow moneys on mortgages were also conferred on the Corporation; and that by an Act passed in the fifth year of the reign of His late Majesty King George V, chaptered 94, <sup>1845, c. 82</sup> <sup>1882-3, c. 65</sup> <sup>1915, c. 94</sup> further powers were conferred on the Corporation to borrow moneys for the purposes of the Corporation upon the security of promissory notes and bills of exchange, and for the moneys so borrowed, to make, draw, endorse, become a party to and deliver promissory notes and bills of exchange, and that the same should be binding without the seal of the Corporation being attached thereto; and whereas by the petition it has further represented that it will be in the interest of the Diocese at large that the powers of borrowing already conferred should

be clarified and amplified with a view to removing doubts which have arisen as to the power of the Corporation to borrow money on the credit of the Corporation, and to sign, draw, endorse, make and issue promissory notes, bills of exchange, guarantees, bonds, debentures and obligations, and to mortgage, charge, hypothecate and pledge the real and personal property of the Corporation; and whereas the petitioner has prayed that an Act be passed so as to clarify and amplify the powers of the Corporation and to remove the said doubts; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Borrowing  
power

**1.** The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada, may borrow money on the credit of the Corporation in such amounts, on such terms, and from such persons, firms or corporations, including chartered banks, as may be determined by the Corporation.

Guarantee  
of obligations  
of others

**2.** The said Corporation may guarantee, with or without security, upon such terms as it may determine, any indebtedness of, the performance of any obligations of, and the repayment of any advances made to or for the purpose of any Roman Catholic corporation, organization, association or society engaged in activities in or partly in the Diocese of Peterborough, in Ontario, Canada, or any officers thereof or any pastor of a parish in the Diocese of Peterborough, in Ontario, Canada, and notwithstanding that any such corporation, organization, association or society may not have power to borrow money, any such guarantee shall be valid and binding upon the said Corporation in the same way as if such corporation, organization, association or society had power to borrow money.

Security

**3.** The said Corporation may hypothecate, pledge or charge any or all the personal property of the Corporation to secure any moneys so borrowed or the fulfilment of any guarantee entered into by it, or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Issue of  
bonds, etc.

**4.** The said Corporation may issue bonds, debentures and obligations on such terms and conditions as the Corporation may decide, and may pledge or sell such bonds, debentures and obligations for such sums, and at such prices, as the Corporation may decide, and may mortgage, charge, hypothecate

or pledge all or any part of the real or personal property of the Corporation to secure any such bonds, debentures and obligations.

5. Notwithstanding any of the provisions of the above-recited Acts, every such promissory note, bill of exchange, guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the Bishop of the said Diocese on behalf of the Corporation under the corporate seal of the Corporation shall be legal, valid and binding upon the Corporation and the execution of any guarantees in the manner aforesaid shall be conclusive evidence that such guarantees are valid and binding upon the Corporation.

Execution  
of notes,  
bonds,  
etc.

6. It is hereby declared that the said Corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the Corporation and shall be liable on all guarantees heretofore entered into by and in the name of the Corporation, notwithstanding that the Corporation may not have had power to borrow such moneys or to enter into such guarantees, as such borrowing or such guarantees would have been valid if done or entered into after this Act had come into force.

Existing  
borrowings  
confirmed

7. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the Corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Lender not  
obliged to  
see to  
application  
of moneys

8. This Act shall be read with the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82, the Act passed in the forty-sixth year of the reign of Her late Majesty Queen Victoria, chaptered 65, and the Act passed in the fifth year of the reign of His late Majesty King George V, chaptered 94, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the said Corporation by the said Acts, and in the case of conflict between the provisions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern.

Construction  
with prior  
Acts

9. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

10. This Act may be cited as *The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada, Act, 1953*.

Short title





BILL

An Act respecting The Roman Catholic  
Episcopal Corporation for the Diocese  
of Peterborough, in Ontario, Canada

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. ROBARTS (London)

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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## BILL

**An Act respecting The Roman Catholic Episcopal Corporation  
for the Diocese of Peterborough, in Ontario, Canada**

---

MR. ROBARTS (London)

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# BILL

## An Act respecting The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada

**W**HEREAS The Roman Catholic Episcopal Corporation <sup>Preamble</sup>  
 for the Diocese of Peterborough, in Ontario, Canada,  
 by its petition has represented that by an Act passed in the  
 eighth year of the reign of Her late Majesty Queen Victoria,  
 chaptered 82 and entitled *An Act to Incorporate the Roman* <sup>1845, c. 82</sup>  
*Catholic Bishops of Toronto and Kingston, in Canada, in each*  
*Diocese*, it was enacted, amongst other things, that whenever  
 it might be deemed expedient to erect any new diocese or  
 dioceses in that part of the Province formerly called Upper  
 Canada, the Bishop or Bishops of such new diocese or dioceses,  
 and his or their successor or successors for the time being,  
 should have the same powers as were by the said Act conferred  
 upon the Bishops of Kingston and Toronto respectively;  
 and that in pursuance of the authority conferred by the said  
 Act a new diocese was, prior to the year 1882, erected in Upper  
 Canada and called the Diocese of Peterborough; and that by  
 an Act passed in the forty-sixth year of the reign of Her late <sup>1882-3, c. 65</sup>  
 Majesty Queen Victoria, chaptered 65, the then Bishop of  
 the said Diocese and his successors were constituted a body  
 corporate under the name of "The Roman Catholic Episcopal  
 Corporation for the Diocese of Peterborough, in Ontario,  
 Canada", enjoying all the powers and privileges and subject  
 to the provisions contained in the said Act passed in the eighth  
 year of the said reign, chaptered 82, and further powers to  
 borrow moneys on mortgages were also conferred on the  
 Corporation; and that by an Act passed in the fifth year of the  
 reign of His late Majesty King George V, chaptered 94, <sup>1915, c. 94</sup>  
 further powers were conferred on the Corporation to borrow  
 moneys for the purposes of the Corporation upon the security  
 of promissory notes and bills of exchange, and for the moneys  
 so borrowed, to make, draw, endorse, become a party to and  
 deliver promissory notes and bills of exchange, and that the  
 same should be binding without the seal of the Corporation  
 being attached thereto; and whereas by the petition it has  
 further represented that it will be in the interest of the Diocese  
 at large that the powers of borrowing already conferred should

be clarified and amplified with a view to removing doubts which have arisen as to the power of the Corporation to borrow money on the credit of the Corporation, and to sign, draw, endorse, make and issue promissory notes, bills of exchange, guarantees, bonds, debentures and obligations, and to mortgage, charge, hypothecate and pledge the real and personal property of the Corporation; and whereas the petitioner has prayed that an Act be passed so as to clarify and amplify the powers of the Corporation and to remove the said doubts; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Borrowing  
power

**1.** The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada, may borrow money on the credit of the Corporation in such amounts, on such terms, and from such persons, firms or corporations, including chartered banks, as may be determined by the Corporation.

Guarantee  
of obligations  
of  
others

**2.** The said Corporation may guarantee, with or without security, upon such terms as it may determine, any indebtedness of, the performance of any obligations of, and the repayment of any advances made to or for the purpose of any Roman Catholic corporation, organization, association or society engaged in activities in or partly in the Diocese of Peterborough, in Ontario, Canada, or any officers thereof or any pastor of a parish in the Diocese of Peterborough, in Ontario, Canada, and notwithstanding that any such corporation, organization, association or society may not have power to borrow money, any such guarantee shall be valid and binding upon the said Corporation in the same way as if such corporation, organization, association or society had power to borrow money.

Security

**3.** The said Corporation may hypothecate, pledge or charge any or all the personal property of the Corporation to secure any moneys so borrowed or the fulfilment of any guarantee entered into by it, or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Issue of  
bonds, etc.

**4.** The said Corporation may issue bonds, debentures and obligations on such terms and conditions as the Corporation may decide, and may pledge or sell such bonds, debentures and obligations for such sums, and at such prices, as the Corporation may decide, and may mortgage, charge, hypothecate

or pledge all or any part of the real or personal property of the Corporation to secure any such bonds, debentures and obligations.

5. Notwithstanding any of the provisions of the above-recited Acts, every such promissory note, bill of exchange, guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the Bishop of the said Diocese on behalf of the Corporation under the corporate seal of the Corporation shall be legal, valid and binding upon the Corporation and the execution of any guarantees in the manner aforesaid shall be conclusive evidence that such guarantees are valid and binding upon the Corporation.

Execution  
of notes,  
bonds,  
etc.

6. It is hereby declared that the said Corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the Corporation and shall be liable on all guarantees heretofore entered into by and in the name of the Corporation, notwithstanding that the Corporation may not have had power to borrow such moneys or to enter into such guarantees, as such borrowing or such guarantees would have been valid if done or entered into after this Act had come into force.

Existing  
borrowings  
confirmed

7. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the Corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Lender not  
obliged to  
see to  
application  
of moneys

8. This Act shall be read with the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82, the Act passed in the forty-sixth year of the reign of Her late Majesty Queen Victoria, chaptered 65, and the Act passed in the fifth year of the reign of His late Majesty King George V, chaptered 94, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the said Corporation by the said Acts, and in the case of conflict between the provisions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern.

Construction  
with prior  
Acts

9. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

10. This Act may be cited as *The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada, Act, 1953.*

Short title





BILL

An Act respecting The Roman Catholic  
Episcopal Corporation for the Diocese  
of Peterborough, in Ontario, Canada

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

March 20th, 1953

*3rd Reading*

March 25th, 1953

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Mr. ROBARTS (London)

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No. 15

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of Windsor

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MR. REAUME

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(PRIVATE BILL)



# BILL

## An Act respecting the City of Windsor

**W**HEREAS The Corporation of the City of Windsor <sup>Preamble</sup> by its petition has represented that on the 6th day of November, 1951, By-law No. 949 was passed by the council of the Corporation for submitting to the electors the question: "Are you in favour of changing the present method of annual elections so that all the members of Council, the Utilities Commission and the two School Boards will be elected every second year?", and that on the 7th day of November, 1952, By-law No. 1020 was passed by the said council for submitting to the electors the question: "On the proposal to commence in December, 1954, the approved plan to hold elections every second year, are you in favour of a 1-year extension of the terms of office of those members of Council and the Utilities Commission whose terms will expire on December 31st, 1953, saving the expense of an election in 1953?"; and that the said questions were submitted to the electors on the 3rd day of December, 1951, and the 1st day of December, 1952, respectively, and a majority of the electors voted in the affirmative on each question; and that the council is desirous of carrying into effect the wishes of the electors; and whereas the Corporation has prayed for special legislation to effect such purpose and in respect of the several other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The City of Windsor (Amalgamation) Act, 1935*, as re-enacted by section 2 of *The City of Windsor (Amalgamation) Amendment Act, 1936*, is repealed <sup>1935, c. 74, s. 6, subs. 3 (1936, c. 66, s. 2), re-enacted</sup> and the following substituted therefor:

- (3) The mayor, controllers and aldermen shall be elected <sup>Term of office</sup> biennially and shall each hold office for a term of two years, provided that all the elected members of the council in office on the day this subsection

comes into force shall hold office until the 31st day of December, 1954.

1935,  
c. 74, s. 12,  
subs. 2  
(1941,  
c. 86, s. 3),  
re-enacted

**2.** Clauses *a* and *b* of subsection 2 of section 12 of *The City of Windsor (Amalgamation) Act, 1935*, as re-enacted by section 3 of *The City of Windsor Act, 1941*, are repealed and the following substituted therefor:

Utilities  
commission,  
constitution

(a) The Windsor Utilities Commission shall be composed of the mayor of the new city, who shall hold office *ex officio*, and four members to be elected by general vote for the term of two years; provided that all the elected members of the Commission in office on the day this clause comes into force shall hold office until the 31st day of December, 1954.

Election

(b) The election of members of The Windsor Utilities Commission shall be held biennially at the same time and place as the biennial municipal elections for the new city.

Voters'  
lists  
1951,  
c. 93

**3.** Notwithstanding the provisions of *The Voters' Lists Act, 1951*, the clerk of The Corporation of the City of Windsor shall not be required to prepare a voters' list of all persons appearing by the assessment roll or by the supplementary roll prepared by the assessor to be voters, in any year in which a municipal election is not held.

Retiring  
allowances  
validated

**4.** The retiring allowances in the amounts of \$806.04 and \$748.80 per annum granted or purporting to have been granted on the 1st day of April, 1951, by the council of The Corporation of the City of Windsor to the former Chief Constable Claude Renaud and the former Deputy Chief Constable William H. Neale, respectively, each of whom was retired prior to the 1st day of April, 1951, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Corporation and the rate-payers thereof, and the Corporation may continue to pay the retiring allowances aforesaid until the death of each of the persons above named.

Power to  
expend  
\$25,000  
for cen-  
tenary  
celebration

**5.—(1)** The council of The Corporation of the City of Windsor may appropriate and expend a sum not exceeding \$25,000 out of the current revenues of the City in celebration of the centenary of the incorporation of the City of Windsor and may, by resolution, provide that the control and expenditure of the said sum, or any part thereof, shall be entrusted to and vested in the Windsor Centennial Festival Incorporated (hereinafter called the corporation), a corporation without share capital incorporated under *The Companies Act* for the

Rev. Stat.,  
c. 59

purpose of carrying out the centenary celebration, with power to the corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the corporation.

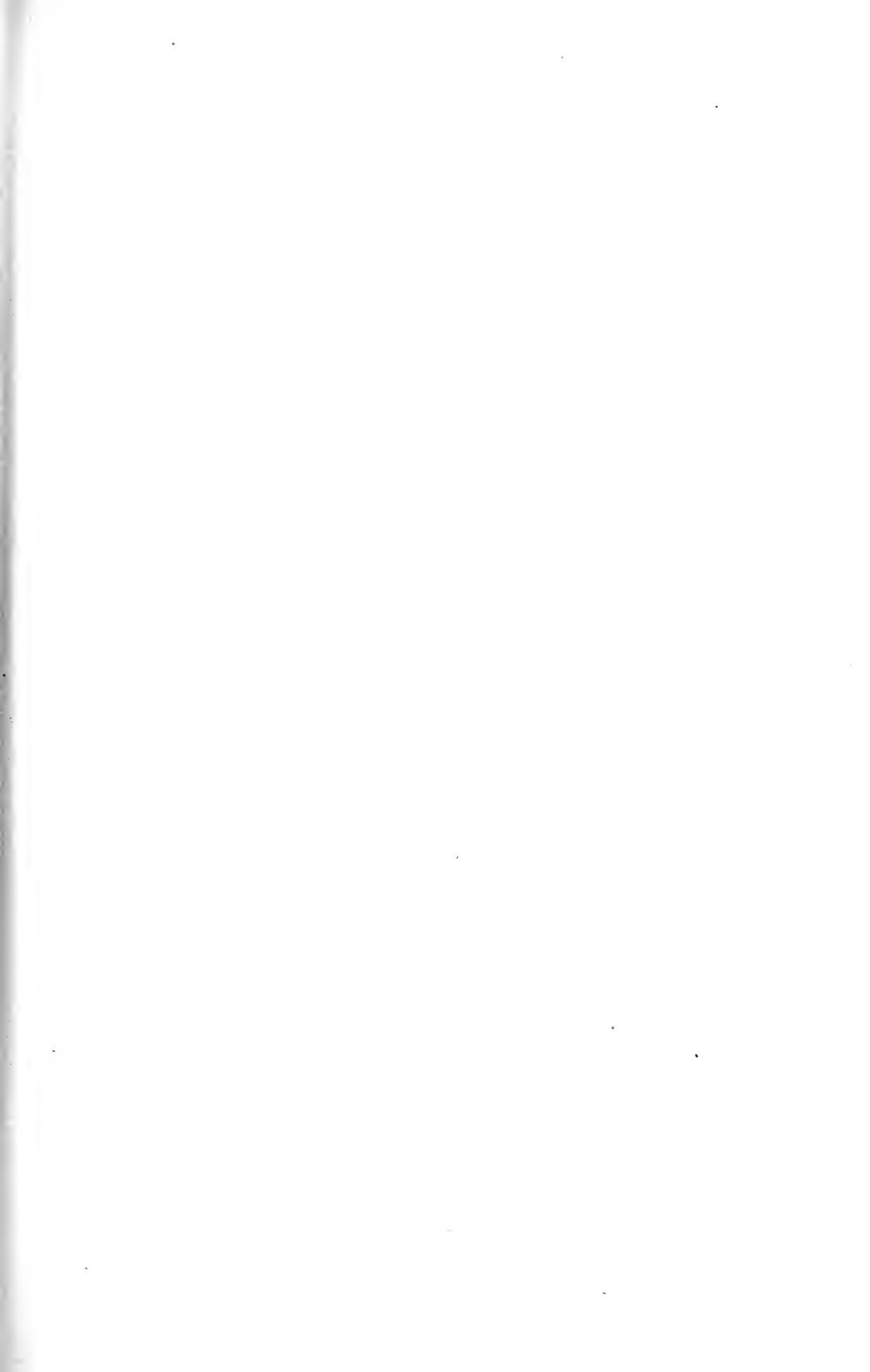
(2) The net revenues derived by the corporation from the celebration and any surplus goods or equipment shall be paid over or given to the clerk of the City, and such revenues shall form part of the current revenues of the City. <sup>Revenues to be paid to clerk</sup>

(3) Notwithstanding the provisions of subsection 1, if the corporation expends more than \$25,000, the council may pay additional sums, not exceeding \$25,000, out of currency revenues, which amount shall be held by the council in reserve for such eventuality. <sup>Reserve of \$25,000</sup>

**6.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**7.** This Act may be cited as *The City of Windsor Act*, 1953. <sup>Short title</sup>





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BILL

An Act respecting the City of Windsor

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. REAUME

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of Windsor

---

MR. REAUME

---



# BILL

## An Act respecting the City of Windsor

**W**HEREAS The Corporation of the City of Windsor <sup>Preamble</sup> by its petition has represented that on the 6th day of November, 1951, By-law No. 949 was passed by the council of the Corporation for submitting to the electors the question: "Are you in favour of changing the present method of annual elections so that all the members of Council, the Utilities Commission and the two School Boards will be elected every second year?", and that on the 7th day of November, 1952, By-law No. 1020 was passed by the said council for submitting to the electors the question: "On the proposal to commence in December, 1954, the approved plan to hold elections every second year, are you in favour of a 1-year extension of the terms of office of those members of Council and the Utilities Commission whose terms will expire on December 31st, 1953, saving the expense of an election in 1953?"; and that the said questions were submitted to the electors on the 3rd day of December, 1951, and the 1st day of December, 1952, respectively, and a majority of the electors voted in the affirmative on each question; and that the council is desirous of carrying into effect the wishes of the electors; and whereas the Corporation has prayed for special legislation to effect such purpose and in respect of the several other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The City of Windsor (Amalgamation) Act, 1935*, as re-enacted by section 2 of *The City of Windsor (Amalgamation) Amendment Act, 1936*, is repealed <sup>1935, c. 74, s. 6. subs. 3 (1936, c. 66, s. 2), re-enacted</sup> and the following substituted therefor:

- (3) The mayor, controllers and aldermen shall be elected <sup>Term of office</sup> biennially and shall each hold office for a term of two years, provided that all the elected members of the council in office on the day this subsection

comes into force shall hold office until the 31st day of December, 1954.

1936,  
c. 74, s. 12,  
subs. 2  
(1941,  
c. 86, s. 3),  
re-enacted

2. Clauses *a* and *b* of subsection 2 of section 12 of *The City of Windsor (Amalgamation) Act, 1935*, as re-enacted by section 3 of *The City of Windsor Act, 1941*, are repealed and the following substituted therefor:

Utilities  
commission,  
constitution

(a) The Windsor Utilities Commission shall be composed of the mayor of the new city, who shall hold office *ex officio*, and four members to be elected by general vote for the term of two years; provided that all the elected members of the Commission in office on the day this clause comes into force shall hold office until the 31st day of December, 1954.

Election

(b) The election of members of The Windsor Utilities Commission shall be held biennially at the same time and place as the biennial municipal elections for the new city.

Voters'  
lists  
1951,  
c. 93

3. Notwithstanding the provisions of *The Voters' Lists Act, 1951*, the clerk of The Corporation of the City of Windsor shall not be required to prepare a voters' list of all persons appearing by the assessment roll or by the supplementary roll prepared by the assessor to be voters, in any year in which a municipal election is not held.

Retiring  
allowances  
validated

4. The retiring allowances in the amounts of \$806.04 and \$748.80 per annum granted or purporting to have been granted on the 1st day of April, 1951, by the council of The Corporation of the City of Windsor to the former Chief Constable Claude Renaud and the former Deputy Chief Constable William H. Neale, respectively, each of whom was retired prior to the 1st day of April, 1951, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Corporation and the rate-payers thereof, and the Corporation may continue to pay the retiring allowances aforesaid until the death of each of the persons above named.

Power to  
expend  
\$25,000  
for cen-  
tenary  
celebration

5.—(1) The council of The Corporation of the City of Windsor may appropriate and expend a sum not exceeding \$25,000 out of the current revenues of the City in celebration of the centenary of the incorporation of the City of Windsor and may, by resolution, provide that the control and expenditure of the said sum, or any part thereof, shall be entrusted to and vested in the Windsor Centennial Festival Incorporated (hereinafter called the corporation), a corporation without share capital incorporated under *The Companies Act* for the

Rev. Stat.,  
c. 59

purpose of carrying out the centenary celebration, with power to the corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the corporation.

(2) The net revenues derived by the corporation from the celebration and any surplus goods or equipment shall be paid over or given to the clerk of the City, and such revenues shall form part of the current revenues of the City. <sup>Revenues to be paid to clerk</sup>

(3) Notwithstanding the provisions of subsection 1, if the corporation expends more than \$25,000, the council may pay additional sums, not exceeding \$25,000, out of current revenues, which amount shall be held by the council in reserve for such eventuality. <sup>Reserve of \$25,000</sup>

**6.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**7.** This Act may be cited as *The City of Windsor Act*, <sup>Short title</sup> 1953.





BILL

An Act respecting the City of Windsor

---

*1st Reading*

February 27th, 1953

*2nd Reading*

March 18th, 1953

*3rd Reading*

March 23rd, 1953

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MR. REAUME

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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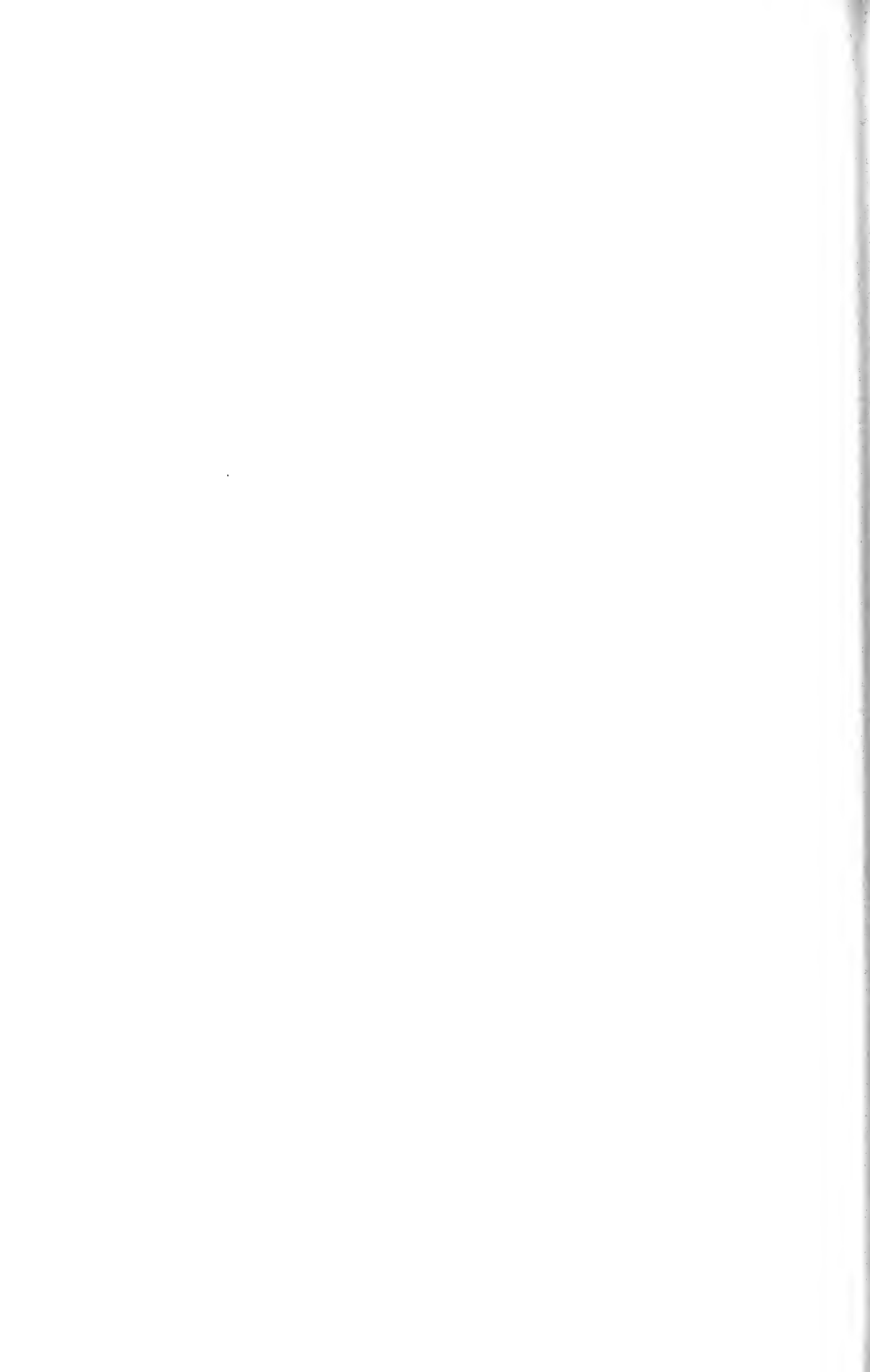
**BILL**  
**An Act respecting the City of Brantford**

---

MR. GORDON

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(PRIVATE BILL)



# BILL

## An Act respecting the City of Brantford

**W**HEREAS The Corporation of the City of Brantford <sup>Preamble</sup> by its petition has represented that it is desirable that the Board of Governors of The Brantford General Hospital shall be composed as hereinafter provided; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything contained in the deed of gift referred to in section 4 of chapter 110 of the Statutes of Ontario, 1910, the entire and absolute control and government and management of The Brantford General Hospital and of the hospital and of the property thereof, and of the hospital staff, is hereby vested in a Board of Governors to be composed as provided in subsections 2 and 3. <sup>Board of Governors, powers</sup>

(2) The following fifteen persons shall be members of the Board of Governors: <sup>composition</sup>

- (a) The mayor of the City of Brantford for the time being.
- (b) The warden of the County of Brant for the time being.
- (c) The reeve of the Township of Brantford for the time being; but if the said reeve is the warden of the County of Brant in any year, some other person shall be appointed by the council of the Township of Brantford for that year.
- (d) One person who shall be a resident of the City of Brantford and who shall be appointed by the council of the City of Brantford from time to time for a period of three years and who shall not be a member of the council of the City of Brantford or an official or employee of the City of Brantford.

- (e) The chairman of the welfare committee of the council of the City of Brantford for the time being.
- (f) One person who shall be appointed by the Brant County Medical Association from time to time for a period of three years from amongst its members and for the purpose of such appointment every duly qualified medical practitioner permanently residing in the County of Brant (including the City of Brantford) shall be deemed to be a member of the said Association.
- (g) The president of the medical staff of The Brantford General Hospital for the time being.
- (h) One person who shall be appointed from time to time for a period of three years by the Women's Hospital Auxiliary of Brantford.
- (i) One person who shall be appointed from time to time for a period of three years by the Brantford Local Council of Women.
- (j) One person who shall be appointed from time to time for a period of three years by the Board of Trade of the City of Brantford.
- (k) One person who shall be appointed from time to time for a period of three years by the Junior Chamber of Commerce of the City of Brantford.
- (l) One person who shall be appointed from time to time for a period of three years by the Trades and Labour Council of Brantford.
- (m) One person who shall be appointed from time to time for a period of three years by The International Union United Automobile, Aircraft and Agricultural Implement Workers of America, U.A.W.-C.I.O., Brantford Area.
- (n) Two persons appointed by the Lieutenant-Governor in Council from time to time for a period of three years who shall be residents of the City of Brantford or the County of Brant.

Idem

(3) John G. Stratford shall be a life governor of The Brantford General Hospital and shall have the right to nominate in writing, or by his last will and testament, his successor who shall also be a life governor, and such successor

and his successors in turn in perpetuity shall have the right to nominate in writing or by their respective last wills and testaments a successor who shall be also a life governor, but if the said John G. Stratford or any successor appointed a life governor in accordance herewith shall fail to appoint a successor, the right hereby created shall terminate and the Board of Governors of the Hospital shall thereafter consist of the fifteen persons designated in subsection 2.

**2.** Section 2 of chapter 110 of the Statutes of Ontario, 1910, and sections 1 and 2 of chapter 77 of the Statutes of Ontario, 1926, are repealed. <sup>1910, c. 110, s. 2, 1926, c. 77, ss. 1, 2, repealed</sup>

**3.—(1)** The members of the Board of Governors of the Hospital now holding office under clauses *a, b, c, e, f, g, h* and *k* of section 2 of chapter 110 of the Statutes of Ontario, 1910, shall continue in office for the duration of the term for which they are presently in office. <sup>Present members</sup>

(2) The person now holding office under clause *d* of the said section 2 shall hold office until the 1st day of May, 1953, at which time the reeve of the Township of Brantford, or a person appointed by the council of that Township, shall take office as provided in clause *c* of subsection 2 of section 1 of this Act. <sup>Idem</sup>

(3) The chairman of the welfare committee of the council of the City of Brantford and the president of the medical staff of the Hospital shall take office on the day this Act comes into force. <sup>New members</sup>

(4) The persons to be appointed under clauses *i, k* and *m* of subsection 2 of section 1 of this Act shall be appointed forthwith after this Act comes into force and the terms of the persons first appointed shall, notwithstanding the said clauses, expire on the 31st day of December, 1954. <sup>Idem</sup>

**4.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**5.** This Act may be cited as *The City of Brantford Act, 1953*. <sup>Short title</sup>





BILL

An Act respecting the City of Brantford

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. GORDON

(*Private Bill*)



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting the City of Brantford**

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MR. GORDON

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the City of Brantford

**W**HEREAS The Corporation of the City of Brantford <sup>Preamble</sup> by its petition has represented that it is desirable that the Board of Governors of The Brantford General Hospital shall be composed as hereinafter provided; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** Notwithstanding anything contained in the deed of gift referred to in section 4 of chapter 110 of the Statutes of Ontario, 1910, the entire and absolute control and government and management of The Brantford General Hospital and of the hospital and of the property thereof, and of the hospital staff, is hereby vested in a Board of Governors to be composed as provided in subsections 2 and 3. <sup>Board of Governors, powers</sup>

(2) The following persons shall be members of the Board of Governors: <sup>composition</sup>

- (a) The mayor of the City of Brantford for the time being.
- (b) The warden of the County of Brant for the time being.
- (c) One person who shall be a resident of the Township of Brantford and who shall be appointed by the council of the Township of Brantford in each year.
- (d) One person who shall be a resident of the City of Brantford and who shall be appointed by the council of the City of Brantford from time to time for a period of three years and who shall not be a member of the council of the City of Brantford or an official or employee of the City of Brantford.

- (e) The chairman of the welfare committee of the council of the City of Brantford for the time being.
- (f) One person who shall be appointed by the Brant County Medical Association from time to time for a period of three years from amongst its members and for the purpose of such appointment every duly qualified medical practitioner permanently residing in the County of Brant (including the City of Brantford) shall be deemed to be a member of the said Association.
- (g) The president of the medical staff of The Brantford General Hospital for the time being.
- (h) One person who shall be appointed from time to time for a period of three years by the Women's Hospital Auxiliary of Brantford.
- (i) One person who shall be appointed from time to time for a period of three years by the Brantford Local Council of Women.
- (j) One person who shall be appointed from time to time for a period of three years by the Board of Trade of the City of Brantford.
- (k) One person who shall be appointed from time to time for a period of three years by the Junior Chamber of Commerce of the City of Brantford.
- (l) One person who shall be appointed from time to time for a period of three years by the Trades and Labour Council of Brantford.
- (m) One person who shall be appointed from time to time for a period of three years by The International Union United Automobile, Aircraft and Agricultural Implement Workers of America, U.A.W.-C.I.O., Brantford Area.
- (n) One person who shall be appointed from time to time for a period of three years by the municipal chapter (Brantford) of the Imperial Order Daughters of the Empire.
- (o) Two persons appointed by the Lieutenant-Governor in Council from time to time for a period of three years who shall be residents of the City of Brantford or the County of Brant.

Idem

(3) John G. Stratford shall be a life governor of The Brantford General Hospital and shall have the right to nominate in writing, or by his last will and testament, his successor who shall also be a life governor, and such successor

and his successors in turn in perpetuity shall have the right to nominate in writing or by their respective last wills and testaments a successor who shall be also a life governor, but if the said John G. Stratford or any successor appointed a life governor in accordance herewith shall fail to appoint a successor, the right hereby created shall terminate and the Board of Governors of the Hospital shall thereafter consist of the persons designated in subsection 2.

2. Section 2 of chapter 110 of the Statutes of Ontario, 1910, and sections 1 and 2 of chapter 77 of the Statutes of Ontario, 1926, are repealed.

1910,  
c. 110, s. 2  
1926,  
c. 77, ss. 1, 2,  
repealed

3.—(1) The members of the Board of Governors of the Hospital now holding office under clauses *a, b, c, e, f, g, h* and *k* of section 2 of chapter 110 of the Statutes of Ontario, 1910, shall continue in office for the duration of the term for which they are presently in office.

Present  
members

(2) The person now holding office under clause *d* of the said section 2 shall hold office until the 1st day of May, 1953, at which time a person appointed by the council of the Township of Brantford shall take office as provided in clause *c* of subsection 2 of section 1 of this Act.

Idem

(3) The chairman of the welfare committee of the council of the City of Brantford and the president of the medical staff of the Hospital shall take office on the day this Act comes into force.

New  
members

(4) The persons to be appointed under clauses *i, k, m* and *n* of subsection 2 of section 1 of this Act shall be appointed forthwith after this Act comes into force.

Idem

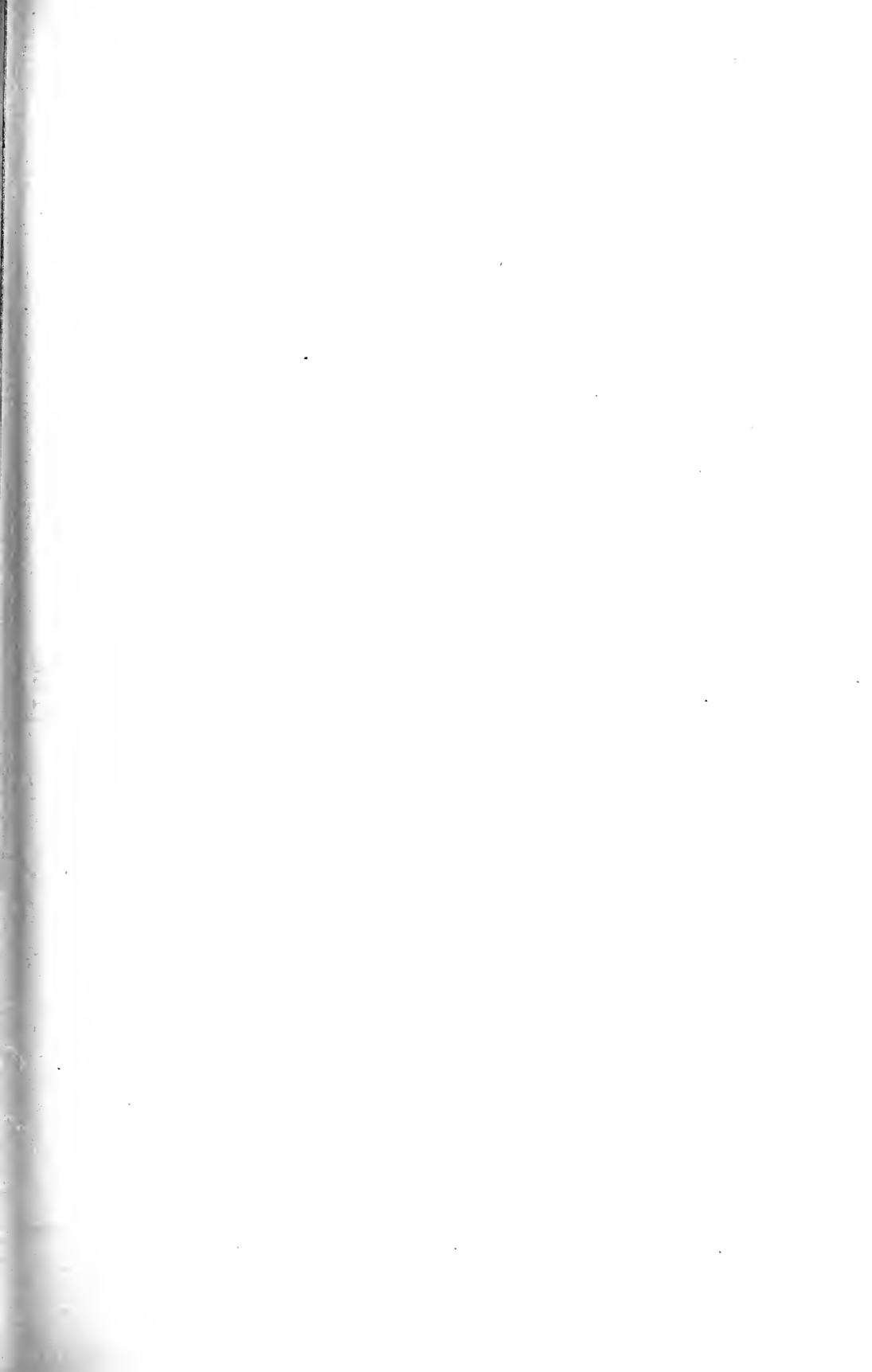
4. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

5. This Act may be cited as *The City of Brantford Act, 1953*.

Short title





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BILL

An Act respecting the City of Brantford

---

*1st Reading*

February 26th, 1953

*2nd Reading*

*3rd Reading*

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MR. GORDON

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*(Reprinted as amended by the Committee on  
Private Bills)*



No. 16

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting the City of Brantford**

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MR. GORDON

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Brantford

**W**HEREAS The Corporation of the City of Brantford <sup>Preamble</sup> by its petition has represented that it is desirable that the Board of Governors of The Brantford General Hospital shall be composed as hereinafter provided; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Notwithstanding anything contained in the deed of gift referred to in section 4 of chapter 110 of the Statutes of Ontario, 1910, the entire and absolute control and government and management of The Brantford General Hospital and of the hospital and of the property thereof, and of the hospital staff, is hereby vested in a Board of Governors to be composed as provided in subsections 2 and 3. <sup>Board of Governors, powers</sup>

(2) The following persons shall be members of the Board of Governors: <sup>composition</sup>

- (a) The mayor of the City of Brantford for the time being.
- (b) The warden of the County of Brant for the time being.
- (c) One person who shall be a resident of the Township of Brantford and who shall be appointed by the council of the Township of Brantford in each year.
- (d) One person who shall be a resident of the City of Brantford and who shall be appointed by the council of the City of Brantford from time to time for a period of three years and who shall not be a member of the council of the City of Brantford or an official or employee of the City of Brantford.

- (e) The chairman of the welfare committee of the council of the City of Brantford for the time being.
- (f) One person who shall be appointed by the Brant County Medical Association from time to time for a period of three years from amongst its members and for the purpose of such appointment every duly qualified medical practitioner permanently residing in the County of Brant (including the City of Brantford) shall be deemed to be a member of the said Association.
- (g) The president of the medical staff of The Brantford General Hospital for the time being.
- (h) One person who shall be appointed from time to time for a period of three years by the Women's Hospital Auxiliary of Brantford.
- (i) One person who shall be appointed from time to time for a period of three years by the Brantford Local Council of Women.
- (j) One person who shall be appointed from time to time for a period of three years by the Board of Trade of the City of Brantford.
- (k) One person who shall be appointed from time to time for a period of three years by the Junior Chamber of Commerce of the City of Brantford.
- (l) One person who shall be appointed from time to time for a period of three years by the Trades and Labour Council of Brantford.
- (m) One person who shall be appointed from time to time for a period of three years by The International Union United Automobile, Aircraft and Agricultural Implement Workers of America, U.A.W.-C.I.O., Brantford Area.
- (n) One person who shall be appointed from time to time for a period of three years by the municipal chapter (Brantford) of the Imperial Order Daughters of the Empire.
- (o) Two persons appointed by the Lieutenant-Governor in Council from time to time for a period of three years who shall be residents of the City of Brantford or the County of Brant.

**Idem**

(3) John G. Stratford shall be a life governor of The Brantford General Hospital and shall have the right to nominate in writing, or by his last will and testament, his successor who shall also be a life governor, and such successor

and his successors in turn in perpetuity shall have the right to nominate in writing or by their respective last wills and testaments a successor who shall be also a life governor, but if the said John G. Stratford or any successor appointed a life governor in accordance herewith shall fail to appoint a successor, the right hereby created shall terminate and the Board of Governors of the Hospital shall thereafter consist of the persons designated in subsection 2.

2. Section 2 of chapter 110 of the Statutes of Ontario, 1910, 1910, and sections 1 and 2 of chapter 77 of the Statutes of Ontario, 1926, are repealed.

1910,  
c. 110, s. 2  
1926,  
c. 77, ss. 1, 2,  
repealed

3.—(1) The members of the Board of Governors of the Hospital now holding office under clauses *a, b, c, e, f, g, h* and *k* of section 2 of chapter 110 of the Statutes of Ontario, 1910, shall continue in office for the duration of the term for which they are presently in office.

Present  
members

(2) The person now holding office under clause *d* of the said section 2 shall hold office until the 1st day of May, 1953, at which time a person appointed by the council of the Township of Brantford shall take office as provided in clause *c* of subsection 2 of section 1 of this Act.

Idem

(3) The chairman of the welfare committee of the council of the City of Brantford and the president of the medical staff of the Hospital shall take office on the day this Act comes into force.

New  
members

(4) The persons to be appointed under clauses *i, k, m* and *n* of subsection 2 of section 1 of this Act shall be appointed forthwith after this Act comes into force.

Idem

4. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

5. This Act may be cited as *The City of Brantford Act, 1953*.

Short title





BILL

An Act respecting the City of Brantford

---

*1st Reading*

February 26th, 1953

*2nd Reading*

March 11th, 1953

*3rd Reading*

March 17th, 1953

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MR. GORDON

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

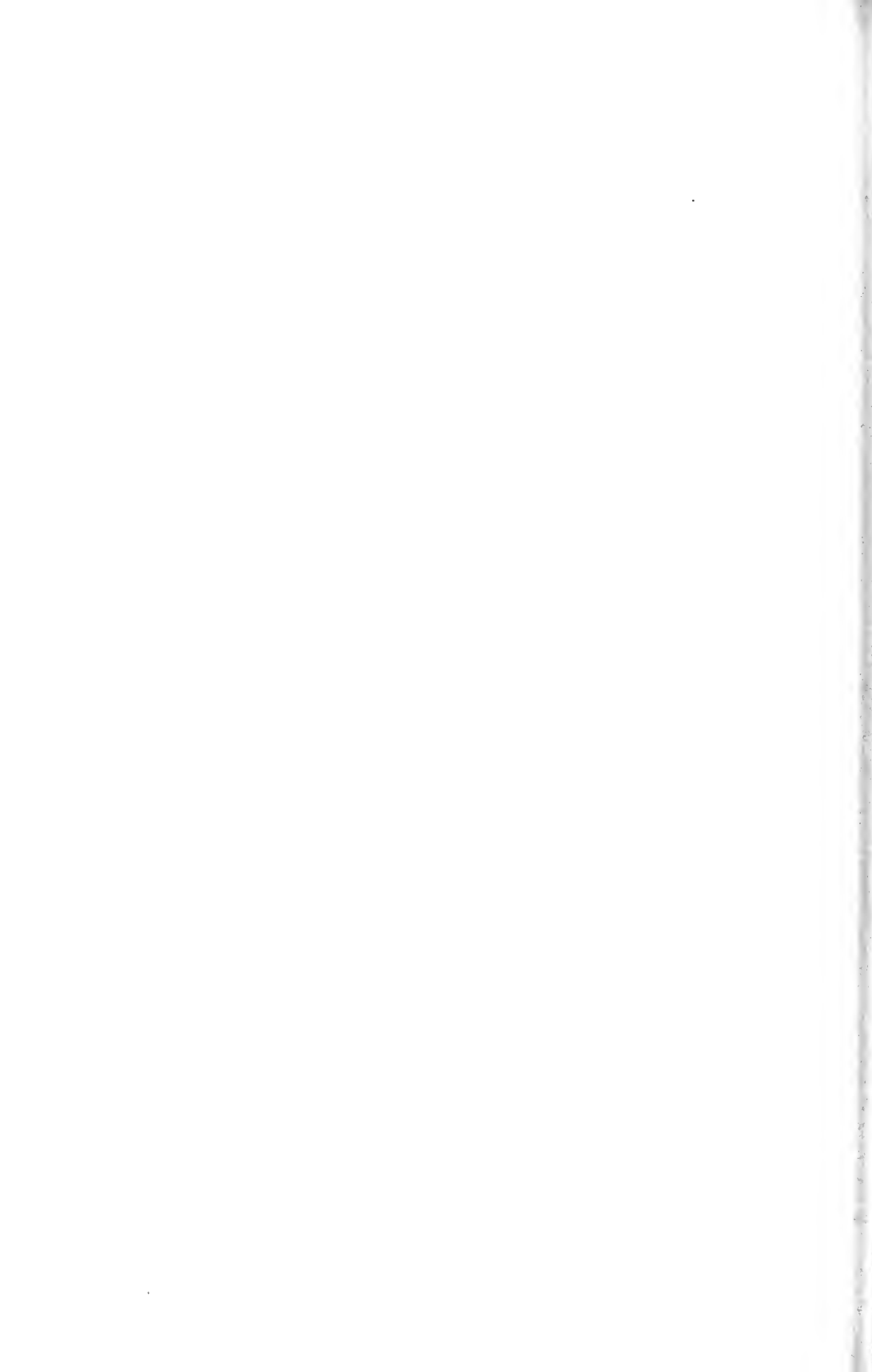
**An Act respecting the City of Stratford**

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MR. EDWARDS

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(PRIVATE BILL)



# BILL

## An Act respecting the City of Stratford

**W**HEREAS The Corporation of the City of Stratford <sup>Preamble</sup> by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The lands composed of the Market Square between Downie and Wellington Streets in the City of Stratford more particularly described as follows: <sup>Market Square vested in Corporation</sup>

*Firstly:* All and singular that certain parcel or tract of land and premises situate, lying and being in the Village of Stratford in the County of Perth and Province of Canada containing by admeasurement one acre of land and which may be known and more particularly described as follows that is to say: Commencing at a point where the eastern boundary of Wellington Street intersects the western boundary of the Downie Road and running thence south twenty-four degrees east along the western boundary of the Downie Road four chains ninety-seven links thence north eighty-seven degrees west four chains fifty-one links thence north thirty degrees along the eastern boundary of Wellington Street four chains ninety-seven links to the place of beginning so as to comprise one acre of land.

The said land being described in an Indenture made the 27th day of August, 1855, between Donald McDonald, as Grantor, and the Municipal Council of the Village of Stratford, as Grantee, and was registered in the Registry Office for the County of Perth in Folio 619 for the Village of Stratford on the 11th day of September, 1855, as No. 579.

*Secondly:* All and singular the said parcel of land known as Block "C" on said amended plan made by Silas James and registered in the Registry Office for the North Riding of the County of Perth on the twenty-fifth day of March A.D., 1887. The land to be conveyed comprising a strip of land thirty feet in width abutting on the south side of the present Market grounds of the said City and extending from Downie Street to Wellington Street in the said City.

The said plan is numbered 88 for the City of Stratford and the said lands are described in Indenture made the 22nd day of April, 1887, between Frances McDonald, as Grantor, and the Corporation of the City of Stratford, as Grantee, and registered in the Registry Office for the Registry Division of the County of Perth in Book "U" for the City of Stratford on the 30th day of May, 1887, as No. 15873.

are hereby vested in The Corporation of the City of Stratford in fee simple.

Restrictions  
annulled

**2.** The trusts and special purposes mentioned in the grants of the lands described in section 1 from Donald McDonald to the said Corporation as set out in Indenture dated the 27th day of August, 1855, and registered in the Registry Office for the County of Perth in Folio 619 for the Village of Stratford as No. 579 and those lands set out in the Indenture from Frances McDonald to the said Corporation dated the 22nd day of April, 1887, and registered in the Registry Office for the County of Perth in Book "U" for the City of Stratford as No. 15873 are hereby annulled.

Power to  
use, sell, etc.

**3.** Notwithstanding anything in the grants mentioned in section 2, the Corporation shall have power to sell, lease, convey and contract or use the said lands and every part thereof, subject nevertheless to the reservations as to mineral rights expressed in the original grant from the Crown.

Parking  
meters

**4.** Without limiting the generality of section 3, the council of the Corporation may pass by-laws to provide at such fee or charge as to the council of the said Corporation may appear proper, spaces for parking of vehicles and to provide parking meters or other means of collecting such fee or charge and to govern and regulate such parking and to impose penalties for infractions thereof as to the council may appear proper and for this purpose the Corporation to have all powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*.

Rev. Stat.,  
c. 243

Commence-  
ment

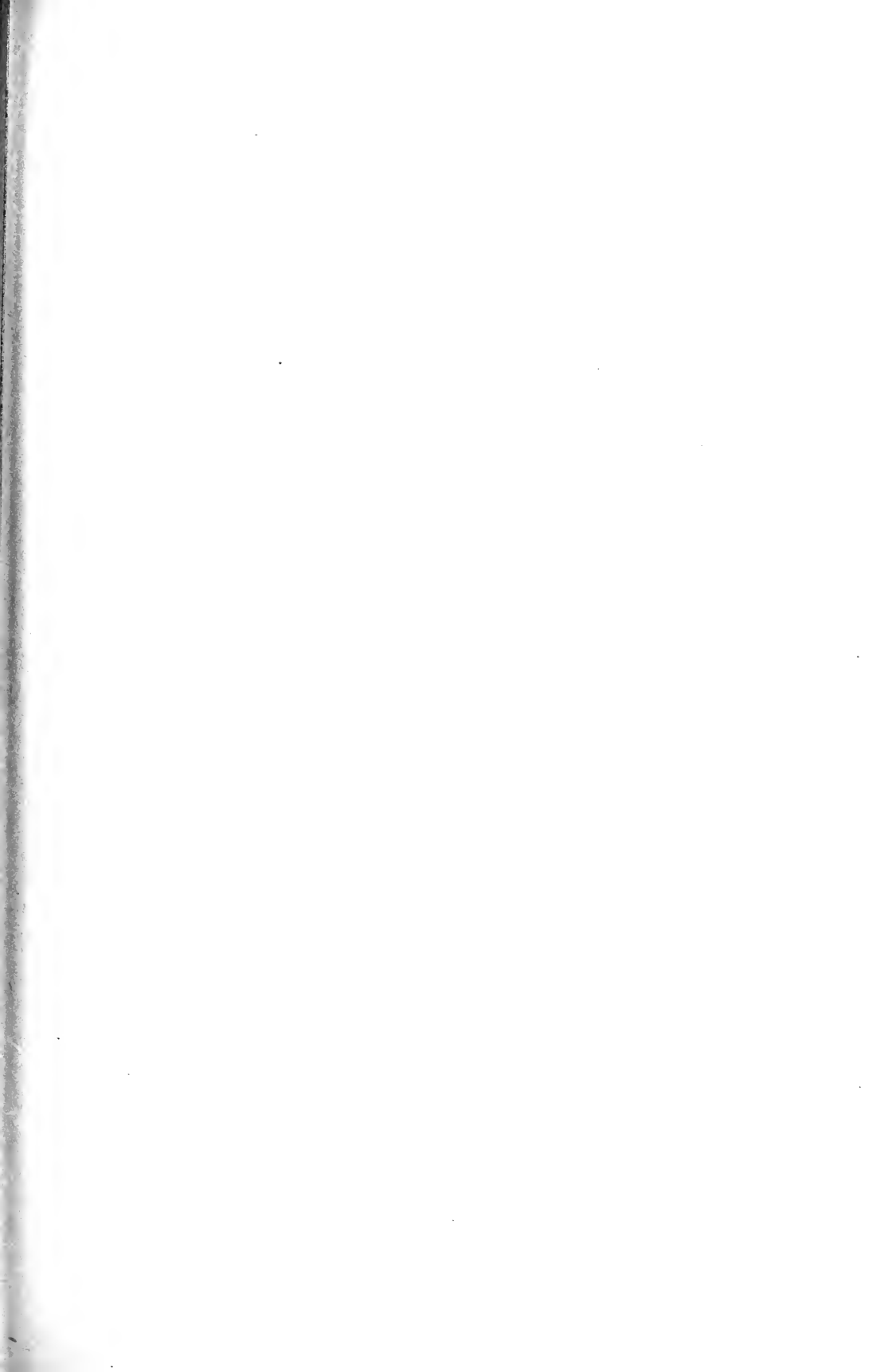
**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of Stratford Act, 1953*.







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BILL

An Act respecting the City of Stratford

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. EDWARDS

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*(Private Bill)*

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No. 18

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act respecting the City of Stratford**

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MR. EDWARDS

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Stratford

**W**HEREAS The Corporation of the City of Stratford <sup>Preamble</sup> by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands composed of the Market Square between <sup>Market Square</sup> Downie and Wellington Streets in the City of Stratford more <sup>vested in Corporation</sup> particularly described as follows:

*Firstly:* All and singular that certain parcel or tract of land and premises situate, lying and being in the Village of Stratford in the County of Perth and Province of Canada containing by admeasurement one acre of land and which may be known and more particularly described as follows that is to say: Commencing at a point where the eastern boundary of Wellington Street intersects the western boundary of the Downie Road and running thence south twenty-four degrees east along the western boundary of the Downie Road four chains ninety-seven links thence north eighty-seven degrees west four chains fifty-one links thence north thirty degrees along the eastern boundary of Wellington Street four chains ninety-seven links to the place of beginning so as to comprise one acre of land.

The said land being described in an Indenture made the 27th day of August, 1855, between Donald McDonald, as Grantor, and the Municipal Council of the Village of Stratford, as Grantee, and was registered in the Registry Office for the County of Perth in Folio 619 for the Village of Stratford on the 11th day of September, 1855, as No. 579.

*Secondly:* All and singular the said parcel of land known as Block "C" on said amended plan made by Silas James and registered in the Registry Office for the North Riding of the County of Perth on the twenty-fifth day of March A.D., 1887. The land to be conveyed comprising a strip of land thirty feet in width abutting on the south side of the present Market grounds of the said City and extending from Downie Street to Wellington Street in the said City.

The said plan is numbered 88 for the City of Stratford and the said lands are described in Indenture made the 22nd day of April, 1887, between Frances McDonald, as Grantor, and the Corporation of the City of Stratford, as Grantee, and registered in the Registry Office for the Registry Division of the County of Perth in Book "U" for the City of Stratford on the 30th day of May, 1887, as No. 15873.

are hereby vested in The Corporation of the City of Stratford in fee simple.

Restrictions  
annulled

**2.** The trusts and special purposes mentioned in the grants of the lands described in section 1 from Donald McDonald to the said Corporation as set out in Indenture dated the 27th day of August, 1855, and registered in the Registry Office for the County of Perth in Folio 619 for the Village of Stratford as No. 579 and those lands set out in the Indenture from Frances McDonald to the said Corporation dated the 22nd day of April, 1887, and registered in the Registry Office for the County of Perth in Book "U" for the City of Stratford as No. 15873 are hereby annulled.

Power to  
use, sell, etc.

**3.** Notwithstanding anything in the grants mentioned in section 2, the Corporation shall have power to sell, lease, convey and contract or use the said lands and every part thereof, subject nevertheless to the reservations as to mineral rights expressed in the original grant from the Crown.

Parking  
meters

**4.** Without limiting the generality of section 3, the council of the Corporation may pass by-laws to provide at such fee or charge as to the council of the said Corporation may appear proper, spaces for parking of vehicles and to provide parking meters or other means of collecting such fee or charge and to govern and regulate such parking and to impose penalties for infractions thereof as to the council may appear proper and for this purpose the Corporation to have all powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*.

Rev. Stat.,  
c. 243

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of Stratford Act, 1953*.







BILL

An Act respecting the City of Stratford

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 26th, 1953

*3rd Reading*

March 30th, 1953

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MR. EDWARDS

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*(Private Bill)*



No. 19

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting the City of Owen Sound**

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MR. DOWNER

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Owen Sound

**W**HEREAS The Corporation of the City of Owen Sound <sup>Preamble</sup> by its petition has prayed for special legislation to amend *The City of Owen Sound Act, 1938* so that the council <sup>1938, c. 62</sup> of the Corporation may be authorized to install a heating system in the Civic Auditorium and in order to finance the cost thereof to pass a by-law authorizing the issue of debentures of the Corporation for a sum not exceeding \$11,500; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The City of Owen Sound Act, 1938* is amended by adding <sup>1938, c. 62, amended</sup> thereto the following section:

2a. Subject to the approval of the Ontario Municipal <sup>Heating system</sup> Board, the council of the corporation may install a heating system in the Civic Auditorium and in order to finance the cost thereof may pass a by-law authorizing the issue of debentures of the corporation for a sum not exceeding \$11,500 payable in equal annual instalments within a term not exceeding five years from the date of issue thereof and bearing interest at such rate as the council may deem advisable.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The City of Owen Sound Act*, <sup>Short title</sup> 1953.

**BILL**

An Act respecting the City of  
Owen Sound

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. DOWNER

*(Private Bill)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting the City of Owen Sound**

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MR. DOWNER

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# BILL

## An Act respecting the City of Owen Sound

**W**HEREAS The Corporation of the City of Owen Sound <sup>Preamble</sup> by its petition has prayed for special legislation to amend *The City of Owen Sound Act, 1938* so that the council <sup>1938, c. 62</sup> of the Corporation may be authorized to install a heating system in the Civic Auditorium and in order to finance the cost thereof to pass a by-law authorizing the issue of debentures of the Corporation for a sum not exceeding \$11,500; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The City of Owen Sound Act, 1938* is amended by adding <sup>1938, c. 62, amended</sup> thereto the following section:

**2a.** Subject to the approval of the Ontario Municipal <sup>Heating system</sup> Board, the council of the corporation may install a heating system in the Civic Auditorium and in order to finance the cost thereof may pass a by-law authorizing the issue of debentures of the corporation for a sum not exceeding \$11,500 payable in equal annual instalments within a term not exceeding five years from the date of issue thereof and bearing interest at such rate as the council may deem advisable.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sub>ment</sub>

**3.** This Act may be cited as *The City of Owen Sound Act*, <sup>Short title</sup> 1953.

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BILL

An Act respecting the City of  
Owen Sound

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*1st Reading*

February 17th, 1953

*2nd Reading*

March 4th, 1953

*3rd Reading*

March 13th, 1953

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MR. DOWNER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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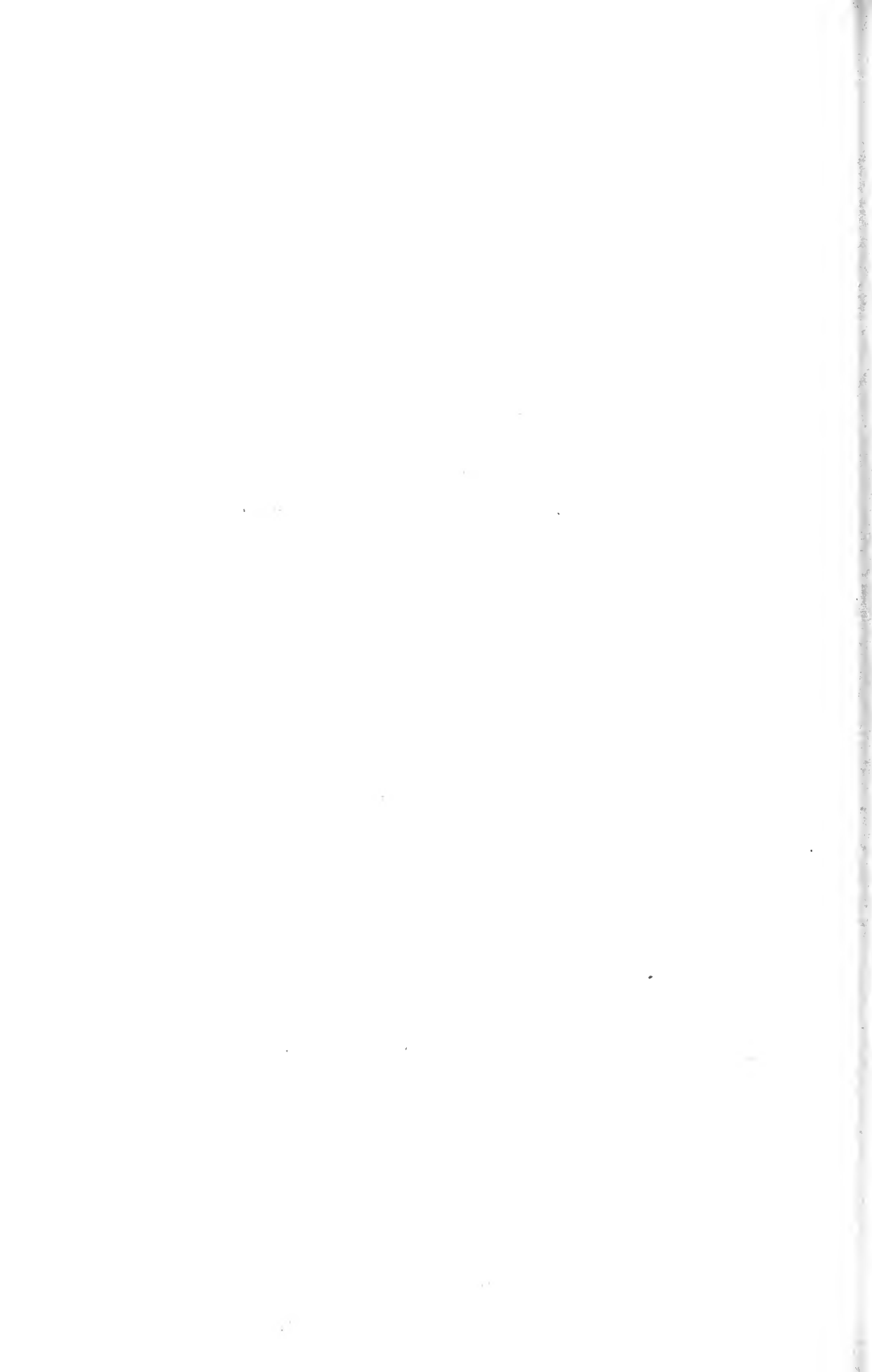
**BILL**  
**An Act respecting the City of London**

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MR. ROBERTS (London)

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(PRIVATE BILL)



# BILL

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The agreement between The Corporation of the City <sup>Agreement confirmed</sup> of London, Canadian National Realities Limited and another, bearing date the 23rd day of October, 1952, and set forth as the Schedule hereto, is ratified and confirmed and the parties thereto are empowered to carry out the terms thereof.

**2.** Notwithstanding the provisions of section 483 of *The* <sup>Trees on highways</sup> *Municipal Act*, trees or shrubs growing upon highways within the City of London are declared to be the property of The Corporation of the City of London, and clause *f* of subsection 4 <sup>Rev. Stat., c. 243</sup> of the said section shall not apply thereto.

**3.** The council of the said Corporation may, by by-law, <sup>Idem</sup> delegate to The Public Utilities Commission of the City of London all the powers of the said Corporation and the council thereof under the provisions of section 483 of *The Municipal Act*, and such Commission shall thereupon, in addition, have full power and authority to trim, cut or remove trees and shrubs growing upon such highways as to it or to the manager or other employee designated by the Commission may appear proper.

**4.** The acquisition of lands in the Township of Westminster, <sup>Home for the aged</sup> in the County of Middlesex, by the said Corporation for a home for the aged is declared to be legal and valid and binding upon the said Corporation and the ratepayers thereof and the said Corporation is empowered to own, lease, purchase or otherwise acquire, hold and dispose of lands in the said Township for the said purpose.

1939,  
c. 64, s. 1,  
repealed

**5.** Section 1 of *The City of London Act, 1939* is repealed, but the present council of the said Corporation shall hold office until their successors are elected and a new council organized.

Composition  
of council

**6.** For the year 1954 and thereafter until altered by special legislation the council of the said Corporation shall be composed of a mayor and eight aldermen of whom two shall be elected for each ward.

Staggered  
system,  
two-year  
term

**7.—(1)** At the next annual municipal election there shall be elected two aldermen for each ward, of whom the one in each ward having the highest number of votes at such election shall hold office for a term of two years and the other of such aldermen shall hold office for a term of one year only, and at each annual election thereafter there shall be elected one alderman for each ward who shall hold office for a term of two years, provided that in the event of election by acclamation of two aldermen for any ward for the year 1954 the alderman having the highest assessment according to the last revised assessment roll shall hold office for two years and the other alderman shall hold office for the term of one year.

Idem

**(2)** At the next annual municipal election there shall be elected a mayor who shall hold office for two years and the election for such office shall be held every two years thereafter.

Vacancies

**8.** In the event of the death, resignation or removal from office of any alderman during his term of office, the vacancy so created shall be filled by the election of another alderman by the council for the unexpired term or office of the alderman so dying, resigning or being removed from office.

Submission  
of questions  
to electors

Rev. Stat.,  
c. 243

**9.—(1)** Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors at any time during the years 1953 and 1954,

- (a) any question as to the operations of The London and Port Stanley Railway or as to the disposition of the undertaking or assets thereof or any part thereof;
- (b) a question to determine if the electors are in favour of constituting one commission to operate, manage and control the operations of The London and Port Stanley Railway and the local transportation system of the City of London;
- (c) a question to determine if the electors are in favour of the adoption of a Board of Control for the City of London;

- (d) a question to determine if the electors are in favour of the appointment of a salaried general administrative head to be known as the "City Manager".

(2) Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors of the City of London entitled to vote on money by-laws, at any time during the years 1953 and 1954, a by-law for borrowing money as may be required for the purposes of the reconstruction, rehabilitation and repair, or any of them, of The London and Port Stanley Railway and for the issue of debentures therefor.

(3) In the event of the approval by the ratepayers of the by-law submitted under subsection 2, the said Corporation and The London Railway Commission are authorized and empowered to carry out and perform the said reconstruction, rehabilitation and repair, or any of them, of The London and Port Stanley Railway.

(4) Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors of the City of London entitled to vote on money by-laws, at any time during the years 1953 and 1954,

- (a) a question or questions to determine if such electors are for or against the construction of a coliseum, community centre and arena, or any of them;

- (b) a by-law for borrowing of such money as may be required for the purposes referred to in clause a, and the issuing of debentures therefor.

(5) If the electors entitled to vote on money by-laws vote on any question submitted under the provisions of subsection 4 in favour of construction of a coliseum, community centre and arena, or any of them, the said Corporation is authorized and empowered to carry out such construction either alone or in conjunction with Western Fair Association and to use therefor funds raised or authorized to be raised for the purposes of a community centre and arena either by any prior levies, prior special legislation or by any prior vote of the electors.

(6) The votes on the said questions or by-laws shall be taken save as herein otherwise provided for in the manner required by and subject to the provisions of *The Municipal Act* with respect to voting upon questions or voting upon by-laws requiring the assent of the electors other than those provisions as to the time of taking such vote.

Effect  
of vote

(7) Upon such vote or votes being so taken they shall have the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*.

Disposal of  
L. & P.S.  
Railway

**10.** If the Corporation shall dispose of the undertaking or assets of The London and Port Stanley Railway, or any part thereof, or any asset used in connection therewith, the powers of The London Railway Commission as to such undertaking or asset, or part thereof, shall cease and determine.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The City of London Act, 1953*.

## SCHEDULE

THIS AGREEMENT made (in triplicate) this 23rd day of October in the year of our Lord one thousand nine hundred and fifty-two:

BETWEEN:

CANADIAN NATIONAL REALTIES LIMITED, hereinafter called the Company,

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF LONDON, hereinafter called the Corporation,

OF THE SECOND PART,

—and—

CANADIAN NATIONAL RAILWAY COMPANY, hereinafter called the Railway,

OF THE THIRD PART.

WHEREAS the party of the First Part is the registered or beneficial owner of 2,347 shares of the capital stock of The London and Port Stanley Railway Company;

AND WHEREAS the Corporation is the owner of 1,828 shares of the said stock and by reason of the indebtedness to it of the said The London and Port Stanley Railway Company in respect of bonds held by the Corporation it is entitled to 13,328 votes at any meeting of shareholders;

AND WHEREAS the Corporation represents that The London and Port Stanley Railway Company is indebted to it upon the said bonds, with accrued interest, in a sum in excess of Three million three hundred thousand dollars, and that it has expended for electrification of The London and Port Stanley Railway a sum of approximately Two million seven hundred thousand dollars which sum is a lien and charge against the assets and undertaking of The London and Port Stanley Railway pursuant to the Statutes in that behalf;

AND WHEREAS it is agreed that the said amounts owing to the Corporation in respect of the said bonds and in respect of the said electrification exceeds the value of the assets and undertaking of The London and Port Stanley Railway Company;

AND WHEREAS the Corporation represents that it is desirable for the purpose of simplification of the financial and corporate affairs of the Corporation and The London and Port Stanley Railway Company to transfer all the assets and undertaking of The London and Port Stanley Railway Company to the Corporation in satisfaction of all its claims;

AND WHEREAS the Corporation has requested the Company to transfer to it without consideration all shares of The London and Port Stanley Railway Company held by the Company;

AND WHEREAS the Company holds the said shares of The London and Port Stanley Railway Company as trustee for the Railway;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. For the consideration aforesaid, but without further consideration, the Company hereby transfers, sets over and assigns unto the Corporation 2,347 shares of The London and Port Stanley Railway Company to have

and to hold unto the sole use and benefit of the Corporation. The Company will execute all such formal assignments and transfers as may be required and deliver unto the Corporation such certificates as may be in the Company's possession representing the ownership of the shares.

2. The Corporation will, upon obtaining the necessary statutory authority, take all proper and necessary steps to effectively transfer unto the Corporation all the assets and undertaking of The London and Port Stanley Railway Company and for the said consideration it will release all its claims against the said The London and Port Stanley Railway Company.

3. The Corporation will, if it shall at any future time, determine to sell or dispose of the assets and undertaking so acquired from The London and Port Stanley Railway Company, give notice thereof unto the Railway and the Railway and the Corporation shall forthwith proceed to negotiate an agreement for the sale of the said assets and undertaking. If the said Railway does not desire to acquire the assets and undertaking of The London and Port Stanley Railway Company it shall so notify the Corporation within the time hereinafter limited. If the Railway and the Corporation shall not within three months from the date of the posting of the notice hereinbefore referred to reach an agreement in respect of the sale of the said assets and undertaking, the rights of the Railway under its agreement shall thenceforth be determined.

4. Any notice required to be given under the provisions of this agreement may be given by letter, postage prepaid and registered, addressed to the Corporation at London, Ontario or to the Railway at Montreal, Quebec.

5. This agreement shall come into force and take effect upon the coming into force of a special Act of the Legislature of Ontario empowering and authorizing the Corporation to enter into this agreement and the transfer of assets of The London and Port Stanley Railway Company shall be made upon the Corporation obtaining the necessary authority to accept and hold the same.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

SIGNED, SEALED AND  
DELIVERED

In the presence of

CANADIAN NATIONAL REALTIES LIMITED

W. A. METCALF,  
*Vice-President.*  
J. M. YOUNG,  
*Assistant Secretary.*

THE CORPORATION OF THE CITY OF LONDON

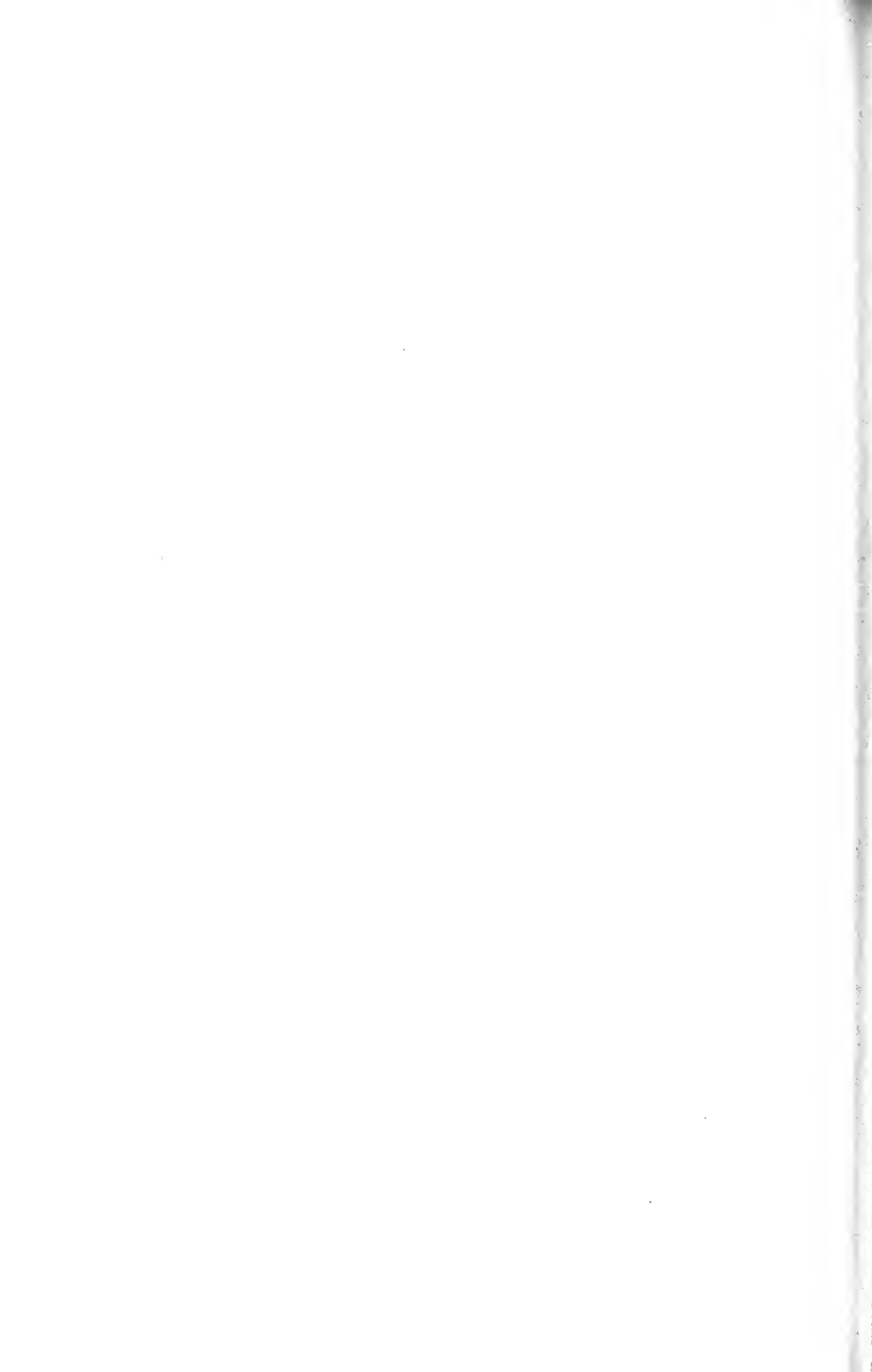
A. J. RUSH,  
*Mayor.*  
R. H. COOPER,  
*Clerk.*

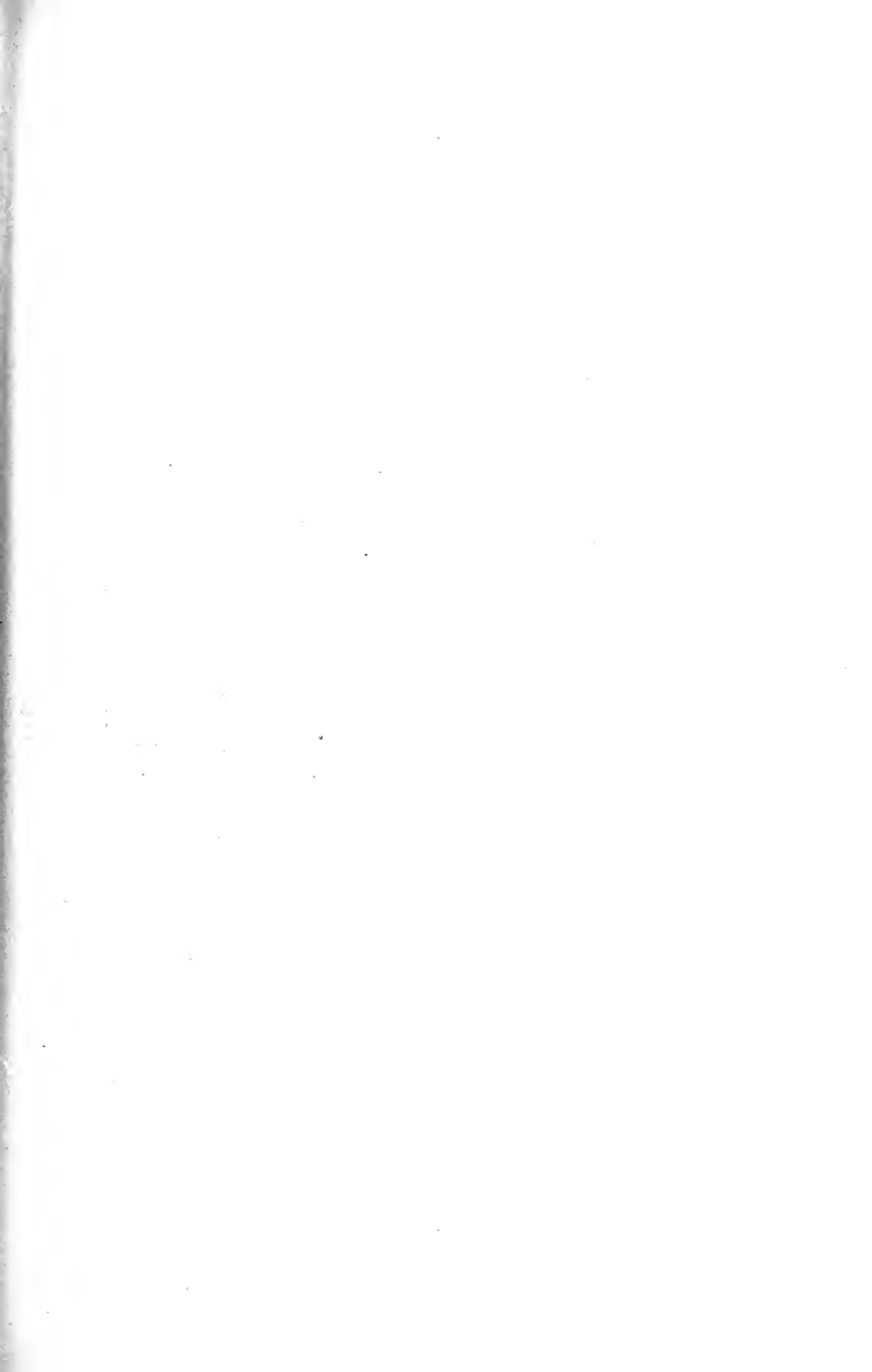
CANADIAN NATIONAL RAILWAY COMPANY

W. A. METCALF,  
*Vice-President.*  
J. M. YOUNG,  
*Assistant Secretary.*









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BILL

An Act respecting the City of London

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. ROBARTS (London)

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*(Private Bill)*

No. 20

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of London

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MR. ROBARTS (London)

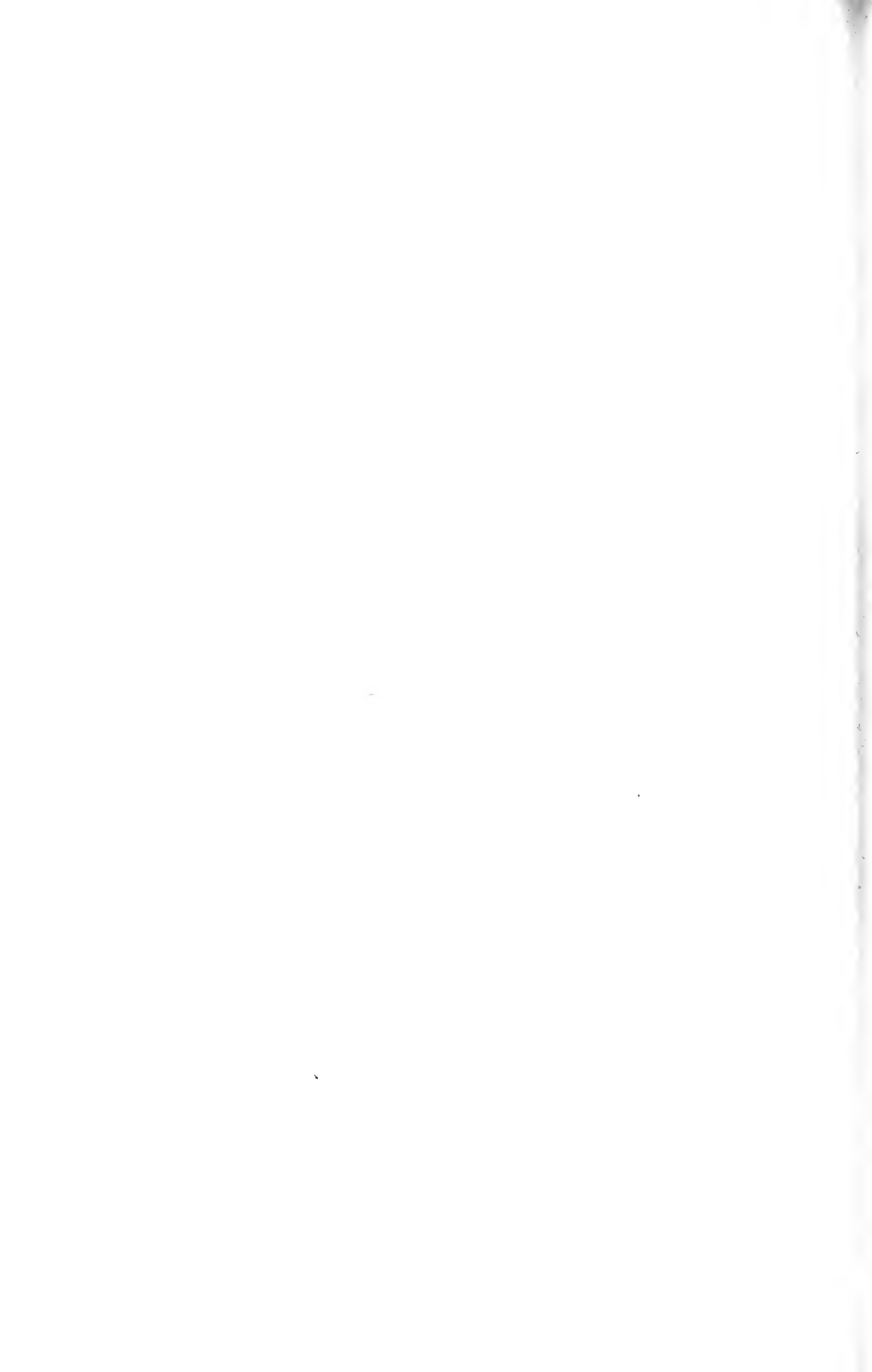
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*(Reprinted as amended by the Committee on Private Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London by Preamble its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The agreement between The Corporation of the City Agreement confirmed of London, Canadian National Realities Limited and another, bearing date the 23rd day of October, 1952, and set forth as the Schedule hereto, is ratified and confirmed and the parties thereto are empowered to carry out the terms thereof.

**2.** Notwithstanding the provisions of section 483 of *The Trees on highways Municipal Act*, trees or shrubs growing upon highways within Rev. Stat., c. 243 the City of London are declared to be the property of The Corporation of the City of London, and clause *f* of subsection 4 of the said section shall not apply thereto.

**3.** The council of the said Corporation may, by by-law, Idem delegate to The Public Utilities Commission of the City of London all the powers of the said Corporation and the council thereof under the provisions of section 483 of *The Municipal Act*, and such Commission shall thereupon, in addition, have full power and authority to trim, cut or remove trees and shrubs growing upon such highways as to it or to the manager or other employee designated by the Commission may appear proper.

**4.** The acquisition of lands in the Township of Westminster, Home for the aged in the County of Middlesex, by the said Corporation for a home for the aged is declared to be legal and valid and binding upon the said Corporation and the ratepayers thereof and the said Corporation is empowered to own, lease, purchase or otherwise acquire, hold and dispose of lands in the said Township for the said purpose.

1939,  
c. 64, s. 1,  
repealed

**5.** Section 1 of *The City of London Act, 1939* is repealed, but the present council of the said Corporation shall hold office until their successors are elected and a new council organized.

Composition  
of council

**6.** For the year 1954 and thereafter until altered by special legislation the council of the said Corporation shall be composed of a mayor and eight aldermen of whom two shall be elected for each ward.

Staggered  
system,  
two-year  
term

**7.—(1)** At the next annual municipal election there shall be elected two aldermen for each ward, of whom the one in each ward having the highest number of votes at such election shall hold office for a term of two years and the other of such aldermen shall hold office for a term of one year only, and at each annual election thereafter there shall be elected one alderman for each ward who shall hold office for a term of two years, provided that in the event of election by acclamation of two aldermen for any ward for the year 1954 the alderman having the highest assessment according to the last revised assessment roll shall hold office for two years and the other alderman shall hold office for the term of one year.

Idem

**(2)** At the next annual municipal election there shall be elected a mayor who shall hold office for two years and the election for such office shall be held every two years thereafter.

Vacancies

**8.** In the event of the death, resignation or removal from office of any alderman during his term of office, the vacancy so created shall be filled by the election of another alderman by the council for the unexpired term or office of the alderman so dying, resigning or being removed from office.

Submission  
of questions  
to electors

**9.—(1)** Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors at any time during the years 1953 and 1954,

Rev. Stat.,  
c. 243

- (a) any question as to the operations of The London and Port Stanley Railway or as to the disposition of the undertaking or assets thereof or any part thereof;
- (b) a question to determine if the electors are in favour of constituting one commission to operate, manage and control the operations of The London and Port Stanley Railway and the local transportation system of the City of London;
- (c) a question to determine if the electors are in favour of the adoption of a Board of Control for the City of London;



- (d) a question to determine if the electors are in favour of the appointment of a salaried general administrative head to be known as the "City Manager".

(2) Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors of the City of London entitled to vote on money by-laws, at any time during the years 1953 and 1954, a by-law for borrowing money as may be required for the purposes of the reconstruction, rehabilitation and repair, or any of them, of The London and Port Stanley Railway and for the issue of debentures therefor.

(3) In the event of the approval by the ratepayers of the by-law submitted under subsection 2, the said Corporation and The London Railway Commission are authorized and empowered to carry out and perform the said reconstruction, rehabilitation and repair, or any of them, of The London and Port Stanley Railway.

(4) Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors of the City of London entitled to vote on money by-laws, at any time during the years 1953 and 1954,

- (a) a question or questions to determine if such electors are for or against the construction of a coliseum, community centre and arena, or any of them;
- (b) a by-law for borrowing of such money as may be required for the purposes referred to in clause a, and the issuing of debentures therefor.

(5) If the electors entitled to vote on money by-laws vote on any question submitted under the provisions of subsection 4 in favour of construction of a coliseum, community centre and arena, or any of them, the said Corporation is authorized and empowered to carry out such construction either alone or in conjunction with Western Fair Association which is likewise empowered and to use therefor funds raised or authorized to be raised for the purposes of a community centre and arena either by any prior levies, prior special legislation or by any prior vote of the electors.

(6) The votes on the said questions or by-laws shall be taken save as herein otherwise provided for in the manner required by and subject to the provisions of *The Municipal Act* with respect to voting upon questions or voting upon by-laws requiring the assent of the electors other than those provisions as to the time of taking such vote.

Effect  
of vote

(7) Upon such vote or votes being so taken they shall have the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*.

Rev. Stat.,  
c. 243

Disposal of  
L. & P.S.  
Railway

**10.** If the Corporation shall dispose of the undertaking or assets of The London and Port Stanley Railway, or any part thereof, or any asset used in connection therewith, the powers of The London Railway Commission as to such undertaking or asset, or part thereof, shall cease and determine.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The City of London Act, 1953*.

## SCHEDULE

THIS AGREEMENT made (in triplicate) this 23rd day of October in the year of our Lord one thousand nine hundred and fifty-two:

BETWEEN:

CANADIAN NATIONAL REALTIES LIMITED, hereinafter called the Company,

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF LONDON, hereinafter called the Corporation,

OF THE SECOND PART,

—and—

CANADIAN NATIONAL RAILWAY COMPANY, hereinafter called the Railway,

OF THE THIRD PART.

WHEREAS the party of the First Part is the registered or beneficial owner of 2,347 shares of the capital stock of The London and Port Stanley Railway Company;

AND WHEREAS the Corporation is the owner of 1,828 shares of the said stock and by reason of the indebtedness to it of the said The London and Port Stanley Railway Company in respect of bonds held by the Corporation it is entitled to 13,328 votes at any meeting of shareholders;

AND WHEREAS the Corporation represents that The London and Port Stanley Railway Company is indebted to it upon the said bonds, with accrued interest, in a sum in excess of Three million three hundred thousand dollars, and that it has expended for electrification of The London and Port Stanley Railway a sum of approximately Two million seven hundred thousand dollars which sum is a lien and charge against the assets and undertaking of The London and Port Stanley Railway pursuant to the Statutes in that behalf;

AND WHEREAS it is agreed that the said amounts owing to the Corporation in respect of the said bonds and in respect of the said electrification exceeds the value of the assets and undertaking of The London and Port Stanley Railway Company;

AND WHEREAS the Corporation represents that it is desirable for the purpose of simplification of the financial and corporate affairs of the Corporation and The London and Port Stanley Railway Company to transfer all the assets and undertaking of The London and Port Stanley Railway Company to the Corporation in satisfaction of all its claims;

AND WHEREAS the Corporation has requested the Company to transfer to it without consideration all shares of The London and Port Stanley Railway Company held by the Company;

AND WHEREAS the Company holds the said shares of The London and Port Stanley Railway Company as trustee for the Railway;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. For the consideration aforesaid, but without further consideration, the Company hereby transfers, sets over and assigns unto the Corporation 2,347 shares of The London and Port Stanley Railway Company to have

and to hold unto the sole use and benefit of the Corporation. The Company will execute all such formal assignments and transfers as may be required and deliver unto the Corporation such certificates as may be in the Company's possession representing the ownership of the shares.

2. The Corporation will, upon obtaining the necessary statutory authority, take all proper and necessary steps to effectively transfer unto the Corporation all the assets and undertaking of The London and Port Stanley Railway Company and for the said consideration it will release all its claims against the said The London and Port Stanley Railway Company.

3. The Corporation will, if it shall at any future time, determine to sell or dispose of the assets and undertaking so acquired from The London and Port Stanley Railway Company, give notice thereof unto the Railway and the Railway and the Corporation shall forthwith proceed to negotiate an agreement for the sale of the said assets and undertaking. If the said Railway does not desire to acquire the assets and undertaking of The London and Port Stanley Railway Company it shall so notify the Corporation within the time hereinafter limited. If the Railway and the Corporation shall not within three months from the date of the posting of the notice hereinbefore referred to reach an agreement in respect of the sale of the said assets and undertaking, the rights of the Railway under its agreement shall thenceforth be determined.

4. Any notice required to be given under the provisions of this agreement may be given by letter, postage prepaid and registered, addressed to the Corporation at London, Ontario or to the Railway at Montreal, Quebec.

5. This agreement shall come into force and take effect upon the coming into force of a special Act of the Legislature of Ontario empowering and authorizing the Corporation to enter into this agreement and the transfer of assets of The London and Port Stanley Railway Company shall be made upon the Corporation obtaining the necessary authority to accept and hold the same.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

SIGNED, SEALED AND  
DELIVERED

In the presence of

CANADIAN NATIONAL REALTIES LIMITED

W. A. METCALF,  
*Vice-President.*  
J. M. YOUNG,  
*Assistant Secretary.*

THE CORPORATION OF THE CITY OF LONDON

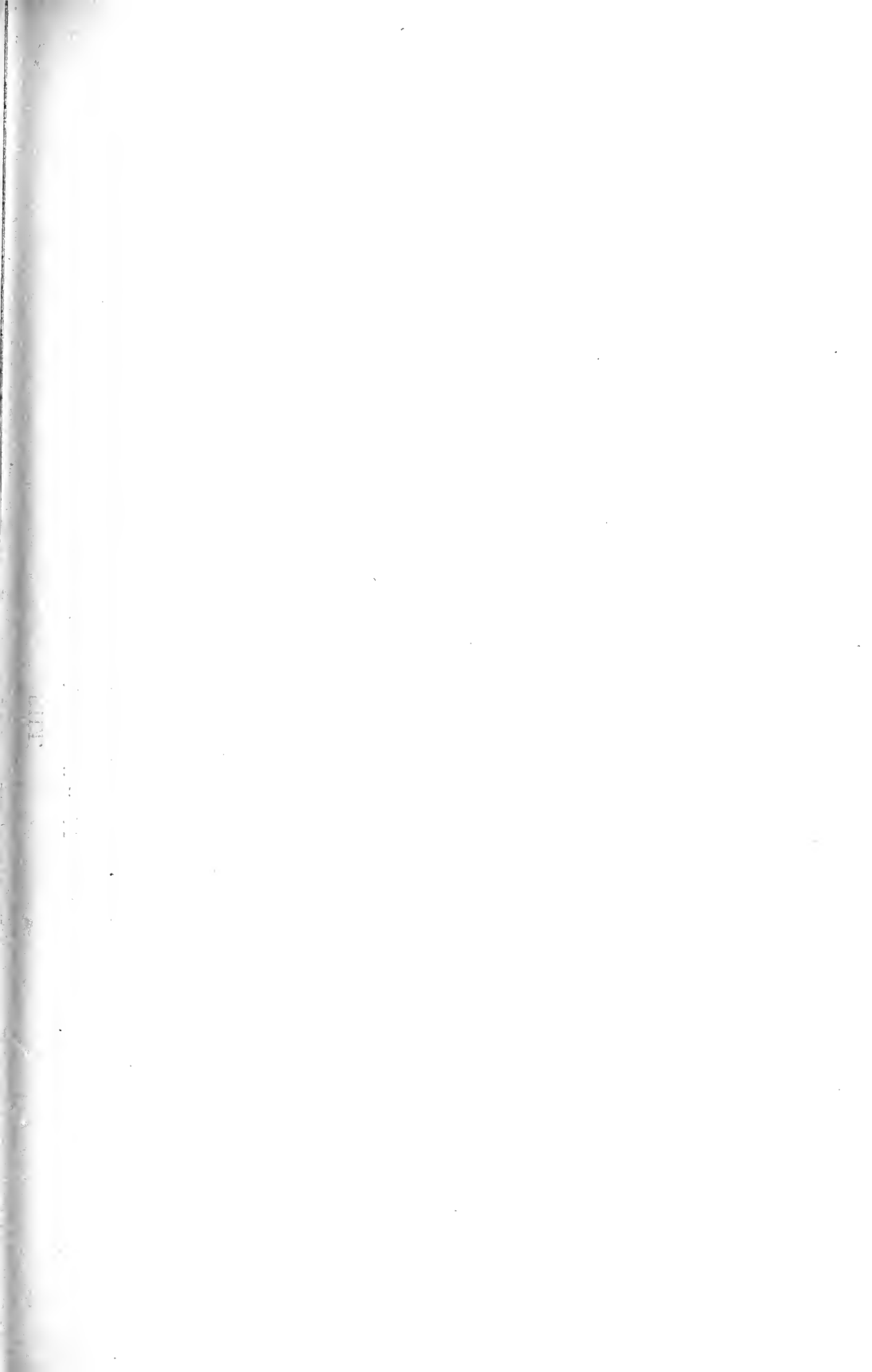
A. J. RUSH,  
*Mayor.*  
R. H. COOPER,  
*Clerk.*

CANADIAN NATIONAL RAILWAY COMPANY

W. A. METCALF,  
*Vice-President.*  
J. M. YOUNG,  
*Assistant Secretary.*







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BILL

An Act respecting the City of London

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

---

MR. ROBARTS (London)

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*(Reprinted as amended by the Committee on  
Private Bills)*



No. 20

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of London

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MR. ROBERTS (London)

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# BILL

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London by Preamble  
its petition has prayed for special legislation in respect  
of the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** The agreement between The Corporation of the City Agreement confirmed  
of London, Canadian National Realities Limited and another,  
bearing date the 23rd day of October, 1952, and set forth as  
the Schedule hereto, is ratified and confirmed and the parties  
thereto are empowered to carry out the terms thereof.

**2.** Notwithstanding the provisions of section 483 of *The* Trees on highways Rev. Stat., c. 243  
*Municipal Act*, trees or shrubs growing upon highways within  
the City of London are declared to be the property of The  
Corporation of the City of London, and clause *f* of subsection 4  
of the said section shall not apply thereto.

**3.** The council of the said Corporation may, by by-law, Idem  
delegate to The Public Utilities Commission of the City of  
London all the powers of the said Corporation and the council  
thereof under the provisions of section 483 of *The Municipal  
Act*, and such Commission shall thereupon, in addition, have  
full power and authority to trim, cut or remove trees and  
shrubs growing upon such highways as to it or to the manager  
or other employee designated by the Commission may appear  
proper.

**4.** The acquisition of lands in the Township of Westminster, Home for the aged  
in the County of Middlesex, by the said Corporation for a  
home for the aged is declared to be legal and valid and binding  
upon the said Corporation and the ratepayers thereof and the  
said Corporation is empowered to own, lease, purchase or  
otherwise acquire, hold and dispose of lands in the said  
Township for the said purpose.

1939,  
c. 64, s. 1,  
repealed

**5.** Section 1 of *The City of London Act, 1939* is repealed, but the present council of the said Corporation shall hold office until their successors are elected and a new council organized.

Composition  
of council

**6.** For the year 1954 and thereafter until altered by special legislation the council of the said Corporation shall be composed of a mayor and eight aldermen of whom two shall be elected for each ward.

Staggered  
system,  
two-year  
term

**7.—(1)** At the next annual municipal election there shall be elected two aldermen for each ward, of whom the one in each ward having the highest number of votes at such election shall hold office for a term of two years and the other of such aldermen shall hold office for a term of one year only, and at each annual election thereafter there shall be elected one alderman for each ward who shall hold office for a term of two years, provided that in the event of election by acclamation of two aldermen for any ward for the year 1954 the alderman having the highest assessment according to the last revised assessment roll shall hold office for two years and the other alderman shall hold office for the term of one year.

Idem

(2) At the next annual municipal election there shall be elected a mayor who shall hold office for two years and the election for such office shall be held every two years thereafter.

Vacancies

**8.** In the event of the death, resignation or removal from office of any alderman during his term of office, the vacancy so created shall be filled by the election of another alderman by the council for the unexpired term or office of the alderman so dying, resigning or being removed from office.

Submission  
of questions  
to electors

Rev. Stat.,  
c. 243

**9.—(1)** Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors at any time during the years 1953 and 1954,

- (a) any question as to the operations of The London and Port Stanley Railway or as to the disposition of the undertaking or assets thereof or any part thereof;
- (b) a question to determine if the electors are in favour of constituting one commission to operate, manage and control the operations of The London and Port Stanley Railway and the local transportation system of the City of London;
- (c) a question to determine if the electors are in favour of the adoption of a Board of Control for the City of London;

- (d) a question to determine if the electors are in favour of the appointment of a salaried general administrative head to be known as the "City Manager".

(2) Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors of the City of London entitled to vote on money by-laws, at any time during the years 1953 and 1954, a by-law for borrowing money as may be required for the purposes of the reconstruction, rehabilitation and repair, or any of them, of The London and Port Stanley Railway and for the issue of debentures therefor.

(3) In the event of the approval by the ratepayers of the by-law submitted under subsection 2, the said Corporation and The London Railway Commission are authorized and empowered to carry out and perform the said reconstruction, rehabilitation and repair, or any of them, of The London and Port Stanley Railway.

(4) Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors of the City of London entitled to vote on money by-laws, at any time during the years 1953 and 1954,

- (a) a question or questions to determine if such electors are for or against the construction of a coliseum, community centre and arena, or any of them;
- (b) a by-law for borrowing of such money as may be required for the purposes referred to in clause a, and the issuing of debentures therefor.

(5) If the electors entitled to vote on money by-laws vote on any question submitted under the provisions of subsection 4 in favour of construction of a coliseum, community centre and arena, or any of them, the said Corporation is authorized and empowered to carry out such construction either alone or in conjunction with Western Fair Association which is likewise empowered and to use therefor funds raised or authorized to be raised for the purposes of a community centre and arena either by any prior levies, prior special legislation or by any prior vote of the electors.

(6) The votes on the said questions or by-laws shall be taken save as herein otherwise provided for in the manner required by and subject to the provisions of *The Municipal Act* with respect to voting upon questions or voting upon by-laws requiring the assent of the electors other than those provisions as to the time of taking such vote.

Effect  
of vote

(7) Upon such vote or votes being so taken they shall have the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*.

Rev. Stat.,  
c. 243

Disposal of  
L. & P.S.  
Railway

**10.** If the Corporation shall dispose of the undertaking or assets of The London and Port Stanley Railway, or any part thereof, or any asset used in connection therewith, the powers of The London Railway Commission as to such undertaking or asset, or part thereof, shall cease and determine.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The City of London Act, 1953*.

## SCHEDULE

THIS AGREEMENT made (in triplicate) this 23rd day of October in the year of our Lord one thousand nine hundred and fifty-two:

BETWEEN:

CANADIAN NATIONAL REALTIES LIMITED, hereinafter called the Company,

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF LONDON, hereinafter called the Corporation,

OF THE SECOND PART,

—and—

CANADIAN NATIONAL RAILWAY COMPANY, hereinafter called the Railway,

OF THE THIRD PART.

WHEREAS the party of the First Part is the registered or beneficial owner of 2,347 shares of the capital stock of The London and Port Stanley Railway Company;

AND WHEREAS the Corporation is the owner of 1,828 shares of the said stock and by reason of the indebtedness to it of the said The London and Port Stanley Railway Company in respect of bonds held by the Corporation it is entitled to 13,328 votes at any meeting of shareholders;

AND WHEREAS the Corporation represents that The London and Port Stanley Railway Company is indebted to it upon the said bonds, with accrued interest, in a sum in excess of Three million three hundred thousand dollars, and that it has expended for electrification of The London and Port Stanley Railway a sum of approximately Two million seven hundred thousand dollars which sum is a lien and charge against the assets and undertaking of The London and Port Stanley Railway pursuant to the Statutes in that behalf;

AND WHEREAS it is agreed that the said amounts owing to the Corporation in respect of the said bonds and in respect of the said electrification exceeds the value of the assets and undertaking of The London and Port Stanley Railway Company;

AND WHEREAS the Corporation represents that it is desirable for the purpose of simplification of the financial and corporate affairs of the Corporation and The London and Port Stanley Railway Company to transfer all the assets and undertaking of The London and Port Stanley Railway Company to the Corporation in satisfaction of all its claims;

AND WHEREAS the Corporation has requested the Company to transfer to it without consideration all shares of The London and Port Stanley Railway Company held by the Company;

AND WHEREAS the Company holds the said shares of The London and Port Stanley Railway Company as trustee for the Railway;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. For the consideration aforesaid, but without further consideration, the Company hereby transfers, sets over and assigns unto the Corporation 2,347 shares of The London and Port Stanley Railway Company to have

and to hold unto the sole use and benefit of the Corporation. The Company will execute all such formal assignments and transfers as may be required and deliver unto the Corporation such certificates as may be in the Company's possession representing the ownership of the shares.

2. The Corporation will, upon obtaining the necessary statutory authority, take all proper and necessary steps to effectively transfer unto the Corporation all the assets and undertaking of The London and Port Stanley Railway Company and for the said consideration it will release all its claims against the said The London and Port Stanley Railway Company.

3. The Corporation will, it if shall at any future time, determine to sell or dispose of the assets and undertaking so acquired from The London and Port Stanley Railway Company, give notice thereof unto the Railway and the Corporation shall forthwith proceed to negotiate an agreement for the sale of the said assets and undertaking. If the said Railway does not desire to acquire the assets and undertaking of The London and Port Stanley Railway Company it shall so notify the Corporation within the time hereinafter limited. If the Railway and the Corporation shall not within three months from the date of the posting of the notice hereinbefore referred to reach an agreement in respect of the sale of the said assets and undertaking, the rights of the Railway under its agreement shall thenceforth be determined.

4. Any notice required to be given under the provisions of this agreement may be given by letter, postage prepaid and registered, addressed to the Corporation at London, Ontario or to the Railway at Montreal, Quebec.

5. This agreement shall come into force and take effect upon the coming into force of a special Act of the Legislature of Ontario empowering and authorizing the Corporation to enter into this agreement and the transfer of assets of The London and Port Stanley Railway Company shall be made upon the Corporation obtaining the necessary authority to accept and hold the same.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

SIGNED, SEALED AND  
DELIVERED

In the presence of

CANADIAN NATIONAL REALTIES LIMITED

W. A. METCALF,  
*Vice-President.*  
J. M. YOUNG,  
*Assistant Secretary.*

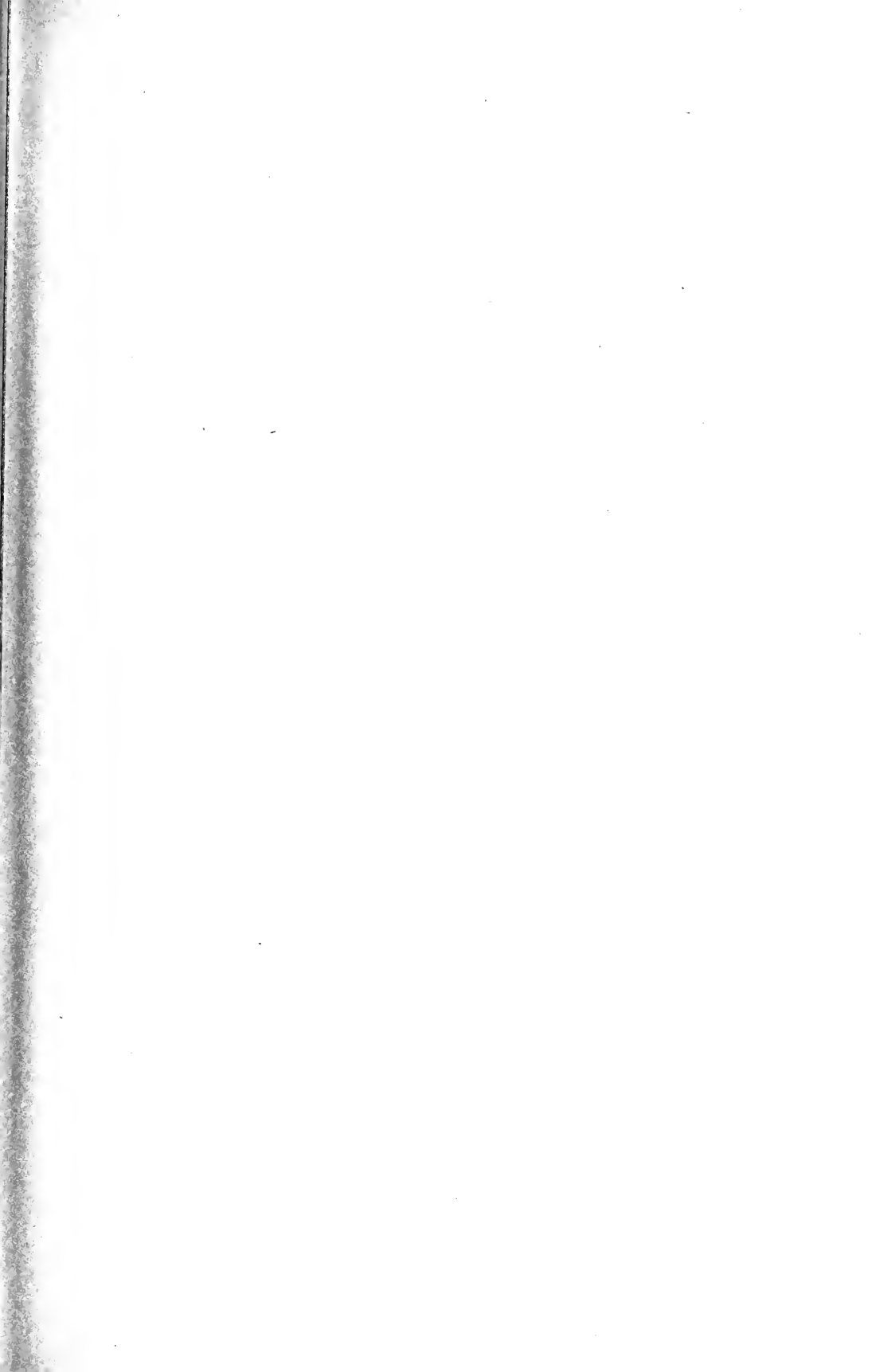
THE CORPORATION OF THE CITY OF LONDON

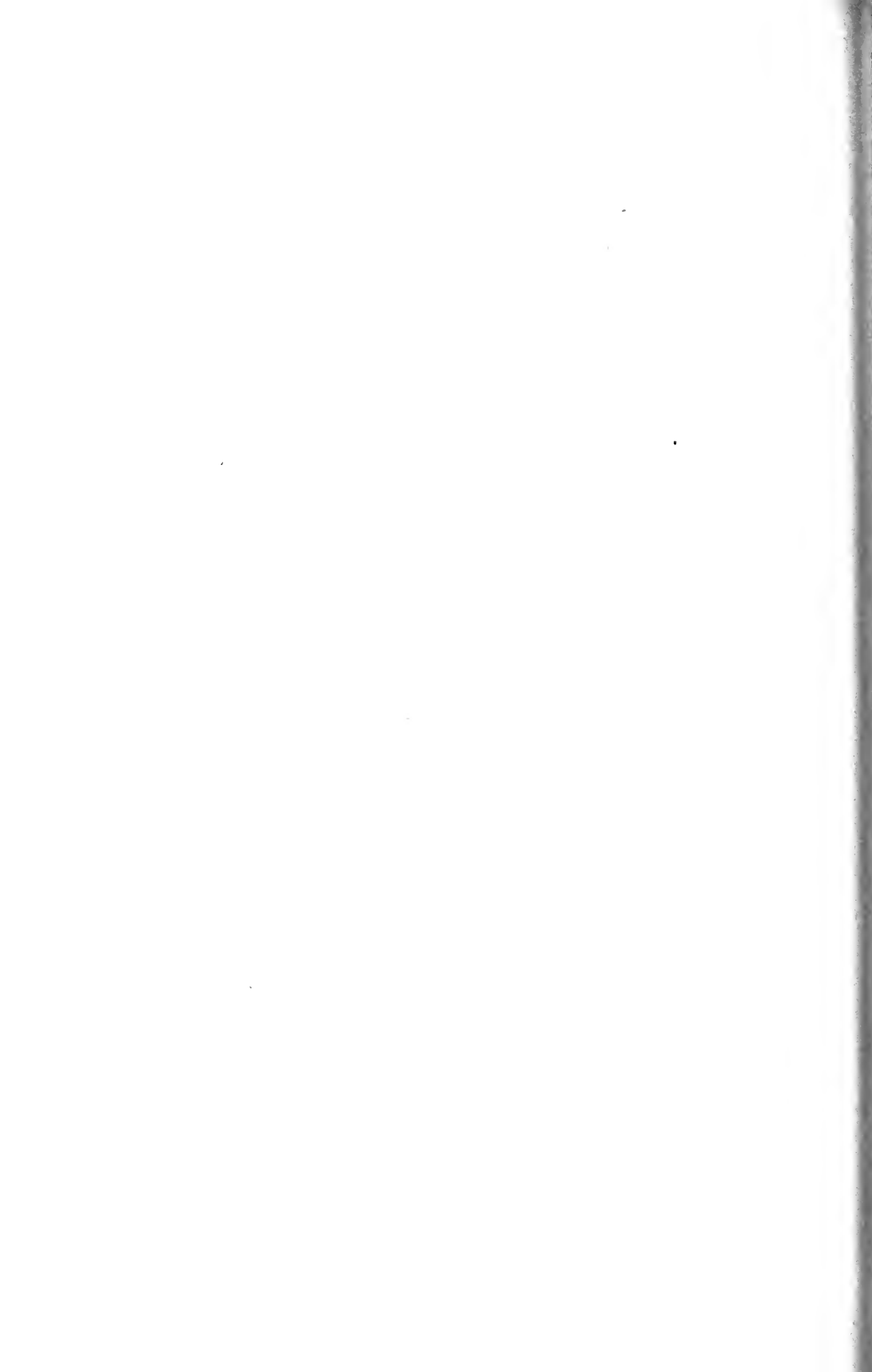
A. J. RUSH,  
*Mayor.*  
R. H. COOPER,  
*Clerk.*

CANADIAN NATIONAL RAILWAY COMPANY

W. A. METCALF,  
*Vice-President.*  
J. M. YOUNG,  
*Assistant Secretary.*









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BILL

An Act respecting the City of London

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 11th, 1953

*3rd Reading*

March 17th, 1953

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Mr. ROBARTS (London)

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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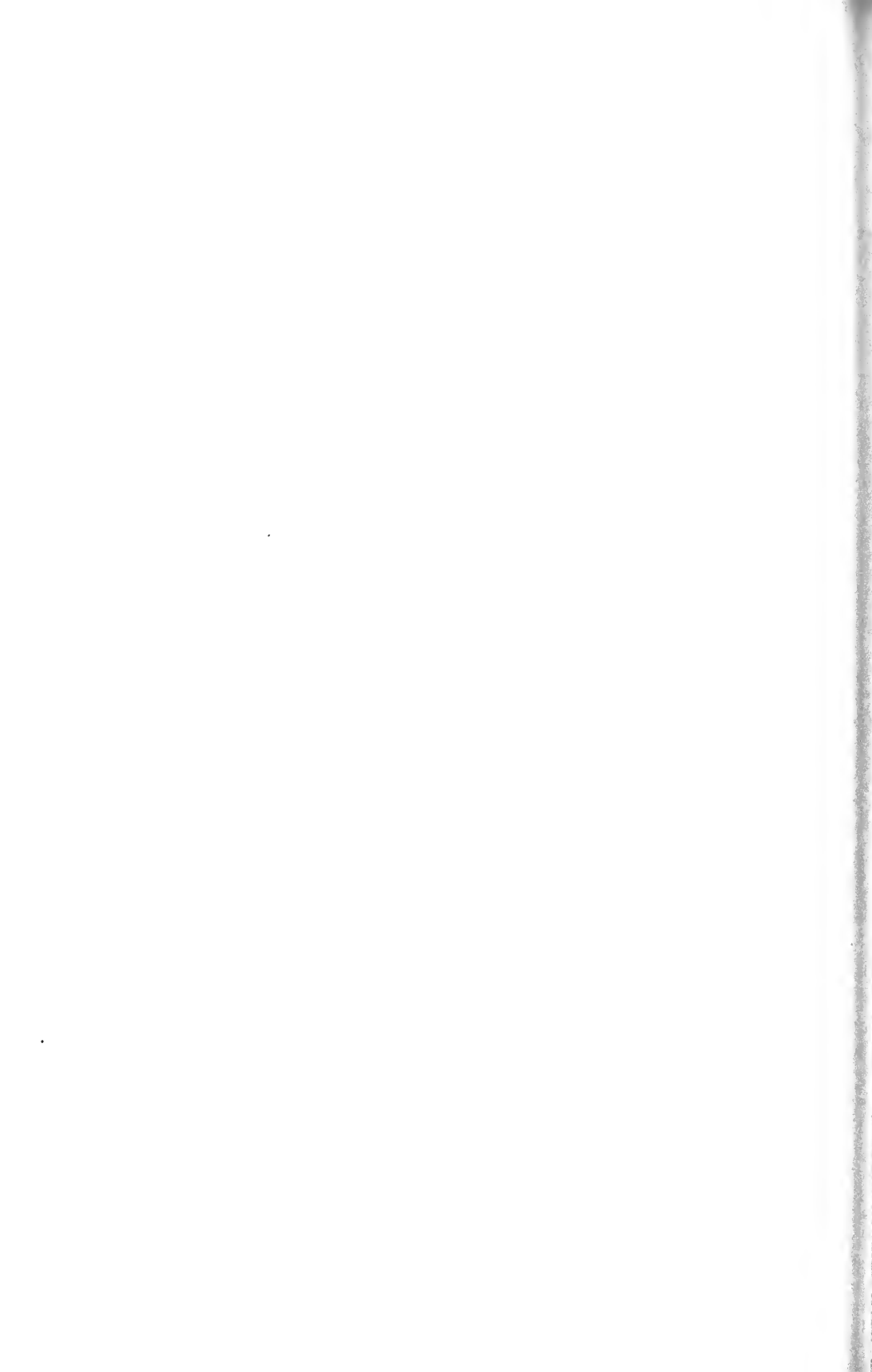
**BILL**  
**An Act respecting the City of Welland**

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MR. MORNINGSTAR

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(PRIVATE BILL)



# BILL

## An Act respecting the City of Welland

**W**HEREAS The Corporation of the City of Welland by Preamble its petition has represented that the debenture by-law and agreements hereinafter mentioned have been approved by by-law of the Board of Water Commissioners of the City of Welland and the respective councils of the City of Welland and the Townships of Crowland, Humberstone, Pelham and Thorold, and all such by-laws and agreements have been duly approved by the Ontario Municipal Board; and your petitioner has prayed for special legislation validating the said by-laws and agreements; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law No. 2236 passed by The Corporation of the City Debenture by-law confirmed of Welland on the 16th day of December, 1952, set forth as Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the rate-payers thereof.

**2.** Order No. P.F. C-8250 of the Ontario Municipal Board Municipal Board order confirmed dated the 12th day of November, 1952, set forth as Schedule B hereto, is hereby confirmed.

**3.** By-law No. 1162 passed by The Corporation of the By-laws and agreement confirmed Township of Crowland on the 17th day of July, 1951, set forth as Schedule C hereto; By-law No. 2136 passed by The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule D hereto; By-law No. 56 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule E hereto, and the Agreement entered into by the said parties, set forth as Schedule F hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

**4.** By-law No. 946 passed by The Corporation of the By-laws and agreement confirmed Township of Humberstone on the 16th day of July, 1951, set forth as Schedule G hereto; By-law No. 2133 passed by

The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule H hereto; By-law No. 58 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule I hereto, and the Agreement entered into by the said parties, set forth as Schedule J hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

By-laws  
and  
agreement  
confirmed

**5.** By-law No. 1351 passed by The Corporation of the Township of Pelham on the 4th day of August, 1951, set forth as Schedule K hereto; By-law No. 2134 passed by The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule L hereto; By-law No. 59 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule M hereto, and the Agreement entered into by the said parties, set forth as Schedule N hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

By-laws  
and  
agreement  
confirmed

**6.** By-law No. 112 passed by The Corporation of the Township of Thorold on the 16th day of July, 1951, set forth as Schedule O hereto; By-law No. 2135 passed by The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule P hereto; By-law No. 57 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule Q hereto, and the Agreement entered into by the said parties, set forth as Schedule R hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The City of Welland Act, 1953*.



## SCHEDULE A

BY-LAW No. 2236

## WATER WORKS EXTENSION DEBENTURE BY-LAW

## THE CORPORATION OF THE CITY OF WELLAND

A By-law to authorize the borrowing of \$200,000.00 upon debentures for the extension of water works system and distribution system and all other necessary accessories for supplying water in and about the City of Welland.

WHEREAS the Board of Water Commissioners of the City of Welland has asked permission of the Corporation as represented by its Council to construct a water reservoir in the Township of Pelham (including distribution mains) for the purposes of the residents of the City and areas in the Municipalities of the Townships of Thorold, Pelham, Crowland and Humberstone and the Village of Humberstone, and is now applying to the Corporation of the City of Welland to provide the necessary moneys for these purposes;

AND WHEREAS the said Board and City have entered into agreements with the said Municipalities whereby their inhabitants may make use of the proposed system under terms and conditions already agreed upon and approved by the said Councils of the said contracting Municipalities;

AND WHEREAS the Municipal Council of the Corporation of the City of Welland deems it expedient to borrow for the above purposes and no other, a sum not exceeding \$200,000.00 upon the credit of the Corporation and to issue debentures therefor bearing interest payable annually at  $4\frac{1}{2}\%$  per annum, as shown in Schedule A attached to and forming part of this By-law;

AND WHEREAS it is deemed expedient to make the principal of the debt repayable in annual instalments during the period of twenty years next after the date of issue of such debentures;

AND WHEREAS by Certificate Number 52-B-359 dated the 29th day of October, 1952, the Department of Health of the Province of Ontario has approved the purpose of such borrowing;

AND WHEREAS by an Order dated the 12th day of November, 1952, the Ontario Municipal Board has approved By-laws, including Debenture By-laws;

AND WHEREAS the amount of the whole rateable property of the said Municipality according to the last revised Assessment Roll thereof is \$18,360,455.00;

AND WHEREAS the amount of the Debenture debt of the said Corporation exclusive of local improvement debt secured by special rates or assessment is \$687,154.68, of which no part of the principal or interest is in arrears;

NOW THEREFORE the Municipal Council of The Corporation of the City of Welland enacts as follows:

1. The Board of Water Commissioners of the City of Welland (subject to the approval of the said Board under Section 67 of The Ontario Municipal Board Act, R.S.O. 1950, Chapter 262) is hereby authorized to proceed with the construction of the following works:

A water reservoir situate on part of lot number one, in the eighth Concession of the Township of Pelham, County of Welland, with cast iron water mains and all accessories extending from the said reservoir to the City of Welland and to all those parts of the said

Township and Village areas now agreed upon (the existing plans and specifications of which are approved) or to such other areas as may be hereafter approved by the said City and Board.

2. For the purpose of constructing the above mentioned works the Corporation shall borrow upon the credit of the Corporation \$200,000.00 and shall issue Debentures therefor in sums of not less than \$50.00 each.

3. Each Debenture shall bear interest at the rate aforesaid and set out in Schedule "A" attached to this By-law and shall have coupons attached thereto for payment of the said interest.

4. The Debentures shall all bear the same date and shall be issued at one time and within two years after the date of the final passing of this By-law and may bear any date within such two years and shall be made payable in twenty annual instalments and the respective amounts of principal and interest payable in each of the years shall be the amount designated in said Schedule "A" attached to and forming part of this By-law.

5. The Debentures shall be payable as to both principal and interest in lawful money of Canada and be made payable at such place or places in Canada as shall be designated thereon.

6. The said Debentures shall be sealed with the seal of the Corporation and signed by the head of the Council or by some other person authorized by By-law to sign the same and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

7. Commencing with the date of issue of the said Debentures, within the said two years and in each year thereafter, in which an instalment of principal of the said debt and the interest become due the Corporation shall levy and raise for the payment of the said principal and interest the specific sums shown for the respective years in said Schedule "A". Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the rateable property within the said City of Welland.

8. The said Debentures may contain a clause providing for the registration thereof pursuant to Section 335 of The Municipal Act, R.S.O. 1950, Chapter 243.

9. Pending the sale of the said Debentures the head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such Debentures, any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such Debentures for such loan.

10. The Corporation shall have the right, at its option, to redeem the said Debentures either in whole or in part on any date prior to maturity, at the places where and in the moneys in which the said Debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in The Ontario Gazette and once in a daily newspaper of general provincial circulation published in the City of Toronto and once in a local newspaper, if any, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered, at the address shown in the Debenture Registry Book. Where only a portion of the Debentures of this issue is so to be redeemed such portion shall comprise only the Debentures that have the latest

maturity dates and no Debentures of this issue shall be called for such redemption on priority to any such Debenture that has a later maturity date.

READ a first and second time this 4th day of November, 1952.

DAVID J. THOMAS,  
*Mayor.*

(Seal)

J. D. WATT,  
*Clerk.*

READ a third time and finally passed this 16th day of December, 1952.

DAVID J. THOMAS,  
*Mayor.*

(Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

*Schedule "A"*

Forming a part of By-law Number 2236

Year	Interest	Principal	Total
1.....	\$ 9,000.00	\$ 6,500.00	\$15,500.00
2.....	8,707.50	6,500.00	15,207.50
3.....	8,415.00	7,000.00	15,415.00
4.....	8,100.00	7,000.00	15,100.00
5.....	7,785.00	7,500.00	15,285.00
6.....	7,447.50	8,000.00	15,447.50
7.....	7,087.50	8,500.00	15,587.50
8.....	6,705.00	8,500.00	15,205.00
9.....	6,322.50	9,000.00	15,322.50
10.....	5,917.50	9,500.00	15,417.50
11.....	5,490.00	10,000.00	15,490.00
12.....	5,040.00	10,500.00	15,540.00
13.....	4,567.50	11,000.00	15,567.50
14.....	4,072.50	11,000.00	15,072.50
15.....	3,577.50	12,000.00	15,577.50
16.....	3,037.50	12,500.00	15,537.50
17.....	2,475.00	13,000.00	15,475.00
18.....	1,890.00	13,500.00	15,390.00
19.....	1,282.50	14,000.00	15,282.50
20.....	652.50	14,500.00	15,152.50
	<u>\$107,572.50</u>	<u>\$200,000.00</u>	<u>\$307,572.50</u>

SCHEDULE B

P.F. C-8250

THE ONTARIO MUNICIPAL BOARD

Wednesday, the twelfth day of November, A.D. 1952

BEFORE:

W. J. MOORE, O.L.S.,  
Vice-Chairman,

and

GEORGE A. LISTER,  
Member.

IN THE MATTER OF Section 67 of "The Ontario Municipal Board Act" (R.S.O. 1950, Chapter 262), Section 298 (13) (d) of "The Municipal Act" (R.S.O. 1950, Chapter 243), and

IN THE MATTER OF an application by the Corporation of the City of Welland for authority to proceed with and raise \$200,000.00 for the construction of a reservoir in the Township of Pelham (including distribution mains) for the purposes of the residents of the City and areas in the Municipalities of the Townships of Thorold, Pelham, Crowland and Humberstone and the Village of Humberstone.

IT IS ORDERED, under and in pursuance of the legislation hereinbefore referred to, and of any and all other powers vested in the Board, that the said application be and the same is hereby approved, and that the Municipality may now proceed with the said undertaking, and may pass all requisite by-laws, including by-laws providing for the issue of Debentures, repayable over a term not exceeding twenty years.

AND IT IS FURTHER ORDERED, that the manner of giving notice of redemption as provided in the proposed debenture by-law number 2236 filed on this application be also approved.

(Seal)

W. J. MOORE,  
*Vice-Chairman.*

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## SCHEDULE C

BY-LAW No. 1162

### THE CORPORATION OF THE TOWNSHIP OF CROWLAND

Being a by-law to enter into an agreement with The Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient for the Township of Crowland to enter into an agreement with the Welland Board of Water Commissioners and the City of Welland as per memorandum of Agreement dated April 1st, 1951;

Now THEREFORE be it enacted by the Municipal Corporation of the Township of Crowland as follows:

1. The Reeve and Clerk of the Municipal Corporation of the Township of Crowland are hereby authorized to execute an agreement dated April 1st, 1951, with the Welland Board of Water Commissioners and the City of Welland subject to plans relating to the said agreement being attached thereto, and to affix the corporate seal thereto.

READ a first, second and third time and passed in Council this 17th day of July, 1951.

ELLIS P. MORNINGSTAR,  
*Reeve.*  
W. P. MARSHALL,  
*Clerk.*

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## SCHEDULE D

BY-LAW No. 2136

### THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Crowland, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Crowland;

AND WHEREAS the terms of the proposed agreement have been settled;

Now, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

(Corporate Seal)

DAVID J. THOMAS,  
*Mayor.*

M. L. MCPHERSON,  
*Deputy Clerk.*

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## SCHEDULE E

BY-LAW No. 56

### THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Crowland for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Crowland for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE ENACTED by the Board of Water Commissioners of the City of Welland:

1. That the entering into of the contract is hereby approved and authorized.

2. That the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

(Corporate Seal)

W. A. R. DAWSON,  
*Chairman.*

P. M. DIXON,  
*Secretary.*

## SCHEDULE F

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF CROWLAND, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured blue on the plan attached hereto;

Now, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured blue on the plan attached hereto and made a part hereof will not establish, or permit the establishment of, any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured blue on the attached plan, at approximately the same pressure as the same is supplied for residential purposes within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes within the City of Welland, after making due allowances however for usual friction and altitude loss.

8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in blue, having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS  
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,  
*Chairman.*  
P. M. DIXON,  
*Secretary.*

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP  
OF CROWLAND:

ELLIS P. MORNINGSTAR,  
*Reeve.*  
R. MARSHALL,  
*Clerk.*

(Corporate Seal)

THE CORPORATION OF THE CITY OF  
WELLAND:DAVID J. THOMAS,  
*Mayor.*M. L. MCPHERSON,  
*Deputy Clerk*

(Plan attached—shown in blue)

*Schedule "A"*

BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

## SCHEDULE OF WATER RATES FOR CROWLAND TOWNSHIP

## DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

Discount of 10% will be allowed on above flat rates if paid in full, on or before 17th day of month on which they become due.

## BUILDING RATES

Service for new building installed to street line at cost. Deposit... \$30.00

## STORES, OFFICES, ETC.

(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurant (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year



METER WATER RATES  
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

SCHEDULE G

BY-LAW No. 946

THE CORPORATION OF THE TOWNSHIP OF HUMBERSTONE

Being a by-law to enter into an agreement with The Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient that the Township of Humberstone enter into an agreement with the Board of Water Commissioners for the City of Welland, which said agreement dated April 1st, 1951, provides for the construction of a Reservoir in order to assure an adequate supply of water in the area shown on the attached Plan;

NOW THEREFORE be it enacted by the Municipal Corporation of the Township of Humberstone as follows:

1. That the Reeve and Clerk be authorized and instructed to sign on behalf of the Township, the agreement in duplicate, with the Board of Water Commissioners for the City of Welland dated April 1st, 1951, and attach the corporate seal thereto.

READ a first, second and third time and passed in Council this 16th day of July, A.D. 1951.

HARRY T. KRAMER,  
*Reeve.*

ERNEST F. OTT,  
*Clerk.*

(Corporate Seal)

SCHEDULE H

BY-LAW No. 2133

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Humberstone, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Humberstone;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,  
*Mayor.*

(Corporate Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

## SCHEDULE I

BY-LAW No. 58

### THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Humberstone for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Humberstone for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,  
*Chairman.*

(Corporate Seal)

P. M. DIXON,  
*Secretary.*

## SCHEDULE J

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF HUMBERSTONE, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured yellow on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured yellow on the plan attached hereto and made a part hereof will not establish or permit the establishment of any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured yellow on the attached plan, at approximately the same pressure as the same is supplied for residential purposes within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes within the City of Welland, after making due allowances however for usual friction and altitude loss.

8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-laws, or By-laws in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board, upon request, in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in yellow, having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS  
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,  
*Chairman.*  
P. M. DIXON,  
*Secretary.*

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP  
OF HUMBERSTONE:

HARRY T. KRAMER,  
*Reeve.*  
ERNEST F. OTT,  
*Clerk.*

(Corporate Seal)

THE CORPORATION OF THE CITY OF  
WELLAND:

DAVID J. THOMAS,  
*Mayor.*  
M. L. MCPHERSON,  
*Deputy Clerk.*

(Plan attached—area shown in yellow)

## Schedule "A"

## THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

## SCHEDULE OF WATER RATES FOR HUMBERSTONE TOWNSHIP

## DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

Discount of 5% will be allowed on above flat rates if paid in full, on or before 17th day of month on which they become due.

## BUILDING RATES

Service for new building installed to street line at cost. Deposit...\$30.00

## STORES, OFFICES, ETC.

(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

## METER WATER RATES

(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

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SCHEDULE K

BY-LAW No. 1351

THE CORPORATION OF THE TOWNSHIP OF PELHAM

A by-law for entering into a contract with the Board of Water Commissioners of the Corporation of the City of Welland.

WHEREAS numerous residents in the Township of Pelham desire to be supplied with water through pipes to be connected with the water distribution system of the City of Welland;

AND WHEREAS a petition has been circulated and signed by a large number of residents in the said Township, and the Council deems it expedient to enter into a contract with the Board of Water Commissioners of the Corporation of the City of Welland;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the draft Agreement hereunto annexed;

BE IT THEREFORE enacted by the Municipal Council of the Corporation of the Township of Pelham:

1. THAT the entering into of the proposed contract is hereby approved and authorized.

2. THAT the Reeve and Clerk be and they are hereby authorized and directed to sign the said proposed contract and to affix to it the Corporate Seal of the Municipality.

Read a first, second and third time and finally passed this 4th day of August, 1951.

(Corporate Seal)

H. E. KILMAN,  
*Reeve.*

A. N. ARMBRUST,  
*Clerk.*

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SCHEDULE L

BY-LAW No. 2134

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Pelham, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Pelham;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,  
*Mayor.*

(Corporate Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

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## SCHEDULE M

BY-LAW No. 59

### THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Pelham for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Pelham for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,  
*Chairman.*

(Corporate Seal)

P. M. DIXON,  
*Secretary.*

## SCHEDULE N

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

—and— OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF PELHAM, hereinafter called the "Township",

—and— OF THE SECOND PART,

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and casements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured green on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured green on the plan attached hereto and made a part hereof will not establish, or permit the establishment of, any competing system, not purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured green on the attached plan, at approximately the same pressure as the same is supplied for residential purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.



7, 8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 7, 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in green having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed, attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS  
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,  
*Chairman.*  
P. M. DIXON,  
*Secretary.*

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP  
OF PELHAM:

H. E. KILMAN,  
*Reeve.*  
A. N. ARMBRUST,  
*Clerk.*

(Corporate Seal)

THE CORPORATION OF THE CITY OF  
WELLAND:

DAVID J. THOMAS,  
*Mayor.*  
M. L. MCPHERSON,  
*Deputy Clerk.*

(Plan attached—shown in green)

## Schedule "A"

## THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

## SCHEDULE OF WATER RATES FOR PELHAM TOWNSHIP

## DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

## BUILDING RATES

Service for new building installed to street line at cost. Deposit... \$30.00

## STORES, OFFICES, ETC.

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES  
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

## METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00

2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

No discount allowed on above rates.

SCHEDULE O

BY-LAW No. 112

THE CORPORATION OF THE TOWNSHIP OF THOROLD

Being a by-law to enter into an agreement with the Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient for the Township of Thorold to enter into an agreement with the Welland Board of Water Commissioners and the City of Welland as per memorandum of agreement dated April 1st, 1951;

NOW THEREFORE be it enacted by the Municipal Corporation of the Township of Thorold as follows:

The Reeve and Clerk of the Municipal Corporation of the Township of Thorold are hereby authorized to execute an agreement dated April 1st, 1951, with the Welland Board of Water Commissioners and the City of Welland subject to plans relating to the said agreement being attached thereto.

READ a first, second and third time and passed in Council this 16th day of July, 1951.

HUGH H. SUMMERS,  
*Reeve.*

(Corporate Seal)

D. C. COWAN,  
*Clerk.*

SCHEDULE P

BY-LAW No. 2135

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Thorold, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Thorold;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,  
*Mayor.*

(Corporate Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

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SCHEDULE Q

BY-LAW No. 57

THE BOARD OF WATER COMMISSIONERS OF THE  
CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Thorold for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Thorold for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,  
*Chairman.*

(Corporate Seal)

P. M. DIXON,  
*Secretary.*

## SCHEDULE R

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF THOROLD, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS the Board owns and maintains at present the six-inch watermain on Thorold Road, east of Aqueduct Street;

AND WHEREAS the Township owns the six-inch watermain situate on Thorold Road between Aqueduct Street and Niagara Street and also the six-inch watermain situate on Wilson Road, south of Thorold Road;

AND WHEREAS the County of Welland claims to be the owner of the eight-inch and six-inch mains on Thorold Road between Niagara Street and the west limit of the Township, and also the six-inch main on the Township line, between Thorold and Pelham Townships from Thorold Road to the Children's Shelter on the said Township boundary line;

AND WHEREAS the Township is the owner of all other watermains within the Corporate limits of the said Township;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of, water elsewhere during the life of the said agreement for the water users in the area coloured red on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1. The Board shall continue to supply water to the water users of the Township for a period of twenty years from April 1st, 1951, at the

rates set forth in Schedule "A" (as now agreed upon, or as agreed upon by revision from time to time) attached hereto and made a part hereof.

2. The Board will at the end of one year from completion of the Welland Reservoir Project and in any event not later than eighteen months from the 1st day of April, 1951, review and equitably adjust these rates in the light of the costs of and incidental to the costs of the construction of the Reservoir.

3. The Board will, if requested on three months' notice given on or before the 1st day of April, 1955, 1960, 1965 and 1970 again review these rates in the light of the existing capital expenditures and debenture debt of the Board.

4. The Township in the area coloured red on the plan attached hereto will not establish, or permit the establishment of, any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. The Board will maintain all watermains, valves, hydrants and other services within the limits or streets of the Township at the Board's expense and the Township hereby permits the Board to use any portion of the streets or highways, as may be necessary to install, repair, replace or provide service to water users but the Board will restore any streets or highways at its own expense, to their former condition.

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured red on the attached plan, at approximately the same pressure as the same is supplied for residential purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for usual friction and altitude loss.

8. The Board shall have the right to connect water services to Township watermains to supply residents of the City of Welland adjacent to the Township boundaries.

9. The Board agrees to supply water from its watermain on Thorold Road east of Aqueduct Street to water users on the north side of that part of Thorold Road.

10. In the event of an emergency the Board shall have the right at any time to control the water supply valves either in the City, or in the Township, or anything connected with the water supply, for the use or protection of the City, or any other necessary purpose. If such action shall become necessary and shall diminish or interrupt, or prevent the supply of water for the users for the Township, the Board shall not in any way be liable to the Township or its users for damages or otherwise.

This provision shall not be construed as giving the Board the right of discontinuing the water supply to the Township under this agreement except for the wilful failure, or refusal of the Township to comply with the provisions of this agreement, or any renewal thereof.

11. The Board shall not be liable except for its own gross negligence to the said Township, or its water users, by reason of any impurity, quality, or other defect in the said water supply.

12. The Township before extending its mains will advise the Board, giving particulars of location, size and quality of pipe and any other information that may be necessary for the Board or its engineer to give approval, and if the same meets with the approval of the Board, the Board

shall forthwith indicate its approval to the Township. It being understood that all mains extended or to be extended and constructed shall be done at the expense of the Township.

13. The Township will provide such easements as may be necessary along its own highways, or on any of its lands, and will assist in all ways possible to obtain easements on lands or highways not owned by the Township.

The Board may, with the approval of the Township, erect booster stations. The Board may install mains or trunk lines on the said highways or lands, and trench, repair and service the same; but will do the same in a good workmanlike manner, so as to interfere with the highway and the said lands as little as possible. The Board shall at all times keep its installations in proper repair, and shall save the Township harmless from any claim arising out of the installation and/or operation under this paragraph.

14. The Board shall at all times keep its trunk lines along the said highways, or easements, in a proper state of repair and will be responsible for any damages arising out of any default or neglect in this respect on the part of its servants or agent.

15. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of the Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 19 shall apply.

16. Nothing herein contained shall render the Board liable to supply to the Township any water, if through strikes, breakdowns, floods or other causes beyond the Board's control, such supply shall be discontinued.

17. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in red, having regard to the available supply of water and the requirements, from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

18. This agreement shall remain in full force and effect for a period of twenty years from the date hereof, and thereafter may continue in full force and effect from year to year, subject to six months' notice by either party of its intention to cancel same.

19. In the event that the Township or Board cannot agree upon such rates, the whole matter in dispute shall be referred to arbitration to the Ontario Municipal Board under the provisions set forth in The Municipal Act, R.S.O. 1950, Cap. 243.

As a condition precedent, however, to an application for arbitration under The Municipal Act, the parties in disagreement, or their nominees, shall meet or offer to meet and endeavour to adjust any differences before an application for arbitration shall be sought by either party.

20. The provisions for arbitration in this agreement shall apply not only to rates, but to any matters arising in disagreement between the parties hereto. Upon any arbitration in the fixing of water rates, such rates shall take into consideration the cost and repayment of any Deben-

tures issued by the Board in its extensions; issue and repayment of all Debentures; cost of water supplied—without limiting the generality of the word "cost". The same shall include leases and rentals paid by the Board to the Dominion Government and others for raw water; the cost of pumping; reserve for depreciation, replacements, obsolescence, and extensions; administration cost, salaries, and all other reasonable operating expenses.

21. No revision of rates shall be made that imposes upon the Township, rates that exceed the present ratio of rates between the Township rates and the City of Welland rates.

22. It is understood that this entire agreement is subject to the Board being able to proceed with the Reservoir Project hereinbefore referred to. If for any reason the Board through the absence of concurrence on the part of the Municipal Board, the Department of Transport, the City of Welland, or any other Municipality whose concurrence is necessary, or by reason of prohibitive costs or shortage of materials, deems it inexpedient to proceed with such project, then this agreement shall be null and void at the expiration of 90 days from the date when the Board gives notice to that effect.

23. Pursuant to the provisions of Sections 11 and 41 of the Public Utilities Act, R.S.O. 1950, Cap. 320, the City by these presents hereby consents to the execution and carrying out of this agreement by the Board.

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed, attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal) THE BOARD OF WATER COMMISSIONERS  
FOR THE CITY OF WELLAND:  
W. A. R. DAWSON,  
Chairman.  
P. M. DIXON,  
Secretary.

(Corporate Seal) THE CORPORATION OF THE TOWNSHIP  
OF THOROLD:  
HUGH H. SUMMERS,  
Reeve.  
D. C. COWAN,  
Clerk.

(Corporate Seal) THE CORPORATION OF THE CITY OF  
WELLAND,  
DAVID J. THOMAS,  
Mayor.  
M. L. MCPHERSON,  
Deputy Clerk.

(Plan attached—area shown in red)

Schedule "A"

THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

SCHEDULE OF WATER RATES FOR THOROLD TOWNSHIP

DOMESTIC

Dwelling and apartments not exceeding 6 rooms . . . . .	\$18.00 per year
Each additional room . . . . .	2.00 per year
Each extra bath or each extra water closet . . . . .	2.00 per year



Discount of 5% will be allowed on above flat if paid in full, on or before the 17th day of month on which they become due.

## BUILDING RATES

Service for new building installed to street line at cost. Deposit...\$30.00

STORES, OFFICES, ETC.  
(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores (with 2 toilets and basins).....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES  
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

## METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00





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BILL

An Act respecting the City of Welland

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MORNINGSTAR

*(Private Bill)*

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No. 21

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of Welland

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MR. MORNINGSTAR

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# BILL

## An Act respecting the City of Welland

**W**HEREAS The Corporation of the City of Welland by Preamble  
 its petition has represented that the debenture by-law  
 and agreements hereinafter mentioned have been approved  
 by by-law of the Board of Water Commissioners of the City  
 of Welland and the respective councils of the City of Welland  
 and the Townships of Crowland, Humberstone, Pelham and  
 Thorold, and all such by-laws and agreements have been duly  
 approved by the Ontario Municipal Board; and your petitioner  
 has prayed for special legislation validating the said by-laws  
 and agreements; and whereas it is expedient to grant the prayer  
 of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.** By-law No. 2236 passed by The Corporation of the City Debenture  
by-law  
confirmed  
 of Welland on the 16th day of December, 1952, set forth as  
 Schedule A hereto, is hereby confirmed and declared to be  
 legal, valid and binding upon the Corporation and the rate-  
 payers thereof.

**2.** Order No. P.F. C-8250 of the Ontario Municipal Board Municipal  
Board  
order  
confirmed  
 dated the 12th day of November, 1952, set forth as Schedule B  
 hereto, is hereby confirmed.

**3.** By-law No. 1162 passed by The Corporation of the By-laws  
and  
agreement  
confirmed  
 Township of Crowland on the 17th day of July, 1951, set  
 forth as Schedule C hereto; By-law No. 2136 passed by The  
 Corporation of the City of Welland on the 2nd day of October,  
 1951, set forth as Schedule D hereto; By-law No. 56 passed  
 by the Board of Water Commissioners of the City of Welland  
 on the 24th day of July, 1951, set forth as Schedule E hereto,  
 and the Agreement entered into by the said parties, set forth  
 as Schedule F hereto, are hereby confirmed and declared to be  
 legal, valid and binding upon the parties thereto.

**4.** By-law No. 946 passed by The Corporation of the By-laws  
and  
agreement  
confirmed  
 Township of Humberstone on the 16th day of July, 1951,  
 set forth as Schedule G hereto; By-law No. 2133 passed by

The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule H hereto; By-law No. 58 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule I hereto, and the Agreement entered into by the said parties, set forth as Schedule J hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

By-laws  
and  
agreement  
confirmed

**5.** By-law No. 1351 passed by The Corporation of the Township of Pelham on the 4th day of August, 1951, set forth as Schedule K hereto; By-law No. 2134 passed by The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule L hereto; By-law No. 59 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule M hereto, and the Agreement entered into by the said parties, set forth as Schedule N hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

By-laws  
and  
agreement  
confirmed

**6.** By-law No. 112 passed by The Corporation of the Township of Thorold on the 16th day of July, 1951, set forth as Schedule O hereto; By-law No. 2135 passed by The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule P hereto; By-law No. 57 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule Q hereto, and the Agreement entered into by the said parties, set forth as Schedule R hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The City of Welland Act, 1953*.



## SCHEDULE A

BY-LAW No. 2236

## WATER WORKS EXTENSION DEBENTURE BY-LAW

## THE CORPORATION OF THE CITY OF WELLAND

A By-law to authorize the borrowing of \$200,000.00 upon debentures for the extension of water works system and distribution system and all other necessary accessories for supplying water in and about the City of Welland.

WHEREAS the Board of Water Commissioners of the City of Welland has asked permission of the Corporation as represented by its Council to construct a water reservoir in the Township of Pelham (including distribution mains) for the purposes of the residents of the City and areas in the Municipalities of the Townships of Thorold, Pelham, Crowland and Humberstone and the Village of Humberstone, and is now applying to the Corporation of the City of Welland to provide the necessary moneys for these purposes:

AND WHEREAS the said Board and City have entered into agreements with the said Municipalities whereby their inhabitants may make use of the proposed system under terms and conditions already agreed upon and approved by the said Councils of the said contracting Municipalities;

AND WHEREAS the Municipal Council of the Corporation of the City of Welland deems it expedient to borrow for the above purposes and no other, a sum not exceeding \$200,000.00 upon the credit of the Corporation and to issue debentures therefor bearing interest payable annually at  $4\frac{1}{2}\%$  per annum, as shown in Schedule A attached to and forming part of this By-law;

AND WHEREAS it is deemed expedient to make the principal of the debt repayable in annual instalments during the period of twenty years next after the date of issue of such debentures:

AND WHEREAS by Certificate Number 52-B-359 dated the 29th day of October, 1952, the Department of Health of the Province of Ontario has approved the purpose of such borrowing;

AND WHEREAS by an Order dated the 12th day of November, 1952, the Ontario Municipal Board has approved By-laws, including Debenture By-laws;

AND WHEREAS the amount of the whole rateable property of the said Municipality according to the last revised Assessment Roll thereof is \$18,360,455.00;

AND WHEREAS the amount of the Debenture debt of the said Corporation exclusive of local improvement debt secured by special rates or assessment is \$687,154.68, of which no part of the principal or interest is in arrears;

NOW THEREFORE the Municipal Council of The Corporation of the City of Welland enacts as follows:

1. The Board of Water Commissioners of the City of Welland (subject to the approval of the said Board under Section 67 of The Ontario Municipal Board Act, R.S.O. 1950, Chapter 262) is hereby authorized to proceed with the construction of the following works:

A water reservoir situate on part of lot number one, in the eighth Concession of the Township of Pelham, County of Welland, with cast iron water mains and all accessories extending from the said reservoir to the City of Welland and to all those parts of the said

Township and Village areas now agreed upon (the existing plans and specifications of which are approved) or to such other areas as may be hereafter approved by the said City and Board.

2. For the purpose of constructing the above mentioned works the Corporation shall borrow upon the credit of the Corporation \$200,000.00 and shall issue Debentures therefor in sums of not less than \$50.00 each.

3. Each Debenture shall bear interest at the rate aforesaid and set out in Schedule "A" attached to this By-law and shall have coupons attached thereto for payment of the said interest.

4. The Debentures shall all bear the same date and shall be issued at one time and within two years after the date of the final passing of this By-law and may bear any date within such two years and shall be made payable in twenty annual instalments and the respective amounts of principal and interest payable in each of the years shall be the amount designated in said Schedule "A" attached to and forming part of this By-law.

5. The Debentures shall be payable as to both principal and interest in lawful money of Canada and be made payable at such place or places in Canada as shall be designated thereon.

6. The said Debentures shall be sealed with the seal of the Corporation and signed by the head of the Council or by some other person authorized by By-law to sign the same and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

7. Commencing with the date of issue of the said Debentures, within the said two years and in each year thereafter, in which an instalment of principal of the said debt and the interest become due the Corporation shall levy and raise for the payment of the said principal and interest the specific sums shown for the respective years in said Schedule "A". Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the rateable property within the said City of Welland.

8. The said Debentures may contain a clause providing for the registration thereof pursuant to Section 335 of The Municipal Act, R.S.O. 1950, Chapter 243.

9. Pending the sale of the said Debentures the head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such Debentures, any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such Debentures for such loan.

10. The Corporation shall have the right, at its option, to redeem the said Debentures either in whole or in part on any date prior to maturity, at the places where and in the moneys in which the said Debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in The Ontario Gazette and once in a daily newspaper of general provincial circulation published in the City of Toronto and once in a local newspaper, if any, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered, at the address shown in the Debenture Registry Book. Where only a portion of the Debentures of this issue is so to be redeemed such portion shall comprise only the Debentures that have the latest

maturity dates and no Debentures of this issue shall be called for such redemption on priority to any such Debenture that has a later maturity date.

READ a first and second time this 4th day of November, 1952.

DAVID J. THOMAS,  
*Mayor.*

(Seal)

J. D. WATT,  
*Clerk.*

READ a third time and finally passed this 16th day of December, 1952.

DAVID J. THOMAS,  
*Mayor.*

(Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

*Schedule "A"*

Forming a part of By-law Number 2236

Year	Interest	Principal	Total
1.....	\$ 9,000.00	\$ 6,500.00	\$15,500.00
2.....	8,707.50	6,500.00	15,207.50
3.....	8,415.00	7,000.00	15,415.00
4.....	8,100.00	7,000.00	15,100.00
5.....	7,785.00	7,500.00	15,285.00
6.....	7,447.50	8,000.00	15,447.50
7.....	7,087.50	8,500.00	15,587.50
8.....	6,705.00	8,500.00	15,205.00
9.....	6,322.50	9,000.00	15,322.50
10.....	5,917.50	9,500.00	15,417.50
11.....	5,490.00	10,000.00	15,490.00
12.....	5,040.00	10,500.00	15,540.00
13.....	4,567.50	11,000.00	15,567.50
14.....	4,072.50	11,000.00	15,072.50
15.....	3,577.50	12,000.00	15,577.50
16.....	3,037.50	12,500.00	15,537.50
17.....	2,475.00	13,000.00	15,475.00
18.....	1,890.00	13,500.00	15,390.00
19.....	1,282.50	14,000.00	15,282.50
20.....	652.50	14,500.00	15,152.50
	<u>\$107,572.50</u>	<u>\$200,000.00</u>	<u>\$307,572.50</u>

SCHEDULE B

P.F. C-8250

THE ONTARIO MUNICIPAL BOARD

Wednesday, the twelfth day of November, A.D. 1952

BEFORE:

W. J. MOORE, O.L.S.,  
Vice-Chairman,

and

GEORGE A. LISTER,  
Member.

IN THE MATTER OF Section 67 of "The Ontario Municipal Board Act" (R.S.O. 1950, Chapter 262), Section 298 (13) (d) of "The Municipal Act" (R.S.O. 1950, Chapter 243), and

IN THE MATTER OF an application by the Corporation of the City of Welland for authority to proceed with and raise \$200,000.00 for the construction of a reservoir in the Township of Pelham (including distribution mains) for the purposes of the residents of the City and areas in the Municipalities of the Townships of Thorold, Pelham, Crowland and Humberstone and the Village of Humberstone.

IT IS ORDERED, under and in pursuance of the legislation hereinbefore referred to, and of any and all other powers vested in the Board, that the said application be and the same is hereby approved, and that the Municipality may now proceed with the said undertaking, and may pass all requisite by-laws, including by-laws providing for the issue of Debentures, repayable over a term not exceeding twenty years.

AND IT IS FURTHER ORDERED, that the manner of giving notice of redemption as provided in the proposed debenture by-law number 2236 filed on this application be also approved.

(Seal)

W. J. MOORE,  
*Vice-Chairman.*

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## SCHEDULE C

BY-LAW No. 1162

### THE CORPORATION OF THE TOWNSHIP OF CROWLAND

Being a by-law to enter into an agreement with The Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient for the Township of Crowland to enter into an agreement with the Welland Board of Water Commissioners and the City of Welland as per memorandum of Agreement dated April 1st, 1951;

NOW THEREFORE be it enacted by the Municipal Corporation of the Township of Crowland as follows:

1. The Reeve and Clerk of the Municipal Corporation of the Township of Crowland are hereby authorized to execute an agreement dated April 1st, 1951, with the Welland Board of Water Commissioners and the City of Welland subject to plans relating to the said agreement being attached thereto, and to affix the corporate seal thereto.

READ a first, second and third time and passed in Council this 17th day of July, 1951.

ELLIS P. MORNINGSTAR,  
*Reeve.*  
W. P. MARSHALL,  
*Clerk.*

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## SCHEDULE D

BY-LAW No. 2136

### THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Crowland, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Crowland;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,  
*Mayor.*

(Corporate Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

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## SCHEDULE E

BY-LAW No. 56

### THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Crowland for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Crowland for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE ENACTED by the Board of Water Commissioners of the City of Welland:

1. That the entering into of the contract is hereby approved and authorized.

2. That the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,  
*Chairman.*

(Corporate Seal)

P. M. DIXON,  
*Secretary.*

## SCHEDULE F

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF CROWLAND, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured blue on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured blue on the plan attached hereto and made a part hereof will not establish, or permit the establishment of, any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured blue on the attached plan, at approximately the same pressure as the same is supplied for residential purposes within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes within the City of Welland, after making due allowances however for usual friction and altitude loss.

8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in blue, having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS  
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,  
*Chairman.*  
P. M. DIXON,  
*Secretary.*

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP  
OF CROWLAND:

ELLIS P. MORNINGSTAR,  
*Reeve.*  
R. MARSHALL,  
*Clerk.*

(Corporate Seal)

THE CORPORATION OF THE CITY OF  
WELLAND:DAVID J. THOMAS,  
*Mayor.*  
M. L. McPIERSON,  
*Deputy Clerk*

(Plan attached—shown in blue)

*Schedule "A"*

## BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

## SCHEDULE OF WATER RATES FOR CROWLAND TOWNSHIP

## DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

Discount of 10% will be allowed on above flat rates if paid in full, on or before 17th day of month on which they become due.

## BUILDING RATES

Service for new building installed to street line at cost. Deposit...\$30.00

## STORES, OFFICES, ETC.

(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurant (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year



METER WATER RATES  
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

SCHEDULE G

BY-LAW No. 946

THE CORPORATION OF THE TOWNSHIP OF HUMBERSTONE

Being a by-law to enter into an agreement with The Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient that the Township of Humberstone enter into an agreement with the Board of Water Commissioners for the City of Welland, which said agreement dated April 1st, 1951, provides for the construction of a Reservoir in order to assure an adequate supply of water in the area shown on the attached Plan:

NOW THEREFORE be it enacted by the Municipal Corporation of the Township of Humberstone as follows:

1. That the Reeve and Clerk be authorized and instructed to sign on behalf of the Township, the agreement in duplicate, with the Board of Water Commissioners for the City of Welland dated April 1st, 1951, and attach the corporate seal thereto.

READ a first, second and third time and passed in Council this 16th day of July, A.D. 1951.

HARRY T. KRAMER,  
*Reeve.*

ERNEST F. OTT,  
*Clerk.*

(Corporate Seal)

SCHEDULE H

BY-LAW No. 2133

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Humberstone, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Humberstone;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,  
*Mayor.*

(Corporate Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

## SCHEDULE I

### BY-LAW No. 58

#### THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Humberstone for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Humberstone for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,  
*Chairman.*

(Corporate Seal)

P. M. DIXON,  
*Secretary.*

## SCHEDULE J

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF HUMBERSTONE, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured yellow on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured yellow on the plan attached hereto and made a part hereof will not establish or permit the establishment of any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured yellow on the attached plan, at approximately the same pressure as the same is supplied for residential purposes within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes within the City of Welland, after making due allowances however for usual friction and altitude loss.

8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-laws, or By-laws in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board, upon request, in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in yellow, having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS  
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,  
*Chairman.*  
P. M. DIXON,  
*Secretary.*

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP  
OF HUMBERSTONE:

HARRY T. KRAMER,  
*Reeve.*  
ERNEST F. OTT,  
*Clerk.*

(Corporate Seal)

THE CORPORATION OF THE CITY OF  
WELLAND:

DAVID J. THOMAS,  
*Mayor.*  
M. L. MCPHERSON,  
*Deputy Clerk.*

(Plan attached—area shown in yellow)

Schedule "A"

THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

SCHEDULE OF WATER RATES FOR HUMBERSTONE TOWNSHIP

DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

Discount of 5% will be allowed on above flat rates if paid in full, on or before 17th day of month on which they become due.

BUILDING RATES

Service for new building installed to street line at cost. Deposit... \$30.00

STORES, OFFICES, ETC.  
(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES  
(No discount)

Per day:		Per 1,000 gals.
Up to 500 gallons.....		\$0.24
500 to 2,000 gallons.....		.20
2,000 to 10,000 gallons.....		.16
10,000 gallons to 20,000 gallons.....		.12
Over 20,000 gallons.....		.10

METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

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SCHEDULE K

BY-LAW No. 1351

THE CORPORATION OF THE TOWNSHIP OF PELHAM

A by-law for entering into a contract with the Board of Water Commissioners of the Corporation of the City of Welland.

WHEREAS numerous residents in the Township of Pelham desire to be supplied with water through pipes to be connected with the water distribution system of the City of Welland;

AND WHEREAS a petition has been circulated and signed by a large number of residents in the said Township, and the Council deems it expedient to enter into a contract with the Board of Water Commissioners of the Corporation of the City of Welland;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the draft Agreement hereunto annexed;

BE IT THEREFORE enacted by the Municipal Council of the Corporation of the Township of Pelham:

1. THAT the entering into of the proposed contract is hereby approved and authorized.

2. THAT the Reeve and Clerk be and they are hereby authorized and directed to sign the said proposed contract and to affix to it the Corporate Seal of the Municipality.

Read a first, second and third time and finally passed this 4th day of August, 1951.

H. E. KILMAN,  
*Reeve.*

(Corporate Seal)

A. N. ARMBRUST,  
*Clerk.*

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SCHEDULE L

BY-LAW No. 2134

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Pelham, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Pelham;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,  
*Mayor.*

(Corporate Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

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## SCHEDULE M

BY-LAW NO. 59

### THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Pelham for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Pelham for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,  
*Chairman.*

(Corporate Seal)

P. M. DIXON,  
*Secretary.*

## SCHEDULE N

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF PELHAM, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured green on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured green on the plan attached hereto and made a part hereof will not establish, or permit the establishment of, any competing system, not purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured green on the attached plan, at approximately the same pressure as the same is supplied for residential purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.



7, 8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 7, 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in green having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed, attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS  
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,  
*Chairman.*  
P. M. DIXON,  
*Secretary.*

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP  
OF PELHAM:

H. E. KILMAN,  
*Reeve.*  
A. N. ARMBRUST,  
*Clerk.*

(Corporate Seal)

THE CORPORATION OF THE CITY OF  
WELLAND:

DAVID J. THOMAS,  
*Mayor.*  
M. L. MCPHERSON,  
*Deputy Clerk.*

(Plan attached—shown in green)

## Schedule "A"

## THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

## SCHEDULE OF WATER RATES FOR PELHAM TOWNSHIP

## DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

## BUILDING RATES

Service for new building installed to street line at cost. Deposit...\$30.00

## STORES, OFFICES, ETC.

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES  
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

## METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".	\$10.00
1" meter.....	20.00
1½" meter.....	30.00

2" meter .....	35.00
2½" meter .....	40.00
3" meter .....	54.00
4" meter .....	72.00
6" meter .....	84.00

No discount allowed on above rates.

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SCHEDULE O

BY-LAW No. 112

THE CORPORATION OF THE TOWNSHIP OF THOROLD

Being a by-law to enter into an agreement with the Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient for the Township of Thorold to enter into an agreement with the Welland Board of Water Commissioners and the City of Welland as per memorandum of agreement dated April 1st, 1951;

NOW THEREFORE be it enacted by the Municipal Corporation of the Township of Thorold as follows:

The Reeve and Clerk of the Municipal Corporation of the Township of Thorold are hereby authorized to execute an agreement dated April 1st, 1951, with the Welland Board of Water Commissioners and the City of Welland subject to plans relating to the said agreement being attached thereto.

READ a first, second and third time and passed in Council this 16th day of July, 1951.

HUGH H. SUMMERS,  
*Reeve.*

(Corporate Seal)

D. C. COWAN,  
*Clerk.*

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SCHEDULE P

BY-LAW No. 2135

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Thorold, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Thorold;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,  
*Mayor.*

(Corporate Seal)

M. L. MCPHERSON,  
*Deputy Clerk.*

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SCHEDULE Q

BY-LAW No. 57

THE BOARD OF WATER COMMISSIONERS OF THE  
CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Thorold for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Thorold for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,  
*Chairman.*

(Corporate Seal)

P. M. DIXON,  
*Secretary.*

## SCHEDULE R

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF THOROLD, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS the Board owns and maintains at present the six-inch watermain on Thorold Road, east of Aqueduct Street;

AND WHEREAS the Township owns the six-inch watermain situate on Thorold Road between Aqueduct Street and Niagara Street and also the six-inch watermain situate on Wilson Road, south of Thorold Road;

AND WHEREAS the County of Welland claims to be the owner of the eight-inch and six-inch mains on Thorold Road between Niagara Street and the west limit of the Township, and also the six-inch main on the Township line, between Thorold and Pelham Townships from Thorold Road to the Children's Shelter on the said Township boundary line;

AND WHEREAS the Township is the owner of all other watermains within the Corporate limits of the said Township;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of, water elsewhere during the life of the said agreement for the water users in the area coloured red on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1. The Board shall continue to supply water to the water users of the Township for a period of twenty years from April 1st, 1951, at the

rates set forth in Schedule "A" (as now agreed upon, or as agreed upon by revision from time to time) attached hereto and made a part hereof.

2. The Board will at the end of one year from completion of the Welland Reservoir Project and in any event not later than eighteen months from the 1st day of April, 1951, review and equitably adjust these rates in the light of the costs of and incidental to the costs of the construction of the Reservoir.

3. The Board will, if requested on three months' notice given on or before the 1st day of April, 1955, 1960, 1965 and 1970 again review these rates in the light of the existing capital expenditures and debenture debt of the Board.

4. The Township in the area coloured red on the plan attached hereto will not establish, or permit the establishment of, any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. The Board will maintain all watermains, valves, hydrants and other services within the limits or streets of the Township at the Board's expense and the Township hereby permits the Board to use any portion of the streets or highways, as may be necessary to install, repair, replace or provide service to water users but the Board will restore any streets or highways at its own expense, to their former condition.

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured red on the attached plan, at approximately the same pressure as the same is supplied for residential purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for usual friction and altitude loss.

8. The Board shall have the right to connect water services to Township watermains to supply residents of the City of Welland adjacent to the Township boundaries.

9. The Board agrees to supply water from its watermain on Thorold Road east of Aqueduct Street to water users on the north side of that part of Thorold Road.

10. In the event of an emergency the Board shall have the right at any time to control the water supply valves either in the City, or in the Township, or anything connected with the water supply, for the use or protection of the City, or any other necessary purpose. If such action shall become necessary and shall diminish or interrupt, or prevent the supply of water for the users for the Township, the Board shall not in any way be liable to the Township or its users for damages or otherwise.

This provision shall not be construed as giving the Board the right of discontinuing the water supply to the Township under this agreement except for the wilful failure, or refusal of the Township to comply with the provisions of this agreement, or any renewal thereof.

11. The Board shall not be liable except for its own gross negligence to the said Township, or its water users, by reason of any impurity, quality, or other defect in the said water supply.

12. The Township before extending its mains will advise the Board, giving particulars of location, size and quality of pipe and any other information that may be necessary for the Board or its engineer to give approval, and if the same meets with the approval of the Board, the Board

shall forthwith indicate its approval to the Township. It being understood that all mains extended or to be extended and constructed shall be done at the expense of the Township.

13. The Township will provide such easements as may be necessary along its own highways, or on any of its lands, and will assist in all ways possible to obtain easements on lands or highways not owned by the Township.

The Board may, with the approval of the Township, erect booster stations. The Board may install mains or trunk lines on the said highways or lands, and trench, repair and service the same; but will do the same in a good workmanlike manner, so as to interfere with the highway and the said lands as little as possible. The Board shall at all times keep its installations in proper repair, and shall save the Township harmless from any claim arising out of the installation and/or operation under this paragraph.

14. The Board shall at all times keep its trunk lines along the said highways, or easements, in a proper state of repair and will be responsible for any damages arising out of any default or neglect in this respect on the part of its servants or agent.

15. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of the Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 19 shall apply.

16. Nothing herein contained shall render the Board liable to supply to the Township any water, if through strikes, breakdowns, floods or other causes beyond the Board's control, such supply shall be discontinued.

17. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in red, having regard to the available supply of water and the requirements, from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

18. This agreement shall remain in full force and effect for a period of twenty years from the date hereof, and thereafter may continue in full force and effect from year to year, subject to six months' notice by either party of its intention to cancel same.

19. In the event that the Township or Board cannot agree upon such rates, the whole matter in dispute shall be referred to arbitration to the Ontario Municipal Board under the provisions set forth in The Municipal Act, R.S.O. 1950, Cap. 243.

As a condition precedent, however, to an application for arbitration under The Municipal Act, the parties in disagreement, or their nominees, shall meet or offer to meet and endeavour to adjust any differences before an application for arbitration shall be sought by either party.

20. The provisions for arbitration in this agreement shall apply not only to rates, but to any matters arising in disagreement between the parties hereto. Upon any arbitration in the fixing of water rates, such rates shall take into consideration the cost and repayment of any Deben-

tures issued by the Board in its extensions; issue and repayment of all Debentures; cost of water supplied—without limiting the generality of the word “cost”. The same shall include leases and rentals paid by the Board to the Dominion Government and others for raw water; the cost of pumping; reserve for depreciation, replacements, obsolescence, and extensions; administration cost, salaries, and all other reasonable operating expenses.

21. No revision of rates shall be made that imposes upon the Township, rates that exceed the present ratio of rates between the Township rates and the City of Welland rates.

22. It is understood that this entire agreement is subject to the Board being able to proceed with the Reservoir Project hereinbefore referred to. If for any reason the Board through the absence of concurrence on the part of the Municipal Board, the Department of Transport, the City of Welland, or any other Municipality whose concurrence is necessary, or by reason of prohibitive costs or shortage of materials, deems it inexpedient to proceed with such project, then this agreement shall be null and void at the expiration of 90 days from the date when the Board gives notice to that effect.

23. Pursuant to the provisions of Sections 11 and 41 of the Public Utilities Act, R.S.O. 1950, Cap. 320, the City by these presents hereby consents to the execution and carrying out of this agreement by the Board.

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed, attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS  
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,  
*Chairman.*  
P. M. DIXON,  
*Secretary.*

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP  
OF THOROLD:

HUGH H. SUMMERS,  
*Reeve.*  
D. C. COWAN,  
*Clerk.*

(Corporate Seal)

THE CORPORATION OF THE CITY OF  
WELLAND,

DAVID J. THOMAS,  
*Mayor.*  
M. L. MCPHERSON,  
*Deputy Clerk.*

(Plan attached—area shown in red)

*Schedule “A”*

THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

SCHEDULE OF WATER RATES FOR THOROLD TOWNSHIP

DOMESTIC

Dwelling and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year



Discount of 5% will be allowed on above flat if paid in full, on or before the 17th day of month on which they become due.

## BUILDING RATES

Service for new building installed to street line at cost. Deposit... \$30.00

STORES, OFFICES, ETC.  
(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18 00 per year
Elevators or other machinery operated by water—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores (with 2 toilets and basins).....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES  
(No discount)

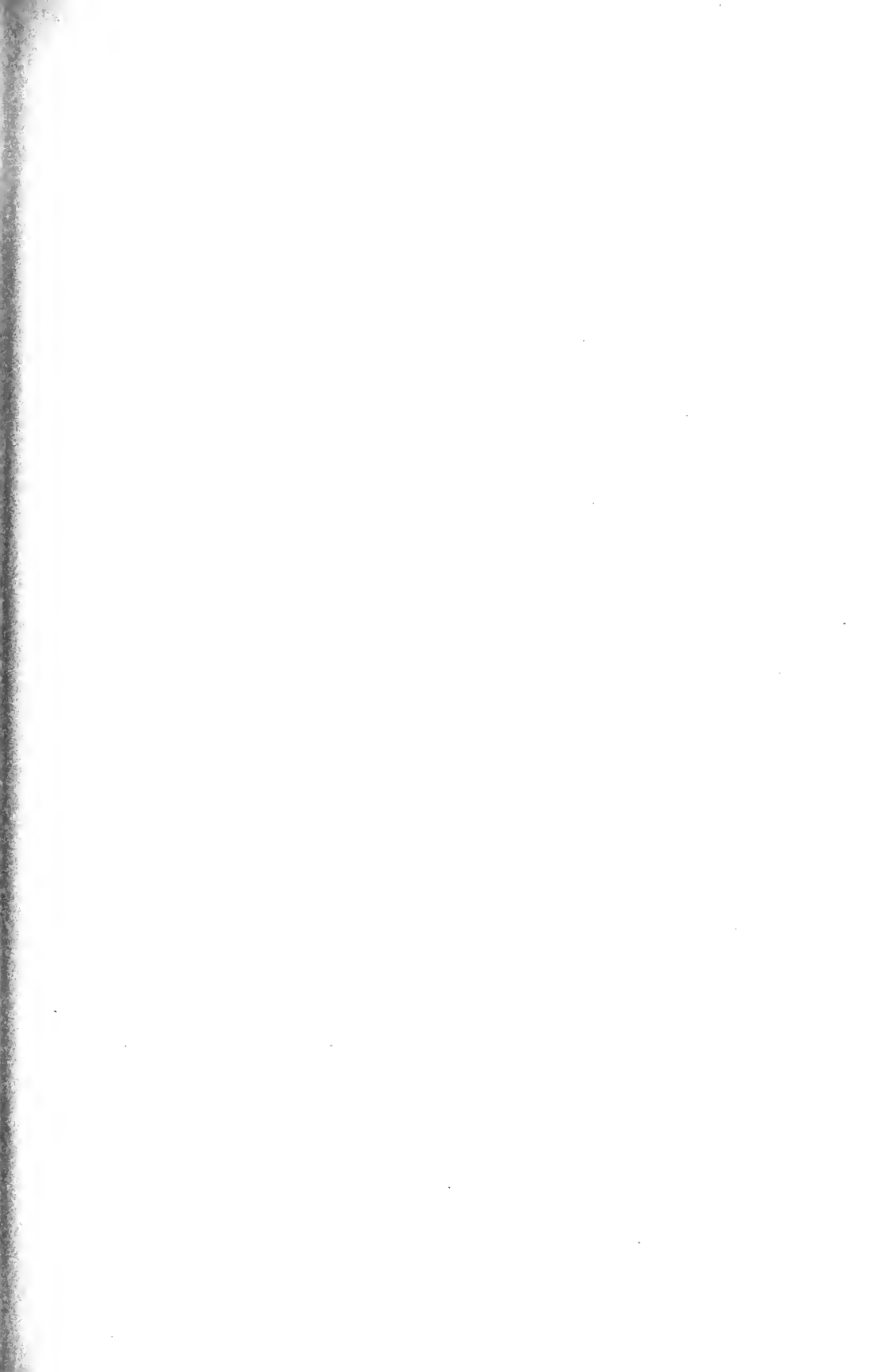
Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

## METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00





BILL

An Act respecting the City of Welland

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*1st Reading*

February 19th, 1953

*2nd Reading*

March 4th, 1953

*3rd Reading*

March 13th, 1953

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MR. MORNINGSTAR

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting Société Nationale de Fiducie**

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MR. BRANDON

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(PRIVATE BILL)



# BILL

## An Act respecting Société Nationale de Fiducie

**W**HEREAS Société Nationale de Fiducie (hereinafter Preamble called the company) by its petition has represented that it was established under the name of L'Association Nationale Fiduciaire under *An Act to amend the charter of L'Association Saint Jean-Baptiste de Montreal*, being chapter 121 of the Statutes of Quebec, 1903; that the name of the company was changed to Société Nationale de Fiducie by section 25 of *An Act to consolidate the charter of L'Association Saint Jean-Baptiste de Montreal*, being chapter 93 of the Statutes of Quebec, 1912; that its present authorized capital is \$250,000 divided into 25,000 shares of the par value of \$10 each, all of which have been subscribed for, allotted and issued and the subscription price thereof, namely \$250,000, has been paid in full; and that the company had at 31st December, 1952, a general reserve fund of \$500,000; and whereas the company has prayed that an Act be passed authorizing it to transact the business of a trust company in Ontario in conformity to the public general law thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Upon giving security to the satisfaction of the Lieutenant-Governor in Council in a sum of not less than \$200,000, the company may, upon filing with the Registrar appointed under *The Loan and Trust Corporations Act* a power of attorney as required by section 116 of that Act, be admissible to registry under that Act, and upon being so registered shall be authorized and empowered to carry on and exercise in Ontario the business of a trust company with those of the powers set forth in that Act which are within the capacity of the company. Registration under Rev. Stat., c. 214

2. The Lieutenant-Governor in Council may at any time or from time to time require an increase in the amount of such security by a notice in writing to the manager or secretary of the chief agency of the company in Ontario; and if the company fails to furnish such increased security within two Further security

months after such notice, then and thereupon the company shall, *ipso facto*, become disentitled and shall cease to do further business in Ontario.

Chief agency  
in Ontario

**3.** The chief agency of the company for Ontario shall be in the City of Ottawa, and the company shall keep at that chief agency a manager and secretary who, as well as all other officers at the said agency or in Ontario, shall in respect of all business transacted by the company in Ontario be absolutely subject to the control of the courts of Ontario as fully as if the head office of the company were within Ontario, and as if the company were wholly managed and controlled therein.

Investments

**4.** All the investments of the company in respect of all trust business entrusted to it in Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the Supreme Court or of any judge thereof) be wholly invested at one or other of the agencies of the company in Ontario; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies and under the control of the courts of Ontario, and shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of Ontario, authorized to invest trust funds.

Extent of  
powers

Rev. Stat.,  
c. 214

**5.** The company shall be limited, in respect of all business relating to property and civil rights or provincial objects in Ontario, to the powers mentioned in *The Loan and Trust Corporations Act*, and shall be subject to the general provisions of that Act and to the general public law of Ontario relating to trust companies and trusts.

Separate  
accounts

**6.** Subject to section 76 of *The Loan and Trust Corporations Act*, the moneys and securities of each trust shall always be kept distinct from those of the company and in separate accounts, and so marked in the books of the company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the company and at no time shall trust moneys form part of or be mixed with the general assets of the company.

Trust  
property

**7.** Moneys, properties and securities received or held by the company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the company.

Jurisdiction  
of courts  
and judges  
in Ontario

**8.** In the case of the appointment of the company to any trust or office by any court or judge in Ontario, such court or



judge may at any time and from time to time require the company to render an account of its administration of the particular trust or office to which the company has been so appointed and a judge of the Supreme Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the company, and as to the security offered to those by or for whom its engagements are held and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge.

**9.** Nothing in this Act shall be deemed to authorize the <sup>Proviso</sup> company to commence business in Ontario until it has been registered as required by the provisions of *The Loan and Trust Corporations Act* nor to continue except when so <sup>Rev. Stat., c. 214</sup> registered.

**10.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**11.** This Act may be cited as *The Société Nationale de Fiducie Act, 1953.* <sup>Short title</sup>





BILL

An Act respecting Société Nationale  
de Fiducie

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. BRANDON

*(Private Bill)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting Société Nationale de Fiducie

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MR. BRANDON

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# BILL

## An Act respecting Société Nationale de Fiducie

**W**HEREAS Société Nationale de Fiducie (hereinafter Preamble called the company) by its petition has represented that it was established under the name of L'Association Nationale Fiduciaire under *An Act to amend the charter of L'Association Saint Jean-Baptiste de Montreal*, being chapter 121 of the Statutes of Quebec, 1903; that the name of the company was changed to Société Nationale de Fiducie by section 25 of *An Act to consolidate the charter of L'Association Saint Jean-Baptiste de Montreal*, being chapter 93 of the Statutes of Quebec, 1912; that its present authorized capital is \$250,000 divided into 25,000 shares of the par value of \$10 each, all of which have been subscribed for, allotted and issued and the subscription price thereof, namely \$250,000, has been paid in full; and that the company had at 31st December, 1952, a general reserve fund of \$500,000; and whereas the company has prayed that an Act be passed authorizing it to transact the business of a trust company in Ontario in conformity to the public general law thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Upon giving security to the satisfaction of the Lieutenant-Governor in Council in a sum of not less than \$200,000, the company may, upon filing with the Registrar appointed under *The Loan and Trust Corporations Act* a power of attorney as required by section 116 of that Act, be admissible to registry under that Act, and upon being so registered shall be authorized and empowered to carry on and exercise in Ontario the business of a trust company with those of the powers set forth in that Act which are within the capacity of the company. Registration under Rev. Stat., c. 214

2. The Lieutenant-Governor in Council may at any time or from time to time require an increase in the amount of such security by a notice in writing to the manager or secretary of the chief agency of the company in Ontario; and if the company fails to furnish such increased security within two Further security

months after such notice, then and thereupon the company shall, *ipso facto*, become disentitled and shall cease to do further business in Ontario.

Chief agency  
in Ontario

**3.** The chief agency of the company for Ontario shall be in the City of Ottawa, and the company shall keep at that chief agency a manager and secretary who, as well as all other officers at the said agency or in Ontario, shall in respect of all business transacted by the company in Ontario be absolutely subject to the control of the courts of Ontario as fully as if the head office of the company were within Ontario, and as if the company were wholly managed and controlled therein.

Investments

**4.** All the investments of the company in respect of all trust business entrusted to it in Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the Supreme Court or of any judge thereof) be wholly invested at one or other of the agencies of the company in Ontario; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies and under the control of the courts of Ontario, and shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of Ontario, authorized to invest trust funds.

Extent of  
powers

Rev. Stat.,  
c. 214

**5.** The company shall be limited, in respect of all business relating to property and civil rights or provincial objects in Ontario, to the powers mentioned in *The Loan and Trust Corporations Act*, and shall be subject to the general provisions of that Act and to the general public law of Ontario relating to trust companies and trusts.

Separate  
accounts

**6.** Subject to section 76 of *The Loan and Trust Corporations Act*, the moneys and securities of each trust shall always be kept distinct from those of the company and in separate accounts, and so marked in the books of the company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the company and at no time shall trust moneys form part of or be mixed with the general assets of the company.

Trust  
property

**7.** Moneys, properties and securities received or held by the company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the company.

Jurisdiction  
of courts  
and judges  
in Ontario

**8.** In the case of the appointment of the company to any trust or office by any court or judge in Ontario, such court or



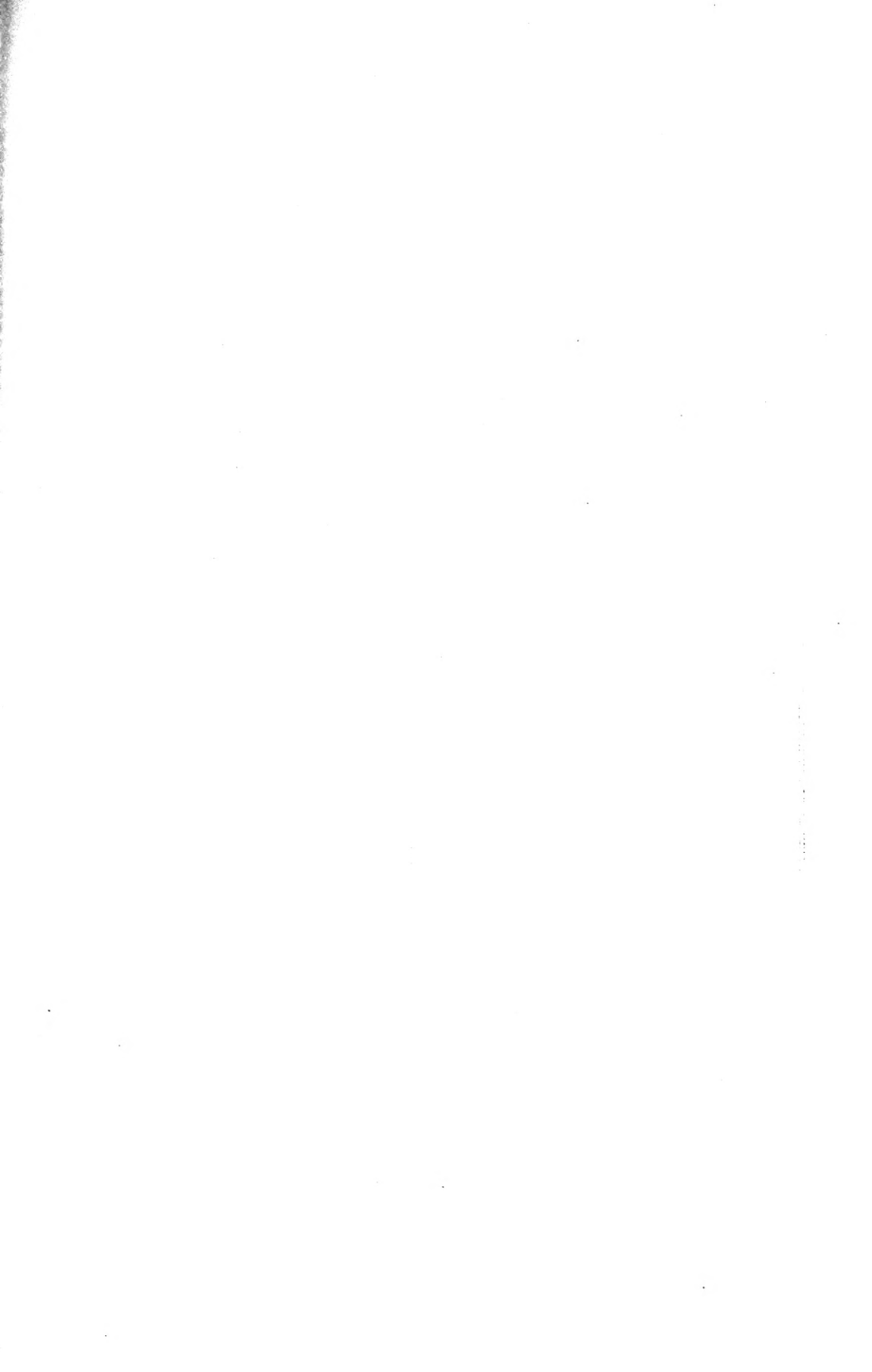
judge may at any time and from time to time require the company to render an account of its administration of the particular trust or office to which the company has been so appointed and a judge of the Supreme Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the company, and as to the security offered to those by or for whom its engagements are held and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge.

**9.** Nothing in this Act shall be deemed to authorize the company to commence business in Ontario until it has been registered as required by the provisions of *The Loan and Trust Corporations Act* nor to continue except when so registered. <sup>Proviso</sup> <sup>Rev. Stat., c. 214</sup>

**10.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup><sup>ment</sup>

**11.** This Act may be cited as *The Société Nationale de Fiducie Act, 1953*. <sup>Short title</sup>





BILL

An Act respecting Société Nationale  
de Fiducie

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*1st Reading*

February 26th, 1953

*2nd Reading*

March 6th, 1953

*3rd Reading*

March 13th, 1953

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MR. BRANDON

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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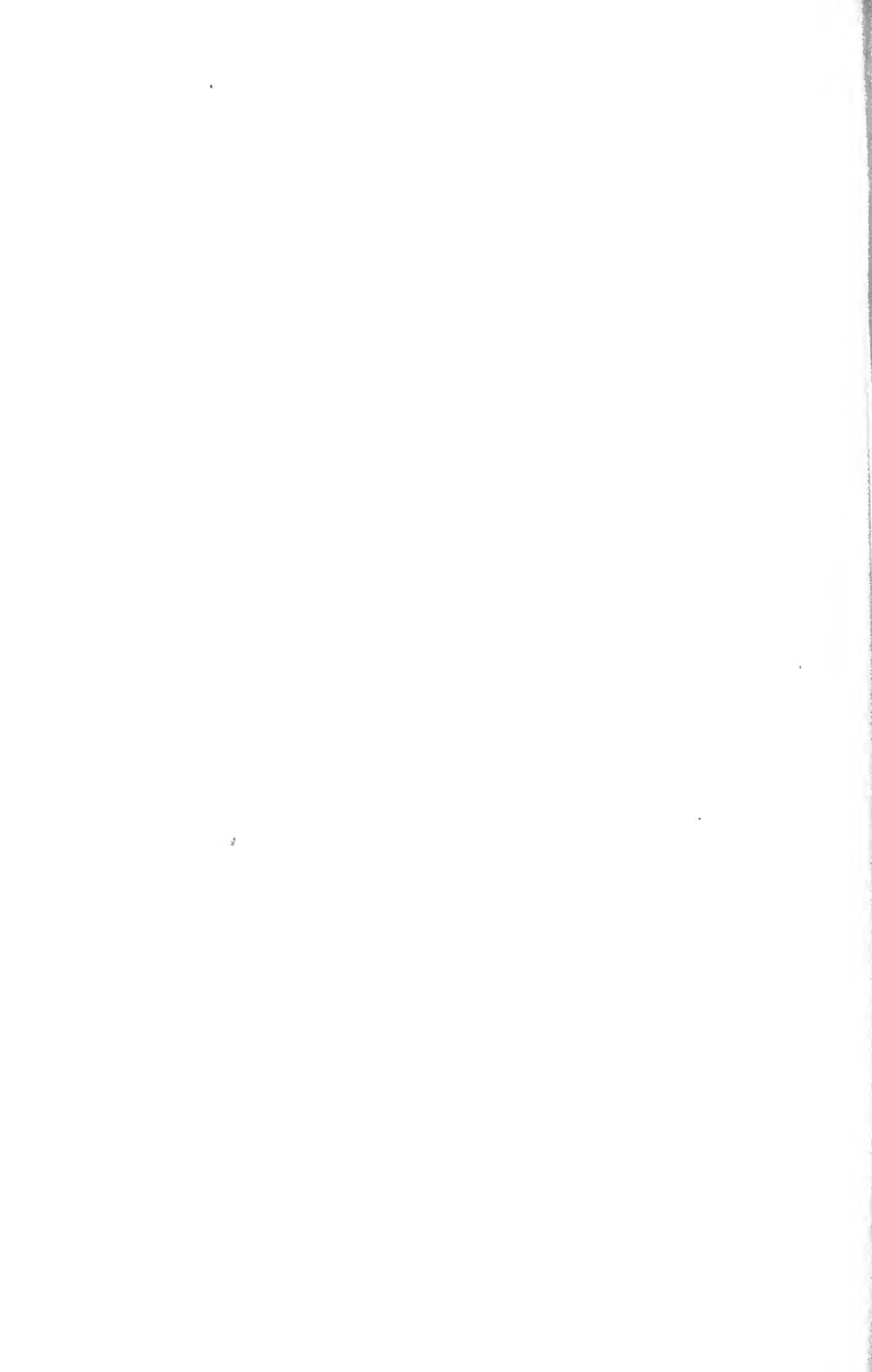
**BILL**  
**An Act to dissolve the Sir Henry Mill  
Pellatt Trust**

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MR. MORROW

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(PRIVATE BILL)



# BILL

## An Act to dissolve the Sir Henry Mill Pellatt Trust

**W**HEREAS Charles Albert Gray, Esquire, Lieutenant-<sup>Preamble</sup> Colonel Robert Elmer Wodehouse, O.B.E., M.D., D.P.H. and Brigadier Raymond Myers Gorssline, D.S.O., M.B., D.P.H., hereinafter called the Trustees, by their petition have represented that they are the present Trustees under an Indenture dated the 25th day of May, 1933, between the late Major General Sir Henry Mill Pellatt, Kt., C.V.O., D.C.L. and Major General John Taylor Fotheringham, C.M.G., M.D.C.M., Colonel Henry Brock and Charles Joseph Copp, M.D.C.M.; that by the said Indenture securities to the face value of \$100,000 were transferred to the Trustees to be held by them in trust and to use the income therefrom for the use and benefit and for the advancement of the objects of The St. John Ambulance Brigade Overseas within the Dominion of Canada; that the Priory of Canada of the Venerable Order of the Hospital of St. John of Jerusalem, created by His late Majesty King George VI, in 1946, is not a corporate body; that The General Council of the Canadian Branch of the St. John Ambulance Association, incorporated by Act of the Parliament of Canada, being chapter 145 of the Statutes of Canada, 1914, is the only corporate body having to do with the said Priory; that the income from the said trust fund has been paid to the said The General Council of the Canadian Branch of the St. John Ambulance Association; and whereas the Trustees have prayed that an Act be passed dissolving the said trust, discharging the Trustees from their duties and responsibilities as such, and transferring the assets forming the corpus of the trust to The General Council of the Canadian Branch of the St. John Ambulance Association; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The trust established by an Indenture dated the 25th day of May, 1933, between Major General Sir Henry Mill <sup>Trust</sup> dissolved

Pellatt, Kt., C.V.O., D.C.L. as donor and Major General John Taylor Fotheringham, C.M.G., M.D.C.M., Colonel Henry Brock and Charles Joseph Copp, M.D.C.M., as Trustees, is dissolved.

Transfer  
of assets

**2.** The assets forming the corpus of the said trust shall be transferred by the Trustees to The General Council of the Canadian Branch of the St. John Ambulance Association after the nature and extent of such assets shall have been determined by the Provincial Secretary upon the production of such evidence thereof as the Provincial Secretary may require.

Discharge  
of Trustees

**3.** The Trustees are discharged from any further duties as such but such discharge shall not, in respect of any act or thing done or omitted to be done by the Trustees in their capacity as such up to the date of such discharge, in any way impair, alter or affect the rights or liabilities of the Trustees, nor in any way affect any suit or proceeding now pending or judgment existing, either by or in favour of, or against the Trustees, which may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Commence-  
ment

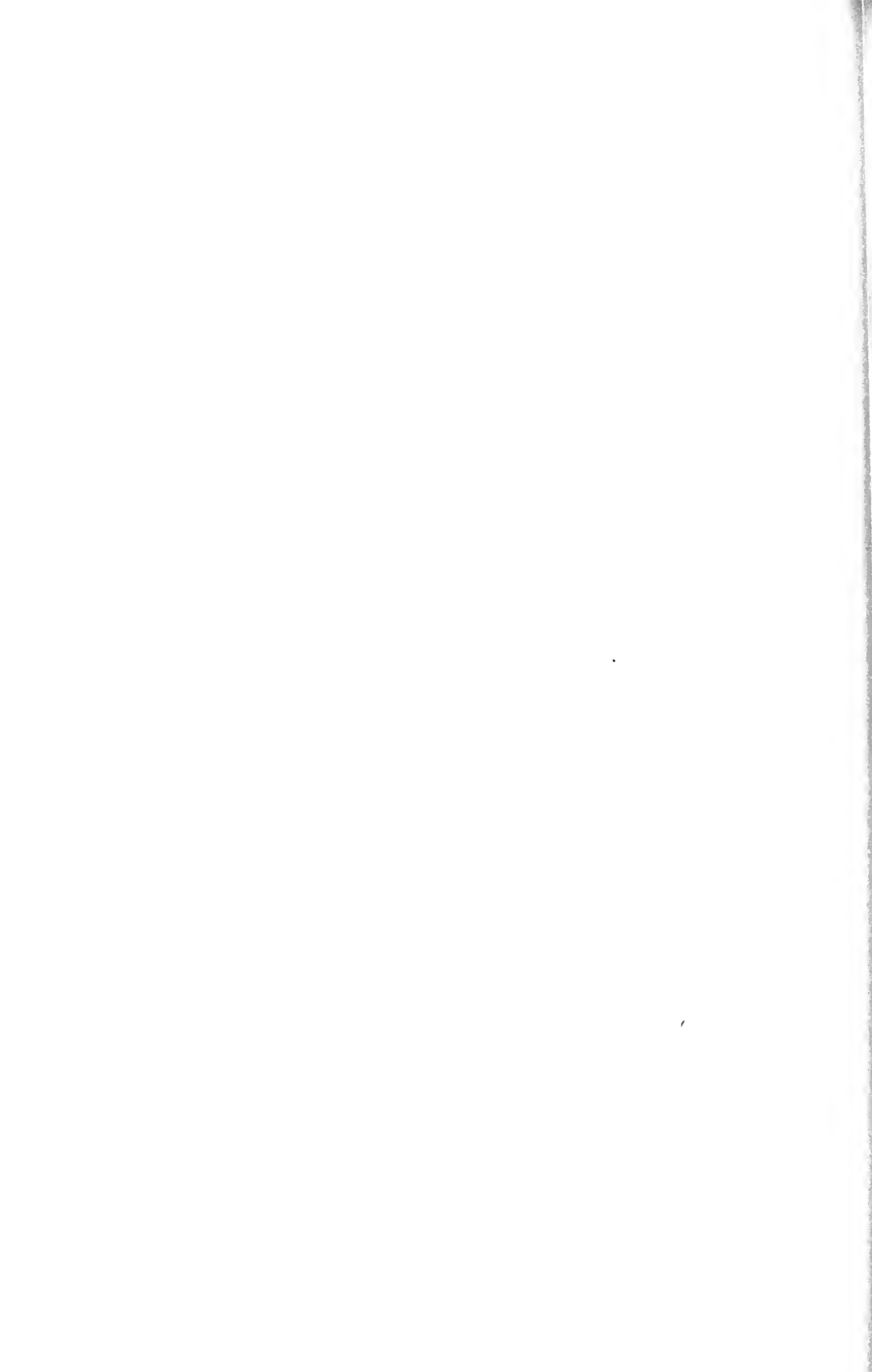
**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Pellatt Trust Dissolution Act, 1953*.









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BILL

An Act to dissolve the Sir Henry Mill  
Pellatt Trust

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. MORROW

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*(Private Bill)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to dissolve the Sir Henry Mill  
Pellatt Trust**

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MR. MORROW

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*(Reprinted as amended by the Commissioners of Estate Bills)*



# BILL

## An Act to dissolve the Sir Henry Mill Pellatt Trust

**W**HEREAS Charles Albert Gray, Esquire, Lieutenant-<sup>Preamble</sup> Colonel Robert Elmer Wodehouse, O.B.E., M.D., D.P.H. and Brigadier Raymond Myers Gorssline, D.S.O., M.B., D.P.H., hereinafter called the Trustees, by their petition have represented that they are the present Trustees under an Indenture dated the 25th day of May, 1933, between the late Major General Sir Henry Mill Pellatt, Kt., C.V.O., D.C.L. and Major General John Taylor Fotheringham, C.M.G., M.D.C.M., Colonel Henry Brock and Charles Joseph Copp, M.D.C.M.; that by the said Indenture securities to the face value of \$100,000 were transferred to the Trustees to be held by them in trust and to use the income therefrom for the use and benefit and for the advancement of the objects of The St. John Ambulance Brigade Overseas within the Dominion of Canada; that the Priory of Canada of the Venerable Order of the Hospital of St. John of Jerusalem, created by His late Majesty King George VI, in 1946, is not a corporate body; that The General Council of the Canadian Branch of the St. John Ambulance Association, incorporated by Act of the Parliament of Canada, being chapter 145 of the Statutes of Canada, 1914, is the only corporate body having to do with the said Priory; that the income from the said trust fund has been paid to the said The General Council of the Canadian Branch of the St. John Ambulance Association; and whereas the Trustees have prayed that an Act be passed dissolving the said trust, discharging the Trustees from their duties and responsibilities as such, and transferring the assets forming the corpus of the trust to The General Council of the Canadian Branch of the St. John Ambulance Association; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Trustees shall, as soon as conveniently may be <sup>Passing of accounts</sup> after this Act comes into force, bring in and pass before a

Judge of the Surrogate Court of the County of Carleton their accounts in connection with the Trust established by the Indenture dated the 25th day of May, 1933, between Major General Sir Henry Mill Pellatt, Kt., C.V.O., D.C.L. as donor and Major General John Taylor Fotheringham, C.M.G., M.D.C.M., Colonel Henry Brock and Charles Joseph Copp, M.D.C.M., as Trustees.

Application  
Rev. Stat.,  
c. 400

**2.** The provisions of *The Trustee Act* shall apply on such passing of accounts.

Transfer  
of assets  
and dissolu-  
tion of Trust

**3.** Upon such passing of accounts, the assets forming the corpus of the said Trust and any balance of moneys remaining in the hands of the Trustees as found by the Surrogate Court Judge on such passing shall be transferred by the Trustees to The General Council of the Canadian Branch of the St. John Ambulance Association and on such transfer the said Trust shall be and it is hereby declared to be dissolved and all assets forming the corpus of the said Trust shall be vested in the said The General Council of the Canadian Branch of the St. John Ambulance Association.

Discharge of  
Trustees

**4.** Upon such transfer the Trustees shall be discharged from any further duties as such and shall be relieved of any liability incurred by them in respect of any act or thing done or omitted to be done by them or any of them in their capacity as Trustees of the said Trust.

Commence-  
ment

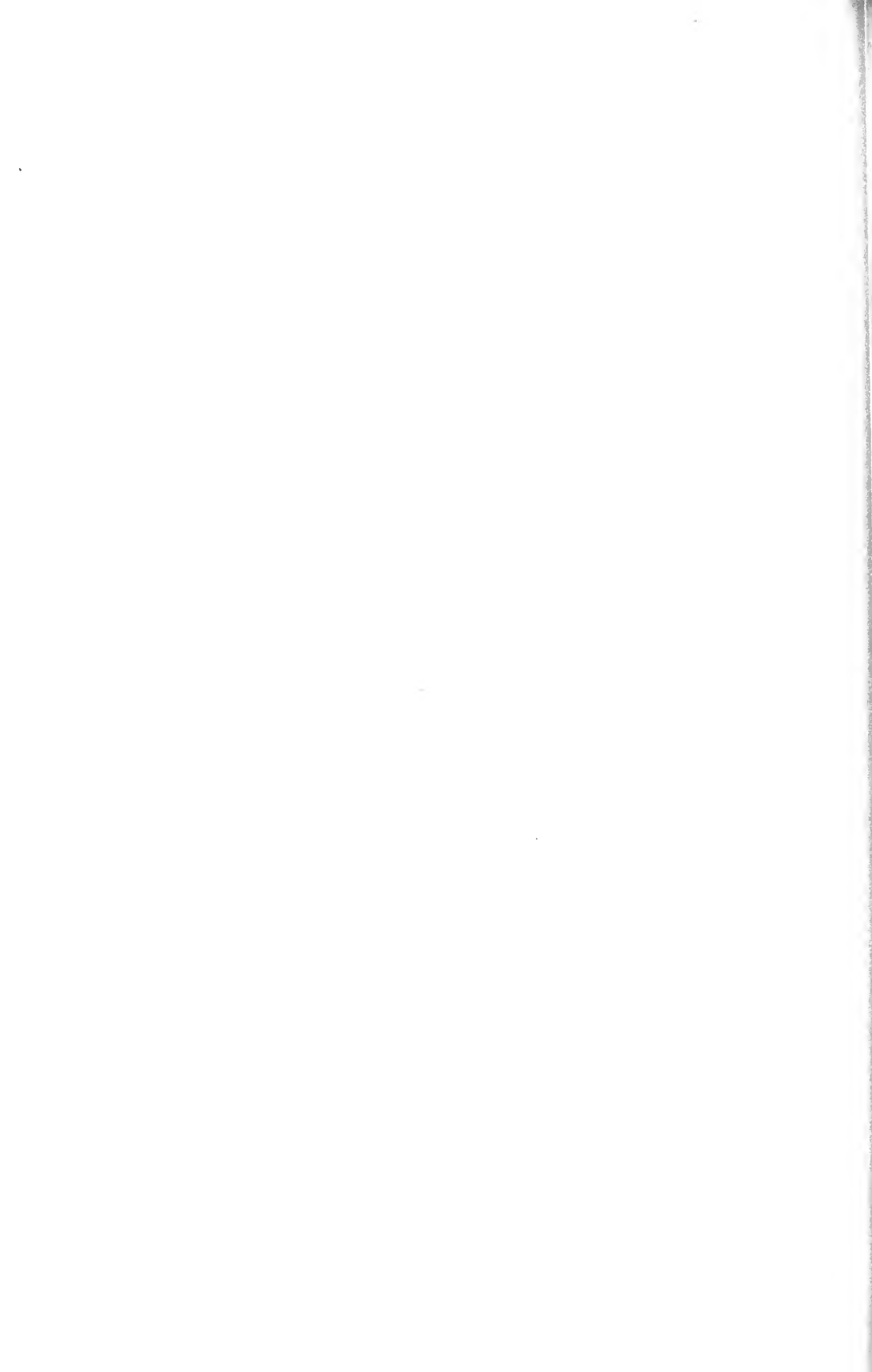
**5.** This Act comes into force on the day it receives Royal Assent.

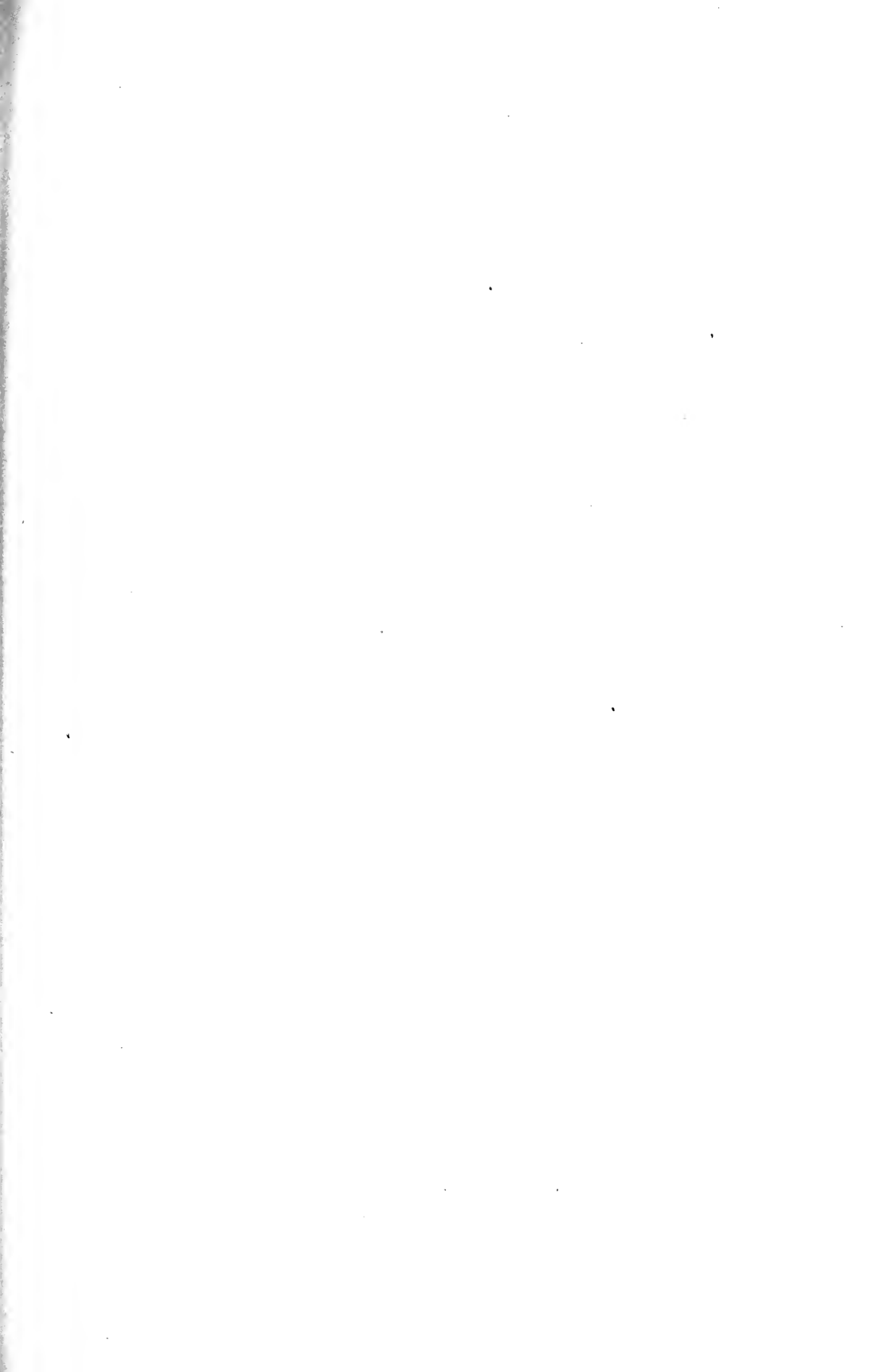
Short title

**6.** This Act may be cited as *The Pellatt Trust Dissolution Act, 1953*.









BILL

An Act to dissolve the Sir Henry Mill  
Pellatt Trust

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*1st Reading*

February 26th, 1953

*2nd Reading*

*3rd Reading*

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MR. MORROW

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*(Reprinted as amended by the Commissioners  
of Estate Bills)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to dissolve the Sir Henry Mill  
Pellatt Trust

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MR. MORROW

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# BILL

## An Act to dissolve the Sir Henry Mill Pellatt Trust

**W**HEREAS Charles Albert Gray, Esquire, Lieutenant-<sup>Preamble</sup>  
Colonel Robert Elmer Wodehouse, O.B.E., M.D.,  
D.P.H. and Brigadier Raymond Myers Gorssline, D.S.O.,  
M.B., D.P.H., hereinafter called the Trustees, by their petition  
have represented that they are the present Trustees under an  
Indenture dated the 25th day of May, 1933, between the late  
Major General Sir Henry Mill Pellatt, Kt., C.V.O., D.C.L.  
and Major General John Taylor Fotheringham, C.M.G.,  
M.D.C.M., Colonel Henry Brock and Charles Joseph Copp,  
M.D.C.M.; that by the said Indenture securities to the face  
value of \$100,000 were transferred to the Trustees to be  
held by them in trust and to use the income therefrom for the  
use and benefit and for the advancement of the objects of  
The St. John Ambulance Brigade Overseas within the Domi-  
nion of Canada; that the Priory of Canada of the Venerable  
Order of the Hospital of St. John of Jerusalem, created by  
His late Majesty King George VI, in 1946, is not a corporate  
body; that The General Council of the Canadian Branch of  
the St. John Ambulance Association, incorporated by Act  
of the Parliament of Canada, being chapter 145 of the Statutes  
of Canada, 1914, is the only corporate body having to do with  
the said Priory; that the income from the said trust fund  
has been paid to the said The General Council of the Canadian  
Branch of the St. John Ambulance Association; and whereas  
the Trustees have prayed that an Act be passed dissolving the  
said trust, discharging the Trustees from their duties and  
responsibilities as such, and transferring the assets forming the  
corpus of the trust to The General Council of the Canadian  
Branch of the St. John Ambulance Association; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The Trustees shall, as soon as conveniently may be <sup>Passing of</sup>  
after this Act comes into force, bring in and pass before a <sup>accounts</sup>

Judge of the Surrogate Court of the County of Carleton their accounts in connection with the Trust established by the Indenture dated the 25th day of May, 1933, between Major General Sir Henry Mill Pellatt, Kt., C.V.O., D.C.L. as donor and Major General John Taylor Fotheringham, C.M.G., M.D.C.M., Colonel Henry Brock and Charles Joseph Copp, M.D.C.M., as Trustees.

Application  
Rev. Stat.,  
c. 400

**2.** The provisions of *The Trustee Act* shall apply on such passing of accounts.

Transfer  
of assets  
and dissolu-  
tion of Trust

**3.** Upon such passing of accounts, the assets forming the corpus of the said Trust and any balance of moneys remaining in the hands of the Trustees as found by the Surrogate Court Judge on such passing shall be transferred by the Trustees to The General Council of the Canadian Branch of the St. John Ambulance Association and on such transfer the said Trust shall be and it is hereby declared to be dissolved and all assets forming the corpus of the said Trust shall be vested in the said The General Council of the Canadian Branch of the St. John Ambulance Association.

Discharge of  
Trustees

**4.** Upon such transfer the Trustees shall be discharged from any further duties as such and shall be relieved of any liability incurred by them in respect of any act or thing done or omitted to be done by them or any of them in their capacity as Trustees of the said Trust.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Pellatt Trust Dissolution Act, 1953*.









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BILL

An Act to dissolve the Sir Henry Mill  
Pellatt Trust

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*1st Reading*

February 26th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

March 30th, 1953

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MR. MORROW

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting The Lakeshore District  
Board of Education**

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MR. BRANDON

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(PRIVATE BILL)



# BILL

## An Act respecting The Lakeshore District Board of Education

**W**HEREAS The Lakeshore District Board of Education, Preamble of the County of York, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subject to the approval of the Minister of Education, Power to establish pension scheme resolutions may be passed by The Lakeshore District Board of Education for the purpose of providing pensions for the non-teaching employees of The Lakeshore District Board of Education, or any class of such non-teaching employees, and their wives and children.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment Assent.

**3.** This Act may be cited as *The Lakeshore District Board of* Short title *Education Act, 1953.*

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BILL

An Act respecting The Lakeshore District  
Board of Education

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. BRANDON

*(Private Bill)*



No. 24

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting The Lakeshore District  
Board of Education

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MR. BRANDON

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# BILL

## An Act respecting The Lakeshore District Board of Education

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Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Minister of Education, Power to establish pension scheme resolutions may be passed by The Lakeshore District Board of Education for the purpose of providing pensions for the non-teaching employees of The Lakeshore District Board of Education, or any class of such non-teaching employees, and their wives and children.
2. This Act comes into force on the day it receives Royal Commence-  
ment Assent.
3. This Act may be cited as *The Lakeshore District Board of Education Act, 1953*. Short title

BILL

An Act respecting The Lakeshore District  
Board of Education

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 11th, 1953

*3rd Reading*

March 17th, 1953

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MR. BRANDON

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No. 25

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting Knox's Church, Toronto

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MR. ROBERTS (St. Patrick)

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(PRIVATE BILL)



# BILL

## An Act respecting Knox's Church, Toronto

**W**HEREAS the Trustees of the Congregation of Knox's <sup>Preamble</sup> Church, Toronto, by their petition have shown that by a conveyance dated the 19th day of April, 1827, and registered in the Registry Office for the Registry Division of Toronto as Number 12681-0 Jesse Ketchum conveyed to certain Trustees therein named part of the lands therein described to be leased and held by such Trustees on the trusts therein set forth; and that the said conveyance was accepted by the Trustees therein named by virtue of the powers conferred on them by an Act entitled *An act to enable the presbyterian congregation of York to purchase one or more parcels of ground, sufficient for the erection of a church and burying ground*, being chapter 34 of the Statutes of the Province of Upper Canada passed in the fourth year of the reign of His late Majesty King George IV at the session commencing the 11th day of November, 1823; and that by a certain other conveyance dated the 25th day of April, 1856, and registered in the said Registry Office as Number 12682-0 the said Jesse Ketchum did by way of further assurance confirm to the then Trustees of the Congregation of Knox's Church, Toronto, the said lands to hold on the same trusts and conditions as set forth in the said conveyance dated the 19th day of April, 1827, and also upon the further trust set forth in the said conveyance dated the 25th day of April, 1856; and that by an Act entitled *An Act to amend the Act of Upper Canada, enabling the Presbyterian Congregation of York to purchase ground for a Church and Burying-ground*, being chapter 218 of the Statutes of the Province of Canada, 1857, the said trust lands were directed to be held by the then Trustees upon the trusts relating thereto in both said conveyances set forth; and that the petitioners as the present Trustees of the Congregation of Knox's Church, Toronto, are the successors in office of the Trustees respectively named in the said conveyance dated the 19th day of April, 1827, and in the said conveyance dated the 25th day of April, 1856; and that the said lands are now let under several separate leases for terms which do not in every case expire at the same time; and that the lessee's interest in each such lease is now held by Simpsons, Limited

and it is desirable that one lease of all the lands presently so demised to Simpsons, Limited, its successors and assigns, should be made for one term of twenty-one years with rights of renewal; and that Simpsons, Limited has agreed that the respective terms of the said existing leases under which it now holds the said lands from the petitioners will be surrendered by it if the petitioners will accept the surrenders thereof and lease to Simpsons, Limited, its successors and assigns, all the said lands under a new lease thereof *en bloc* for the term of twenty-one years commencing on the 1st day of January, 1951, with rights of renewal, and will also accept from Simpsons, Limited, its successors and assigns, the rents which it would have paid under the existing leases for the balance of their respective surrendered terms and will also grant to Simpsons, Limited, its successors and assigns, for a period of twenty-one years from the 1st day of January, 1951, the benefit of one-half the excess of rental of land *en bloc* over the aggregate of rentals if the same land continued to be leased as separate parcels; and that the acceptance of such surrenders and the making of such new lease *en bloc*, in the form of lease in the Schedule hereto, and the granting of such benefits, has at a duly called meeting of the Congregation of Knox's Church, Toronto, been consented to and approved by such Congregation so as to comply with the provisions of an Act entitled *An Act to authorize the Sale or Lease of Lands in Upper Canada, held in Trust for the use of Congregations or Religious Bodies*, being chapter 119 of the Statutes of the Province of Canada, 1854-55; and whereas the petitioners have prayed for special legislation in respect of these matters; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Surrender  
of leases

**1.** The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are empowered to accept from Simpsons, Limited, its successors or assigns, surrenders of all the leases and the respective terms thereof under which Simpsons, Limited now holds as lessee of such Trustees or their predecessors in office, or as assignee of any lessee of such Trustees or their predecessors in office, all and any part or parts of Lots 1, 2, 3, 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 according to a plan registered in the Registry Office for the Registry Division of Toronto as Number 122-E, including any lease of which the term has expired and has not been formally extended or renewed.

New lease  
*en bloc*

**2.** The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are empowered to lease



to Simpsons, Limited, its successors and assigns, the lands referred to in section 1 by way of a new lease thereof *en bloc* for the term of twenty-one years commencing on the 1st day of January, 1951, with rights of renewal, in the form set forth in the Schedule hereto, at such annual ground rent for and in respect of the term of twenty-one years commencing on the 1st day of January, 1951, as may be determined in accordance with the provisions of section 5, and a lease with rights of renewal as aforesaid (herein referred to as the "Confirmed New Lease") at such rental and in such form, when executed by the respective parties thereto, shall be legal, valid and binding.

**3.** The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are further empowered at the expiration of each successive term of twenty-one years after the 1st day of January, 1951, to lease to Simpsons, Limited, its successors and assigns, the lands referred to in section 1 by way of renewal lease in the form set forth in the Schedule hereto at such annual ground rent as may be fixed and determined in accordance with the provisions of the Confirmed New Lease and of this Act, and such renewal lease or leases at such rental and in such form, when executed by the respective parties thereto, shall be legal, valid and binding. <sup>Renewals</sup>

**4.** Two valutors selected and appointed in the manner referred to in the said form of lease set forth in the Schedule hereto or, in default of their agreement, an umpire appointed in the manner referred to therein, shall determine, appoint and fix, as to the lands to be demised by the Confirmed New Lease, <sup>Valuations</sup>

- (a) the annual rental value (herein referred to as the "Annual Bloc Rental Value") of such lands calculated on the basis of demise thereof *en bloc*, exclusive and independent of any building then erected or built thereon, for the term of twenty-one years commencing on the 1st day of January, 1951; and
- (b) the aggregate of the annual rental value (herein referred to as the "Aggregated Annual Parcel Rental Value") of each parcel of such lands that was separately under lease on the 31st day of December, 1950, calculated on the basis of a separate demise of each such parcel for the said term of twenty-one years commencing on the 1st day of January, 1951; and
- (c) the sum (herein referred to as the "Adjusted Annual Rental Value") resulting from the Annual Bloc

Rental Value being decreased by one-half of the excess, if any, of the Annual Bloc Rental Value over the Aggregated Annual Parcel Rental Value; and

- (d) the proportionate part of the Adjusted Annual Rental Value attributable to each parcel of such lands separately under lease on the 31st day of December, 1950, calculated in the same proportion that the annual rental value for such parcel, as determined in accordance with clause *b*, bears to the Aggregated Annual Parcel Rental Value.

Rent

**5.** The rent to be paid in any one calendar year under the Confirmed New Lease shall be the Adjusted Annual Rental Value applicable to such year, provided that for the remainder of the former respective terms of the leases hereby surrendered such rent shall be further adjusted so that the proportionate part of the Adjusted Annual Rental Value payable for each said former separate parcel of land shall not be more nor less than the former annual rental of each said former separate parcel.

Rent on  
renewal

**6.** The rent to be paid in any one calendar year under any renewal of the Confirmed New Lease shall be the Annual Bloc Rental Value of the lands demised, calculated and determined on the basis of demise thereof *en bloc*, exclusive and independent of any building then erected or built thereon, for a term of twenty-one years from the first day of such renewal term.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Knox's Church, Toronto, Act, 1953*.

## SCHEDULE

THIS INDENTURE made in triplicate the second day of January, in the year of our Lord one thousand nine hundred and fifty-one.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT.

BETWEEN:

GEORGE GRAINGER RICHARDSON, Chartered Accountant; ALEXANDER MCPHERSON, Accountant; CHARLES HENRY JEREMIAH SNIDER, Journalist; JOHN GORDON INGLIS, Electrical Engineer, and CHARLES CAMPBELL MACKECHNIE, Chartered Accountant, all of the City of Toronto, in the Province of Ontario, Trustees of the Congregation of Knox's Church, Toronto (herein called the "Lessors"),

OF THE FIRST PART,

—and—

SIMPSONS, LIMITED, a Company incorporated under the provisions of The Companies Act of Canada, having its chief place of business in the said City of Toronto (herein called the "Lessee"),

OF THE SECOND PART.

WITNESSETH that in consideration of these presents and of the rents, covenants and agreements hereinafter reserved and contained by the Lessee, its successors and assigns, to be paid, observed and performed, the said Lessors as Trustees as aforesaid have demised and leased and by these presents do demise and lease unto the Lessee, its successors and assigns, ALL AND SINGULAR those certain parcels of land situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, which may be described as Lots One (1), Two (2), Three (3), Three "A" (3A), Four (4), Five (5), Six (6), Seven (7) and Eight (8) on the north side of Richmond Street and Lots Nine (9), Ten (10), Eleven (11) and Twelve (12) on the south side of Queen Street and Lot Thirteen (13) on the east side of Bay Street, all as laid down on a plan of survey of parts of Town Lots 3 and 4 on the north side of Richmond Street in the said City, made for the Trustees of Knox Church and filed in the Registry Office for the Registry Division of Toronto as Plan 122-E, TOGETHER WITH all the rights, members and appurtenances whatsoever to the said premises belonging and appertaining.

TO HAVE AND TO HOLD the said hereby demised premises with their rights, members and appurtenances unto the Lessee, its successors and assigns, for and during the term of twenty-one (21) years to be computed from the first day of January, A.D. 1951, and from thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor unto the said Lessors, their successors and assigns,

AND the said Lessee for itself its successors and assigns, hereby covenants with the said Lessors, Trustees as aforesaid, and their successors in office in the manner following, that is to say:

To pay rent and to pay all taxes (including all local and general rates of every description and kind that are now or may at any time be levied against the said lands) and not to carry on upon the said premises any business that shall be deemed a nuisance.

PROVISO for re-entry by the said Lessors and their successors in office on non-payment of rent or non-performance of covenants.

THE said Lessors, Trustees as aforesaid, for themselves and their successors in office, covenant with the said Lessee, its successors and assigns, for quiet enjoyment.

PROVIDED ALWAYS and it is hereby expressly covenanted, declared and agreed by and between the said Lessors, Trustees as aforesaid, for themselves and their successors in office, and the said Lessee, its successors and assigns, that within one month after the expiration of the full term of twenty-one years to be computed as aforesaid, the said Lessors or their successors in office, shall select and appoint one competent person, resident of the Province of Ontario, to be a valuator, and the Lessee, its successors and assigns, shall select and appoint another competent person, resident of the said Province, to be another valuator, and the said valutors shall within three months of their appointment determine, appoint and fix by an instrument in writing to be signed by them, the amount of rent to be paid yearly by the said Lessee, its successors and assigns, for and during the term of twenty-one years next ensuing the termination of the present term, such rent to be determined (in the manner and upon the basis set out in the Statute intituled "An Act respecting Knox's Church, Toronto", being Chapter — of the Statutes of the Province of Ontario passed in the ——— year of the reign of Her Majesty Queen Elizabeth the Second) as ground-rent, exclusive and independent of any building then erected or built thereon, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties. And in the case the said two valutors shall be unable to agree on the amount of the annual rent for such new term they shall within the said three months proceed to appoint an umpire, also a competent person, resident of the said Province, who shall, independent of the valutors so appointed, by an instrument in writing under his hand within two months of his appointment determine, appoint and fix, pursuant to and in accordance with the said Statute, the amount of the rent to be paid by the said Lessee, its successors and assigns, for the said new term of twenty-one years, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties.

AND FURTHER, that if either of the said Lessors, Trustees as aforesaid, or their successors in office or the said Lessee, its successors and assigns, shall neglect or refuse to name and appoint a valuator on their own or either of their parts within one month from the expiration of the said term of twenty-one years hereby granted, it shall and may be lawful to and for the party who shall have named and appointed a valuator on its part to apply to the Supreme Court of Ontario for an order appointing a valuator to act with the valuator named by the party making such application and such two valutors shall have the same duties and powers herein conferred on the valutors herein provided to be appointed by the parties respectively and the amount so determined, appointed and fixed by them shall be final and conclusive as if they had been mutually appointed as aforesaid.

AND FURTHER that if the two valutors (including any valuator appointed by the Court as in the last preceding paragraph provided), being unable to agree on the amount of the annual rent for such new term, shall neglect or refuse to name and appoint an umpire, as in the second last preceding paragraph provided, within four months from the expiration of the said term of twenty-one years hereby granted, it shall and may be lawful to and for either the Lessors, Trustees as aforesaid, or their successors in office, or the Lessee, its successors and assigns, to apply to the Supreme Court of Ontario for an order appointing an umpire who shall, independent of the valutors, by an instrument in writing under his hand within two months of his appointment or within such longer period as said order shall provide, determine, appoint and fix pursuant to and in accordance with the said Statute, the amount of the rent to be paid by the Lessee, its successors and assigns, for the said new term of twenty-one years, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties.

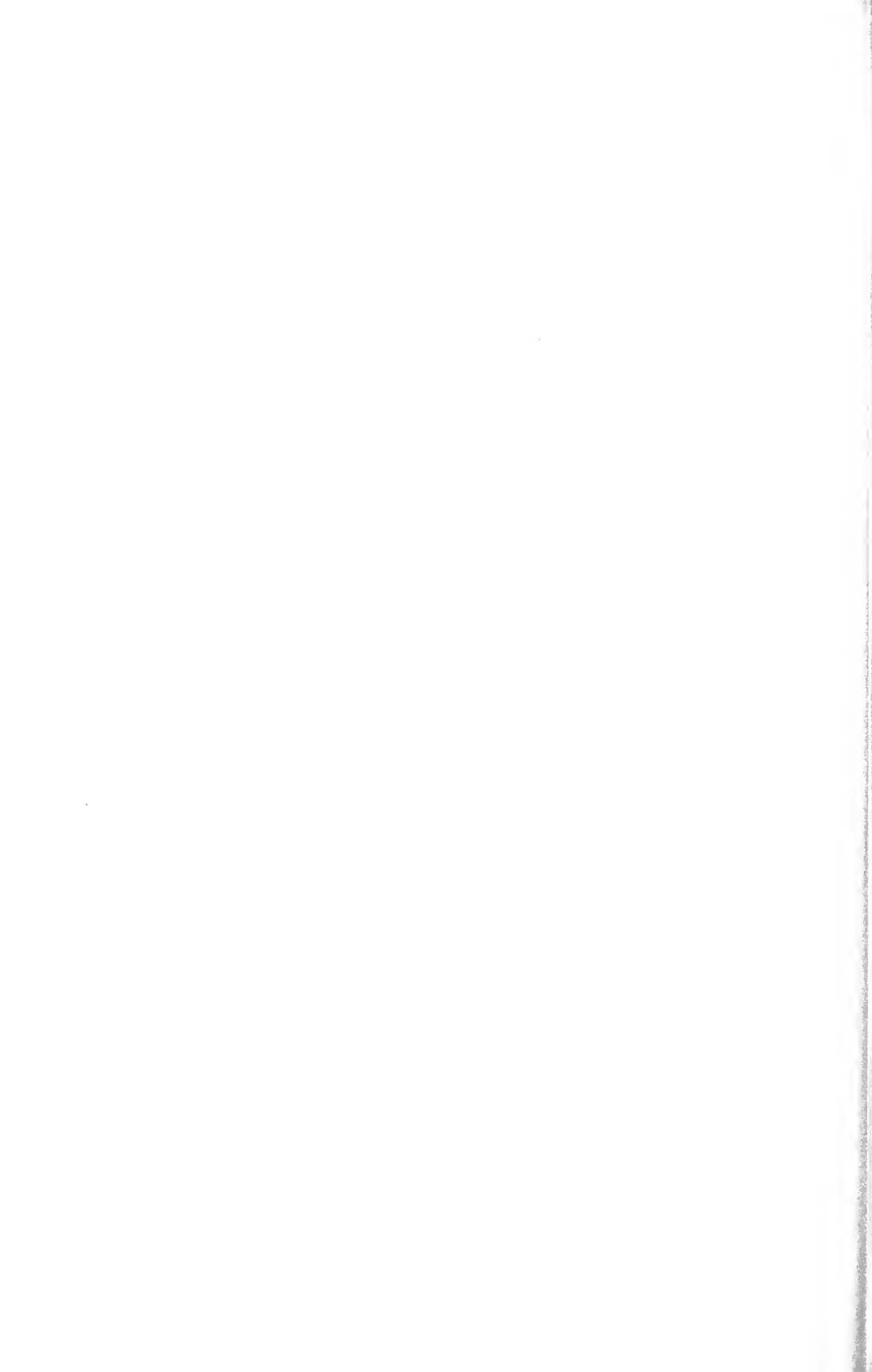
AND FURTHER that the said Lessors, Trustees as aforesaid, and their successors in office will at the end or expiration of the said term of twenty-one years hereby granted and of every subsequent term of twenty-one

years granted in pursuance of these presents, and whenever the rent for the said future term shall have been fixed pursuant to these presents and the said Statute at the cost and charge of the said Lessee, its successors and assigns, make, execute and deliver unto the said Lessee, its successors and assigns, and that the said Lessee, its successors and assigns, will accept a new and further lease of the hereby demised premises with the said rights, members and appurtenances for the further term of twenty-one years and containing the same covenants and stipulations, including covenant for renewal, as are contained in this present lease (save only that the yearly rent of the said lands and premises be the rent fixed from time to time pursuant to these presents and the said Statute).

IN WITNESS WHEREOF the said parties hereto of the First Part have hereunto set their hands and seals and the party of the Second Part has affixed its corporate seal attested by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED |

in the presence of:





BILL

An Act respecting Knox's Church,  
Toronto

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. ROBERTS (St. Patrick)

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

**An Act respecting Knox's Church, Toronto**

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MR. ROBERTS (St. Patrick)

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# BILL

## An Act respecting Knox's Church, Toronto

**W**HEREAS the Trustees of the Congregation of Knox's <sup>Preamble</sup> Church, Toronto, by their petition have shown that by a conveyance dated the 19th day of April, 1827, and registered in the Registry Office for the Registry Division of Toronto as Number 12681-0 Jesse Ketchum conveyed to certain Trustees therein named part of the lands therein described to be leased and held by such Trustees on the trusts therein set forth; and that the said conveyance was accepted by the Trustees therein named by virtue of the powers conferred on them by an Act entitled *An act to enable the presbyterian congregation of York to purchase one or more parcels of ground, sufficient for the erection of a church and burying ground*, being chapter 34 of the Statutes of the Province of Upper Canada passed in the fourth year of the reign of His late Majesty King George IV at the session commencing the 11th day of November, 1823; and that by a certain other conveyance dated the 25th day of April, 1856, and registered in the said Registry Office as Number 12682-0 the said Jesse Ketchum did by way of further assurance confirm to the then Trustees of the Congregation of Knox's Church, Toronto, the said lands to hold on the same trusts and conditions as set forth in the said conveyance dated the 19th day of April, 1827, and also upon the further trust set forth in the said conveyance dated the 25th day of April, 1856; and that by an Act entitled *An Act to amend the Act of Upper Canada, enabling the Presbyterian Congregation of York to purchase ground for a Church and Burying-ground*, being chapter 218 of the Statutes of the Province of Canada, 1857, the said trust lands were directed to be held by the then Trustees upon the trusts relating thereto in both said conveyances set forth; and that the petitioners as the present Trustees of the Congregation of Knox's Church, Toronto, are the successors in office of the Trustees respectively named in the said conveyance dated the 19th day of April, 1827, and in the said conveyance dated the 25th day of April, 1856; and that the said lands are now let under several separate leases for terms which do not in every case expire at the same time; and that the lessee's interest in each such lease is now held by Simpsons, Limited

and it is desirable that one lease of all the lands presently so demised to Simpsons, Limited, its successors and assigns, should be made for one term of twenty-one years with rights of renewal; and that Simpsons, Limited has agreed that the respective terms of the said existing leases under which it now holds the said lands from the petitioners will be surrendered by it if the petitioners will accept the surrenders thereof and lease to Simpsons, Limited, its successors and assigns, all the said lands under a new lease thereof *en bloc* for the term of twenty-one years commencing on the 1st day of January, 1951, with rights of renewal, and will also accept from Simpsons, Limited, its successors and assigns, the rents which it would have paid under the existing leases for the balance of their respective surrendered terms and will also grant to Simpsons, Limited, its successors and assigns, for a period of twenty-one years from the 1st day of January, 1951, the benefit of one-half the excess of rental of land *en bloc* over the aggregate of rentals if the same land continued to be leased as separate parcels; and that the acceptance of such surrenders and the making of such new lease *en bloc*, in the form of lease in the Schedule hereto, and the granting of such benefits, has at a duly called meeting of the Congregation of Knox's Church, Toronto, been consented to and approved by such Congregation so as to comply with the provisions of an Act entitled *An Act to authorize the Sale or Lease of Lands in Upper Canada, held in Trust for the use of Congregations or Religious Bodies*, being chapter 119 of the Statutes of the Province of Canada, 1854-55; and whereas the petitioners have prayed for special legislation in respect of these matters; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Surrender  
of leases

**1.** The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are empowered to accept from Simpsons, Limited, its successors or assigns, surrenders of all the leases and the respective terms thereof under which Simpsons, Limited now holds as lessee of such Trustees or their predecessors in office, or as assignee of any lessee of such Trustees or their predecessors in office, all and any part or parts of Lots 1, 2, 3, 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 according to a plan registered in the Registry Office for the Registry Division of Toronto as Number 122-E, including any lease of which the term has expired and has not been formally extended or renewed.

New lease  
*en bloc*

**2.** The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are empowered to lease

to Simpsons, Limited, its successors and assigns, the lands referred to in section 1 by way of a new lease thereof *en bloc* for the term of twenty-one years commencing on the 1st day of January, 1951, with rights of renewal, in the form set forth in the Schedule hereto, at such annual ground rent for and in respect of the term of twenty-one years commencing on the 1st day of January, 1951, as may be determined in accordance with the provisions of section 5, and a lease with rights of renewal as aforesaid (herein referred to as the "Confirmed New Lease") at such rental and in such form, when executed by the respective parties thereto, shall be legal, valid and binding.

**3.** The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are further empowered at the expiration of each successive term of twenty-one years after the 1st day of January, 1951, to lease to Simpsons, Limited, its successors and assigns, the lands referred to in section 1 by way of renewal lease in the form set forth in the Schedule hereto at such annual ground rent as may be fixed and determined in accordance with the provisions of the Confirmed New Lease and of this Act, and such renewal lease or leases at such rental and in such form, when executed by the respective parties thereto, shall be legal, valid and binding. Renewals

**4.** Two valutors selected and appointed in the manner referred to in the said form of lease set forth in the Schedule hereto or, in default of their agreement, an umpire appointed in the manner referred to therein, shall determine, appoint and fix, as to the lands to be demised by the Confirmed New Lease, Valuations

- (a) the annual rental value (herein referred to as the "Annual Bloc Rental Value") of such lands calculated on the basis of demise thereof *en bloc*, exclusive and independent of any building then erected or built thereon, for the term of twenty-one years commencing on the 1st day of January, 1951; and
- (b) the aggregate of the annual rental value (herein referred to as the "Aggregated Annual Parcel Rental Value") of each parcel of such lands that was separately under lease on the 31st day of December, 1950, calculated on the basis of a separate demise of each such parcel for the said term of twenty-one years commencing on the 1st day of January, 1951; and
- (c) the sum (herein referred to as the "Adjusted Annual Rental Value") resulting from the Annual Bloc

Rental Value being decreased by one-half of the excess, if any, of the Annual Bloc Rental Value over the Aggregated Annual Parcel Rental Value; and

- (d) the proportionate part of the Adjusted Annual Rental Value attributable to each parcel of such lands separately under lease on the 31st day of December, 1950, calculated in the same proportion that the annual rental value for such parcel, as determined in accordance with clause *b*, bears to the Aggregated Annual Parcel Rental Value.

Rent

**5.** The rent to be paid in any one calendar year under the Confirmed New Lease shall be the Adjusted Annual Rental Value applicable to such year, provided that for the remainder of the former respective terms of the leases hereby surrendered such rent shall be further adjusted so that the proportionate part of the Adjusted Annual Rental Value payable for each said former separate parcel of land shall not be more nor less than the former annual rental of each said former separate parcel.

Rent on  
renewal

**6.** The rent to be paid in any one calendar year under any renewal of the Confirmed New Lease shall be the Annual Bloc Rental Value of the lands demised, calculated and determined on the basis of demise thereof *en bloc*, exclusive and independent of any building then erected or built thereon, for a term of twenty-one years from the first day of such renewal term.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Knox's Church, Toronto, Act, 1953*.

## SCHEDULE

THIS INDENTURE made in triplicate the second day of January, in the year of our Lord one thousand nine hundred and fifty-one.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT.

BETWEEN:

GEORGE GRAINGER RICHARDSON, Chartered Accountant; ALEXANDER MCPHERSON, Accountant; CHARLES HENRY JEREMIAH SNIDER, Journalist; JOHN GORDON INGLIS, Electrical Engineer, and CHARLES CAMPBELL MAC-KECHNIE, Chartered Accountant, all of the City of Toronto, in the Province of Ontario, Trustees of the Congregation of Knox's Church, Toronto (herein called the "Lessors"),

OF THE FIRST PART,

—and—

SIMPSONS, LIMITED, a Company incorporated under the provisions of The Companies Act of Canada, having its chief place of business in the said City of Toronto (herein called the "Lessee"),

OF THE SECOND PART.

WITNESSETH that in consideration of these presents and of the rents, covenants and agreements hereinafter reserved and contained by the Lessee, its successors and assigns, to be paid, observed and performed, the said Lessors as Trustees as aforesaid have demised and leased and by these presents do demise and lease unto the Lessee, its successors and assigns, ALL AND SINGULAR those certain parcels of land situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, which may be described as Lots One (1), Two (2), Three (3), Three "A" (3A), Four (4), Five (5), Six (6), Seven (7) and Eight (8) on the north side of Richmond Street and Lots Nine (9), Ten (10), Eleven (11) and Twelve (12) on the south side of Queen Street and Lot Thirteen (13) on the east side of Bay Street, all as laid down on a plan of survey of parts of Town Lots 3 and 4 on the north side of Richmond Street in the said City, made for the Trustees of Knox Church and filed in the Registry Office for the Registry Division of Toronto as Plan 122-E, TOGETHER WITH all the rights, members and appurtenances whatsoever to the said premises belonging and appertaining.

TO HAVE AND TO HOLD the said hereby demised premises with their rights, members and appurtenances unto the Lessee, its successors and assigns, for and during the term of twenty-one (21) years to be computed from the first day of January, A.D. 1951, and from thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor unto the said Lessors, their successors and assigns,

AND the said Lessee for itself its successors and assigns, hereby covenants with the said Lessors, Trustees as aforesaid, and their successors in office in the manner following, that is to say:

To pay rent and to pay all taxes (including all local and general rates of every description and kind that are now or may at any time be levied against the said lands) and not to carry on upon the said premises any business that shall be deemed a nuisance.

PROVISO for re-entry by the said Lessors and their successors in office on non-payment of rent or non-performance of covenants.

THE said Lessors, Trustees as aforesaid, for themselves and their successors in office, covenant with the said Lessee, its successors and assigns, for quiet enjoyment.

PROVIDED ALWAYS and it is hereby expressly covenanted, declared and agreed by and between the said Lessors, Trustees as aforesaid, for themselves and their successors in office, and the said Lessee, its successors and assigns, that within one month after the expiration of the full term of twenty-one years to be computed as aforesaid, the said Lessors or their successors in office, shall select and appoint one competent person, resident of the Province of Ontario, to be a valuator, and the Lessee, its successors and assigns, shall select and appoint another competent person, resident of the said Province, to be another valuator, and the said valutors shall within three months of their appointment determine, appoint and fix by an instrument in writing to be signed by them, the amount of rent to be paid yearly by the said Lessee, its successors and assigns, for and during the term of twenty-one years next ensuing the termination of the present term, such rent to be determined (in the manner and upon the basis set out in the Statute intituled "An Act respecting Knox's Church, Toronto", being Chapter — of the Statutes of the Province of Ontario passed in the ——— year of the reign of Her Majesty Queen Elizabeth the Second) as ground-rent, exclusive and independent of any building then erected or built thereon, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties. And in the case the said two valutors shall be unable to agree on the amount of the annual rent for such new term they shall within the said three months proceed to appoint an umpire, also a competent person, resident of the said Province, who shall, independent of the valutors so appointed, by an instrument in writing under his hand within two months of his appointment determine, appoint and fix, pursuant to and in accordance with the said Statute, the amount of the rent to be paid by the said Lessee, its successors and assigns, for the said new term of twenty-one years, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties.

AND FURTHER, that if either of the said Lessors, Trustees as aforesaid, or their successors in office or the said Lessee, its successors and assigns, shall neglect or refuse to name and appoint a valuator on their own or either of their parts within one month from the expiration of the said term of twenty-one years hereby granted, it shall and may be lawful to and for the party who shall have named and appointed a valuator on its part to apply to the Supreme Court of Ontario for an order appointing a valuator to act with the valuator named by the party making such application and such two valutors shall have the same duties and powers herein conferred on the valutors herein provided to be appointed by the parties respectively and the amount so determined, appointed and fixed by them shall be final and conclusive as if they had been mutually appointed as aforesaid.

AND FURTHER that if the two valutors (including any valuator appointed by the Court as in the last preceding paragraph provided), being unable to agree on the amount of the annual rent for such new term, shall neglect or refuse to name and appoint an umpire, as in the second last preceding paragraph provided, within four months from the expiration of the said term of twenty-one years hereby granted, it shall and may be lawful to and for either the Lessors, Trustees as aforesaid, or their successors in office, or the Lessee, its successors and assigns, to apply to the Supreme Court of Ontario for an order appointing an umpire who shall, independent of the valutors, by an instrument in writing under his hand within two months of his appointment or within such longer period as said order shall provide, determine, appoint and fix pursuant to and in accordance with the said Statute, the amount of the rent to be paid by the Lessee, its successors and assigns, for the said new term of twenty-one years, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties.

AND FURTHER that the said Lessors, Trustees as aforesaid, and their successors in office will at the end or expiration of the said term of twenty-one years hereby granted and of every subsequent term of twenty-one



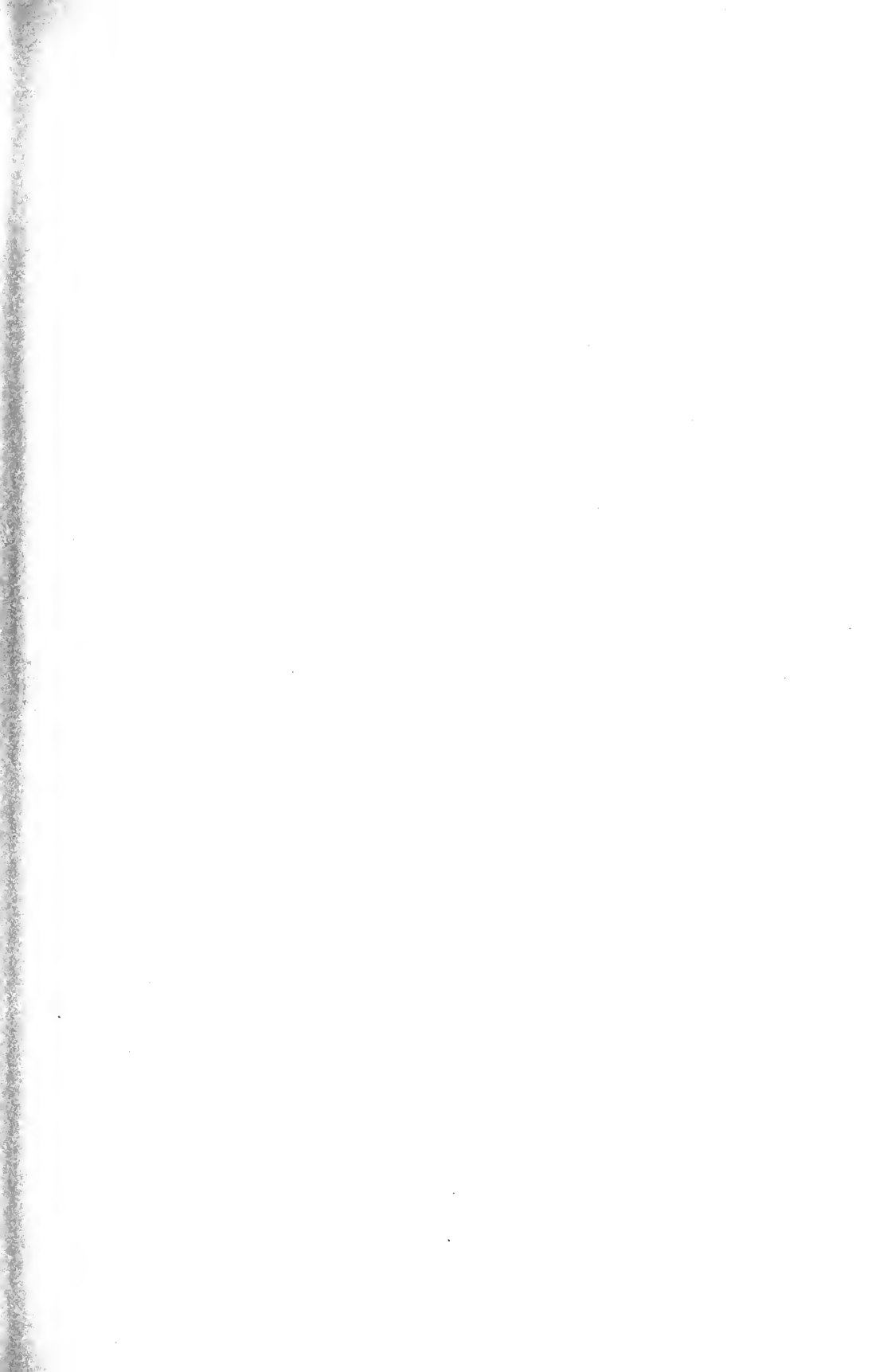
years granted in pursuance of these presents, and whenever the rent for the said future term shall have been fixed pursuant to these presents and the said Statute at the cost and charge of the said Lessee, its successors and assigns, make, execute and deliver unto the said Lessee, its successors and assigns, and that the said Lessee, its successors and assigns, will accept a new and further lease of the hereby demised premises with the said rights, members and appurtenances for the further term of twenty-one years and containing the same covenants and stipulations, including covenant for renewal, as are contained in this present lease (save only that the yearly rent of the said lands and premises be the rent fixed from time to time pursuant to these presents and the said Statute).

IN WITNESS WHEREOF the said parties hereto of the First Part have hereunto set their hands and seals and the party of the Second Part has affixed its corporate seal attested by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED |

in the presence of:





BILL

An Act respecting Knox's Church,  
Toronto

---

*1st Reading*

February 17th, 1953

*2nd Reading*

March 20th, 1953

*3rd Reading*

March 25th, 1953

---

MR. ROBERTS (St. Patrick)

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the City of Peterborough

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MR. NICKLE

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(PRIVATE BILL)



# BILL

## An Act respecting the City of Peterborough

**W**HEREAS The Corporation of the City of Peterborough Preamble by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing part of the Township of Smith to the City of Peterborough, and the said Corporation and the Peterborough City Trust have prayed for special legislation to repeal certain sections of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Order P.F. M-497 of the Ontario Municipal Board Annexation order confirmed dated the 23rd day of January, 1953, set forth as the Schedule hereto, is hereby confirmed.

(2) The said Order shall be deemed to have had effect on Effective date and after the 31st day of December, 1952.

**2.** Any lands of two acres or more, in the portion of the Township of Smith annexed to the City of Peterborough by the said Order and now used for agricultural or gardening purposes, shall, so long as so used, be assessed in each year for a period of five years at such amount as may be agreed upon by The Corporation of the City of Peterborough and the person assessed, or failing such agreement as shall be determined by the Ontario Municipal Board. Special assessments

**3.** The public school and school site, known as the Queen Elizabeth School, in the portion of the Township of Smith annexed to the City of Peterborough by the said Order, shall vest in The Board of Education of the City of Peterborough; and the separate school and separate school site in the annexed area known as St. Anne's Separate School shall vest in The Board of Trustees of the Roman Catholic Separate School boards, etc

Schools for the City of Peterborough; and all the assets and liabilities of The Board of Trustees of School Section 13 of the Township of Smith in the annexed area shall vest in The Board of Education of the City of Peterborough by which the liabilities, if any, in respect thereof shall be assumed and paid and the said Trustee Board of School Section 13 shall cease to exist.

1908, c. 104,  
ss. 4-15,  
17, 18, 24,  
25, 27-29,  
repealed

**4.** Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 24, section 27 as amended by section 2 of chapter 114 of the Statutes of Ontario, 1913, and sections 28 and 29 of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908, are repealed.

City  
Trust  
property

**5.** All debentures, bonds and securities of every kind, real and personal, now vested in The Peterborough City Trust shall be vested in The Corporation of the City of Peterborough on and after the 1st day of January, 1954.

Commence-  
ment

**6.**—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 5 come into force on the 1st day of January, 1954.

Short title

**7.** This Act may be cited as *The City of Peterborough Act, 1953*.



## SCHEDULE

P.F. M-497

## THE ONTARIO MUNICIPAL BOARD

Friday, the twenty-third day of January, A.D. 1953

BEFORE:

GEO. A. LISTER,  
Member,

—and—

C. F. NUNN,  
Member.IN THE MATTER OF "The Municipal  
Act", Revised Statutes of Ontario,  
1950, Section 20, andIN THE MATTER OF By-law Number  
5052 of the Corporation of the  
City of Peterborough, a by-law  
to annex part of the Township of  
Smith to the City of Peterborough.

UPON THE APPLICATION of the Corporation of the City of Peterborough in the presence of Counsel for the Corporation of the City of Peterborough, the Corporation of the Township of Smith and of Counsel for certain interested persons in the Township of Smith opposed to the said annexation and of certain property owners and residents of the Township of Smith who appeared in person, upon hearing read by-law number 5052 of the City of Peterborough filed with this Board authorizing this application, and upon hearing the evidence adduced at the public hearings held in the City of Peterborough on the 8th day of September, and the 6th and 7th days of November, 1952 pursuant to notice given in accordance with the directions of this Board, and upon hearing what was alleged by Counsel aforesaid and by the aforesaid owners and residents.

THIS BOARD ORDERS that that part of the Township of Smith in the County of Peterborough described in Schedule "A" hereto, be and the same is hereby annexed to the City of Peterborough, and the said annexation shall take effect upon, and subject to, the following terms and conditions, namely:

1. Subject to Section 20, sub-section 15 and 16 of "The Municipal Act", R.S.O. 1950, Chapter 243, the annexation shall come into force and take effect at 12.00 midnight on the 31st day of December, A.D. 1952.
2. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed district to be levied by the City of Peterborough in respect of the said annexed territory, shall for the year 1953 and thereafter, be the same, and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates, levied and raised from time to time on the property within the old boundaries of the City as they existed on the 31st day of December, A.D. 1952, and the assessment of the said annexed territory by the City shall in the year 1953 and thereafter be on the same basis and made at the same time and in the same manner as in the said old boundaries of the City.
3. For the purposes only of 1953 taxation the assessment of the lands described in Schedule "A" hereto, including business assessment, shall be governed by the provision of Section 55 of "The Assessment Act" and all of the provisions of that section requiring the Council of the City of Peterborough to pass a by-law adopting the assessment of the lands annexed as last revised while they were part of the Township of Smith and requiring the City Clerk to give notices of such assessment and preserving all rights in respect of appeal shall apply notwithstanding anything contained in this Order, provided however that the Assessment Commissioner of the City of Peterborough may make additions to the said assessment roll as provided by Section 51 of "The Assessment Act".

4. The Township of Smith shall at all reasonable times allow the Corporation of the City of Peterborough, its servants and agents, access

to the Assessment Rolls of the said lands set out in Schedule "A" and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same.

5. (a) All taxes imposed by the Township in the annexed area up to the 31st day of December, A.D. 1952, and all arrears of taxes owing in the said annexed area shall belong to the Township of Smith.

(b) The Corporation of the Township of Smith shall forthwith prepare and furnish to the Corporation of the City of Peterborough a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to the 31st day of December, A.D. 1952, and the persons assessed therefor.

(c) The Corporation of the City of Peterborough shall have the right to collect all taxes belonging to said Township of Smith in said annexed area as set out in Paragraph 5 (a) hereof according to said special Collector's Roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for non-payment of such arrears as fully as if the said taxes had been assessed and levied by the Corporation of the said City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the Corporation of the City of Peterborough to the said Corporation of the Township of Smith within six months from the date of collection, provided that the said Corporation of the City of Peterborough shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City Corporation shall have all the rights and powers conferred upon the municipalities by the Assessment Act, or other Act in force regarding the collections of arrears of taxes in the annexed area, but the City Corporation shall not be responsible to the Corporation of the Township of Smith for any such arrears of taxes which it may be unable to collect.

(d) The Corporation of the Township of Smith shall indemnify and save harmless the Corporation of the City of Peterborough from all loss, costs, charges and expenses arising from any act or omission of the Township of Smith or their officials or servants in connection with the said Special Roll.

6. (a) All rights, title and interest in the Corporation of the Township of Smith and the Corporation of the County of Peterborough in the highways and streets in the said area together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the area so annexed, shall vest in the Corporation of the City of Peterborough.

(b) All rights, title and interest of the Corporation of the Township of Smith, in any other lands and premises in said annexed area shall vest in the Corporation of the City of Peterborough.

7. The residents of the area to be annexed from and after the 31st day of December, A.D. 1952, shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

8. The area annexed shall form part of the North Ward, namely Ward Number 4 of the City of Peterborough.

9. The City Corporation shall assume and pay from and after the 31st day of December, A.D. 1952, all costs and charges arising under the Unemployment Relief Act, R.S.O. 1950, Chapter 403, The Public Hospitals Act, R.S.O. 1950, Chapter 307, The Children's Protection Act, R.S.O. 1950, Chapter 53, The Sanatoria for Consumptives Act, R.S.O. 1950, Chapter 346, The Homes for the Aged Act, R.S.O. 1950, Chapter 168 and amendments to said Acts, in respect of persons resident in the City of Peterborough solely by reason of this annexation.

10. That, if the Township of Smith and the County of Peterborough fail to agree upon the assessment of the said Township, as reduced by reason of this annexation for an equalized assessment for County rates, the matter shall be adjusted according to section 92 (2) of "The Assessment Act", R.S.O. 1950, Chapter 24.

11. The Corporation of the Township of Smith, the County of Peterborough and the City of Peterborough, and all local boards and school sections affected by the annexation hereby ordered shall be entitled to an adjustment of assets and liabilities and all such adjustments shall be made as of the 1st day of January, A.D. 1953. In the event of the parties hereto being unable to agree upon the adjustment of assets and liabilities, then such question of adjustment may be referred to any person whom the Ontario Municipal Board shall appoint who shall make inquiry and report to the Ontario Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in Section 20 of The Municipal Act, R.S.O. 1950, Chapter 243 and Section 39 of The Public Schools Act, R.S.O. 1950, Chapter 316.

12. The district administration of High Schools as represented by the Board of the Peterborough High School Suburban Area, shall be adjusted to conform to the new boundaries of the two Municipalities as fixed by this Order and all necessary adjustments of payments shall be subject to agreement between the Board of the Peterborough High School Suburban Area and the Peterborough Board of Education and failing agreement the matter shall be referred to the Municipal Board for decision.

13. And the Board hereby reserves all further orders or directions within its powers in respect to the annexation hereby ordered for determination upon the application of any of the municipalities or local boards affected by this Order.

14. And the Board further orders that the applicant Corporation shall pay the Board's fees herein fixed at \$250.00 (exclusive of the sum of \$50.00 paid on the filing of the said application) together with the further sum of \$80.65 being the cost of reporting the said public hearing, and makes no further order as to costs.

(Sgd.) W. J. MOORE,  
*Vice-Chairman.*

(Seal)

*Schedule "A"*

DESCRIPTION

AREAS IN THE TOWNSHIP OF SMITH TO BE ANNEXED TO  
THE CITY OF PETERBOROUGH

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Smith in the County of Peterborough and the Province of Ontario and being composed of parts of Lots numbers 15 to 19 inclusive in the 2nd and 3rd Concessions of the said Township, parts of Lots numbers 1, 2, 3 and 4, east of Communication Road, and parts of Lots numbers 1, 2 and 3, west of Communication Road in the said Township, including parts of Registered Plans numbers 15, 17, 18, 20, 24, 26, 28, 29, 30, 31, 32 and 42 for the said Township; which said lands may be further described as follows, that is to say:—

COMMENCING at a concrete monument in the southern limit of Highway Number 28 according to Deposited Plan Number 2451 in the Registry Office for the said County, distant 338 feet measured on a course north 44 degrees 13 minutes east along the said limit from a concrete monument placed at the intersection thereof with the line between the east and west halves of the said Lot number 19 in the said 3rd Concession of the said Township;

Thence south 38 degrees 18 minutes east, to the centre line or middle thread of the Otonabee River;

Thence southerly along the centre line or middle thread of the Otonabee River to its intersection with the eastern production of the centre line of Langton Street in the City of Peterborough;

Thence westerly along the said production, to and along the said centre line of the said Langton Street, to the centre line of the said East Communication Road;

Thence southerly along the said centre line of East Communication Road, to the eastern production of the southern limit of Registered Plan Number 42 for the said Township;

Thence westerly to and along the said southern limit of said Registered Plan Number 42 and its western production to and along the centre line of Wolsley Street, as shown on Registered Plans numbers 24 and 29 for the said Township, to the centre line of Donegal Street (formerly Dixon Street as shown on Registered Plan number 17 for the said Township);

Thence northerly along the said centre line of Donegal Street, to its intersection with the centre line of Bellevue Street, as shown on said Registered Plan number 17;

Thence westerly along the said centre line of Bellevue Street to its intersection with the centre line of Fairbairn Street (formerly Mill Street as shown on said registered Plan number 17);

Thence northerly along the said centre line of Fairbairn Street to its intersection with the line between Lots numbers 1 and 2 west of Communication Road;

Thence westerly along the said line and its westerly production to the western limit of West Communication Road;

Thence northerly along the said western limit of West Communication Road, to its intersection with the western production of the northern limit of the southern 150 feet of Lots numbers 1 to 6 inclusive, of Registered Plan number 18 for the said Township;

Thence easterly along the last mentioned limit, to the eastern limit of said Lot number 6;

Thence southerly along the eastern limits of Lots numbers 6 and 7 and Lee Street according to said Registered Plan number 18 to the south eastern angle of the said Registered Plan, and being in the northern limit of Registered Plan number 15 for the said Township;

Thence easterly along the northern limit of said Registered Plan number 15 to a point distant 250 feet as measured westerly along the said limit from the north eastern angle of Lot number 1 according to the said Registered Plan number 15;

Thence northerly across parts of Lots numbers 2 and 3 west of Communication Road, parallel to the eastern limits of the said lots and distant 250 feet in perpendicular width therefrom to a point in the northern limit of the said Lot number 3 west of Communication Road;

Thence easterly along the said limit, 250 feet to the north-eastern angle of the said Lot number 3;

Thence easterly along the eastern production of the said northern limit, to the north western angle of Lot number 3, east of Communication Road;

Thence easterly along the northern limit of the said Lot number 3 east of Communication Road, to a point distant 150 feet westerly from the north eastern angle thereof;

Thence northerly over part of Lot number 4 east of Communication Road, and parallel to the eastern limit of the said Lot number 4 and distant

150 feet westerly therefrom, to the intersection with a line drawn westerly at right angles with the western limit of Lot number 15 in the 3rd Concession of the said Township, through a point in the said western limit distant 167.53 feet northerly from the south-western angle of the said Lot number 15;

Thence easterly crossing said Lots numbers 15, 16, 17, 18 and 19 in the said 3rd Concession, and being parallel to the southern limits thereof and distant 150 feet northerly therefrom to its intersection with the north western limit of the said Highway number 28;

Thence south-easterly being along a line drawn at right angles to the south-eastern limit of the said highway through the said point of intersection to a point in the said south-eastern limit of the said highway;

Thence northerly along the said south-eastern limit to the point of commencement.

TOGETHER WITH all those parts of original allowances for roads between Concessions, Township Lots, Registered Plans and Registered Plans Lots, within the area herein above defined.

ALL OF WHICH is further detailed in the following appendix:

1. In Concession 3 of the Township of Smith:
  - (a) Part of the east and west halves of Lot number 19 in the 3rd Concession of the said Township, lying south-easterly of the said highway, and westerly of the line drawn on a course south 38 degrees 18 minutes east through the point of commencement of the hereinbefore described limit.
  - (b) The south 150 feet of Lots numbers 15, 16, 17, 18 and the west half of Lot number 19 in the said 3rd Concession.
2. In Concession 2 of the Township of Smith:
 

All of Lots numbers 15, 16, 17, 18 and 19, in the 2nd Concession of the said Township.
3. In Lot number 4, east of Communication Road:
 

The east 150 feet of the southerly 1471.1 feet of Lot number 4, east of Communication Road.
4. In Lot number 3, east of Communication Road:
 

All of Lot number 3, east of Communication Road.
5. In Lot number 2, east of Communication Road:
 

All of Lot number 2, east of Communication road including,

  - (a) Registered Plan number 26  
 Lots numbers 1, 3, 6, 7, 9 and 10  
 McClennan Street  
 Barnardo Avenue  
 Gordon Street
  - (b) Registered Plan number 28  
 Lots numbers 69 to 77 inclusive  
 Hartley Street  
 Barnardo Avenue
  - (c) Registered Plan number 30  
 Lots numbers 4 to 12 inclusive  
 Block A  
 Hartley Street  
 Barnardo Avenue  
 Benson Street

- (d) Registered Plan number 31  
 Lots numbers 1 to 15 inclusive  
 Block, A  
 Hartley Street  
 Lee Street  
 Barnardo Avenue  
 McClennan Street
  - (e) Registered Plan number 32  
 Lots 1 to 47 inclusive  
 Block A  
 Gordon Street  
 Hall Street  
 Sherbourne Street  
 McClennan Street  
 Lee Street
6. In Lot number 1, east of Communication Road:  
 All the north half of Lot number 1, east of Communication Road, including:
- (a) Registered Plan number 24  
 Lots numbers 30 to 119  
 Block A  
 Wolsley Street  
 Bennet Street  
 Bellevue Street  
 Barnardo Avenue  
 Benson Street  
 Aylmer Street
  - (b) Registered Plan number 42  
 Lots numbers 1 to 52 inclusive  
 Dumble Avenue  
 Argyle Street  
 Hilliard Street
7. In Lot number 1, west of Communication Road:  
 Part of the north half of Lot number 1 west of Communication Road included in:
- (a) Registered Plan number 17  
 Lots numbers 1 to 52 inclusive  
 Lots numbers 61 to 64 inclusive  
 Lots numbers 105 to 108 inclusive  
 Wolsley Street  
 Bellevue Street  
 High Street  
 Fairbairn Street  
 Donegal Street
  - (b) Registered Plan number 29  
 Lots numbers 1 to 36 inclusive  
 Wolsley Street  
 Wellington Street  
 Bellevue Street  
 Donegal Street  
 Downie Street
8. In Lot number 2, west of Communication Road:
- (a) Registered Plan number 15  
 Lots numbers 1 to 6 inclusive  
 Highland Road
  - (b) Registered Plan number 20  
 Lots numbers 1 to 35 inclusive  
 Raymond Street

William Street  
Nicholls Street  
Lee Street  
Fairbairn Street

(c) Registered Plan number 18  
The south 150 feet of Lots numbers 1 to 6 inclusive  
All of Lots numbers 7, 8 and 9  
Lee Street

(d) The east 250 feet of said Lot number 2 east of Communication Road, being north of said Registered Plan number 15.

9. In Lot number 3, west of Communication Road:

The east 250 feet of said Lot number 3 west of Communication Road.

BILL

An Act respecting the City of  
Peterborough

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. NICKLE

*(Private Bill)*

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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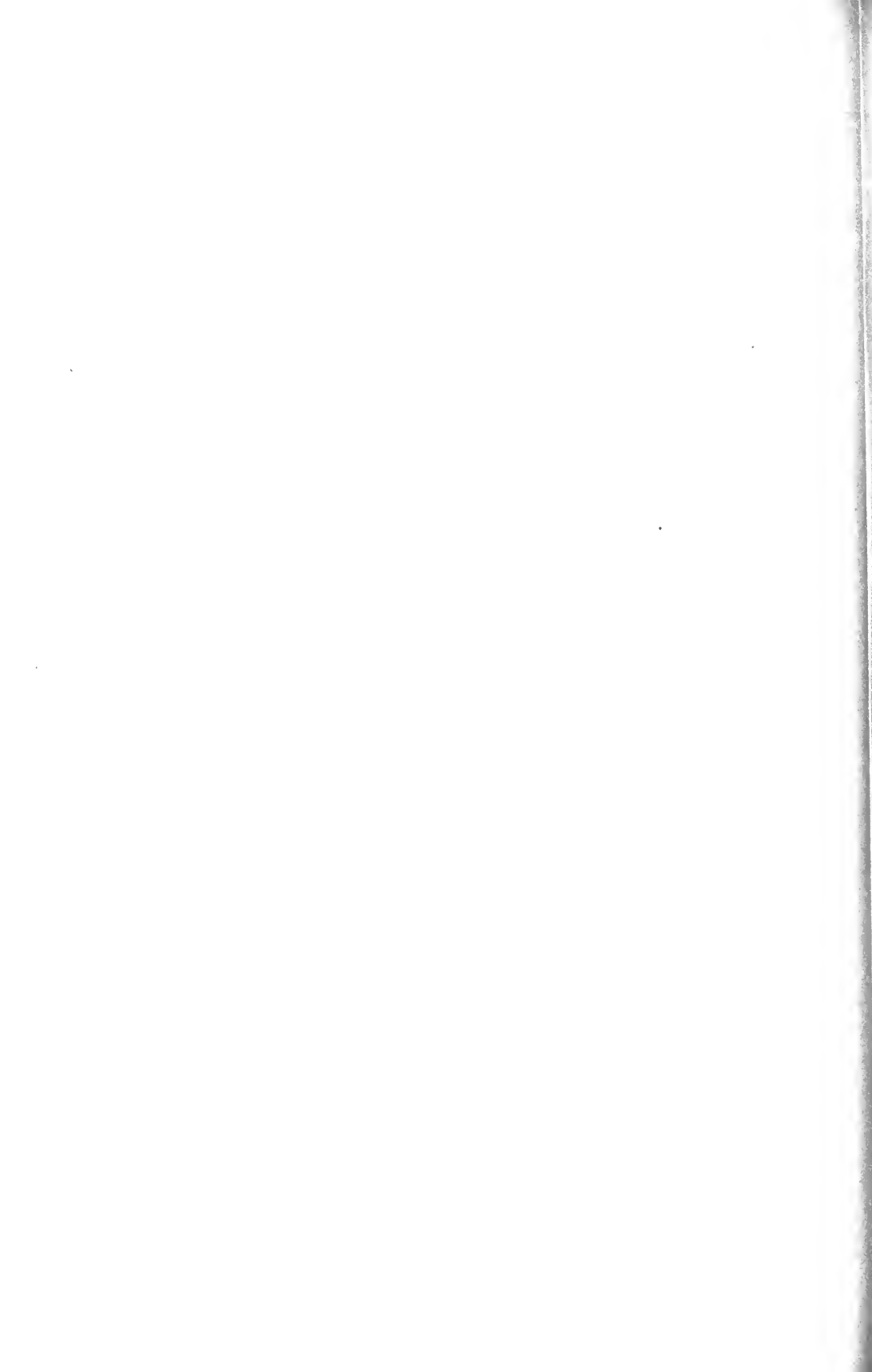
**BILL**  
An Act respecting the City of Peterborough

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MR. NICKLE

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the City of Peterborough

**W**HEREAS The Corporation of the City of Peterborough Preamble by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing part of the Township of Smith to the City of Peterborough, and the said Corporation and the Peterborough City Trust have prayed for special legislation to repeal certain sections of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Order P.F. M-497 of the Ontario Municipal Board Annexation order confirmed dated the 23rd day of January, 1953, set forth as the Schedule hereto, is hereby confirmed.

(2) The said Order shall be deemed to have had effect on Effective date and after the 31st day of December, 1952.

**2.** Any lands of two acres or more, in the portion of the Special assessments Township of Smith annexed to the City of Peterborough by the said Order and now used for agricultural or gardening purposes, shall, so long as so used, be assessed in each year for a period of five years at such amount as may be agreed upon by The Corporation of the City of Peterborough and the person assessed, or failing such agreement as shall be determined by the Ontario Municipal Board.

**3.** The public school and school site, known as the Queen Elizabeth School, in the portion of the Township of Smith annexed to the City of Peterborough by the said Order, shall vest in The Board of Education of the City of Peterborough; and the separate school and separate school site in the annexed area known as St. Anne's Separate School shall vest in The Board of Trustees of the Roman Catholic Separate School boards, etc

Schools for the City of Peterborough; and all the assets and liabilities of The Board of Trustees of School Section 13 of the Township of Smith in the annexed area shall vest in The Board of Education of the City of Peterborough by which the liabilities, if any, in respect thereof shall be assumed and paid and the said Trustee Board of School Section 13 shall cease to exist; and all the assets and liabilities of The Board of Trustees of The Roman Catholic Separate School for School Section No. 13 in the Township of Smith in the annexed area shall vest in the Board of Trustees of The Roman Catholic Separate Schools for the City of Peterborough, by which the liabilities, if any, in respect thereof shall be assumed and paid, and the said The Board of Trustees of The Roman Catholic Separate School for School Section No. 13 in the Township of Smith shall cease to exist.

1908, c. 104,  
ss. 4-15,  
17, 18, 24,  
25, 27-29,  
repealed

**4.** Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 24, 25, section 27 as amended by section 2 of chapter 114 of the Statutes of Ontario, 1913, and sections 28 and 29 of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908, are repealed.

City  
Trust  
property

**5.** All debentures, bonds and securities of every kind, real and personal, now vested in The Peterborough City Trust shall be vested in The Corporation of the City of Peterborough on and after the 1st day of January, 1954.

Commence-  
ment

**6.**—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 5 come into force on the 1st day of January, 1954.

Short title

**7.** This Act may be cited as *The City of Peterborough Act, 1953*.

## SCHEDULE

P.F. M-497

## THE ONTARIO MUNICIPAL BOARD

Friday, the twenty-third day of January, A.D. 1953

BEFORE:

GEO. A. LISTER,  
Member,

—and—

C. F. NUNN,  
Member.IN THE MATTER OF "The Municipal  
Act", Revised Statutes of Ontario,  
1950, Section 20, andIN THE MATTER OF By-law Number  
5052 of the Corporation of the  
City of Peterborough, a by-law  
to annex part of the Township of  
Smith to the City of Peterborough.

UPON THE APPLICATION of the Corporation of the City of Peterborough in the presence of Counsel for the Corporation of the City of Peterborough, the Corporation of the Township of Smith and of Counsel for certain interested persons in the Township of Smith opposed to the said annexation and of certain property owners and residents of the Township of Smith who appeared in person, upon hearing read by-law number 5052 of the City of Peterborough filed with this Board authorizing this application, and upon hearing the evidence adduced at the public hearings held in the City of Peterborough on the 8th day of September, and the 6th and 7th days of November, 1952 pursuant to notice given in accordance with the directions of this Board, and upon hearing what was alleged by Counsel aforesaid and by the aforesaid owners and residents.

THIS BOARD ORDERS that that part of the Township of Smith in the County of Peterborough described in Schedule "A" hereto, be and the same is hereby annexed to the City of Peterborough, and the said annexation shall take effect upon, and subject to, the following terms and conditions, namely:

1. Subject to Section 20, sub-section 15 and 16 of "The Municipal Act", R.S.O. 1950, Chapter 243, the annexation shall come into force and take effect at 12.00 midnight on the 31st day of December, A.D. 1952.

2. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed district to be levied by the City of Peterborough in respect of the said annexed territory, shall for the year 1953 and thereafter, be the same, and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates, levied and raised from time to time on the property within the old boundaries of the City as they existed on the 31st day of December, A.D. 1952, and the assessment of the said annexed territory by the City shall in the year 1953 and thereafter be on the same basis and made at the same time and in the same manner as in the said old boundaries of the City.

3. For the purposes only of 1953 taxation the assessment of the lands described in Schedule "A" hereto, including business assessment, shall be governed by the provision of Section 55 of "The Assessment Act" and all of the provisions of that section requiring the Council of the City of Peterborough to pass a by-law adopting the assessment of the lands annexed as last revised while they were part of the Township of Smith and requiring the City Clerk to give notices of such assessment and preserving all rights in respect of appeal shall apply notwithstanding anything contained in this Order, provided however that the Assessment Commissioner of the City of Peterborough may make additions to the said assessment roll as provided by Section 51 of "The Assessment Act".

4. The Township of Smith shall at all reasonable times allow the Corporation of the City of Peterborough, its servants and agents, access

to the Assessment Rolls of the said lands set out in Schedule "A" and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same.

5. (a) All taxes imposed by the Township in the annexed area up to the 31st day of December, A.D. 1952, and all arrears of taxes owing in the said annexed area shall belong to the Township of Smith.

(b) The Corporation of the Township of Smith shall forthwith prepare and furnish to the Corporation of the City of Peterborough a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to the 31st day of December, A.D. 1952, and the persons assessed therefor.

(c) The Corporation of the City of Peterborough shall have the right to collect all taxes belonging to said Township of Smith in said annexed area as set out in Paragraph 5 (a) hereof according to said special Collector's Roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for non-payment of such arrears as fully as if the said taxes had been assessed and levied by the Corporation of the said City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the Corporation of the City of Peterborough to the said Corporation of the Township of Smith within six months from the date of collection, provided that the said Corporation of the City of Peterborough shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City Corporation shall have all the rights and powers conferred upon the municipalities by the Assessment Act, or other Act in force regarding the collections of arrears of taxes in the annexed area, but the City Corporation shall not be responsible to the Corporation of the Township of Smith for any such arrears of taxes which it may be unable to collect.

(d) The Corporation of the Township of Smith shall indemnify and save harmless the Corporation of the City of Peterborough from all loss, costs, charges and expenses arising from any act or omission of the Township of Smith or their officials or servants in connection with the said Special Roll.

6. (a) All rights, title and interest in the Corporation of the Township of Smith and the Corporation of the County of Peterborough in the highways and streets in the said area together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the area so annexed, shall vest in the Corporation of the City of Peterborough.

(b) All rights, title and interest of the Corporation of the Township of Smith, in any other lands and premises in said annexed area shall vest in the Corporation of the City of Peterborough.

7. The residents of the area to be annexed from and after the 31st day of December, A.D. 1952, shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

8. The area annexed shall form part of the North Ward, namely Ward Number 4 of the City of Peterborough.

9. The City Corporation shall assume and pay from and after the 31st day of December, A.D. 1952, all costs and charges arising under the Unemployment Relief Act, R.S.O. 1950, Chapter 403, The Public Hospitals Act, R.S.O. 1950, Chapter 307, The Children's Protection Act, R.S.O. 1950, Chapter 53, The Sanatoria for Consumptives Act, R.S.O. 1950, Chapter 346, The Homes for the Aged Act, R.S.O. 1950, Chapter 168 and amendments to said Acts, in respect of persons resident in the City of Peterborough solely by reason of this annexation.

10. That, if the Township of Smith and the County of Peterborough fail to agree upon the assessment of the said Township, as reduced by reason of this annexation for an equalized assessment for County rates, the matter shall be adjusted according to section 92 (2) of "The Assessment Act", R.S.O. 1950, Chapter 24.

11. The Corporation of the Township of Smith, the County of Peterborough and the City of Peterborough, and all local boards and school sections affected by the annexation hereby ordered shall be entitled to an adjustment of assets and liabilities and all such adjustments shall be made as of the 1st day of January, A.D. 1953. In the event of the parties hereto being unable to agree upon the adjustment of assets and liabilities, then such question of adjustment may be referred to any person whom the Ontario Municipal Board shall appoint who shall make inquiry and report to the Ontario Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in Section 20 of The Municipal Act, R.S.O. 1950, Chapter 243 and Section 39 of The Public Schools Act, R.S.O. 1950, Chapter 316.

12. The district administration of High Schools as represented by the Board of the Peterborough High School Suburban Area, shall be adjusted to conform to the new boundaries of the two Municipalities as fixed by this Order and all necessary adjustments of payments shall be subject to agreement between the Board of the Peterborough High School Suburban Area and the Peterborough Board of Education and failing agreement the matter shall be referred to the Municipal Board for decision.

13. And the Board hereby reserves all further orders or directions within its powers in respect to the annexation hereby ordered for determination upon the application of any of the municipalities or local boards affected by this Order.

14. And the Board further orders that the applicant Corporation shall pay the Board's fees herein fixed at \$250.00 (exclusive of the sum of \$50.00 paid on the filing of the said application) together with the further sum of \$80.65 being the cost of reporting the said public hearing, and makes no further order as to costs.

(Seal)

(Sgd.) W. J. MOORE,  
Vice-Chairman.

*Schedule "A"*

DESCRIPTION

AREAS IN THE TOWNSHIP OF SMITH TO BE ANNEXED TO  
THE CITY OF PETERBOROUGH

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Smith in the County of Peterborough and the Province of Ontario and being composed of parts of Lots numbers 15 to 19 inclusive in the 2nd and 3rd Concessions of the said Township, parts of Lots numbers 1, 2, 3 and 4, east of Communication Road, and parts of Lots numbers 1, 2 and 3, west of Communication Road in the said Township, including parts of Registered Plans numbers 15, 17, 18, 20, 24, 26, 28, 29, 30, 31, 32 and 42 for the said Township; which said lands may be further described as follows, that is to say:—

COMMENCING at a concrete monument in the southern limit of Highway Number 28 according to Deposited Plan Number 2451 in the Registry Office for the said County, distant 338 feet measured on a course north 44 degrees 13 minutes east along the said limit from a concrete monument placed at the intersection thereof with the line between the east and west halves of the said Lot number 19 in the said 3rd Concession of the said Township;

Thence south 38 degrees 18 minutes east, to the centre line or middle thread of the Otonabee River;

Thence southerly along the centre line or middle thread of the Otonabee River to its intersection with the eastern production of the centre line of Langton Street in the City of Peterborough;

Thence westerly along the said production, to and along the said centre line of the said Langton Street, to the centre line of the said East Communication Road;

Thence southerly along the said centre line of East Communication Road, to the eastern production of the southern limit of Registered Plan Number 42 for the said Township;

Thence westerly to and along the said southern limit of said Registered Plan Number 42 and its western production to and along the centre line of Wolsley Street, as shown on Registered Plans numbers 24 and 29 for the said Township, to the centre line of Donegal Street (formerly Dixon Street as shown on Registered Plan number 17 for the said Township);

Thence northerly along the said centre line of Donegal Street, to its intersection with the centre line of Bellevue Street, as shown on said Registered Plan number 17;

Thence westerly along the said centre line of Bellevue Street to its intersection with the centre line of Fairbairn Street (formerly Mill Street as shown on said registered Plan number 17);

Thence northerly along the said centre line of Fairbairn Street to its intersection with the line between Lots numbers 1 and 2 west of Communication Road;

Thence westerly along the said line and its westerly production to the western limit of West Communication Road;

Thence northerly along the said western limit of West Communication Road, to its intersection with the western production of the northern limit of the southern 150 feet of Lots numbers 1 to 6 inclusive, of Registered Plan number 18 for the said Township;

Thence easterly along the last mentioned limit, to the eastern limit of said Lot number 6;

Thence southerly along the eastern limits of Lots numbers 6 and 7 and Lee Street according to said Registered Plan number 18 to the south eastern angle of the said Registered Plan, and being in the northern limit of Registered Plan number 15 for the said Township;

Thence easterly along the northern limit of said Registered Plan number 15 to a point distant 250 feet as measured westerly along the said limit from the north eastern angle of Lot number 1 according to the said Registered Plan number 15;

Thence northerly across parts of Lots numbers 2 and 3 west of Communication Road, parallel to the eastern limits of the said lots and distant 250 feet in perpendicular width therefrom to a point in the northern limit of the said Lot number 3 west of Communication Road;

Thence easterly along the said limit, 250 feet to the north-eastern angle of the said Lot number 3;

Thence easterly along the eastern production of the said northern limit, to the north western angle of Lot number 3, east of Communication Road;

Thence easterly along the northern limit of the said Lot number 3 east of Communication Road, to a point distant 150 feet westerly from the north eastern angle thereof;

Thence northerly over part of Lot number 4 east of Communication Road, and parallel to the eastern limit of the said Lot number 4 and distant



150 feet westerly therefrom, to the intersection with a line drawn westerly at right angles with the western limit of Lot number 15 in the 3rd Concession of the said Township, through a point in the said western limit distant 167.53 feet northerly from the south-western angle of the said Lot number 15;

Thence easterly crossing said Lots numbers 15, 16, 17, 18 and 19 in the said 3rd Concession, and being parallel to the southern limits thereof and distant 150 feet northerly therefrom to its intersection with the north western limit of the said Highway number 28;

Thence south-easterly being along a line drawn at right angles to the south-eastern limit of the said highway through the said point of intersection to a point in the said south-eastern limit of the said highway;

Thence northerly along the said south-eastern limit to the point of commencement.

TOGETHER WITH all those parts of original allowances for roads between Concessions, Township Lots, Registered Plans and Registered Plans Lots, within the area herein above defined.

. ALL OF WHICH is further detailed in the following appendix:

1. In Concession 3 of the Township of Smith:

(a) Part of the east and west halves of Lot number 19 in the 3rd Concession of the said Township, lying south-easterly of the said highway, and westerly of the line drawn on a course south 38 degrees 18 minutes east through the point of commencement of the hereinbefore described limit.

(b) The south 150 feet of Lots numbers 15, 16, 17, 18 and the west half of Lot number 19 in the said 3rd Concession.

2. In Concession 2 of the Township of Smith:

All of Lots numbers 15, 16, 17, 18 and 19, in the 2nd Concession of the said Township.

3. In Lot number 4, east of Communication Road:

The east 150 feet of the southerly 1471.1 feet of Lot number 4, east of Communication Road.

4. In Lot number 3, east of Communication Road:

All of Lot number 3, east of Communication Road.

5. In Lot number 2, east of Communication Road:

All of Lot number 2, east of Communication road including,

(a) Registered Plan number 26  
Lots numbers 1, 3, 6, 7, 9 and 10  
McClelland Street  
Barnardo Avenue  
Gordon Street

(b) Registered Plan number 28  
Lots numbers 69 to 77 inclusive  
Hartley Street  
Barnardo Avenue

(c) Registered Plan number 30  
Lots numbers 1 to 12 inclusive  
Block A  
Hartley Street  
Barnardo Avenue  
Benson Street

- (d) Registered Plan number 31  
Lots numbers 1 to 15 inclusive  
Block, A  
Hartley Street  
Lee Street  
Barnardo Avenue  
McClennan Street
  - (e) Registered Plan number 32  
Lots 1 to 47 inclusive  
Block A  
Gordon Street  
Hall Street  
Sherbourne Street  
McClennan Street  
Lee Street
6. In Lot number 1, east of Communication Road:  
All the north half of Lot number 1, east of Communication Road, including:
- (a) Registered Plan number 24  
Lots numbers 30 to 119  
Block A  
Wolsley Street  
Bennet Street  
Bellevue Street  
Barnardo Avenue  
Benson Street  
Aylmer Street
  - (b) Registered Plan number 42  
Lots numbers 1 to 52 inclusive  
Dumble Avenue  
Argyle Street  
Hilliard Street
7. In Lot number 1, west of Communication Road:  
Part of the north half of Lot number 1 west of Communication Road included in:
- (a) Registered Plan number 17  
Lots numbers 1 to 52 inclusive  
Lots numbers 61 to 64 inclusive  
Lots numbers 105 to 108 inclusive  
Wolsley Street  
Bellevue Street  
High Street  
Fairbairn Street  
Donegal Street
  - (b) Registered Plan number 29  
Lots numbers 1 to 36 inclusive  
Wolsley Street  
Wellington Street  
Bellevue Street  
Donegal Street  
Downie Street
8. In Lot number 2, west of Communication Road:
- (a) Registered Plan number 15  
Lots numbers 1 to 6 inclusive  
Highland Road
  - (b) Registered Plan number 20  
Lots numbers 1 to 35 inclusive  
Raymond Street

William Street  
Nicholls Street  
Lee Street  
Fairbairn Street

- (c) Registered Plan number 18  
The south 150 feet of Lots numbers 1 to 6 inclusive  
All of Lots numbers 7, 8 and 9  
Lee Street
  - (d) The east 250 feet of said Lot number 2 east of Communication Road, being north of said Registered Plan number 15.
9. In Lot number 3, west of Communication Road:  
The east 250 feet of said Lot number 3 west of Communication Road.

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BILL

An Act respecting the City of  
Peterborough

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*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. NICKLE

*(Reprinted as amended by the Committee  
on Private Bills)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the City of Peterborough

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MR. NICKLE

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# BILL

## An Act respecting the City of Peterborough

**W**HEREAS The Corporation of the City of Peterborough Preamble by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing part of the Township of Smith to the City of Peterborough, and the said Corporation and the Peterborough City Trust have prayed for special legislation to repeal certain sections of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Order P.F. M-497 of the Ontario Municipal Board Annexation order confirmed dated the 23rd day of January, 1953, set forth as the Schedule hereto, is hereby confirmed.

(2) The said Order shall be deemed to have had effect on Effective date and after the 31st day of December, 1952.

**2.** Any lands of two acres or more, in the portion of the Township of Smith annexed to the City of Peterborough by the said Order and now used for agricultural or gardening purposes, shall, so long as so used, be assessed in each year for a period of five years at such amount as may be agreed upon by The Corporation of the City of Peterborough and the person assessed, or failing such agreement as shall be determined by the Ontario Municipal Board. Special assessments

**3.** The public school and school site, known as the Queen Elizabeth School, in the portion of the Township of Smith annexed to the City of Peterborough by the said Order, shall vest in The Board of Education of the City of Peterborough; and the separate school and separate school site in the annexed area known as St. Anne's Separate School shall vest in The Board of Trustees of the Roman Catholic Separate School boards, etc

Schools for the City of Peterborough; and all the assets and liabilities of The Board of Trustees of School Section 13 of the Township of Smith in the annexed area shall vest in The Board of Education of the City of Peterborough by which the liabilities, if any, in respect thereof shall be assumed and paid and the said Trustee Board of School Section 13 shall cease to exist; and all the assets and liabilities of The Board of Trustees of The Roman Catholic Separate School for School Section No. 13 in the Township of Smith in the annexed area shall vest in the Board of Trustees of The Roman Catholic Separate Schools for the City of Peterborough, by which the liabilities, if any, in respect thereof shall be assumed and paid, and the said The Board of Trustees of The Roman Catholic Separate School for School Section No. 13 in the Township of Smith shall cease to exist.

1908, c. 104,  
ss. 4-15,  
17, 18, 24,  
25, 27-29,  
repealed

**4.** Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 24, 25, section 27 as amended by section 2 of chapter 114 of the Statutes of Ontario, 1913, and sections 28 and 29 of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908, are repealed.

City  
Trust  
property

**5.** All debentures, bonds and securities of every kind, real and personal, now vested in The Peterborough City Trust shall be vested in The Corporation of the City of Peterborough on and after the 1st day of January, 1954.

Commence-  
ment

**6.**—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 5 come into force on the 1st day of January, 1954.

Short title

**7.** This Act may be cited as *The City of Peterborough Act, 1953*.



## SCHEDULE

P.F. M-497

## THE ONTARIO MUNICIPAL BOARD

Friday, the twenty-third day of January, A.D. 1953

BEFORE:

GEO. A. LISTER,  
Member,

—and—

C. F. NUNN,  
Member.IN THE MATTER OF "The Municipal  
Act", Revised Statutes of Ontario,  
1950, Section 20, andIN THE MATTER OF By-law Number  
5052 of the Corporation of the  
City of Peterborough, a by-law  
to annex part of the Township of  
Smith to the City of Peterborough.

UPON THE APPLICATION of the Corporation of the City of Peterborough in the presence of Counsel for the Corporation of the City of Peterborough, the Corporation of the Township of Smith and of Counsel for certain interested persons in the Township of Smith opposed to the said annexation and of certain property owners and residents of the Township of Smith who appeared in person, upon hearing read by-law number 5052 of the City of Peterborough filed with this Board authorizing this application, and upon hearing the evidence adduced at the public hearings held in the City of Peterborough on the 8th day of September, and the 6th and 7th days of November, 1952 pursuant to notice given in accordance with the directions of this Board, and upon hearing what was alleged by Counsel aforesaid and by the aforesaid owners and residents.

THIS BOARD ORDERS that that part of the Township of Smith in the County of Peterborough described in Schedule "A" hereto, be and the same is hereby annexed to the City of Peterborough, and the said annexation shall take effect upon, and subject to, the following terms and conditions, namely:

1. Subject to Section 20, sub-section 15 and 16 of "The Municipal Act", R.S.O. 1950, Chapter 243, the annexation shall come into force and take effect at 12.00 midnight on the 31st day of December, A.D. 1952.

2. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed district to be levied by the City of Peterborough in respect of the said annexed territory, shall for the year 1953 and thereafter, be the same, and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates, levied and raised from time to time on the property within the old boundaries of the City as they existed on the 31st day of December, A.D. 1952, and the assessment of the said annexed territory by the City shall in the year 1953 and thereafter be on the same basis and made at the same time and in the same manner as in the said old boundaries of the City.

3. For the purposes only of 1953 taxation the assessment of the lands described in Schedule "A" hereto, including business assessment, shall be governed by the provision of Section 55 of "The Assessment Act" and all of the provisions of that section requiring the Council of the City of Peterborough to pass a by-law adopting the assessment of the lands annexed as last revised while they were part of the Township of Smith and requiring the City Clerk to give notices of such assessment and preserving all rights in respect of appeal shall apply notwithstanding anything contained in this Order, provided however that the Assessment Commissioner of the City of Peterborough may make additions to the said assessment roll as provided by Section 51 of "The Assessment Act".

4. The Township of Smith shall at all reasonable times allow the Corporation of the City of Peterborough, its servants and agents, access

to the Assessment Rolls of the said lands set out in Schedule "A" and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same.

5. (a) All taxes imposed by the Township in the annexed area up to the 31st day of December, A.D. 1952, and all arrears of taxes owing in the said annexed area shall belong to the Township of Smith.

(b) The Corporation of the Township of Smith shall forthwith prepare and furnish to the Corporation of the City of Peterborough a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to the 31st day of December, A.D. 1952, and the persons assessed therefor.

(c) The Corporation of the City of Peterborough shall have the right to collect all taxes belonging to said Township of Smith in said annexed area as set out in Paragraph 5 (a) hereof according to said special Collector's Roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for non-payment of such arrears as fully as if the said taxes had been assessed and levied by the Corporation of the said City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the Corporation of the City of Peterborough to the said Corporation of the Township of Smith within six months from the date of collection, provided that the said Corporation of the City of Peterborough shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City Corporation shall have all the rights and powers conferred upon the municipalities by the Assessment Act, or other Act in force regarding the collections of arrears of taxes in the annexed area, but the City Corporation shall not be responsible to the Corporation of the Township of Smith for any such arrears of taxes which it may be unable to collect.

(d) The Corporation of the Township of Smith shall indemnify and save harmless the Corporation of the City of Peterborough from all loss, costs, charges and expenses arising from any act or omission of the Township of Smith or their officials or servants in connection with the said Special Roll.

6. (a) All rights, title and interest in the Corporation of the Township of Smith and the Corporation of the County of Peterborough in the highways and streets in the said area together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the area so annexed, shall vest in the Corporation of the City of Peterborough.

(b) All rights, title and interest of the Corporation of the Township of Smith, in any other lands and premises in said annexed area shall vest in the Corporation of the City of Peterborough.

7. The residents of the area to be annexed from and after the 31st day of December, A.D. 1952, shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

8. The area annexed shall form part of the North Ward, namely Ward Number 4 of the City of Peterborough.

9. The City Corporation shall assume and pay from and after the 31st day of December, A.D. 1952, all costs and charges arising under the Unemployment Relief Act, R.S.O. 1950, Chapter 403, The Public Hospitals Act, R.S.O. 1950, Chapter 307, The Children's Protection Act, R.S.O. 1950, Chapter 53, The Sanatoria for Consumptives Act, R.S.O. 1950, Chapter 346, The Homes for the Aged Act, R.S.O. 1950, Chapter 168 and amendments to said Acts, in respect of persons resident in the City of Peterborough solely by reason of this annexation.

10. That, if the Township of Smith and the County of Peterborough fail to agree upon the assessment of the said Township, as reduced by reason of this annexation for an equalized assessment for County rates, the matter shall be adjusted according to section 92 (2) of "The Assessment Act", R.S.O. 1950, Chapter 24.

11. The Corporation of the Township of Smith, the County of Peterborough and the City of Peterborough, and all local boards and school sections affected by the annexation hereby ordered shall be entitled to an adjustment of assets and liabilities and all such adjustments shall be made as of the 1st day of January, A.D. 1953. In the event of the parties hereto being unable to agree upon the adjustment of assets and liabilities, then such question of adjustment may be referred to any person whom the Ontario Municipal Board shall appoint who shall make inquiry and report to the Ontario Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in Section 20 of The Municipal Act, R.S.O. 1950, Chapter 243 and Section 39 of The Public Schools Act, R.S.O. 1950, Chapter 316.

12. The district administration of High Schools as represented by the Board of the Peterborough High School Suburban Area, shall be adjusted to conform to the new boundaries of the two Municipalities as fixed by this Order and all necessary adjustments of payments shall be subject to agreement between the Board of the Peterborough High School Suburban Area and the Peterborough Board of Education and failing agreement the matter shall be referred to the Municipal Board for decision.

13. And the Board hereby reserves all further orders or directions within its powers in respect to the annexation hereby ordered for determination upon the application of any of the municipalities or local boards affected by this Order.

14. And the Board further orders that the applicant Corporation shall pay the Board's fees herein fixed at \$250.00 (exclusive of the sum of \$50.00 paid on the filing of the said application) together with the further sum of \$80.65 being the cost of reporting the said public hearing, and makes no further order as to costs.

(Seal)

(Sgd.) W. J. MOORE,  
Vice-Chairman.

*Schedule "A"*

DESCRIPTION

AREAS IN THE TOWNSHIP OF SMITH TO BE ANNEXED TO  
THE CITY OF PETERBOROUGH

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Smith in the County of Peterborough and the Province of Ontario and being composed of parts of Lots numbers 15 to 19 inclusive in the 2nd and 3rd Concessions of the said Township, parts of Lots numbers 1, 2, 3 and 4, east of Communication Road, and parts of Lots numbers 1, 2 and 3, west of Communication Road in the said Township, including parts of Registered Plans numbers 15, 17, 18, 20, 24, 26, 28, 29, 30, 31, 32 and 42 for the said Township; which said lands may be further described as follows, that is to say:—

COMMENCING at a concrete monument in the southern limit of Highway Number 28 according to Deposited Plan Number 2451 in the Registry Office for the said County, distant 338 feet measured on a course north 44 degrees 13 minutes east along the said limit from a concrete monument placed at the intersection thereof with the line between the east and west halves of the said Lot number 19 in the said 3rd Concession of the said Township;

Thence south 38 degrees 18 minutes east, to the centre line or middle thread of the Otonabee River;

Thence southerly along the centre line or middle thread of the Otonabee River to its intersection with the eastern production of the centre line of Langton Street in the City of Peterborough;

Thence westerly along the said production, to and along the said centre line of the said Langton Street, to the centre line of the said East Communication Road;

Thence southerly along the said centre line of East Communication Road, to the eastern production of the southern limit of Registered Plan Number 42 for the said Township;

Thence westerly to and along the said southern limit of said Registered Plan Number 42 and its western production to and along the centre line of Wolsley Street, as shown on Registered Plans numbers 24 and 29 for the said Township, to the centre line of Donegal Street (formerly Dixon Street as shown on Registered Plan number 17 for the said Township);

Thence northerly along the said centre line of Donegal Street, to its intersection with the centre line of Bellevue Street, as shown on said Registered Plan number 17;

Thence westerly along the said centre line of Bellevue Street to its intersection with the centre line of Fairbairn Street (formerly Mill Street as shown on said registered Plan number 17);

Thence northerly along the said centre line of Fairbairn Street to its intersection with the line between Lots numbers 1 and 2 west of Communication Road;

Thence westerly along the said line and its westerly production to the western limit of West Communication Road;

Thence northerly along the said western limit of West Communication Road, to its intersection with the western production of the northern limit of the southern 150 feet of Lots numbers 1 to 6 inclusive, of Registered Plan number 18 for the said Township;

Thence easterly along the last mentioned limit, to the eastern limit of said Lot number 6;

Thence southerly along the eastern limits of Lots numbers 6 and 7 and Lee Street according to said Registered Plan number 18 to the south eastern angle of the said Registered Plan, and being in the northern limit of Registered Plan number 15 for the said Township;

Thence easterly along the northern limit of said Registered Plan number 15 to a point distant 250 feet as measured westerly along the said limit from the north eastern angle of Lot number 1 according to the said Registered Plan number 15;

Thence northerly across parts of Lots numbers 2 and 3 west of Communication Road, parallel to the eastern limits of the said lots and distant 250 feet in perpendicular width therefrom to a point in the northern limit of the said Lot number 3 west of Communication Road;

Thence easterly along the said limit, 250 feet to the north-eastern angle of the said Lot number 3;

Thence easterly along the eastern production of the said northern limit, to the north western angle of Lot number 3, east of Communication Road;

Thence easterly along the northern limit of the said Lot number 3 east of Communication Road, to a point distant 150 feet westerly from the north eastern angle thereof;

Thence northerly over part of Lot number 4 east of Communication Road, and parallel to the eastern limit of the said Lot number 4 and distant

150 feet westerly therefrom, to the intersection with a line drawn westerly at right angles with the western limit of Lot number 15 in the 3rd Concession of the said Township, through a point in the said western limit distant 167.53 feet northerly from the south-western angle of the said Lot number 15;

Thence easterly crossing said Lots numbers 15, 16, 17, 18 and 19 in the said 3rd Concession, and being parallel to the southern limits thereof and distant 150 feet northerly therefrom to its intersection with the north western limit of the said Highway number 28;

Thence south-easterly being along a line drawn at right angles to the south-eastern limit of the said highway through the said point of intersection to a point in the said south-eastern limit of the said highway;

Thence northerly along the said south-eastern limit to the point of commencement.

TOGETHER WITH all those parts of original allowances for roads between Concessions, Township Lots, Registered Plans and Registered Plans Lots, within the area herein above defined.

ALL OF WHICH is further detailed in the following appendix:

1. In Concession 3 of the Township of Smith:
  - (a) Part of the east and west halves of Lot number 19 in the 3rd Concession of the said Township, lying south-easterly of the said highway, and westerly of the line drawn on a course south 38 degrees 18 minutes east through the point of commencement of the hereinbefore described limit.
  - (b) The south 150 feet of Lots numbers 15, 16, 17, 18 and the west half of Lot number 19 in the said 3rd Concession.
2. In Concession 2 of the Township of Smith:
 

All of Lots numbers 15, 16, 17, 18 and 19, in the 2nd Concession of the said Township.
3. In Lot number 4, east of Communication Road:
 

The east 150 feet of the southerly 1471.1 feet of Lot number 4, east of Communication Road.
4. In Lot number 3, east of Communication Road:
 

All of Lot number 3, east of Communication Road.
5. In Lot number 2, east of Communication Road:
 

All of Lot number 2, east of Communication road including,

  - (a) Registered Plan number 26  
 Lots numbers 1, 3, 6, 7, 9 and 10  
 McClennan Street  
 Barnardo Avenue  
 Gordon Street
  - (b) Registered Plan number 28  
 Lots numbers 69 to 77 inclusive  
 Hartley Street  
 Barnardo Avenue
  - (c) Registered Plan number 30  
 Lots numbers 1 to 12 inclusive  
 Block A  
 Hartley Street  
 Barnardo Avenue  
 Benson Street

- (d) Registered Plan number 31  
Lots numbers 1 to 15 inclusive  
Block, A  
Hartley Street  
Lee Street  
Barnardo Avenue  
McClennan Street
  - (e) Registered Plan number 32  
Lots 1 to 47 inclusive  
Block A  
Gordon Street  
Hall Street  
Sherbourne Street  
McClennan Street  
Lee Street
6. In Lot number 1, east of Communication Road:  
All the north half of Lot number 1, east of Communication Road, including:
- (a) Registered Plan number 24  
Lots numbers 30 to 119  
Block A  
Wolsley Street  
Bennet Street  
Bellevue Street  
Barnardo Avenue  
Benson Street  
Aylmer Street
  - (b) Registered Plan number 42  
Lots numbers 1 to 52 inclusive  
Dumble Avenue  
Argyle Street  
Hilliard Street
7. In Lot number 1, west of Communication Road:  
Part of the north half of Lot number 1 west of Communication Road included in:
- (a) Registered Plan number 17  
Lots numbers 1 to 52 inclusive  
Lots numbers 61 to 64 inclusive  
Lots numbers 105 to 108 inclusive  
Wolsley Street  
Bellevue Street  
High Street  
Fairbairn Street  
Donegal Street
  - (b) Registered Plan number 29  
Lots numbers 1 to 36 inclusive  
Wolsley Street  
Wellington Street  
Bellevue Street  
Donegal Street  
Downie Street
8. In Lot number 2, west of Communication Road:
- (a) Registered Plan number 15  
Lots numbers 1 to 6 inclusive  
Highland Road
  - (b) Registered Plan number 20  
Lots numbers 1 to 35 inclusive  
Raymond Street

William Street  
Nicholls Street  
Lee Street  
Fairbairn Street

(c) Registered Plan number 18  
The south 150 feet of Lots numbers 1 to 6 inclusive  
All of Lots numbers 7, 8 and 9  
Lee Street

(d) The east 250 feet of said Lot number 2 east of Communication Road, being north of said Registered Plan number 15.

9. In Lot number 3, west of Communication Road:

The east 250 feet of said Lot number 3 west of Communication Road.

**BILL**

An Act respecting the City of  
Peterborough

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

March 30th, 1953

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MR. NICKLE

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the Town of Brampton

---

MR. KENNEDY

---

(PRIVATE BILL)



# BILL

## An Act respecting the Town of Brampton

**W**HEREAS The Corporation of the Town of Brampton Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The purchase of the lands described in the Schedule hereto by The Corporation of the Town of Brampton is ratified, confirmed and declared to be legal, valid and binding and the conveyance of said lands to the Corporation shall be deemed to have had the effect of vesting said lands in the Corporation in fee simple clear of and free from all right and interest other than that of the Corporation, and the lands so purchased shall be deemed to have been acquired for the purposes of the Corporation. Purchase of land by Town validated

(2) Every conveyance of the lands described in the Schedule hereto or part or parts thereof executed by the Corporation prior to the 1st day of January, 1953, and purporting to convey said lands or part or parts thereof to the grantee thereof, his heirs and assigns, or its successors and assigns, and every lease or agreement of sale agreeing to sell said lands or any part or parts thereof prior to the 1st day of January, 1953, is ratified, confirmed and declared to be legal, valid and binding and every such conveyance shall be deemed to have had the effect of vesting said lands in the grantee, his heirs and assigns, or its successors and assigns, in fee simple, or otherwise according to the nature of the estate or interest conveyed. Sales by Town validated

(3) Any of the said lands not disposed of prior to the 1st day of January, 1953, shall be deemed to have been acquired under the provisions of paragraph 63 of subsection 1 of section 388 of *The Municipal Act*. Application of Rev. Stat., c. 243, s. 388, subs. 1, par. 63

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Town of Brampton Act, 1953*.

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises which may be more particularly described in four parcels as follows:

PREMISING that all bearings herein are astronomic, and that all references to fences and to lines of fence herein relate to the same as at the 20th day of March, 1930.

*Parcel No. 1.* Situate, lying and being in the Town of Brampton, in the County of Peel, and Province of Ontario, and being composed of that part of the west one-half of Township Lot 5, in the First Concession West of Hurontario Street of the Township of Chinguacousy containing by admeasurement one and five one-hundredths acres (1.05 ac.) more or less, described as follows:

COMMENCING at a point where an iron pipe has been planted in the westerly limit, as fenced, of the lands of the Canadian Pacific Railway Company where the same is intersected by the line of fence along the south-westerly boundary of the strip of land, forty feet (40') in width, which adjoins upon the south-westerly side of Plan E 14, registered in the Registry Office for the Registry Division of the County of Peel, the said point being distant fifty-nine feet and ten and three-quarters inches ( $59' 10\frac{3}{4}''$ ) measured southerly along the said limit of the lands of Canadian Pacific Railway Company, from the southerly angle of Block D, as shown on said Plan E 14; thence continuing southerly along the said limit of the lands of Canadian Pacific Railway Company a distance of one hundred and twenty-five feet (125') to an iron pipe; thence north twenty-nine degrees and six minutes west (N.  $29^{\circ} 6' W.$ ) a distance of two hundred and twenty feet (220') to an iron pipe; thence north forty-four degrees and thirty-six minutes west (N.  $44^{\circ} 36' W.$ ) a distance of one thousand five hundred and twenty-six feet (1,526') more or less, to an iron pipe planted in the south-easterly limit of the original allowance for road between Township Lot 6, in the said Concession, and said Township Lot 5, now known as Queen Street, the last-mentioned iron pipe being at a distance of twenty-five feet and three and one-half inches ( $25' 3\frac{1}{2}''$ ) measured south-westerly along the said limit of Queen Street, from the north-westerly angle of Lot 20 as shown on Plan A 12, registered in the said Registry Office; thence north thirty-eight degrees and thirty-four minutes east (N.  $38^{\circ} 34' E.$ ) along the said limit of Queen Street, a distance of twenty-five feet and three and one-half inches ( $25' 3\frac{1}{2}''$ ) to an iron pipe planted at the said north-westerly angle of said Lot 20; thence south-easterly along the south-westerly side of said Plan A 12 and along the south-westerly side of the aforesaid strip of land forty feet (40') in width, a distance of one thousand six hundred and forty-seven feet and eleven inches ( $1,647' 11''$ ) more or less, to the place of beginning.

SUBJECT to the exceptions and reservations, and to the covenants therein expressed as running with the title to the above-described lands, contained in a conveyance thereof from David H. Barrett to Calders (Canada) Limited, dated the 1st day of May, 1930, and registered in the said Registry Office on the 27th day of June, 1930, as No. 16733 for the Township of Chinguacousy.

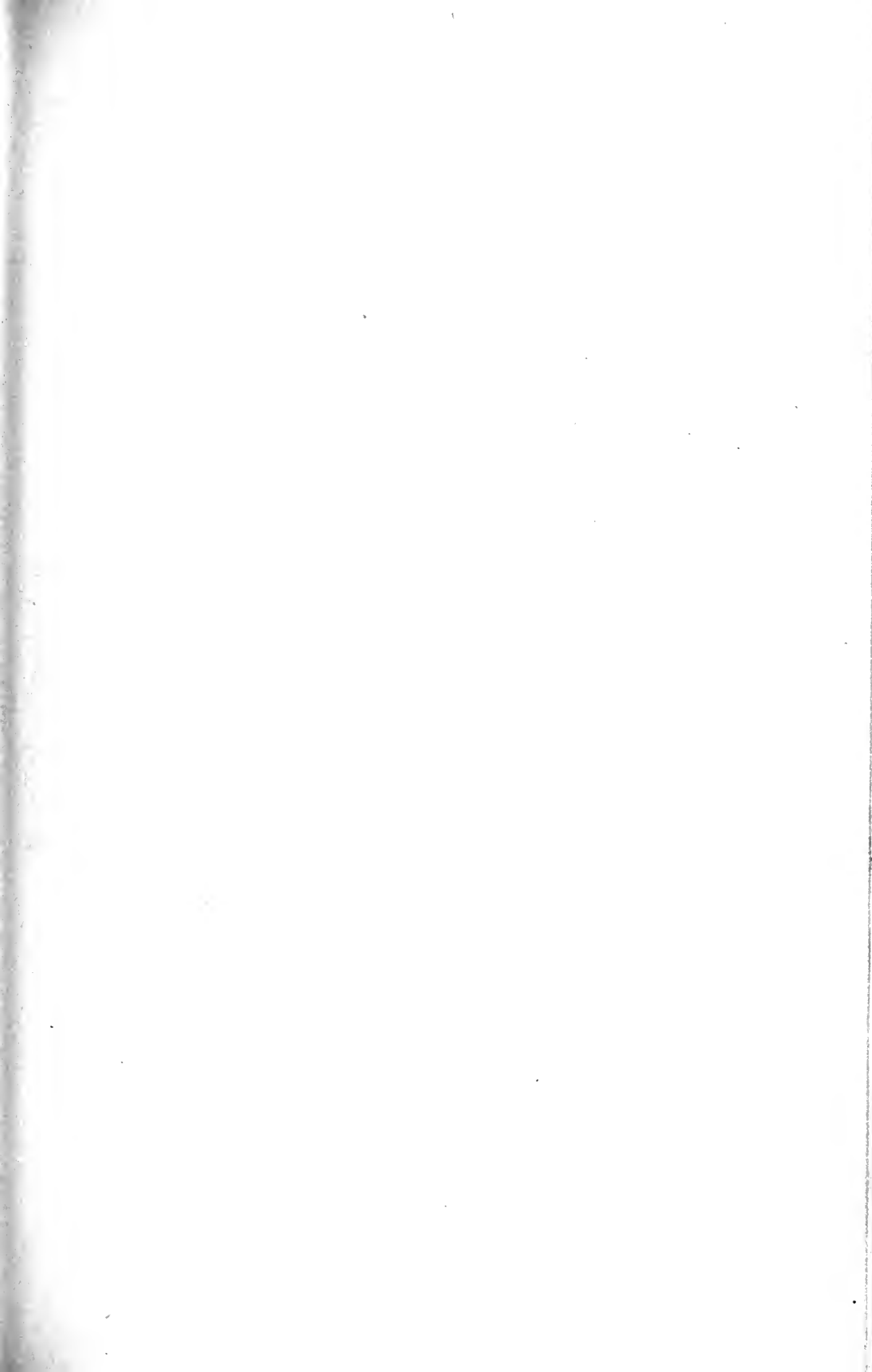
*Parcel No. 2.* Situate, lying and being in the said Town of Brampton, containing by admeasurement thirty-four and fifty-one one-hundredths acres (34.51 ac.) and being composed of Block A as shown on Plan 307 filed in the aforesaid Registry Office.

*Parcel No. 3.* Situate, lying and being in the said Township of Chinguacousy, and being composed of that part of the west one-half of Township Lot 7, in the First Concession, West of Hurontario Street, containing by admeasurement six and four hundred and sixteen one-thousandths acres (6.416 ac.) more or less, described as follows:

COMMENCING at a point where an iron pipe has been planted in the line of fence representing the limit between Township Lot 6, in the said Concession, and said Township Lot 7, the said point being distant five feet and nine inches (5' 9") measured south-westerly along the said line of fence, from the north-westerly angle of Block "A" as shown on Plan 307 filed in said Registry Office, said point being also distant 786 feet 1 inch (786' 1") measured south-westerly along the limit between said Township Lots 6 and 7, from the line, as fenced, between the east one-half and the west one-half of said Township Lot 7; thence north forty-four degrees and thirty minutes west (N. 44° 30' W.) a distance of seven hundred and twelve feet and one inch (712' 1") more or less to an iron pipe planted in the southerly limit, as fenced, of the lands of Canadian National Railways; thence north seventy-four degrees and thirty minutes east (N. 74° 30' E.) along the last-mentioned limit, a distance of six hundred and one feet and one-half of an inch (601' ½") to an iron pipe; thence south forty-four degrees and thirty minutes east (S. 44° 30' E.) a distance of three hundred and fifty-three feet and five inches (353' 5") more or less, to an iron pipe planted in the limit between said Township Lots 6 and 7 at a point distant two hundred and fifty-five feet and nine inches (255' 9") measured south-westerly therealong, from the line, as fenced, between the east one-half and the west one-half of said Township Lot 7; thence south thirty-eight degrees and twelve minutes west (S. 38° 12' W.) along the limit between said Township Lots 6 and 7, a distance of five hundred and thirty feet and four inches (530' 4") more or less, to the place of beginning.

*Parcel No. 4.* Situate, lying and being in the said Township of Chinguacousy and being composed of that part of the west one-half of Township Lot 7, in the First Concession west of Hurontario Street, containing by admeasurement nine-tenths of one acre (.9 ac.) more or less, described as follows:

COMMENCING at a point where an iron bar has been planted in the southerly limit, as fenced, of the lands of Canadian National Railways, which said point of commencement may be located as follows: Beginning at the south-easterly angle of the west one-half of said Township Lot 7; thence south thirty-eight degrees and twelve minutes west (S. 38° 12' W.) along the limit between Township Lot 6, in the said Concession, and said Township Lot 7, a distance of seven hundred and eighty-six feet and one inch (786' 1") to a point distant five feet and nine inches (5' 9") measured south-westerly along the last-mentioned limit, from the north-westerly angle of Block A as shown on Plan 307, filed in the said Registry Office; thence north forty-four degrees and thirty minutes west (N. 44° 30' W.) a distance of seven hundred and twelve feet and one inch (712' 1") to the said iron pipe planted at the point of commencement; thence south seventy-four degrees and twenty-five minutes west (S. 74° 25' W.) along the said limit of the lands of Canadian National Railways, a distance of six hundred feet (600') to an iron pipe; thence north eighty-five degrees and twenty-eight minutes east (N. 85° 28' E.) a distance of six hundred and eighty-five feet and two inches (685' 2") to an iron pipe; thence north forty-four degrees and thirty minutes west (N. 44° 30' W.) a distance of one hundred and fifty feet (150') more or less, to the place of beginning.



An Act respecting the Town of  
Brampton

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. KENNEDY

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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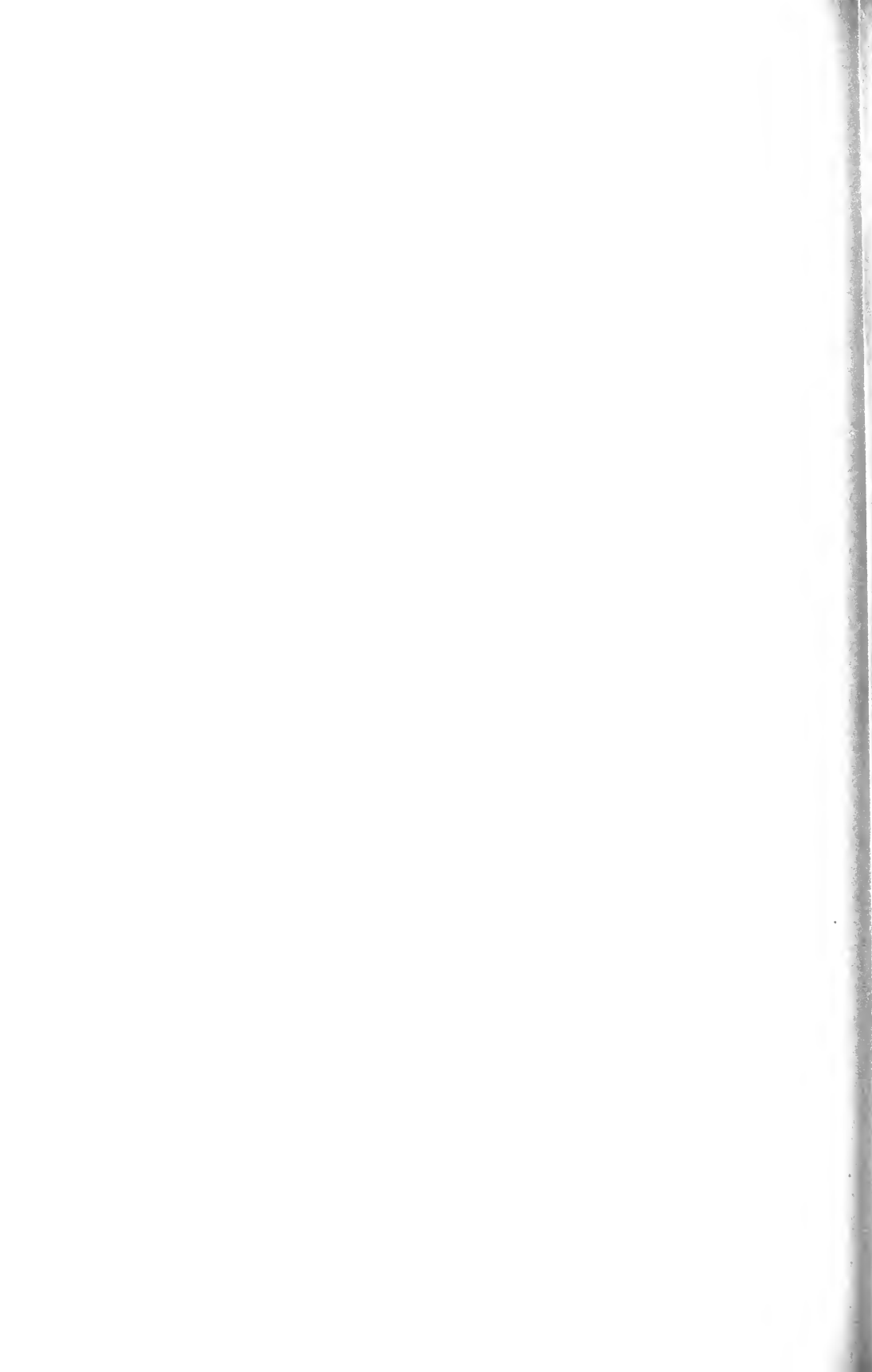
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**BILL**  
**An Act respecting the Town of Brampton**

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MR. KENNEDY

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# BILL

## An Act respecting the Town of Brampton

**W**HEREAS The Corporation of the Town of Brampton Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.**—(1) The purchase of the lands described in the Schedule Purchase of  
land by  
Town  
validated  
hereto by The Corporation of the Town of Brampton is  
ratified, confirmed and declared to be legal, valid and binding  
and the conveyance of said lands to the Corporation shall be  
deemed to have had the effect of vesting said lands in the  
Corporation in fee simple clear of and free from all right and  
interest other than that of the Corporation, and the lands so  
purchased shall be deemed to have been acquired for the  
purposes of the Corporation.

(2) Every conveyance of the lands described in the Schedule Sales by  
Town  
validated  
hereto or part or parts thereof executed by the Corporation  
prior to the 1st day of January, 1953, and purporting to  
convey said lands or part or parts thereof to the grantee  
thereof, his heirs and assigns, or its successors and assigns,  
and every lease or agreement of sale agreeing to sell said lands  
or any part or parts thereof prior to the 1st day of January,  
1953, is ratified, confirmed and declared to be legal, valid and  
binding and every such conveyance shall be deemed to have  
had the effect of vesting said lands in the grantee, his heirs  
and assigns, or its successors and assigns, in fee simple, or  
otherwise according to the nature of the estate or interest  
conveyed.

(3) Any of the said lands not disposed of prior to the 1st Application  
of Rev. Stat.,  
c. 243,  
s. 388,  
subs. 1,  
par. 63  
day of January, 1953, shall be deemed to have been acquired  
under the provisions of paragraph 63 of subsection 1 of  
section 388 of *The Municipal Act*.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Town of Brampton Act, 1953*.

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises which may be more particularly described in four parcels as follows:

PREMISING that all bearings herein are astronomic, and that all references to fences and to lines of fence herein relate to the same as at the 20th day of March, 1930.

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SUBJECT to the exceptions and reservations, and to the covenants therein expressed as running with the title to the above-described lands, contained in a conveyance thereof from David H. Barrett to Calders (Canada) Limited, dated the 1st day of May, 1930, and registered in the said Registry Office on the 27th day of June, 1930, as No. 16733 for the Township of Chinguacousy.

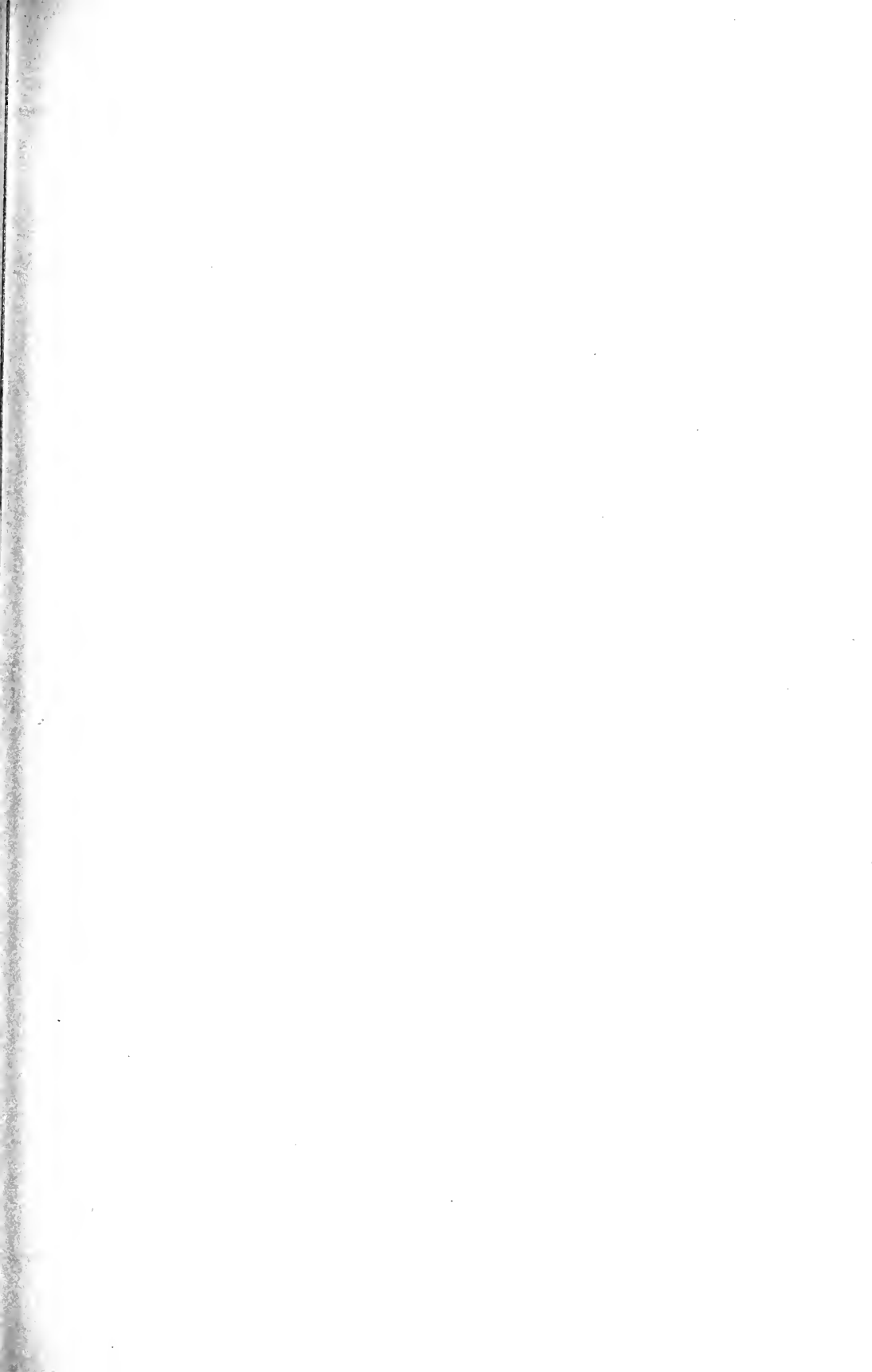
*Parcel No. 2.* Situate, lying and being in the said Town of Brampton, containing by admeasurement thirty-four and fifty-one one-hundredths acres (34.51 ac.) and being composed of Block A as shown on Plan 307 filed in the aforesaid Registry Office.

*Parcel No. 3.* Situate, lying and being in the said Township of Chinguacousy, and being composed of that part of the west one-half of Township Lot 7, in the First Concession, West of Hurontario Street, containing by admeasurement six and four hundred and sixteen one-thousandths acres (6.416 ac.) more or less, described as follows:

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*Parcel No. 4.* Situate, lying and being in the said Township of Chinguacousy and being composed of that part of the west one-half of Township Lot 7, in the First Concession west of Hurontario Street, containing by admeasurement nine-tenths of one acre (.9 ac.) more or less, described as follows:

COMMENCING at a point where an iron bar has been planted in the southerly limit, as fenced, of the lands of Canadian National Railways, which said point of commencement may be located as follows: Beginning at the south-easterly angle of the west one-half of said Township Lot 7; thence south thirty-eight degrees and twelve minutes west (S. 38° 12' W.) along the limit between Township Lot 6, in the said Concession, and said Township Lot 7, a distance of seven hundred and eighty-six feet and one inch (786' 1") to a point distant five feet and nine inches (5' 9") measured south-westerly along the last-mentioned limit, from the north-westerly angle of Block A as shown on Plan 307, filed in the said Registry Office; thence north forty-four degrees and thirty minutes west (N. 44° 30' W.) a distance of seven hundred and twelve feet and one inch (712' 1") to the said iron pipe planted at the point of commencement; thence south seventy-four degrees and twenty-five minutes west (S. 74° 25' W.) along the said limit of the lands of Canadian National Railways, a distance of six hundred feet (600') to an iron pipe; thence north eighty-five degrees and twenty-eight minutes east (N. 85° 28' E.) a distance of six hundred and eighty-five feet and two inches (685' 2") to an iron pipe; thence north forty-four degrees and thirty minutes west (N. 44° 30' W.) a distance of one hundred and fifty feet (150') more or less, to the place of beginning.



An Act respecting the Town of  
Brampton

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*1st Reading*

February 17th, 1953

*2nd Reading*

March 4th, 1953

*3rd Reading*

March 13th, 1953

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MR. KENNEDY

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No. 28

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the Town of Orillia

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MR. MCPHEE

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the Town of Orillia

**W**HEREAS The Corporation of the Town of Orillia <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The agreement entered into by The Corporation of the <sup>Agreement confirmed</sup> Town of Orillia and the Orillia Soldiers' Memorial Hospital, Inc., dated the 10th day of March, 1952, set forth as the Schedule hereto, is ratified and confirmed and declared legal, valid and binding on the parties thereto.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Town of Orillia Act, 1953*. <sup>Short title</sup>

## SCHEDULE

MEMORANDUM OF AGREEMENT made in quadruplicate, this Tenth day of March, in the year of Our Lord one thousand nine hundred and fifty-two.

BETWEEN:

ORILLIA SOLDIERS' MEMORIAL HOSPITAL, INC.,  
hereinafter called the Party,

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF  
ORILLIA, hereinafter called the Party,

OF THE SECOND PART.

WHEREAS the Board of Directors of the Orillia Soldiers' Memorial Hospital, Inc. have undertaken the construction and equipment of additional facilities to the Hospital, approximating in cost Four Hundred and Eighty Thousand (\$480,000.00) Dollars;

AND WHEREAS the Party of the First Part has agreed to extend to the qualifying Orillians, who served in the World War of 1939 to 1945, the same hospital, medical and surgical privileges and services as were awarded to qualifying Orillia veterans of the Great War of 1914-1918;

AND WHEREAS the Party of the Second Part has agreed to assist the financing of the capital construction programme of the Hospital by contributing the sum of Ninety Thousand (\$90,000.00) Dollars towards the cost of the proposed additional facilities of the Hospital, as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the Parties hereto, each for itself and its successors and assigns, does covenant and agree to, and with the other and its successors and assigns, in the manner following, that is to say:

1. The Hospital and its additions and subsidiaries shall be deemed a Memorial to those Orillians who gave their lives in the War of 1939-1945, as well as to those Orillia soldiers who died in the War of 1914-1918.

2. The Party of the First Part shall make provision in the construction of the proposed additions to incorporate a Memorial feature to the memory of those Orillians who gave their lives in the War of 1939 to 1945.

3. The Party of the Second Part shall raise by debenture the sum of Ninety Thousand (\$90,000.00) Dollars, and shall pay the proceeds received from the sale of such debentures to the Chairman and Treasurer of the Hospital in such sums as they may requisition from time to time to assist in the financing of the capital construction programme of the Hospital.

4. The Orillia Soldiers' Memorial Hospital shall at all times be maintained as a public and non-sectarian Hospital, open to all classes and denominations without discrimination as to race, creed, or colour.

5. In such Hospital, preference shall at all times be given to qualifying Orillia war veterans, and while hospitalized, they shall be entitled to hospital accommodation, medical and surgical care, medicines and drugs (i.e., those normally carried and provided by the Hospital for treatment of patients generally), and laboratory and X-ray services while hospitalized, without charge in such Hospital, except when suffering from contagious

diseases which cannot be accommodated therein, so long as there is accommodation for them available, provided only that no veteran shall be entitled to more than three months' accommodation in any one year.

6. Any veteran hospitalized pursuant to the terms of this Agreement shall be placed in the Soldiers' Ward in preference to civilians, unless the nature of his illness precludes such placement, or unless said Ward is already filled with veterans.

7. The Party of the First Part shall make it a regulation of the Hospital that any physician or surgeon using the said Hospital shall, without charge to the veterans, furnish professional services which may be required by such veterans while hospitalized in the said Hospital under the provisions of this Agreement.

8. The veterans of the War of 1939 to 1945 entitled to such hospital accommodation shall include all those who have received an allowance of Fifteen Dollars (\$15.00) a month from the Department of Veterans Affairs, payable by way of gratuity and re-establishment credit, for any period of time of service from the outbreak of hostilities to the cessation of hostilities.

9. A Board of Reference shall be constituted for the purpose of deciding the eligibility of servicemen for free hospitalization. Such Board shall be composed of four members appointed by the Town Council of the Town of Orillia, of whom one, if possible, shall be an Officer of His Majesty's Forces who has served overseas in the Second Great War; one member appointed by the Hospital Board; and one member appointed by the Council of the Township of Orillia. No member of said Board of Reference shall be a member of the body appointing him at the time of his appointment. Members of said Board shall continue as such during life, or until resignation, or until each such member ceases to be a resident of one of the municipalities concerned. Vacancies upon said Board shall be immediately filled by the body making the original appointment. Such Board of Reference shall be empowered from time to time and for so long as may be necessary to make lists of the servicemen entitled to hospital accommodation under the terms of this Agreement, and to furnish copies of such lists to the Hospital Board for the time. Decisions of such Board shall be final, but any individual who has been refused eligibility, may appeal to such Board, who will then hold a special hearing to consider the case.

IN WITNESS WHEREOF the Parties hereto have attached their corporate seals duly attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the Presence of

A. LACEY

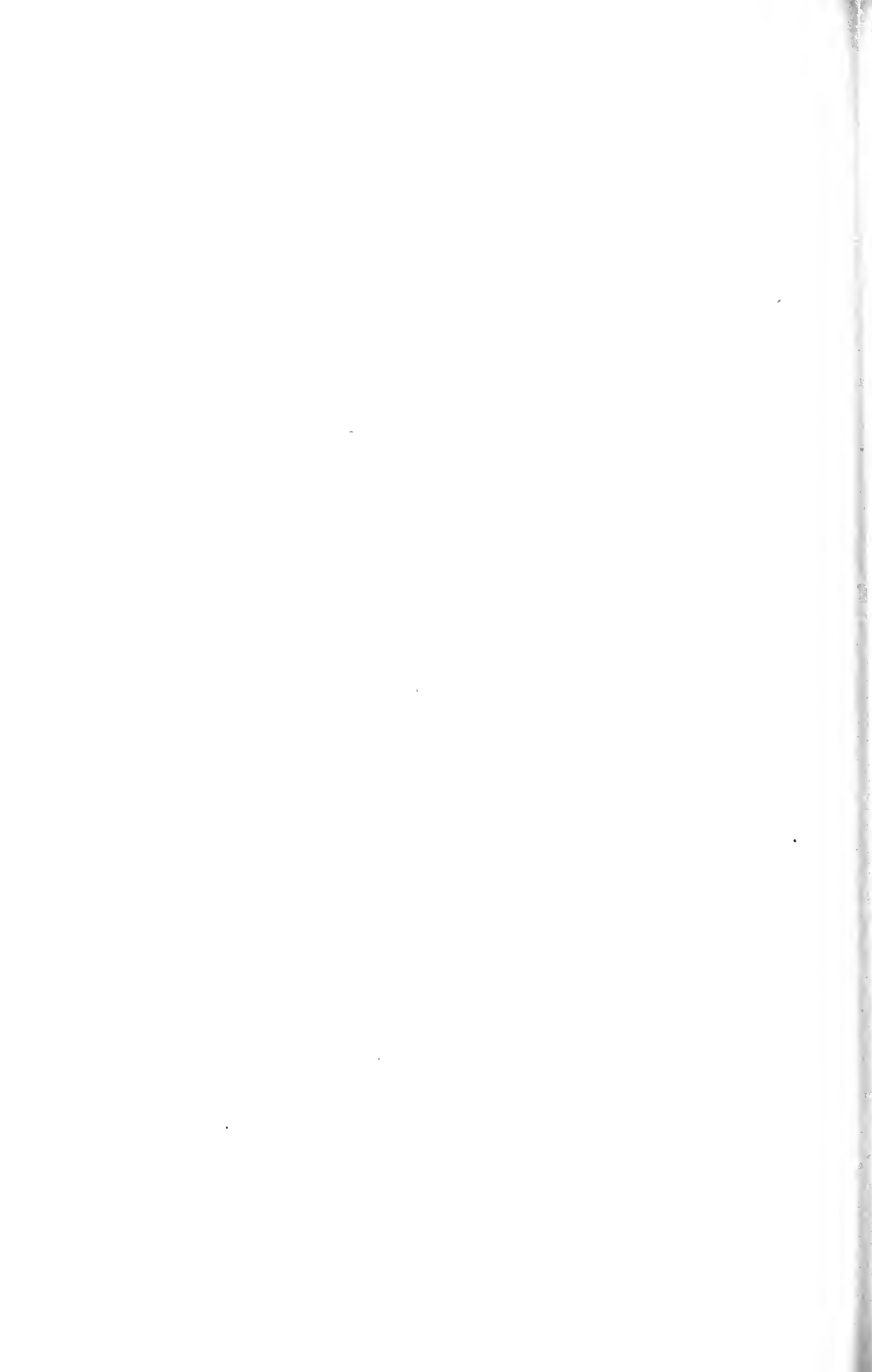
A. LACEY

ORILLIA SOLDIERS' MEMORIAL  
HOSPITAL, INC.

H. W. CASWELL,  
*Secretary-Treasurer.*  
W. A. RALPH,  
*President.*

THE MUNICIPAL CORPORATION OF  
THE TOWN OF ORILLIA

J. AUSTIN COOK,  
*Mayor.*  
H. E. M. PAYNE,  
*Clerk.*





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BILL

An Act respecting the Town of Orillia

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MCPHEE

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the Town of Orillia

---

MR. MCPHEE

---

*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the Town of Orillia

**W**HEREAS The Corporation of the Town of Orillia Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The agreement entered into by The Corporation of the Town of Orillia and the Orillia Soldiers' Memorial Hospital, Inc., dated the 10th day of March, 1952, set forth as Schedule A hereto, is ratified and confirmed and declared legal, valid and binding on the parties thereto. Agreement confirmed

**2.** The agreement entered into by The Corporation of the Township of Orillia and the Orillia Soldiers' Memorial Hospital, Inc., dated the 11th day of February, 1953, set forth as Schedule B hereto, is ratified and confirmed and declared legal, valid and binding on the parties thereto. Idem

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Town of Orillia Act, 1953*. Short title

## SCHEDULE A

MEMORANDUM OF AGREEMENT made in quadruplicate, this Tenth day of March, in the year of Our Lord one thousand nine hundred and fifty-two.

BETWEEN:

ORILLIA SOLDIERS' MEMORIAL HOSPITAL, INC.,  
hereinafter called the Party,

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF  
ORILLIA, hereinafter called the Party,

OF THE SECOND PART.

WHEREAS the Board of Directors of the Orillia Soldiers' Memorial Hospital, Inc. have undertaken the construction and equipment of additional facilities to the Hospital, approximating in cost Four Hundred and Eighty Thousand (\$480,000.00) Dollars;

AND WHEREAS the Party of the First Part has agreed to extend to the qualifying Orillians, who served in the World War of 1939 to 1945, the same hospital, medical and surgical privileges and services as were awarded to qualifying Orillia veterans of the Great War of 1914-1918;

AND WHEREAS the Party of the Second Part has agreed to assist the financing of the capital construction programme of the Hospital by contributing the sum of Ninety Thousand (\$90,000.00) Dollars towards the cost of the proposed additional facilities of the Hospital, as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the Parties hereto, each for itself and its successors and assigns, does covenant and agree to, and with the other and its successors and assigns, in the manner following, that is to say:

1. The Hospital and its additions and subsidiaries shall be deemed a Memorial to those Orillians who gave their lives in the War of 1939-1945, as well as to those Orillia soldiers who died in the War of 1914-1918.

2. The Party of the First Part shall make provision in the construction of the proposed additions to incorporate a Memorial feature to the memory of those Orillians who gave their lives in the War of 1939 to 1945.

3. The Party of the Second Part shall raise by debenture the sum of Ninety Thousand (\$90,000.00) Dollars, and shall pay the proceeds received from the sale of such debentures to the Chairman and Treasurer of the Hospital in such sums as they may requisition from time to time to assist in the financing of the capital construction programme of the Hospital.

4. The Orillia Soldiers' Memorial Hospital shall at all times be maintained as a public and non-sectarian Hospital, open to all classes and denominations without discrimination as to race, creed, or colour.

5. In such Hospital, preference shall at all times be given to qualifying Orillia war veterans, and while hospitalized, they shall be entitled to hospital accommodation, medical and surgical care, medicines and drugs (i.e., those normally carried and provided by the Hospital for treatment of patients generally), and laboratory and X-ray services while hospitalized, without charge in such Hospital, except when suffering from contagious

diseases which cannot be accommodated therein, so long as there is accommodation for them available, provided only that no veteran shall be entitled to more than three months' accommodation in any one year.

6. Any veteran hospitalized pursuant to the terms of this Agreement shall be placed in the Soldiers' Ward in preference to civilians, unless the nature of his illness precludes such placement, or unless said Ward is already filled with veterans.

7. The Party of the First Part shall make it a regulation of the Hospital that any physician or surgeon using the said Hospital shall, without charge to the veterans, furnish professional services which may be required by such veterans while hospitalized in the said Hospital under the provisions of this Agreement.

8. The veterans of the War of 1939 to 1945 entitled to such hospital accommodation shall include all those who have received an allowance of Fifteen Dollars (\$15.00) a month from the Department of Veterans Affairs, payable by way of gratuity and re-establishment credit, for any period of time of service from the outbreak of hostilities to the cessation of hostilities.

9. A Board of Reference shall be constituted for the purpose of deciding the eligibility of servicemen for free hospitalization. Such Board shall be composed of four members appointed by the Town Council of the Town of Orillia, of whom one, if possible, shall be an Officer of His Majesty's Forces who has served overseas in the Second Great War; one member appointed by the Hospital Board; and one member appointed by the Council of the Township of Orillia. No member of said Board of Reference shall be a member of the body appointing him at the time of his appointment. Members of said Board shall continue as such during life, or until resignation, or until each such member ceases to be a resident of one of the municipalities concerned. Vacancies upon said Board shall be immediately filled by the body making the original appointment. Such Board of Reference shall be empowered from time to time and for so long as may be necessary to make lists of the servicemen entitled to hospital accommodation under the terms of this Agreement, and to furnish copies of such lists to the Hospital Board for the time. Decisions of such Board shall be final, but any individual who has been refused eligibility, may appeal to such Board, who will then hold a special hearing to consider the case.

IN WITNESS WHEREOF the Parties hereto have attached their corporate seals duly attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the Presence of

A. LACEY

A. LACEY

ORILLIA SOLDIERS' MEMORIAL  
HOSPITAL, INC.

H. W. CASWELL,  
*Secretary-Treasurer.*  
W. A. RALPH,  
*President.*

THE MUNICIPAL CORPORATION OF  
THE TOWN OF ORILLIA

J. AUSTIN COOK,  
*Mayor.*  
H. E. M. PAYNE,  
*Clerk.*

## SCHEDULE B

MEMORANDUM OF AGREEMENT made in quadruplicate, this Eleventh day of February, in the year of Our Lord one thousand nine hundred and fifty-three.

BETWEEN:

ORILLIA SOLDIERS' MEMORIAL HOSPITAL, INC.,  
hereinafter called the Party,

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE TOWNSHIP  
OF ORILLIA, hereinafter called the Party,

OF THE SECOND PART.

WHEREAS the Board of Directors of the Orillia Soldiers' Memorial Hospital, Inc., have undertaken the construction and equipment of additional facilities to the Hospital, approximating in cost Four Hundred and Eighty Thousand (\$480,000.00) Dollars;

AND WHEREAS the Party of the First Part has agreed to extend to the qualifying service personnel of the Township of Orillia, who served in the World War of 1939 to 1945, the same hospital, medical and surgical privileges and services as were awarded to qualifying veterans of the Great War of 1914-1918;

AND WHEREAS the Party of the Second Part has agreed to assist the financing of the capital construction programme of the Hospital by contributing the sum of Ten Thousand Dollars (\$10,000.00) towards the cost of the proposed additional facilities of the Hospital, as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the Parties hereto, each for itself and its successors and assigns, does covenant and agree to, and with the other and its successors and assigns, in the manner following, that is to say:

1. The Hospital and its additions and subsidiaries shall be deemed a Memorial to those Orillia and Township of Orillia service personnel who gave their lives in the War of 1939-1945, as well as to those Orillia and Township of Orillia soldiers who died in the War of 1914-1918.

2. The Party of the First Part shall make provision in the construction of the proposed additions to incorporate a Memorial feature to the memory of those Orillia and Township of Orillia service personnel who gave their lives in the War of 1939 to 1945.

3. The Party of the Second Part shall raise by debenture the sum of Ten Thousand Dollars (\$10,000.00), and shall pay the proceeds received from the sale of such debentures to the Chairman and Treasurer of the Hospital in such sums as they may requisition from time to time to assist in the financing of the capital construction programme of the Hospital.

4. The Orillia Soldiers' Memorial Hospital shall at all times be maintained as a public and non-sectarian Hospital, open to all classes and denominations without discrimination as to race, creed, or colour.

5. In such Hospital, preference shall at all times be given to qualifying Township of Orillia and Orillia war veterans, and while hospitalized, they shall be entitled to hospital accommodation, medical and surgical care, medicines, and drugs (i.e., those normally carried and provided by the Hospital for treatment of patients generally), and laboratory and X-ray service while hospitalized, without charge in such Hospital, except when

suffering from contagious diseases which cannot be accommodated therein, so long as there is accommodation for them available, provided only that no veteran shall be entitled to more than three months' accommodation in any one year.

6. Any veteran hospitalized pursuant to the terms of this Agreement shall be placed in the Soldiers' Ward in preference to civilians, unless the nature of his illness precludes such placement, or unless said Ward is already filled with veterans.

7. The Party of the First Part shall make it a regulation of the Hospital that any physician or surgeon using the said Hospital shall, without charge to the veteran, furnish professional services which may be required by such veterans while hospitalized in the said Hospital under the provisions of this Agreement.

8. The veterans of the War of 1939 to 1945 entitled to such hospital accommodation shall include all those who have received an allowance of Fifteen Dollars (\$15.00) a month from the Department of Veterans Affairs, payable by way of gratuity and re-establishment credit, for any period of time of service from the outbreak of hostilities to the cessation of hostilities.

9. A Board of Reference shall be constituted for the purpose of deciding the eligibility of service personnel for free hospitalization. Such Board shall be composed of four members appointed by the Town Council of the Town of Orillia, of whom one, if possible, shall be an Officer of Her Majesty's Forces who has served overseas in the Second Great War; one member appointed by the Hospital Board; and one member appointed by the Council of the Township of Orillia. No member of said Board of Reference shall be a member of the body appointing him at the time of his appointment. Members of said Board shall continue as such during life, or until resignation, or until each such member ceases to be a resident of one of the Municipalities concerned. Vacancies upon said Board shall be immediately filled by the body making the original appointment. Such Board of Reference shall be empowered from time to time and for so long as may be necessary to make lists of the service personnel entitled to hospital accommodation under the terms of this Agreement, and to furnish copies of such lists to the Hospital Board for the time. Decisions of such Board shall be final, but any individual who has been refused eligibility, may appeal to such Board, who will then hold a special hearing to consider the case.

IN WITNESS WHEREOF the Parties hereto have attached their corporation seals duly attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the Presence of

W. A. HUME

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ORILLIA SOLDIERS' MEMORIAL  
HOSPITAL, INC.

HERBERT W. CASWELL,  
*Secretary-Treasurer.*  
G. W. PHELPS,  
*President.*

THE MUNICIPAL CORPORATION OF  
THE TOWNSHIP OF ORILLIA

W. T. REED,  
*Reeve.*  
ISABEL M. ROTH,  
*Clerk.*

BILL

An Act respecting the Town of Orillia

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*1st Reading*

February 26th, 1953

*2nd Reading*

*3rd Reading*

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MR. MCPHEE

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*(Reprinted as amended by the Committee on  
Private Bills)*



No. 28

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the Town of Orillia

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MR. MCPHEE

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the Town of Orillia

**W**HEREAS The Corporation of the Town of Orillia <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement entered into by The Corporation of the <sup>Agreement confirmed</sup> Town of Orillia and the Orillia Soldiers' Memorial Hospital, Inc., dated the 10th day of March, 1952, set forth as Schedule A hereto, is ratified and confirmed and declared legal, valid and binding on the parties thereto.
2. The agreement entered into by The Corporation of the <sup>Idem</sup> Township of Orillia and the Orillia Soldiers' Memorial Hospital, Inc., dated the 11th day of February, 1953, set forth as Schedule B hereto, is ratified and confirmed and declared legal, valid and binding on the parties thereto.
3. This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.
4. This Act may be cited as *The Town of Orillia Act, 1953*. <sup>Short title</sup>

## SCHEDULE A

MEMORANDUM OF AGREEMENT made in quadruplicate, this Tenth day of March, in the year of Our Lord one thousand nine hundred and fifty-two.

BETWEEN:

ORILLIA SOLDIERS' MEMORIAL HOSPITAL, INC.,  
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OF THE FIRST PART,

—and—

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diseases which cannot be accommodated therein, so long as there is accommodation for them available, provided only that no veteran shall be entitled to more than three months' accommodation in any one year.

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HOSPITAL, INC.

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W. A. RALPH,  
*President.*

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THE TOWN OF ORILLIA

J. AUSTIN COOK,  
*Mayor.*  
H. E. M. PAYNE,  
*Clerk.*

## SCHEDULE B

MEMORANDUM OF AGREEMENT made in quadruplicate, this Eleventh day of February, in the year of Our Lord one thousand nine hundred and fifty-three.

BETWEEN:

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In the Presence of

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HERBERT W. CASWELL,  
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THE MUNICIPAL CORPORATION OF  
THE TOWNSHIP OF ORILLIA

W. T. REED,  
*Reeve.*  
ISABEL M. ROTH,  
*Clerk.*

BILL

An Act respecting the Town of Orillia

*1st Reading*

February 26th, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

March 18th, 1953

MR. MCPHEE



No. 29

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the Township of North York

---

MR. MACKENZIE

---

(PRIVATE BILL)



No. 29

1953

# BILL

## An Act respecting the Township of North York

**W**HEREAS The Corporation of the Township of North Preamble  
York by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The agreement made between The Public Utilities Com- Water  
agreement  
validated  
mission of the Township of Scarborough, The Corporation of  
the Township of North York and The Corporation of the  
Township of Scarborough, dated the 22nd day of September,  
1952, respecting the sale of water by the Commission and the  
purchase of water by the Township of North York, set forth  
as the Schedule hereto, is hereby ratified and confirmed and  
declared to be legal, valid and binding upon the parties thereto.

2.—(1) Subsection 2 of section 3 of *The Township of North* 1926,  
c. 107, s. 3,  
subs. 2,  
amended  
*York Act, 1926* is amended by inserting after the word “en-  
large” in the first line the word “alter” and by striking out the  
words “by adding thereto such portion or portions of the  
township” in the second and third lines, so that the subsection  
shall read as follows:

(2) The council may from time to time by by-law May be  
altered  
enlarge, alter or extend any such sewerage system  
area as the council may deem expedient.

(2) Section 5 of *The Township of North York Act, 1926* is 1926,  
c. 107, s. 5,  
re-enacted  
repealed and the following substituted therefor:

5.—(1) Subject to section 6, the council by by-law may Levy of  
costs  
provide that the whole or part of the cost of the  
construction, extension, operation and maintenance  
of any of the works mentioned in section 4 shall be  
levied on all the lands in the sewerage system area  
for the benefit of which such works are constructed,

- (a) according to the extent of their frontage, by an equal special rate per foot of such frontage; or
- (b) by a mill rate levied on the assessment of all the rateable property in the sewerage system area; or
- (c) by any combination of the levies provided for by clauses *a* and *b*,

and may in the by-law provide that all rates levied under the by-law shall be payable at the same time and in the same manner as the general taxes of the township.

Amendment  
of by-laws

- (2) By-laws passed under this section may be amended from time to time.

Confirmation  
of sales  
of land

**3.** All sales of land within the Township of North York made prior to the 12th day of February, 1953, by The Corporation of the Township of North York on Plans 4026 and 4192 are hereby validated and confirmed, and all conveyances of land so sold executed by the reeve and clerk of the Corporation purporting to convey the said land so sold to the purchaser thereof shall have the effect of vesting the land so sold and conveyed in the purchaser thereof in fee simple or otherwise according to the nature of the estate or interest conveyed.

Interpreta-  
tion

**4.—(1)** In this section,

- (a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer or sewer system, or sewage works, or water works, and
  - (i) “immediate benefit” means the benefit which accrues immediately upon the completion of the works, and
  - (ii) “deferred benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the whole or any part of the works whereby such lands may be serviced;
- (b) “capital cost” means all cost for the construction of works, or the acquisition of constructed works and interest thereon, including all items of cost usually and properly chargeable to capital account and includes the amount of debentures and interest thereon, if any, issued to finance the cost of con-

struction or acquisition of a work, whether paid or unpaid, and includes the capital improvement of works by an extension, enlargement, alteration, replacement or other improvement thereof;

- (c) "existing work" means any work existing at the time of the passing of a by-law pursuant to this section;
- (d) "land drainage" means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (e) "person" includes individual, association, firm, partnership or corporation;
- (f) "rate or rates" means a charge for the capital cost of a work and "sewage service rate" means a charge for the operation and maintenance of a work to be paid by the owners or occupants of lands by any or all of the following methods:
  - (i) by a mill rate on the rateable property,
  - (ii) by a per foot frontage basis on the lands benefited,
  - (iii) on an acreage basis,
  - (iv) by a fixed rate on a gallonage basis ascertained by means of the water consumption registered on a water meter;
- (g) "sewage" means domestic sewage or industrial wastes, or both;
- (h) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (i) "sewer" means a public sewer for the use of the owners and occupiers of lands for carrying away sewage or land drainage, or both, from abutting lands;
- (j) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets, and includes the necessary pumping plant, force mains, siphons and other like works;
- (k) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and

outfalls or outlets or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for the above-mentioned purposes and uses;

- (l) "water works" means any water pipes, mains, pumps, tanks, buildings, equipment works and plant in connection with the supply of water, or any part thereof or any extension thereto;
- (m) "work" means a sewer, sewer system, sewage works, land drainage, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

Rates

(2) Subject to the approval of the Ontario Municipal Board first being obtained, the council may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or replaced.

- (a) No rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act*.

Rev. Stat.,  
c. 215

Agreements  
re acquisition  
of  
works

(3) Subject to the approval of the Ontario Municipal Board, the Township may by agreement undertake to charge a rate for and to pay the cost of installation or acquisition of any work owned, erected or installed by any person, and any such agreement may, among other things, provide for priority for specified lands respecting the use of such work and that the obligation of the Township to pay to any such person shall be limited to the sum or sums charged and collected for the capital cost of the said work by the Township as part of the annual rate or rates imposed on the designated lands until such obligation has been satisfied.

Designation  
of land  
in by-law

(4) A by-law passed under subsection 2 shall designate the lands for which the owners or occupants are made liable for the rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

- (a) The land designated may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.
- (b) Land situate in an area for which a deferred benefit accrues may be changed to an area for which an immediate benefit accrues as and when determined by the council.

(5) Receipts derived in any year from a rate imposed under subsection 2 shall be applied and used towards the payment of principal and interest due in that year upon debentures, if any, issued for the work for the capital cost of which the rate is imposed or repayments as contemplated by subsection 3. <sup>Application of revenues</sup>

(6) Where there is land in the Township which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or replaced. <sup>Rate for existing work</sup>

- (a) Such rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Receipts from such rates, if any, not required for payment of any part of the outstanding capital cost of existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A rate imposed under this subsection shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the work to be constructed to form part of the existing work.

(7) The council, for the purposes of subsections 2 and 6, may by by-law passed under either of the said subsections or by separate by-law, with the approval of the Ontario Municipal Board, establish a rate structure upon which rates imposed under subsection 2 or 6 shall be based and calculated, and in establishing the rate structure the council may have regard to <sup>Rate structure</sup>

differentiating between the several classes of works, and the kind of benefits accruing, and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and with like approval such by-law may be amended from time to time.

Sewage  
service  
rate

(8) The council may by by-law provide for imposing upon the owners or occupants of land who use works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may provide.

(a) The cost of maintenance and operation of a work for the purpose of this subsection does not include any part of or payment of the capital cost of the work, or for any depreciation, obsolescence, deferred maintenance, or other fund or reserve created with respect to the work.

Idem

(9) A sewage service rate may be imposed under subsection 8 notwithstanding that,

(a) a rate has also been imposed with respect to the capital cost of the same work; and

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act*, or any other general or special Act.

Rev. Stat.,  
c. 215

Sewage  
service rate  
structure

(10) The council for the purpose of subsection 8 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 8 shall be based and calculated, and in establishing the rate structure the council may have regard to differentiating between classes of users, nature, volume and frequency of use, and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may from time to time be amended or replaced.

Collection  
of rates

(11) The council may by by-law establish systems for,

(a) fixing times, periods and frequencies at and for which rates imposed under subsection 2 or 6 and sewage service rates imposed under subsection 8 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;

(b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;



- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing;

and a by-law passed under this subsection may from time to time be amended or replaced.

(12) A rate imposed under subsection 2 or 6 and a sewage service rate imposed under subsection 8 upon any owner or occupant of land shall be a lien and charge upon the land, and if the same or any part thereof remains unpaid after the due date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable.

5. The council of the Corporation may undertake as a local improvement work under *The Local Improvement Act* the widening of a pavement on a street and the widening of a sidewalk in, upon or along a street, and may levy the cost thereof on the properties fronting or abutting on the work in accordance with *The Local Improvement Act*, provided that there shall be included in the Corporation's portion of the cost so much of the cost of the work as is incurred in the construction or reconstruction of that part of the pavement on a street that exceeds a width of twenty-eight feet.

6. The council of the Corporation may pass by-laws for authorizing and regulating, upon such terms and conditions as to the council may seem expedient, the erection and maintenance upon or under highways and lanes within the limits of the Corporation of poles, wires, cables, amplifiers and other accessory equipment, and buried ducts and cables, or the placing and maintenance of wires and cables, amplifiers and other accessory equipment upon any poles or in any underground ducts with the authority of the owner, for the purpose of transmitting electrical or electronic impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes, or parts thereof, or television programmes, or parts thereof.

1946,  
c. 130, s. 1,  
subs. 5,  
re-enacted

**7.** Subsection 5 of section 1 of *The Township of North York Act, 1946* is repealed and the following substituted therefor:

Enlargement  
of street  
lighting  
areas

- (5) The council of the Corporation may by by-law, without petition, enlarge any street lighting area by adding thereto land for the benefit of which street lighting is to be provided, and the council shall determine the type of street lighting to be installed and the unit rate applicable thereto shall be assessed at the rate established by the local Commission at the request of council.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Township of North York Act, 1953*.

## SCHEDULE

THIS AGREEMENT made in triplicate this Twenty-second day of September, A.D. 1952.

BETWEEN:

THE PUBLIC UTILITIES COMMISSION OF THE TOWNSHIP OF SCARBOROUGH, hereinafter called the "Commission",

OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF SCARBOROUGH, hereinafter called "Scarborough",

OF THE THIRD PART.

WHEREAS the Commission is constructing a new plant to increase the supply of water for the Township of Scarborough, and upon the completion of such new plant has agreed to supply a certain quantity of water to the Township upon the terms and conditions hereinafter set out:

AND WHEREAS the Commission has agreed to supply and the Township has agreed to buy a minimum of 1,000,000 Imperial gallons of water per day from the date of the completion of the new plant for a term of twenty years, with the right to the Township to apply to the Commission for an increase in the said supply as the need of the Township arises to a maximum of 2,000,000 Imperial gallons of water per day. The date of the completion of the plant is understood to be in the sole discretion of the Commission or its Engineers.

NOW THIS AGREEMENT WITNESSETH:

(1) The Township agrees to purchase and the Commission agrees to sell a minimum of 1,000,000 Imperial gallons of water per day up to a maximum of 2,000,000 Imperial gallons of water per day, at a maximum rate of flow of 2,000,000 Imperial gallons per day, for a period of twenty years from the date of the completion of the new plant hereinbefore referred to, as certified by the Commission's Consulting Engineers, Messrs. Proctor, Redfern and Laughlin, the Commission to deliver such water at points in the boundary between the Township and Scarborough to be agreed on by the Engineers of the Commission and the Township and set forth in Schedule "A" hereto.

(2) The Township agrees with the Commission that it will accept the delivery of such supply of water during the said term, the amount so delivered to be shown by recording meters hereinafter mentioned, and to be ascertained every calendar month during the said term, and the Township agrees that it will pay to the Commission seventeen cents for each one thousand gallons used during each such calendar month, provided, however, that if the Township shall pay such account to the Commission within fifteen days after the receipt of the same, the Township shall be entitled to deduct from each such account a discount at the rate of one cent per one thousand gallons, making a net rate in each such case of sixteen cents per one thousand gallons.

(3) The Township further agrees that it will pay to the Commission an additional three cents (3c.) per one thousand gallons, such additional amount is understood to be the payment to the Commission for the capital expenditure required to be made by the Commission for the increase in the

size of the pipe from twelve inches (12") to sixteen inches (16") in diameter on Lawrence Avenue between Warden and Victoria Park Avenues to serve the Township at the point on Lawrence Avenue set out in Schedule "A". Such payment will continue until the said capital expenditure, together with interest thereon at the rate charged for such financing by the Ontario Municipal Improvement Corporation, has been paid, at which time such additional payment shall cease.

(4) The Township agrees to maintain at the points of delivery from the Commission's mains to the Township proper recording meters, approved by the respective Engineers of the Township and the Commission, for the purpose of measuring the supply of water delivered to the Township, and to maintain meter houses, valves and all other apparatus necessary to furnish such supply, together with the cut-off or any other valves or apparatus which such Engineers may consider necessary. Such meters, meter houses and appliances are to be maintained in a good, sufficient and proper state of repair by the Township and replaced from time to time as may be necessary, all such cost to be borne by the Township. If any additional recording meters, meter houses, valves or other apparatus and adjuncts are, in the opinion of the respective Engineers, necessary to furnish such supply, the same shall be erected, installed and maintained by the Township, the cost of which is to be borne by the Township.

(5) It is agreed between the Commission and the Township that the meters provided for recording the quantity of water delivered to the Township shall be read at the end of every calendar month, and an account for water supplied during each such period shall, within five days after such reading, be furnished by the Commission to the Treasurer of the Township, and the Township COVENANTS and AGREES with the Commission that it will, during the term of this agreement, pay the Commission, on or before the twentieth day after receiving such account, for all such water supplied to it at the rates aforesaid, the minimum amount of such account to be for 1,000,000 Imperial gallons per day for each day covered by such account.

(6) In case any of the meters shall at any time be out of repair or out of order so that they will not properly measure the supply of water which is being received by the Township, then the Township shall pay for water supplied on the days during which any meter may be out of repair or out of order the same amount per day as the average for the next succeeding three days after any such meter shall have been again put in working order.

(7) The Township shall at all reasonable times allow the Engineer or other duly authorized agent of the Commission access to the meters, valves and appliances at the points of delivery for the purpose of inspection or shut-off, and shall at all reasonable times permit such Engineer or agent to inspect the meter readings showing the amount of water supplied to the Township.

(8) Nothing hereinbefore contained shall operate to prevent the Commission from shutting down its plant for the purpose of effecting necessary repairs or doing such reasonable work in connection with its system as would be considered proper in water works engineering practice, and in such cases no damage shall be recoverable against or from the Commission, but it is understood and agreed by and between the parties hereto that, if possible, notice of intention to close down the Commission's plant shall be given at least twelve hours before such action takes place, but no notice shall be required in case of emergency.

(9) In case the Township shall make default in payment of water supplied for the space of ten days after the time hereinbefore provided for payment, then after the expiration of seven days' notice in writing the Commission may, at its option, if default in payment shall still exist, discontinue the supply of water and keep the same shut off until such default has been cured, and in such case shall not be liable for damages, direct or indirect, which may be suffered by the Township, or any person, firm or corporation as a result of such discontinuance, but in case the Township shall serve notice upon the Commission that it refuses payment pending the settlement of any dispute which may arise between the Commission and the Township, then the Commission shall not discontinue the supply of water pending the settlement of such dispute as hereinafter provided.

(10) Any notice required to be given the Township pursuant to this agreement shall be sufficiently given if delivered personally to the Clerk of the Township, or deposited in Her Majesty's Post Office at Birch Cliff or the City of Toronto, addressed to the Clerk at the Township Offices.

(11) In every case where "gallons" is referred to in this agreement it shall be read as "Imperial gallons".

(12) Any difference arising between the Township and the Commission as to the construction of this agreement, or any matters relative thereto, or as to any sum of money to be paid by the Township to the Commission, shall be submitted to The Ontario Municipal Board by either party for settlement, and each party agrees to be bound by the findings of such Board in respect to each and every matter which may be so submitted to it.

(13) Wherever in this agreement the words "day" or "daily" are used in connection with the supply of water, such words shall have reference to a day of twenty-four hours computed from 10.00 a.m. one day to 10.00 a.m. of the following day.

(14) The Township covenants with the Commission:

- (a) That it will pay to the Commission all moneys to which the Commission is entitled, or may become entitled, for water supplied, or to be supplied, or any other matters pursuant to any agreement between the Commission and the Township.
- (b) That it will not use the water supplied by the Commission to the Township, or permit or allow such last mentioned water to be used in any air conditioning installations whatsoever, except only in those air conditioning installations where water is only used for make-up purposes and none is permitted to run to waste.
- (c) That it will erect in the Don Mills Road area an elevated steel storage tank with a capacity of at least 500,000 gallons when the material and labour for the same are available.

(15) Scarborough hereby consents, pursuant to a resolution of its Council passed on the Fifteenth day of September, A.D. 1952, to the execution of this Agreement by the Commission as required by The Public Utilities Act, Revised Statutes of Ontario, 1950, Chapter 320, Section 41, subsection 5.

(16) This Agreement shall enure to the benefit of and be binding upon the Commission, the Township and Scarborough, their respective successors and assigns.

IN WITNESS WHEREOF the Commission, the Township and Scarborough have hereunto affixed their respective Corporate Seals under the hands of their proper Officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

Approved and authorized by  
By-law Number 7986 enacted  
the 29th day of September,  
1952.

THE PUBLIC UTILITIES COMMISSION  
OF THE TOWNSHIP OF SCARBOROUGH

JOHN BROWN,  
*Chairman.*

(Seal) R. HARRISON,  
*Secretary.*

THE CORPORATION OF THE TOWNSHIP  
OF NORTH YORK

NELSON A. BOYLEN,  
*Reeve.*

(Seal) A. G. STANDING,  
*Clerk.*

THE CORPORATION OF THE TOWNSHIP  
OF SCARBOROUGH

OLIVER E. CROCKFORD,  
*Reeve.*

(Seal) E. KNOTT,  
*Clerk.*

SCHEDULE "A" referred to in an agreement between The Public Utilities Commission of the Township of Scarborough, The Corporation of the Township of North York and The Corporation of the Township of Scarborough, dated the Twenty-second day of September, A.D. 1952.

The water to be supplied by the Commission to the Township is to be delivered to the Township's mains at two points in the allowance for road between the westerly boundary of the Township of Scarborough and the easterly boundary of the Township of North York, one at Lawrence Avenue and one at Eglinton Avenue.



BILL

An Act respecting the Township of  
North York

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. MACKENZIE

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

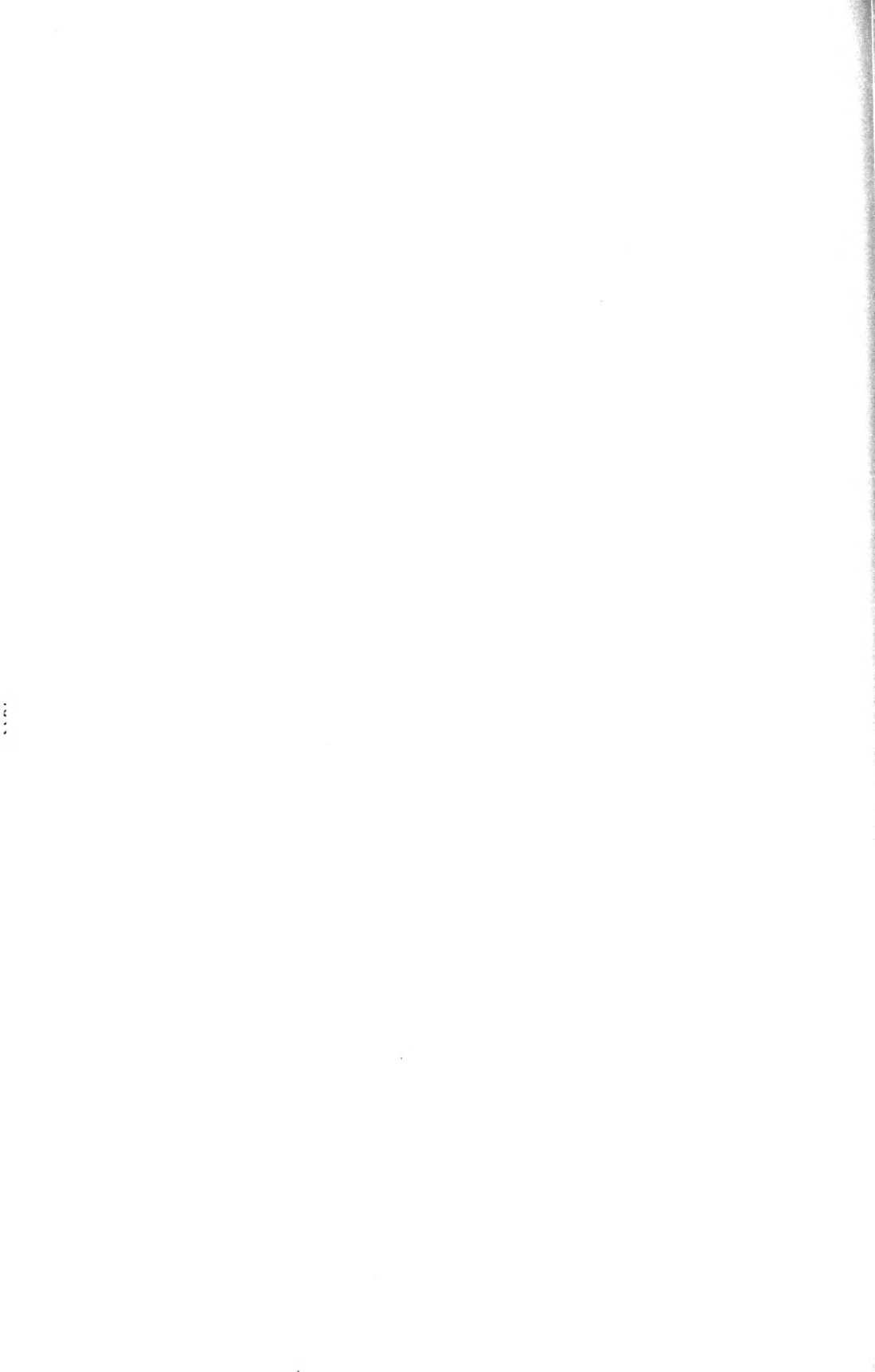
An Act respecting the Township of North York

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MR. MACKENZIE

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the Township of North York

**W**HEREAS The Corporation of the Township of North Preamble  
York by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** The agreement made between The Public Utilities Com- Water  
agreement  
validated  
mission of the Township of Scarborough, The Corporation of  
the Township of North York and The Corporation of the  
Township of Scarborough, dated the 22nd day of September,  
1952, respecting the sale of water by the Commission and the  
purchase of water by the Township of North York, set forth  
as the Schedule hereto, is hereby ratified and confirmed and  
declared to be legal, valid and binding upon the parties thereto.

**2.**—(1) Subsection 2 of section 3 of *The Township of North* 1926,  
c. 107, s. 3,  
subs. 2,  
amended  
*York Act, 1926* is amended by inserting after the word “en-  
large” in the first line the word “alter” and by striking out the  
words “by adding thereto such portion or portions of the  
township” in the second and third lines, so that the subsection  
shall read as follows:

(2) The council may from time to time by by-law May be  
altered  
enlarge, alter or extend any such sewerage system  
area as the council may deem expedient.

(2) Section 5 of *The Township of North York Act, 1926* is 1926,  
c. 107, s. 5,  
re-enacted  
repealed and the following substituted therefor:

**5.**—(1) Subject to section 6, the council by by-law may Levy of  
costs  
provide that the whole or part of the cost of the  
construction, extension, operation and maintenance  
of any of the works mentioned in section 4 shall be  
levied on all the lands in the sewerage system area  
for the benefit of which such works are constructed,

- (a) according to the extent of their frontage, by an equal special rate per foot of such frontage; or
- (b) by a mill rate levied on the assessment of all the rateable property in the sewerage system area; or
- (c) by any combination of the levies provided for by clauses *a* and *b*,

and may in the by-law provide that all rates levied under the by-law shall be payable at the same time and in the same manner as the general taxes of the township.

Amendment  
of by-laws

- (2) By-laws passed under this section may be amended from time to time.

Interpreta-  
tion

3.—(1) In this section,

- (a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer or sewer system, or sewage works, or water works, and
  - (i) “immediate benefit” means the benefit which accrues immediately upon the completion of the works, and
  - (ii) “deferred benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the whole or any part of the works whereby such lands may be serviced;
- (b) “capital cost” means all cost for the construction of works, or the acquisition of constructed works and interest thereon, including all items of cost usually and properly chargeable to capital account and includes the amount of debentures and interest thereon, if any, issued to finance the cost of construction or acquisition of a work, whether paid or unpaid, and includes the capital improvement of works by an extension, enlargement, alteration, replacement or other improvement thereof;
- (c) “existing work” means any work existing at the time of the passing of a by-law pursuant to this section;
- (d) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;

- (e) "person" includes individual, association, firm, partnership or corporation;
- (f) "rate or rates" means a charge for the capital cost of a work and "sewage service rate" means a charge for the operation and maintenance of a work to be paid by the owners or occupants of lands by any or all of the following methods:
- (i) by a mill rate on the rateable property,
  - (ii) by a per foot frontage basis on the lands benefited,
  - (iii) on an acreage basis,
  - (iv) by a fixed rate on a gallonage basis ascertained by means of the water consumption registered on a water meter;
- (g) "sewage" means domestic sewage or industrial wastes, or both;
- (h) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (i) "sewer" means a public sewer for the use of the owners and occupiers of lands for carrying away sewage or land drainage, or both, from abutting lands;
- (j) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets, and includes the necessary pumping plant, force mains, siphons and other like works;
- (k) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for the above-mentioned purposes and uses;
- (l) "water works" means any water pipes, mains, pumps, tanks, buildings, equipment works and plant in connection with the supply of water, or any part thereof or any extension thereto;
- (m) "work" means a sewer, sewer system, sewage works, land drainage, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

Rates

(2) Subject to the approval of the Ontario Municipal Board first being obtained, the council may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or replaced.

(a) No rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act*.

Rev. Stat.,  
c. 215Agreements  
re acquisition  
of  
works

(3) Subject to the approval of the Ontario Municipal Board, the Township may by agreement undertake to charge a rate for and to pay the cost of installation or acquisition of any work owned, erected or installed by any person, and any such agreement may, among other things, provide for priority for specified lands respecting the use of such work and that the obligation of the Township to pay to any such person shall be limited to the sum or sums charged and collected for the capital cost of the said work by the Township as part of the annual rate or rates imposed on the designated lands until such obligation has been satisfied.

Designation  
of land  
in by-law

(4) A by-law passed under subsection 2 shall designate the lands for which the owners or occupants are made liable for the rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

(a) The land designated may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

(b) Land situate in an area for which a deferred benefit accrues may be changed to an area for which an immediate benefit accrues as and when determined by the council.

Application  
of revenues

(5) Receipts derived in any year from a rate imposed under subsection 2 shall be applied and used towards the payment of principal and interest due in that year upon debentures, if any, issued for the work for the capital cost of which the rate is imposed or repayments as contemplated by subsection 3.

Rate for  
existing  
work

(6) Where there is land in the Township which has not or the owners or occupants of which have not been and are not

assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or replaced.

- (a) Such rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Receipts from such rates, if any, not required for payment of any part of the outstanding capital cost of existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A rate imposed under this subsection shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the work to be constructed to form part of the existing work.

(7) The council, for the purposes of subsections 2 and 6, <sup>Rate structure</sup> may by by-law passed under either of the said subsections or by separate by-law, with the approval of the Ontario Municipal Board, establish a rate structure upon which rates imposed under subsection 2 or 6 shall be based and calculated, and in establishing the rate structure the council may have regard to differentiating between the several classes of works, and the kind of benefits accruing, and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and with like approval such by-law may be amended from time to time.

(8) The council may by by-law provide for imposing upon the owners or occupants of land who use works for carrying <sup>Sewage service rate</sup> away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may provide.

- (a) The cost of maintenance and operation of a work for the purpose of this subsection does not include any part of or payment of the capital cost of the work, or for any depreciation, obsolescence, deferred maintenance, or other fund or reserve created with respect to the work.

Idem

(9) A sewage service rate may be imposed under subsection 8 notwithstanding that,

(a) a rate has also been imposed with respect to the capital cost of the same work; and

Rev. Stat.,  
c. 215

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act*, or any other general or special Act.

Sewage  
service rate  
structure

(10) The council for the purpose of subsection 8 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 8 shall be based and calculated, and in establishing the rate structure the council may have regard to differentiating between classes of users, nature, volume and frequency of use, and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may from time to time be amended or replaced.

Collection  
of rates

(11) The council may by by-law establish systems for,

(a) fixing times, periods and frequencies at and for which rates imposed under subsection 2 or 6 and sewage service rates imposed under subsection 8 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;

(b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;

(c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;

(d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;

(e) any other relevant matter or thing,

and a by-law passed under this subsection may from time to time be amended or replaced.

Rates a  
lien

(12) A rate imposed under subsection 2 or 6 and a sewage service rate imposed under subsection 8 upon any owner or occupant of land shall be a lien and charge upon the land, and if the same or any part thereof remains unpaid after the due



date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable.

4. The council of the Corporation may undertake as a local improvement work under *The Local Improvement Act* the widening of a pavement on a street and the widening of a sidewalk in, upon or along a street, and may levy the cost thereof on the properties fronting or abutting on the work in accordance with *The Local Improvement Act*, provided that there shall be included in the Corporation's portion of the cost so much of the cost of the work as is incurred in the construction or reconstruction of that part of the pavement on a street that exceeds a width of twenty-eight feet.

Widening of pavements or sidewalks as local improvements Rev. Stat., c. 215

5. Subsection 5 of section 1 of *The Township of North York Act, 1946* is repealed and the following substituted therefor:

1946, c. 130, s. 1, subs. 5, re-enacted

- (5) The council of the Corporation may by by-law, without petition, enlarge any street lighting area by adding thereto land for the benefit of which street lighting is to be provided, and the council shall determine the type of street lighting to be installed and the unit rate applicable thereto shall be assessed at the rate established by the local Commission at the request of council.

Enlargement of street lighting areas

6. This Act comes into force on the day it receives Royal Assent.

Commencement

7. This Act may be cited as *The Township of North York Act, 1953*.

Short title

## SCHEDULE

THIS AGREEMENT made in triplicate this Twenty-second day of September, A.D. 1952.

BETWEEN:

THE PUBLIC UTILITIES COMMISSION OF THE TOWNSHIP OF SCARBOROUGH, hereinafter called the "Commission",

OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF SCARBOROUGH, hereinafter called "Scarborough",

OF THE THIRD PART.

WHEREAS the Commission is constructing a new plant to increase the supply of water for the Township of Scarborough, and upon the completion of such new plant has agreed to supply a certain quantity of water to the Township upon the terms and conditions hereinafter set out;

AND WHEREAS the Commission has agreed to supply and the Township has agreed to buy a minimum of 1,000,000 Imperial gallons of water per day from the date of the completion of the new plant for a term of twenty years, with the right to the Township to apply to the Commission for an increase in the said supply as the need of the Township arises to a maximum of 2,000,000 Imperial gallons of water per day. The date of the completion of the plant is understood to be in the sole discretion of the Commission or its Engineers.

NOW THIS AGREEMENT WITNESSETH:

(1) The Township agrees to purchase and the Commission agrees to sell a minimum of 1,000,000 Imperial gallons of water per day up to a maximum of 2,000,000 Imperial gallons of water per day, at a maximum rate of flow of 2,000,000 Imperial gallons per day, for a period of twenty years from the date of the completion of the new plant hereinbefore referred to, as certified by the Commission's Consulting Engineers, Messrs. Proctor, Redfern and Laughlin, the Commission to deliver such water at points in the boundary between the Township and Scarborough to be agreed on by the Engineers of the Commission and the Township and set forth in Schedule "A" hereto.

(2) The Township agrees with the Commission that it will accept the delivery of such supply of water during the said term, the amount so delivered to be shown by recording meters hereinafter mentioned, and to be ascertained every calendar month during the said term, and the Township agrees that it will pay to the Commission seventeen cents for each one thousand gallons used during each such calendar month, provided, however, that if the Township shall pay such account to the Commission within fifteen days after the receipt of the same, the Township shall be entitled to deduct from each such account a discount at the rate of one cent per one thousand gallons, making a net rate in each such case of sixteen cents per one thousand gallons.

(3) The Township further agrees that it will pay to the Commission an additional three cents (3c.) per one thousand gallons, such additional amount is understood to be the payment to the Commission for the capital expenditure required to be made by the Commission for the increase in the

size of the pipe from twelve inches (12") to sixteen inches (16") in diameter on Lawrence Avenue between Warden and Victoria Park Avenues to serve the Township at the point on Lawrence Avenue set out in Schedule "A". Such payment will continue until the said capital expenditure, together with interest thereon at the rate charged for such financing by the Ontario Municipal Improvement Corporation, has been paid, at which time such additional payment shall cease.

(4) The Township agrees to maintain at the points of delivery from the Commission's mains to the Township proper recording meters, approved by the respective Engineers of the Township and the Commission, for the purpose of measuring the supply of water delivered to the Township, and to maintain meter houses, valves and all other apparatus necessary to furnish such supply, together with the cut-off or any other valves or apparatus which such Engineers may consider necessary. Such meters, meter houses and appliances are to be maintained in a good, sufficient and proper state of repair by the Township and replaced from time to time as may be necessary, all such cost to be borne by the Township. If any additional recording meters, meter houses, valves or other apparatus and adjuncts are, in the opinion of the respective Engineers, necessary to furnish such supply, the same shall be erected, installed and maintained by the Township, the cost of which is to be borne by the Township.

(5) It is agreed between the Commission and the Township that the meters provided for recording the quantity of water delivered to the Township shall be read at the end of every calendar month, and an account for water supplied during each such period shall, within five days after such reading, be furnished by the Commission to the Treasurer of the Township, and the Township COVENANTS and AGREES with the Commission that it will, during the term of this agreement, pay the Commission, on or before the twentieth day after receiving such account, for all such water supplied to it at the rates aforesaid, the minimum amount of such account to be for 1,000,000 Imperial gallons per day for each day covered by such account.

(6) In case any of the meters shall at any time be out of repair or out of order so that they will not properly measure the supply of water which is being received by the Township, then the Township shall pay for water supplied on the days during which any meter may be out of repair or out of order the same amount per day as the average for the next succeeding three days after any such meter shall have been again put in working order.

(7) The Township shall at all reasonable times allow the Engineer or other duly authorized agent of the Commission access to the meters, valves and appliances at the points of delivery for the purpose of inspection or shut-off, and shall at all reasonable times permit such Engineer or agent to inspect the meter readings showing the amount of water supplied to the Township.

(8) Nothing hereinbefore contained shall operate to prevent the Commission from shutting down its plant for the purpose of effecting necessary repairs or doing such reasonable work in connection with its system as would be considered proper in water works engineering practice, and in such cases no damage shall be recoverable against or from the Commission, but it is understood and agreed by and between the parties hereto that, if possible, notice of intention to close down the Commission's plant shall be given at least twelve hours before such action takes place, but no notice shall be required in case of emergency.

(9) In case the Township shall make default in payment of water supplied for the space of ten days after the time hereinbefore provided for payment, then after the expiration of seven days' notice in writing the Commission may, at its option, if default in payment shall still exist, discontinue the supply of water and keep the same shut off until such default has been cured, and in such case shall not be liable for damages, direct or indirect, which may be suffered by the Township, or any person, firm or corporation as a result of such discontinuance, but in case the Township shall serve notice upon the Commission that it refuses payment pending the settlement of any dispute which may arise between the Commission and the Township, then the Commission shall not discontinue the supply of water pending the settlement of such dispute as hereinafter provided.

(10) Any notice required to be given the Township pursuant to this agreement shall be sufficiently given if delivered personally to the Clerk of the Township, or deposited in Her Majesty's Post Office at Birch Cliff or the City of Toronto, addressed to the Clerk at the Township Offices.

(11) In every case where "gallons" is referred to in this agreement it shall be read as "Imperial gallons".

(12) Any difference arising between the Township and the Commission as to the construction of this agreement, or any matters relative thereto, or as to any sum of money to be paid by the Township to the Commission, shall be submitted to The Ontario Municipal Board by either party for settlement, and each party agrees to be bound by the findings of such Board in respect to each and every matter which may be so submitted to it.

(13) Wherever in this agreement the words "day" or "daily" are used in connection with the supply of water, such words shall have reference to a day of twenty-four hours computed from 10.00 a.m. one day to 10.00 a.m. of the following day.

(14) The Township covenants with the Commission:

- (a) That it will pay to the Commission all moneys to which the Commission is entitled, or may become entitled, for water supplied, or to be supplied, or any other matters pursuant to any agreement between the Commission and the Township.
- (b) That it will not use the water supplied by the Commission to the Township, or permit or allow such last mentioned water to be used in any air conditioning installations whatsoever, except only in those air conditioning installations where water is only used for make-up purposes and none is permitted to run to waste.
- (c) That it will erect in the Don Mills Road area an elevated steel storage tank with a capacity of at least 500,000 gallons when the material and labour for the same are available.

(15) Scarborough hereby consents, pursuant to a resolution of its Council passed on the Fifteenth day of September, A.D. 1952, to the execution of this Agreement by the Commission as required by The Public Utilities Act, Revised Statutes of Ontario, 1950, Chapter 320, Section 41, subsection 5.

(16) This Agreement shall enure to the benefit of and be binding upon the Commission, the Township and Scarborough, their respective successors and assigns.

IN WITNESS WHEREOF the Commission, the Township and Scarborough have hereunto affixed their respective Corporate Seals under the hands of their proper Officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

Approved and authorized by  
By-law Number 7986 enacted  
the 29th day of September,  
1952.

THE PUBLIC UTILITIES COMMISSION  
OF THE TOWNSHIP OF SCARBOROUGH

JOHN BROWN,  
*Chairman.*

(Seal)

R. HARRISON,  
*Secretary.*

THE CORPORATION OF THE TOWNSHIP  
OF NORTH YORK

NELSON A. BOYLEN,  
*Reeve.*

(Seal)

A. G. STANDING,  
*Clerk.*

THE CORPORATION OF THE TOWNSHIP  
OF SCARBOROUGH

OLIVER E. CROCKFORD,  
*Reeve.*

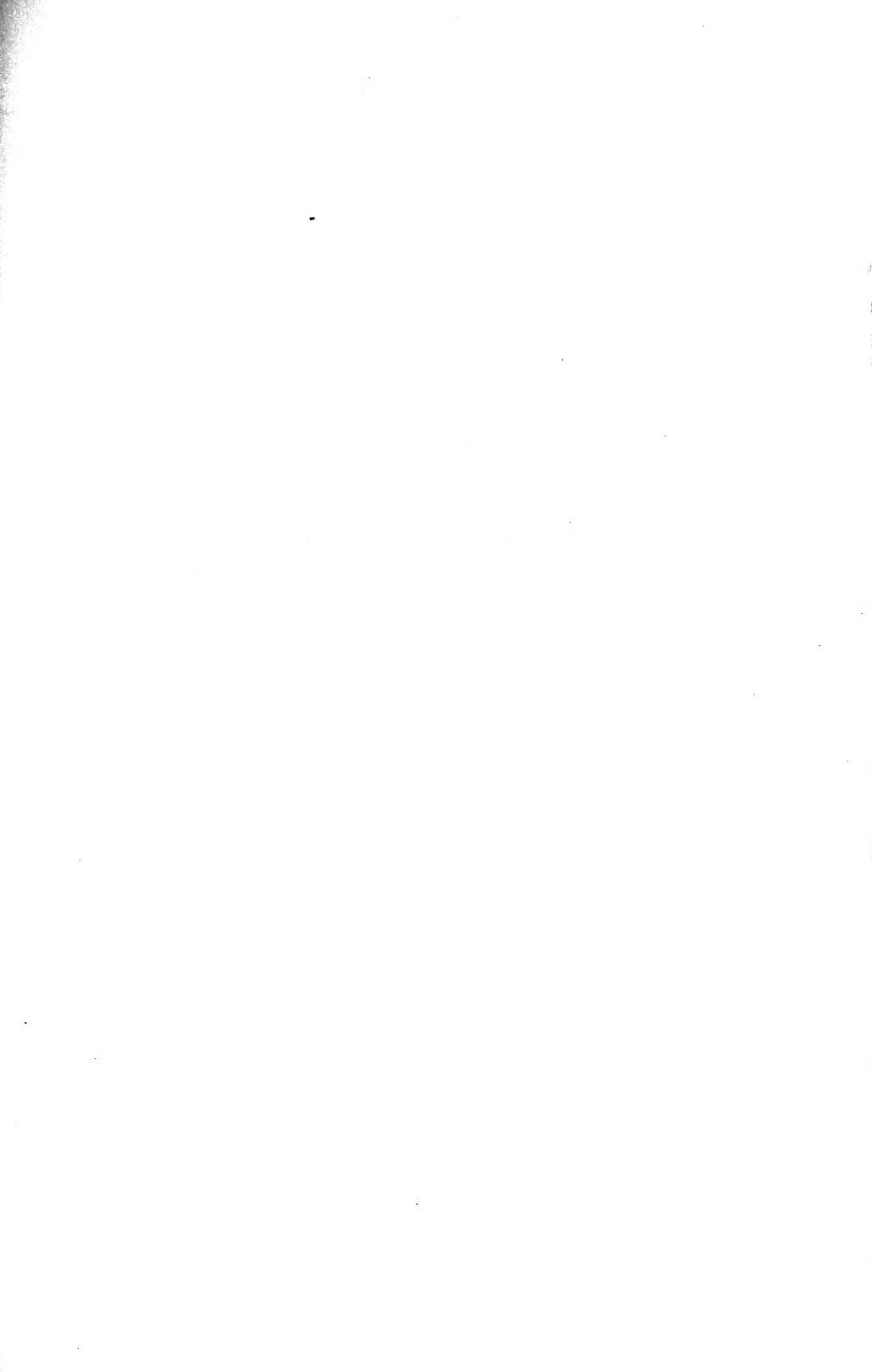
(Seal)

E. KNOTT,  
*Clerk.*

SCHEDULE "A" referred to in an agreement between The Public Utilities Commission of the Township of Scarborough, The Corporation of the Township of North York and The Corporation of the Township of Scarborough, dated the Twenty-second day of September, A.D. 1952.

The water to be supplied by the Commission to the Township is to be delivered to the Township's mains at two points in the allowance for road between the westerly boundary of the Township of Scarborough and the easterly boundary of the Township of North York, one at Lawrence Avenue and one at Eglinton Avenue.





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BILL

An Act respecting the Township of  
North York

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*1st Reading*

March 4th, 1953

*2nd Reading*

*3rd Reading*

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MR. MACKENZIE

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*(Reprinted as amended by the Committee on  
Private Bills)*



No. 29

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the Township of North York

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MR. MACKENZIE

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the Township of North York

**W**HEREAS The Corporation of the Township of North <sup>Preamble</sup> York by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The agreement made between The Public Utilities Com- <sup>Water</sup> mission of the Township of Scarborough, The Corporation of <sup>agreement</sup> the Township of North York and The Corporation of <sup>validated</sup> the Township of Scarborough, dated the 22nd day of September, 1952, respecting the sale of water by the Commission and the purchase of water by the Township of North York, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

**2.—(1)** Subsection 2 of section 3 of *The Township of North York Act, 1926* is amended by inserting after the word “en- <sup>1926,</sup> large” in the first line the word “alter” and by striking out the <sup>c. 107, s. 3,</sup> words “by adding thereto such portion or portions of the <sup>subs. 2,</sup> township” in the second and third lines, so that the subsection <sup>amended</sup> shall read as follows:

(2) The council may from time to time by by-law <sup>May be</sup> enlarge, alter or extend any such sewerage system <sup>altered</sup> area as the council may deem expedient.

(2) Section 5 of *The Township of North York Act, 1926* is <sup>1926,</sup> repealed and the following substituted therefor: <sup>c. 107, s. 5,</sup> <sup>re-enacted</sup>

**5.—(1)** Subject to section 6, the council by by-law may <sup>Levy of</sup> provide that the whole or part of the cost of the <sup>costs</sup> construction, extension, operation and maintenance of any of the works mentioned in section 4 shall be levied on all the lands in the sewerage system area for the benefit of which such works are constructed,

- (a) according to the extent of their frontage, by an equal special rate per foot of such frontage; or
- (b) by a mill rate levied on the assessment of all the rateable property in the sewerage system area; or
- (c) by any combination of the levies provided for by clauses *a* and *b*,

and may in the by-law provide that all rates levied under the by-law shall be payable at the same time and in the same manner as the general taxes of the township.

Amendment  
of by-laws

- (2) By-laws passed under this section may be amended from time to time.

Interpreta-  
tion

- 3.**—(1) In this section,
- (a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer or sewer system, or sewage works, or water works, and
    - (i) “immediate benefit” means the benefit which accrues immediately upon the completion of the works, and
    - (ii) “deferred benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the whole or any part of the works whereby such lands may be serviced;
  - (b) “capital cost” means all cost for the construction of works, or the acquisition of constructed works and interest thereon, including all items of cost usually and properly chargeable to capital account and includes the amount of debentures and interest thereon, if any, issued to finance the cost of construction or acquisition of a work, whether paid or unpaid, and includes the capital improvement of works by an extension, enlargement, alteration, replacement or other improvement thereof;
  - (c) “existing work” means any work existing at the time of the passing of a by-law pursuant to this section;
  - (d) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;

- (e) "person" includes individual, association, firm, partnership or corporation;
- (f) "rate or rates" means a charge for the capital cost of a work and "sewage service rate" means a charge for the operation and maintenance of a work to be paid by the owners or occupants of lands by any or all of the following methods:
  - (i) by a mill rate on the rateable property,
  - (ii) by a per foot frontage basis on the lands benefited,
  - (iii) on an acreage basis,
  - (iv) by a fixed rate on a gallonage basis ascertained by means of the water consumption registered on a water meter;
- (g) "sewage" means domestic sewage or industrial wastes, or both;
- (h) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (i) "sewer" means a public sewer for the use of the owners and occupiers of lands for carrying away sewage or land drainage, or both, from abutting lands;
- (j) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets, and includes the necessary pumping plant, force mains, siphons and other like works;
- (k) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for the above-mentioned purposes and uses;
- (l) "water works" means any water pipes, mains, pumps, tanks, buildings, equipment works and plant in connection with the supply of water, or any part thereof or any extension thereto;
- (m) "work" means a sewer, sewer system, sewage works, land drainage, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

## Rates

(2) Subject to the approval of the Ontario Municipal Board first being obtained, the council may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or replaced.

- (a) No rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act*.

Rev. Stat.,  
c. 215Agreements  
re acquisition  
of works

(3) Subject to the approval of the Ontario Municipal Board, the Township may by agreement undertake to charge a rate for and to pay the cost of installation or acquisition of any work owned, erected or installed by any person, and any such agreement may, among other things, provide for priority for specified lands respecting the use of such work and that the obligation of the Township to pay to any such person shall be limited to the sum or sums charged and collected for the capital cost of the said work by the Township as part of the annual rate or rates imposed on the designated lands until such obligation has been satisfied.

Designation  
of land  
in by-law

(4) A by-law passed under subsection 2 shall designate the lands for which the owners or occupants are made liable for the rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

- (a) The land designated may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.
- (b) Land situate in an area for which a deferred benefit accrues may be changed to an area for which an immediate benefit accrues as and when determined by the council.

Application  
of revenues

(5) Receipts derived in any year from a rate imposed under subsection 2 shall be applied and used towards the payment of principal and interest due in that year upon debentures, if any, issued for the work for the capital cost of which the rate is imposed or repayments as contemplated by subsection 3.

Rate for  
existing  
work

(6) Where there is land in the Township which has not or the owners or occupants of which have not been and are not

assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or replaced.

- (a) Such rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Receipts from such rates, if any, not required for payment of any part of the outstanding capital cost of existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A rate imposed under this subsection shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the work to be constructed to form part of the existing work.

(7) The council, for the purposes of subsections 2 and 6, may by by-law passed under either of the said subsections or by separate by-law, with the approval of the Ontario Municipal Board, establish a rate structure upon which rates imposed under subsection 2 or 6 shall be based and calculated, and in establishing the rate structure the council may have regard to differentiating between the several classes of works, and the kind of benefits accruing, and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and with like approval such by-law may be amended from time to time.

(8) The council may by by-law provide for imposing upon the owners or occupants of land who use works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may provide.

- (a) The cost of maintenance and operation of a work for the purpose of this subsection does not include any part of or payment of the capital cost of the work, or for any depreciation, obsolescence, deferred maintenance, or other fund or reserve created with respect to the work.

Idem (9) A sewage service rate may be imposed under subsection 8 notwithstanding that,

(a) a rate has also been imposed with respect to the capital cost of the same work; and

Rev. Stat.,  
c. 215

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act*, or any other general or special Act.

Sewage  
service rate  
structure

(10) The council for the purpose of subsection 8 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 8 shall be based and calculated, and in establishing the rate structure the council may have regard to differentiating between classes of users, nature, volume and frequency of use, and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may from time to time be amended or replaced.

Collection  
of rates

(11) The council may by by-law establish systems for,

(a) fixing times, periods and frequencies at and for which rates imposed under subsection 2 or 6 and sewage service rates imposed under subsection 8 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;

(b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;

(c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;

(d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;

(e) any other relevant matter or thing,

and a by-law passed under this subsection may from time to time be amended or replaced.

Rates a  
lien

(12) A rate imposed under subsection 2 or 6 and a sewage service rate imposed under subsection 8 upon any owner or occupant of land shall be a lien and charge upon the land, and if the same or any part thereof remains unpaid after the due



date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable.

4. The council of the Corporation may undertake as a local improvement work under *The Local Improvement Act* the widening of a pavement on a street and the widening of a sidewalk in, upon or along a street, and may levy the cost thereof on the properties fronting or abutting on the work in accordance with *The Local Improvement Act*, provided that there shall be included in the Corporation's portion of the cost so much of the cost of the work as is incurred in the construction or reconstruction of that part of the pavement on a street that exceeds a width of twenty-eight feet.

Widening of pavements or sidewalks as local improvements  
Rev. Stat., c. 215

5. Subsection 5 of section 1 of *The Township of North York Act, 1946* is repealed and the following substituted therefor:

1946,  
c. 130, s. 1,  
subs. 5,  
re-enacted

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Enlargement of street lighting areas

6. This Act comes into force on the day it receives Royal Assent.

Commencement

7. This Act may be cited as *The Township of North York Act, 1953*.

Short title

## SCHEDULE

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OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF SCARBOROUGH, hereinafter called "Scarborough",

OF THE THIRD PART.

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AND WHEREAS the Commission has agreed to supply and the Township has agreed to buy a minimum of 1,000,000 Imperial gallons of water per day from the date of the completion of the new plant for a term of twenty years, with the right to the Township to apply to the Commission for an increase in the said supply as the need of the Township arises to a maximum of 2,000,000 Imperial gallons of water per day. The date of the completion of the plant is understood to be in the sole discretion of the Commission or its Engineers.

NOW THIS AGREEMENT WITNESSETH:

(1) The Township agrees to purchase and the Commission agrees to sell a minimum of 1,000,000 Imperial gallons of water per day up to a maximum of 2,000,000 Imperial gallons of water per day, at a maximum rate of flow of 2,000,000 Imperial gallons per day, for a period of twenty years from the date of the completion of the new plant hereinbefore referred to, as certified by the Commission's Consulting Engineers, Messrs. Proctor, Redfern and Laughlin, the Commission to deliver such water at points in the boundary between the Township and Scarborough to be agreed on by the Engineers of the Commission and the Township and set forth in Schedule "A" hereto.

(2) The Township agrees with the Commission that it will accept the delivery of such supply of water during the said term, the amount so delivered to be shown by recording meters hereinafter mentioned, and to be ascertained every calendar month during the said term, and the Township agrees that it will pay to the Commission seventeen cents for each one thousand gallons used during each such calendar month, provided, however, that if the Township shall pay such account to the Commission within fifteen days after the receipt of the same, the Township shall be entitled to deduct from each such account a discount at the rate of one cent per one thousand gallons, making a net rate in each such case of sixteen cents per one thousand gallons.

(3) The Township further agrees that it will pay to the Commission an additional three cents (3c.) per one thousand gallons, such additional amount is understood to be the payment to the Commission for the capital expenditure required to be made by the Commission for the increase in the

size of the pipe from twelve inches (12") to sixteen inches (16") in diameter on Lawrence Avenue between Warden and Victoria Park Avenues to serve the Township at the point on Lawrence Avenue set out in Schedule "A". Such payment will continue until the said capital expenditure, together with interest thereon at the rate charged for such financing by the Ontario Municipal Improvement Corporation, has been paid, at which time such additional payment shall cease.

(4) The Township agrees to maintain at the points of delivery from the Commission's mains to the Township proper recording meters, approved by the respective Engineers of the Township and the Commission, for the purpose of measuring the supply of water delivered to the Township, and to maintain meter houses, valves and all other apparatus necessary to furnish such supply, together with the cut-off or any other valves or apparatus which such Engineers may consider necessary. Such meters, meter houses and appliances are to be maintained in a good, sufficient and proper state of repair by the Township and replaced from time to time as may be necessary, all such cost to be borne by the Township. If any additional recording meters, meter houses, valves or other apparatus and adjuncts are, in the opinion of the respective Engineers, necessary to furnish such supply, the same shall be erected, installed and maintained by the Township, the cost of which is to be borne by the Township.

(5) It is agreed between the Commission and the Township that the meters provided for recording the quantity of water delivered to the Township shall be read at the end of every calendar month, and an account for water supplied during each such period shall, within five days after such reading, be furnished by the Commission to the Treasurer of the Township, and the Township COVENANTS and AGREES with the Commission that it will, during the term of this agreement, pay the Commission, on or before the twentieth day after receiving such account, for all such water supplied to it at the rates aforesaid, the minimum amount of such account to be for 1,000,000 Imperial gallons per day for each day covered by such account.

(6) In case any of the meters shall at any time be out of repair or out of order so that they will not properly measure the supply of water which is being received by the Township, then the Township shall pay for water supplied on the days during which any meter may be out of repair or out of order the same amount per day as the average for the next succeeding three days after any such meter shall have been again put in working order.

(7) The Township shall at all reasonable times allow the Engineer or other duly authorized agent of the Commission access to the meters, valves and appliances at the points of delivery for the purpose of inspection or shut-off, and shall at all reasonable times permit such Engineer or agent to inspect the meter readings showing the amount of water supplied to the Township.

(8) Nothing hereinbefore contained shall operate to prevent the Commission from shutting down its plant for the purpose of effecting necessary repairs or doing such reasonable work in connection with its system as would be considered proper in water works engineering practice, and in such cases no damage shall be recoverable against or from the Commission, but it is understood and agreed by and between the parties hereto that, if possible, notice of intention to close down the Commission's plant shall be given at least twelve hours before such action takes place, but no notice shall be required in case of emergency.

(9) In case the Township shall make default in payment of water supplied for the space of ten days after the time hereinbefore provided for payment, then after the expiration of seven days' notice in writing the Commission may, at its option, if default in payment shall still exist, discontinue the supply of water and keep the same shut off until such default has been cured, and in such case shall not be liable for damages, direct or indirect, which may be suffered by the Township, or any person, firm or corporation as a result of such discontinuance, but in case the Township shall serve notice upon the Commission that it refuses payment pending the settlement of any dispute which may arise between the Commission and the Township, then the Commission shall not discontinue the supply of water pending the settlement of such dispute as hereinafter provided.

(10) Any notice required to be given the Township pursuant to this agreement shall be sufficiently given if delivered personally to the Clerk of the Township, or deposited in Her Majesty's Post Office at Birch Cliff or the City of Toronto, addressed to the Clerk at the Township Offices.

(11) In every case where "gallons" is referred to in this agreement it shall be read as "Imperial gallons".

(12) Any difference arising between the Township and the Commission as to the construction of this agreement, or any matters relative thereto, or as to any sum of money to be paid by the Township to the Commission, shall be submitted to The Ontario Municipal Board by either party for settlement, and each party agrees to be bound by the findings of such Board in respect to each and every matter which may be so submitted to it.

(13) Wherever in this agreement the words "day" or "daily" are used in connection with the supply of water, such words shall have reference to a day of twenty-four hours computed from 10.00 a.m. one day to 10.00 a.m. of the following day.

(14) The Township covenants with the Commission:

- (a) That it will pay to the Commission all moneys to which the Commission is entitled, or may become entitled, for water supplied, or to be supplied, or any other matters pursuant to any agreement between the Commission and the Township.
- (b) That it will not use the water supplied by the Commission to the Township, or permit or allow such last mentioned water to be used in any air conditioning installations whatsoever, except only in those air conditioning installations where water is only used for make-up purposes and none is permitted to run to waste.
- (c) That it will erect in the Don Mills Road area an elevated steel storage tank with a capacity of at least 500,000 gallons when the material and labour for the same are available.

(15) Scarborough hereby consents, pursuant to a resolution of its Council passed on the Fifteenth day of September, A.D. 1952, to the execution of this Agreement by the Commission as required by The Public Utilities Act, Revised Statutes of Ontario, 1950, Chapter 320, Section 41, subsection 5.

(16) This Agreement shall enure to the benefit of and be binding upon the Commission, the Township and Scarborough, their respective successors and assigns.

IN WITNESS WHEREOF the Commission, the Township and Scarborough have hereunto affixed their respective Corporate Seals under the hands of their proper Officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

Approved and authorized by  
By-law Number 7986 enacted  
the 29th day of September,  
1952.

THE PUBLIC UTILITIES COMMISSION  
OF THE TOWNSHIP OF SCARBOROUGH

JOHN BROWN,  
*Chairman.*

(Seal) R. HARRISON,  
*Secretary.*

THE CORPORATION OF THE TOWNSHIP  
OF NORTH YORK

NELSON A. BOYLEN,  
*Reeve.*

(Seal) A. G. STANDING,  
*Clerk.*

THE CORPORATION OF THE TOWNSHIP  
OF SCARBOROUGH

OLIVER E. CROCKFORD,  
*Reeve.*

(Seal) E. KNOTT,  
*Clerk.*

SCHEDULE "A" referred to in an agreement between The Public Utilities Commission of the Township of Scarborough, The Corporation of the Township of North York and The Corporation of the Township of Scarborough, dated the Twenty-second day of September, A.D. 1952.

The water to be supplied by the Commission to the Township is to be delivered to the Township's mains at two points in the allowance for road between the westerly boundary of the Township of Scarborough and the easterly boundary of the Township of North York, one at Lawrence Avenue and one at Eglinton Avenue.





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BILL

An Act respecting the Township of  
North York

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*1st Reading*

March 4th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

March 30th, 1953

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MR. MACKENZIE

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the City of Guelph

---

MR. ROOT

---

(PRIVATE BILL)



# BILL

## An Act respecting the City of Guelph

**W**HEREAS The Corporation of the City of Guelph by Preamble its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Corporation of the City of Guelph is authorized and empowered to pass by-laws for authorizing and regulating, upon such terms and conditions as to the council may seem expedient, the erection and maintenance upon highways and lanes within the limits of the Corporation of poles and wires, or the placing and maintenance of wires upon any poles with the authority of the owner for the purpose of transmitting electrical or electronic impulses, signals, and messages of every nature and kind, including those of alarm and protective systems, radio programmes or parts thereof, or television programmes or parts thereof. Transmission poles, wires, etc.

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The City of Guelph Act, 1953*. Short title

BILL

An Act respecting the City of Guelph

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

Mr. ROOT

(*Private Bill*)

No. 31

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the City of Toronto

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MR. WEAVER

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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of the Corporation may in any year increase the annual grant that it gives to the Toronto Convention and Tourist Association, Inc. from \$12,500 to a total amount not exceeding \$17,500 for the maintenance of the Association. Authority to increase annual grant to Toronto Convention and Tourist Association to \$17,500

**2.** Section 18 of *An Act respecting the City of Toronto*, 1911, being chapter 119 of the Statutes of Ontario, 1911, as amended by section 8 of *The City of Toronto Act, 1947*, is further amended by striking out the symbol and figures "\$6,000" in the amendment of 1947 and inserting in lieu thereof the symbol and figures "\$8,000", so that the section shall read as follows: 1911, c. 119, s. 18, amended

18. Each member of the Commission, except the Mayor, shall be entitled to such annual salary not exceeding \$8,000, as the Board may determine. Salary of Toronto Electric Commissioners

**3.** Section 8 of *An Act respecting the City of Toronto*, 1921, being chapter 126 of the Statutes of Ontario, 1921, is amended by adding thereto the following subsection: 1921, c. 126, s. 8, amended

(2) In this section,

Interpretation

(a) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes any person designated as an employee by the Minister of Municipal Affairs;

- (b) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

Removal of  
snow and  
ice from  
sidewalks

**4.** The council of the Corporation may pass by-laws to provide for the clearing away and removal of snow and ice from the sidewalks on any designated streets or parts of streets in front of, alongside or at the rear of any occupied buildings or lots or class of occupied buildings or lots at the expense of the owners or occupants and for collecting or recovering the expenses incurred in so doing by action or in like manner as municipal business or real property taxes may be recovered.

Composite  
ballot  
papers  
authorized

**5.—(1)** The council of the Corporation may by by-law authorize the use of composite ballot papers at the municipal elections in the City of Toronto, which composite ballot papers shall contain the names of the candidates for each office arranged in alphabetical order in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

Idem

(2) A composite ballot paper may contain the names of candidates for the office of mayor, controller, alderman, and board of education or separate school board and may contain any municipal question or questions and any by-law or by-laws upon which a vote is to be taken; or a composite ballot paper may contain the names of candidates for any one or more of such offices and may include a question or questions and a by-law or by-laws upon which a vote is to be taken.

Idem

(3) No elector shall be given a composite ballot paper containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

Idem  
Rev. Stat.,  
c. 243

(4) The provisions of *The Municipal Act* relating to ballot papers shall *mutatis mutandis* apply to this section.

Authority  
to regulate  
speed of  
motor  
vehicles

**6.** The council of the Corporation may pass by-laws to alter, regulate and fix the speed at which all or any class of vehicles may be driven on streets or parts of streets or at intersections of streets or in any area or areas of the City of Toronto named or described in the by-law.



7. The Board of Commissioners of Police for the City of Toronto may pass by-laws requiring the owners of cabs, buses, motor or other vehicles used for the conveyance of goods or passengers for hire within the City of Toronto to provide public liability, property damage, cargo or other insurance in form satisfactory to such Board before renewing or granting licences.

Authority to require licensed cab owners or cartage vehicle owners to have insurance

8. The council of the Corporation may pass by-laws for regulating traffic for temporary periods on account of the holding of parades, funerals or special events or the performance of maintenance or construction work on a public highway; and any such by-law may provide for placing, regulating and maintaining upon any such public highway traffic signs directing traffic or prohibiting the parking or standing of vehicles, and may provide that such signs shall have the same force and effect as signs erected pursuant to the provisions of a traffic by-law approved by the Department of Highways; and may provide for penalties against the driver and the owner of all motor vehicles violating a by-law passed under this section or a sign erected in accordance with such by-law.

Authority to regulate traffic during emergencies

9. The council of the Corporation may pass by-laws to authorize The Parking Authority of Toronto,

Authority to extend powers of The Parking Authority of Toronto

- (a) to lease to others the land or structures or parts thereof under its control for parking purposes subject to such limitations and conditions as may be provided in the by-law passed by council or in the lease made by The Parking Authority of Toronto;
- (b) to grant to others the right to sell gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, lights, spark plugs and batteries for motor vehicles or to make minor or running repairs essential to the actual operation of motor vehicles, or to wash and clean motor vehicles upon the land or structures or parts thereof under the control of The Parking Authority of Toronto or leased by it to others.

10. The council of the Corporation may pass by-laws to provide that the owner as well as the driver of a motor vehicle shall incur the penalties provided for violation of a by-law of the council relating to any municipal parking facility or of any regulation made by The Parking Authority of Toronto within its powers, unless at the time of the violation the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur.

Motor vehicle owner and driver liable for penalties

- Agreement between Ontario and Toronto authorized      **11.** The Corporation is hereby authorized to enter into the agreement with Her Majesty the Queen in right of Ontario in the form set forth in the Schedule to this Act or in such other form or to such other effect as the Lieutenant-Governor in Council may approve, and from the date of the agreement it shall be legal, valid and binding and the Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.
- Tax exemption      **12.** The council of the Corporation may pass by-laws exempting from taxes, other than local improvement charges, the land, as defined in *The Assessment Act*, that is occupied by the Jewish Immigrant Aid Society of Canada in the City of Toronto.
- Rev. Stat., c. 24
- Commencement      **13.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.
- Idem      (2) Section 2 shall be deemed to have come into force on the 1st day of January, 1953.
- Short title      **14.** This Act may be cited as *The City of Toronto Act, 1953*.

## SCHEDULE

THIS AGREEMENT, made in quadruplicate, this 25th day of February, one thousand nine hundred and fifty-three:

BETWEEN:

HER MAJESTY THE QUEEN in Right of Ontario, as represented herein by the Honourable William Griesinger, Minister of Public Works, hereinafter called "the Province",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City",

OF THE SECOND PART.

WHEREAS the Province is the owner of a certain parcel of land situate at the south-east corner of York and Queen Streets in the City of Toronto and being more particularly described in the Appendix hereto; and

WHEREAS the City may divert the said York Street at and about its intersection with the said Queen Street, and the Province is willing in that event to make available to the City the lands described in the Appendix in the manner and upon the terms and conditions herein contained; and

WHEREAS there is doubt that the City is competent under legislation presently in force to carry out the provisions of this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Province, in consideration of the premises and the covenants of the City hereinafter contained and the sum of One dollar (\$1.00) of lawful money of Canada now paid by the City to the Province (the receipt whereof is hereby acknowledged) does hereby covenant and agree with the City as follows:

1. That the Province will and does hereby give to the City an option irrevocable during the period of six years next following the date hereof, thereafter to be void, to purchase for or in connection with the diversion of the said York Street, free from encumbrances, the said lands described in the Appendix hereto, for a price or sum to be mutually agreed upon between the Parties, or in the event that no agreement can be reached, to be settled by arbitration under *The Municipal Arbitrations Act*. Without limiting any other means by which the option hereby given may by law be accepted, the same may be accepted by resolution or by-law of the City communicated to the Province by mailing a copy of the same or a notice of the effect thereof to the Minister of Public Works for the time being, or to his successor, and acceptance by this means or by any other means by law permitted shall constitute a binding contract of purchase and sale.

AND FURTHER THIS AGREEMENT WITNESSETH that the City, in consideration of the premises and the covenants of the Province herein contained and the sum of One dollar (\$1.00) of lawful money of Canada now paid by the Province to the City (the receipt whereof is hereby acknowledged) does hereby covenant and agree with the Province as follows:

2. That upon the constituting of the contract of purchase and sale referred to in paragraph numbered 1 the City hereby agrees to sell and convey to the Province whatever lands if any lie north of the north limit of Richmond Street West in the said City of Toronto and between the present west limit of York Street and the west limit of such last-mentioned street as it exists after the proposed diversion has been completed and south

of the south limit of Queen Street, the price or sum to be paid therefor to be mutually agreed upon between the Parties, or in the event that no agreement can be reached to be settled by reference to the Official Arbitrator appointed for Toronto under *The Municipal Arbitrations Act*, and the provisions of that Act shall *mutatis mutandis* apply to such reference; provided that the conveyance of the said lands shall be withheld until the work upon such diversion has been completed.

3. That the City will not expropriate the whole or any part of the lands now occupied by Osgoode Hall, being the lands bounded on the south by Queen Street, on the west by University Avenue, on the north by Osgoode Street and on the east by Chestnut Street, so long as such lands are occupied for the purposes of the Courts or of the Law Society of Upper Canada, except with the approval of the Lieutenant-Governor in Council.

4. That after receiving the conveyance from the City of the said lands referred to in paragraph number 2 the Province may serve upon the City a notice requiring it to remove from beneath the surface of the said lands the public utilities or services, or any plant, equipment and fixtures used in connection therewith and the City will, within six months next following the receipt of such notice, at its own cost and expense remove such utilities, services, plant, equipment and fixtures.

AND FURTHER THIS AGREEMENT WITNESSETH that for the respective considerations before-mentioned it is hereby agreed and understood between the parties hereto as follows:

5. That the City will not be required to remove from beneath the surface of the ground before or at the time of the conveyance to the Province of the lands referred to in paragraph numbered 2 any public utilities, services, or any plant, equipment or fixtures used in connection therewith.

6. That for the purpose of fixing the price or sum to be paid by the Province to the City for the lands referred to in the said paragraph numbered 2 any public utilities or services upon, under, over or through such lands and any plant, equipment or fixtures used in connection with such utilities or services shall not decrease the value of such lands and such price or sum shall be computed as if the said utilities, services, plant, equipment or fixtures did not exist upon, under, over or through such lands.

7. That neither of the parties hereto will sell, mortgage, lease, or place or allow to be placed any encumbrances whatsoever upon any lands affected by this agreement during the time that such lands may be conveyed to the other Party pursuant to this agreement.

IN WITNESS WHEREOF the Parties hereto have caused these presents to be duly executed.

WITNESS:

HER MAJESTY THE QUEEN in Right of Ontario, as represented herein by the Honourable William Griesinger, Minister of Public Works:

.....

THE CORPORATION OF THE CITY OF TORONTO:

.....  
*Mayor.*

.....  
*Treasurer.*

This is the Appendix to the agreement made between  
HER MAJESTY THE QUEEN and THE CORPORATION OF THE  
CITY OF TORONTO, dated this 25th day of February, 1953.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being in the City of Toronto, in the County of York, in the Province of Ontario, and being composed of part of Town Lot 8 on the north side of Richmond Street, according to the Plan of the Town of York, and shown marked in red on the accompanying sketch, L.S.-8, the boundaries of the said parcel of land being described as follows:

PREMISING that the easterly limit of York Street has a bearing of North Sixteen Degrees West (N. 16° 00' W.), and relating all bearings thereto:

COMMENCING at the north-westerly angle of the said Town Lot 8, being the point of intersection of the southerly limit of Queen Street West and the easterly limit of York Street;

Thence southerly along the said easterly limit of York Street, a distance of Two hundred and eighteen feet, eleven and three-quarters of an inch (218' 11 $\frac{3}{4}$ " ), to the northerly limit of Richmond Street West;

Thence easterly along the said northerly limit of Richmond Street West Sixty-eight feet and three-quarters of an inch (68' 0 $\frac{3}{4}$ " ), more or less, to the point of intersection of the said northerly limit of Richmond Street West with the site of a line of a former old fence representing in 1935 the limit between lands described in Registered Instrument No. 841-S on file in the Registry Office for the Registry Division of Toronto and the lands to the East thereof, described in Registered Instrument No. 14069-ES, on file in the said Registry Office;

Thence northerly along the line of the said fence, One hundred and nine feet, four inches (109' 4" ), to the point of intersection of the last named limit with the site of the line of the northerly face of the northerly wall of the former old frame shed standing upon the northerly part of the lands described in the said Registered Instrument 14069-ES, the last mentioned point of intersection being distant Sixty-nine feet seven inches (69' 7" ) measured easterly on a course parallel with the said northerly limit of Richmond Street West from the said easterly limit of York Street;

Thence easterly along the said site of the line of the northerly face of the northerly wall of the former frame shed, Eleven feet, eight and one-half inches (11' 8 $\frac{1}{2}$ " ), to a point in the centre line of the said Lot, the last mentioned point being distant, One hundred and nine feet, two and three-eighths inches (109' 2 $\frac{3}{8}$ " ), measured northerly on a course parallel to the said easterly limit of York Street, from the said northerly limit of Richmond Street West;

Thence easterly along the said centre line of lot, Thirty-eight feet, nine and three-quarter inches (38' 9 $\frac{3}{4}$ " ), to the point of intersection of the said centre line of lot with the production southerly of the easterly face of the easterly foundation wall of a brick building formerly standing on the lands herein described, the last mentioned point of intersection being distant One hundred and nine feet and five-eighths of an inch (109' 0 $\frac{5}{8}$ " ) measured southerly on a course parallel to the said easterly limit of York Street, from the said southerly limit of Queen Street West;

Thence northerly, along the said production to and along the site of the said easterly face of the easterly foundation wall of the last mentioned brick building and continuing thence northerly in a straight line in all a distance of Fifty-nine feet and five-eighths of an inch (59' 0 $\frac{5}{8}$ " ) more or less to a point distant fifty feet south of the southerly limit of Queen Street West measured on a line drawn parallel to the easterly limit of York Street and distant One hundred and twenty feet (120' ) easterly therefrom, measured along a line drawn parallel to the said southerly limit of Queen Street West;

Thence westerly and parallel to the said southerly limit of Queen Street West, a distance of Three feet, two and three-quarter inches ( $3' 2\frac{3}{4}"$ ), to a point in the site of the easterly face of the easterly wall of a brick building formerly standing on the lands herein described;

Thence northerly in a straight line a distance of Fifty feet ( $50' 0"$ ), to a point in the said southerly limit of Queen Street West, the last mentioned point being distant One hundred and sixteen feet nine inches ( $116' 9"$ ), measured easterly along the said southerly limit of Queen Street West from the said north-westerly angle of the said Lot 8;

Thence westerly along the said southerly limit of Queen Street West, a distance of One hundred and sixteen feet nine inches ( $116' 9"$ ), more or less, to the point of commencement.

TOGETHER with all rights of any and every nature or kind whatsoever, which are in any way appurtenant to the lands hereinbefore described, in, over, along and upon that certain parcel of land lying immediately to the east of the lands hereinbefore described, the boundaries of the last mentioned parcel of land being described as follows:

COMMENCING at the north-easterly angle of the lands hereinbefore described, being a point in the said southerly limit of Queen Street West;

Thence southerly along the easterly limit of the lands hereinbefore described, a distance of Fifty feet ( $50' 00"$ );

Thence easterly parallel with the said southerly limit of Queen Street West, Nine feet two and one-half inches ( $9' 2\frac{1}{2}"$ ), more or less, to the westerly face of the westerly wall of a brick building standing at the date hereof upon the lands lying immediately to the east of the Parcel now under description;

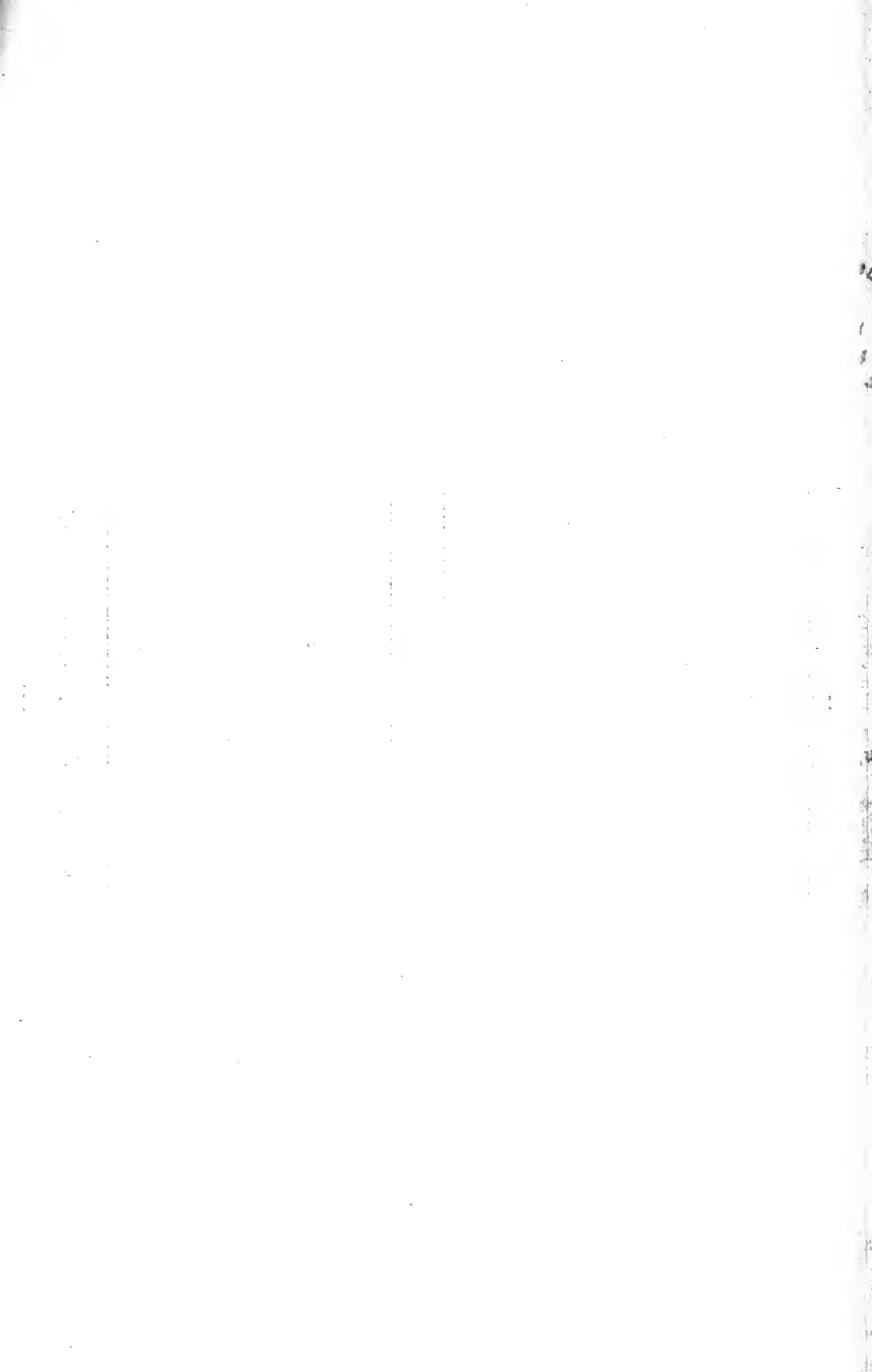
Thence northerly along the said westerly face of brick wall, a distance of Twelve feet nine inches ( $12' 9"$ ), more or less, to a point in the northerly extremity thereof, the last mentioned point being distant Seven feet nine inches ( $7' 9"$ ), measured easterly on a course parallel with the said southerly limit of Queen Street West from the said easterly limit of the lands hereinbefore described;

Thence northerly along the westerly face of the westerly wall of an old frame and metal clad building standing at the date hereof upon the northerly part of the said lands lying immediately to the east of the said Parcel now under description, a distance of Thirty-seven feet four and one-half inches ( $37' 4\frac{1}{2}"$ ), more or less, to the said southerly limit of Queen Street West;

Thence westerly along the last mentioned limit, a distance of Seven feet two and three-quarter inches ( $7' 2\frac{3}{4}"$ ), more or less, to the point of commencement.

The Parcel lastly described being shown marked in brown on the accompanying sketch, L.S.-8.

(Plan attached)



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BILL

An Act respecting the City of Toronto

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. WEAVER

---

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the City of Toronto

---

MR. WEAVER

---

*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of the Corporation may in any year increase the annual grant that it gives to the Toronto Convention and Tourist Association, Inc. from \$12,500 to a total amount not exceeding \$17,500 for the maintenance of the Association. Authority to increase annual grant to Toronto Convention and Tourist Association to \$17,500

**2.** Section 18 of *An Act respecting the City of Toronto*, 1911, being chapter 119 of the Statutes of Ontario, 1911, as amended c. 119, s. 18, by section 8 of *The City of Toronto Act, 1947*, is further amended by striking out the symbol and figures "\$6,000" in the amendment of 1947 and inserting in lieu thereof the symbol and figures "\$8,000", so that the section shall read as follows:

18. Each member of the Commission, except the Mayor, shall be entitled to such annual salary not exceeding \$8,000, as the Board may determine. Salary of Toronto Electric Commissioners

**3.** Section 8 of *An Act respecting the City of Toronto*, 1921, being chapter 126 of the Statutes of Ontario, 1921, is amended c. 126, s. 8, by adding thereto the following subsection:

(2) In this section,

Interpretation

(a) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes any person designated as an employee by the Minister of Municipal Affairs;

- (b) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

Composite  
ballot  
papers  
authorized

4.—(1) The council of the Corporation may by by-law authorize the use of composite ballot papers at the municipal elections in the City of Toronto, which composite ballot papers shall contain the names of the candidates for each office arranged in alphabetical order in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

Idem

(2) A composite ballot paper may contain the names of candidates for the office of mayor, controller, alderman, and board of education or separate school board and may contain any municipal question or questions and any by-law or by-laws upon which a vote is to be taken; or a composite ballot paper may contain the names of candidates for any one or more of such offices and may include a question or questions and a by-law or by-laws upon which a vote is to be taken.

Idem

(3) No elector shall be given a composite ballot paper containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

Idem  
Rev. Stat.,  
c. 243

(4) The provisions of *The Municipal Act* relating to ballot papers shall *mutatis mutandis* apply to this section.

Authority  
to regulate  
traffic  
during  
emergencies

5.—(1) The council of the Corporation may pass by-laws for regulating traffic for temporary periods on account of the holding of parades, funerals or special events or the performance of maintenance or construction work on a public highway; and any such by-law may provide for placing, regulating and maintaining upon any such public highway traffic signs directing traffic or prohibiting the parking or standing of vehicles, and may provide that such signs shall have the same force and effect as signs erected pursuant to the provisions of a traffic by-law approved by the Department of Highways; and may provide for penalties against the driver and the owner of all motor vehicles violating a by-law passed under this section or a sign erected in accordance with such by-law.

(2) No signs erected pursuant to the authority contained Proviso in this section shall have any force or effect for a temporary period longer than fourteen days.

6. The council of the Corporation may pass by-laws to Authority to extend powers of The Parking Authority of Toronto authorize The Parking Authority of Toronto,

(a) to lease to others the land or structures or parts thereof under its control for parking purposes subject to such limitations and conditions as may be provided in the by-law passed by council or in the lease made by The Parking Authority of Toronto;

(b) to grant to others the right to sell gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, lights, spark plugs and batteries for motor vehicles or to make minor or running repairs essential to the actual operation of motor vehicles, or to wash and clean motor vehicles upon the land or structures or parts thereof under the control of The Parking Authority of Toronto or leased by it to others.

7. The council of the Corporation may pass by-laws to Motor vehicle owner and driver liable for penalties provide that the owner as well as the driver of a motor vehicle shall incur the penalties provided for violation of a by-law of the council relating to any municipal parking facility or of any regulation made by The Parking Authority of Toronto within its powers, unless at the time of the violation the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur.

8. The agreement between Her Majesty the Queen in right of Ontario and the Corporation set forth in the Schedule to this Act is ratified and confirmed and declared to be legal, Agreement between Ontario and Toronto confirmed valid and binding upon the Corporation, and the Corporation is hereby empowered to carry out its obligations and exercise its privileges thereunder.

9. The council of the Corporation may pass by-laws Tax exemption exempting from taxes, other than local improvement charges, such land, as defined in *The Assessment Act*, at 145 Beverley Street in the City of Toronto, as is owned and occupied by Rev. Stat., c. 24 the Jewish Immigrant Aid Society of Canada, so long as the said land continues to be used for the purposes of the Jewish Immigrant Aid Society of Canada.

10.—(1) This Act, except section 2, comes into force on Commencement the day it receives Royal Assent.

- Idem** (2) Section 2 shall be deemed to have come into force on the 1st day of January, 1953.
- Short title** **11.** This Act may be cited as *The City of Toronto Act, 1953*.

## SCHEDULE

THIS AGREEMENT, made in quadruplicate, this 25th day of February, one thousand nine hundred and fifty-three:

BETWEEN:

HER MAJESTY THE QUEEN in Right of Ontario, as represented herein by the Honourable William Griesinger, Minister of Public Works, hereinafter called "the Province",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City",

OF THE SECOND PART.

WHEREAS the Province is the owner of a certain parcel of land situate at the south-east corner of York and Queen Streets in the City of Toronto and being more particularly described in the Appendix hereto; and

WHEREAS the City may divert the said York Street at and about its intersection with the said Queen Street, and the Province is willing in that event to make available to the City the lands described in the Appendix in the manner and upon the terms and conditions herein contained; and

WHEREAS there is doubt that the City is competent under legislation presently in force to carry out the provisions of this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Province, in consideration of the premises and the covenants of the City hereinafter contained and the sum of One dollar (\$1.00) of lawful money of Canada now paid by the City to the Province (the receipt whereof is hereby acknowledged) does hereby covenant and agree with the City as follows:

1. That the Province will and does hereby give to the City an option irrevocable during the period of six years next following the date hereof, thereafter to be void, to purchase for or in connection with the diversion of the said York Street, free from encumbrances, the said lands described in the Appendix hereto, for a price or sum to be mutually agreed upon between the Parties, or in the event that no agreement can be reached, to be settled by arbitration under *The Municipal Arbitrations Act*. Without limiting any other means by which the option hereby given may by law be accepted, the same may be accepted by resolution or by-law of the City communicated to the Province by mailing a copy of the same or a notice of the effect thereof to the Minister of Public Works for the time being, or to his successor, and acceptance by this means or by any other means by law permitted shall constitute a binding contract of purchase and sale.

AND FURTHER THIS AGREEMENT WITNESSETH that the City, in consideration of the premises and the covenants of the Province herein contained and the sum of One dollar (\$1.00) of lawful money of Canada now paid by the Province to the City (the receipt whereof is hereby acknowledged) does hereby covenant and agree with the Province as follows:

2. That upon the constituting of the contract of purchase and sale referred to in paragraph numbered 1 the City hereby agrees to sell and convey to the Province whatever lands if any lie north of the north limit of Richmond Street West in the said City of Toronto and between the present west limit of York Street and the west limit of such last-mentioned street as it exists after the proposed diversion has been completed and south

of the south limit of Queen Street, the price or sum to be paid therefor to be mutually agreed upon between the Parties, or in the event that no agreement can be reached to be settled by reference to the Official Arbitrator appointed for Toronto under *The Municipal Arbitrations Act*, and the provisions of that Act shall *mutatis mutandis* apply to such reference; provided that the conveyance of the said lands shall be withheld until the work upon such diversion has been completed.

3. That the City will not expropriate the whole or any part of the lands now occupied by Osgoode Hall, being the lands bounded on the south by Queen Street, on the west by University Avenue, on the north by Osgoode Street and on the east by Chestnut Street, so long as such lands are occupied for the purposes of the Courts or of the Law Society of Upper Canada, except with the approval of the Lieutenant-Governor in Council.

4. That after receiving the conveyance from the City of the said lands referred to in paragraph number 2 the Province may serve upon the City a notice requiring it to remove from beneath the surface of the said lands the public utilities or services, or any plant, equipment and fixtures used in connection therewith and the City will, within six months next following the receipt of such notice, at its own cost and expense remove such utilities, services, plant, equipment and fixtures.

AND FURTHER THIS AGREEMENT WITNESSETH that for the respective considerations before-mentioned it is hereby agreed and understood between the parties hereto as follows:

5. That the City will not be required to remove from beneath the surface of the ground before or at the time of the conveyance to the Province of the lands referred to in paragraph numbered 2 any public utilities, services, or any plant, equipment or fixtures used in connection therewith.

6. That for the purpose of fixing the price or sum to be paid by the Province to the City for the lands referred to in the said paragraph numbered 2 any public utilities or services upon, under, over or through such lands and any plant, equipment or fixtures used in connection with such utilities or services shall not decrease the value of such lands and such price or sum shall be computed as if the said utilities, services, plant, equipment or fixtures did not exist upon, under, over or through such lands.

7. That neither of the parties hereto will sell, mortgage, lease, or place or allow to be placed any encumbrances whatsoever upon any lands affected by this agreement during the time that such lands may be conveyed to the other Party pursuant to this agreement.

IN WITNESS WHEREOF the Parties hereto have caused these presents to be duly executed.

WITNESS:

HER MAJESTY THE QUEEN in Right of Ontario, as represented herein by the Honourable William Griesinger, Minister of Public Works:

(Seal)

W. GRIESINGER.

THE CORPORATION OF THE CITY OF TORONTO:

ALLAN A. LAMPOR,  
*Mayor.*

(Seal)

G. A. LASCELLES,  
*Treasurer.*



This is the Appendix to the agreement made between  
HER MAJESTY THE QUEEN and THE CORPORATION OF THE  
CITY OF TORONTO, dated this 25th day of February, 1953.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being in the City of Toronto, in the County of York, in the Province of Ontario, and being composed of part of Town Lot 8 on the north side of Richmond Street, according to the Plan of the Town of York, and shown marked in red on the accompanying sketch, L.S.-8, the boundaries of the said parcel of land being described as follows:

PREMISING that the easterly limit of York Street has a bearing of North Sixteen Degrees West (N. 16° 00' W.), and relating all bearings thereto:

COMMENCING at the north-westerly angle of the said Town Lot 8, being the point of intersection of the southerly limit of Queen Street West and the easterly limit of York Street;

Thence southerly along the said easterly limit of York Street, a distance of Two hundred and eighteen feet, eleven and three-quarters of an inch (218' 11¾"), to the northerly limit of Richmond Street West;

Thence easterly along the said northerly limit of Richmond Street West Sixty-eight feet and three-quarters of an inch (68' 0¾"), more or less, to the point of intersection of the said northerly limit of Richmond Street West with the site of a line of a former old fence representing in 1935 the limit between lands described in Registered Instrument No. 841-S on file in the Registry Office for the Registry Division of Toronto and the lands to the East thereof, described in Registered Instrument No. 14069-ES, on file in the said Registry Office;

Thence northerly along the line of the said fence, One hundred and nine feet, four inches (109' 4"), to the point of intersection of the last named limit with the site of the line of the northerly face of the northerly wall of the former old frame shed standing upon the northerly part of the lands described in the said Registered Instrument 14069-ES, the last mentioned point of intersection being distant Sixty-nine feet seven inches (69' 7") measured easterly on a course parallel with the said northerly limit of Richmond Street West from the said easterly limit of York Street;

Thence easterly along the said site of the line of the northerly face of the northerly wall of the former frame shed, Eleven feet, eight and one-half inches (11' 8½"), to a point in the centre line of the said Lot, the last mentioned point being distant, One hundred and nine feet, two and three-eighths inches (109' 2⅜"), measured northerly on a course parallel to the said easterly limit of York Street, from the said northerly limit of Richmond Street West;

Thence easterly along the said centre line of lot, Thirty-eight feet, nine and three-quarter inches (38' 9¾"), to the point of intersection of the said centre line of lot with the production southerly of the easterly face of the easterly foundation wall of a brick building formerly standing on the lands herein described, the last mentioned point of intersection being distant One hundred and nine feet and five-eighths of an inch (109' 0⅝") measured southerly on a course parallel to the said easterly limit of York Street, from the said southerly limit of Queen Street West;

Thence northerly, along the said production to and along the site of the said easterly face of the easterly foundation wall of the last mentioned brick building and continuing thence northerly in a straight line in all a distance of Fifty-nine feet and five-eighths of an inch (59' 0⅝") more or less to a point distant fifty feet south of the southerly limit of Queen Street West measured on a line drawn parallel to the easterly limit of York Street and distant One hundred and twenty feet (120') easterly therefrom, measured along a line drawn parallel to the said southerly limit of Queen Street West;

Thence westerly and parallel to the said southerly limit of Queen Street West, a distance of Three feet, two and three-quarter inches ( $3' 2\frac{3}{4}"$ ), to a point in the site of the easterly face of the easterly wall of a brick building formerly standing on the lands herein described;

Thence northerly in a straight line a distance of Fifty feet ( $50' 0"$ ), to a point in the said southerly limit of Queen Street West, the last mentioned point being distant One hundred and sixteen feet nine inches ( $116' 9"$ ), measured easterly along the said southerly limit of Queen Street West from the said north-westerly angle of the said Lot 8;

Thence westerly along the said southerly limit of Queen Street West, a distance of One hundred and sixteen feet nine inches ( $116' 9"$ ), more or less, to the point of commencement.

TOGETHER with all rights of any and every nature or kind whatsoever, which are in any way appurtenant to the lands hereinbefore described, in, over, along and upon that certain parcel of land lying immediately to the east of the lands hereinbefore described, the boundaries of the last mentioned parcel of land being described as follows:

COMMENCING at the north-easterly angle of the lands hereinbefore described, being a point in the said southerly limit of Queen Street West;

Thence southerly along the easterly limit of the lands hereinbefore described, a distance of Fifty feet ( $50' 00"$ );

Thence easterly parallel with the said southerly limit of Queen Street West, Nine feet two and one-half inches ( $9' 2\frac{1}{2}"$ ), more or less, to the westerly face of the westerly wall of a brick building standing at the date hereof upon the lands lying immediately to the east of the Parcel now under description;

Thence northerly along the said westerly face of brick wall, a distance of Twelve feet nine inches ( $12' 9"$ ), more or less, to a point in the northerly extremity thereof, the last mentioned point being distant Seven feet nine inches ( $7' 9"$ ), measured easterly on a course parallel with the said southerly limit of Queen Street West from the said easterly limit of the lands hereinbefore described;

Thence northerly along the westerly face of the westerly wall of an old frame and metal clad building standing at the date hereof upon the northerly part of the said lands lying immediately to the east of the said Parcel now under description, a distance of Thirty-seven feet four and one-half inches ( $37' 4\frac{1}{2}"$ ), more or less, to the said southerly limit of Queen Street West;

Thence westerly along the last mentioned limit, a distance of Seven feet two and three-quarter inches ( $7' 2\frac{3}{4}"$ ), more or less, to the point of commencement.

The Parcel lastly described being shown marked in brown on the accompanying sketch, L.S.-8.

(Plan attached)



BILL

An Act respecting the City of Toronto

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*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. WEAVER

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*(Reprinted as amended by the Committee on  
Private Bills)*

No. 31

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the City of Toronto

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MR. WEAVER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of the Corporation may in any year increase the annual grant that it gives to the Toronto Convention and Tourist Association, Inc. from \$12,500 to a total amount not exceeding \$17,500 for the maintenance of the Association. Authority to increase annual grant to Toronto Convention and Tourist Association to \$17,500

**2.** Section 18 of *An Act respecting the City of Toronto*, 1911, being chapter 119 of the Statutes of Ontario, 1911, as amended 1911, c. 119, s. 18, amended by section 8 of *The City of Toronto Act, 1947*, is further amended by striking out the symbol and figures "\$6,000" in the amendment of 1947 and inserting in lieu thereof the symbol and figures "\$8,000", so that the section shall read as follows:

18. Each member of the Commission, except the Mayor, shall be entitled to such annual salary not exceeding \$8,000, as the Board may determine. Salary of Toronto Electric Commissioners

**3.** Section 8 of *An Act respecting the City of Toronto*, 1921, being chapter 126 of the Statutes of Ontario, 1921, is amended 1921, c. 126, s. 8, amended by adding thereto the following subsection:

(2) In this section,

Interpretation

(a) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes any person designated as an employee by the Minister of Municipal Affairs;

(b) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

Composite  
ballot  
papers  
authorized

4.—(1) The council of the Corporation may by by-law authorize the use of composite ballot papers at the municipal elections in the City of Toronto, which composite ballot papers shall contain the names of the candidates for each office arranged in alphabetical order in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

Idem

(2) A composite ballot paper may contain the names of candidates for the office of mayor, controller, alderman, and board of education or separate school board and may contain any municipal question or questions and any by-law or by-laws upon which a vote is to be taken; or a composite ballot paper may contain the names of candidates for any one or more of such offices and may include a question or questions and a by-law or by-laws upon which a vote is to be taken.

Idem

(3) No elector shall be given a composite ballot paper containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

Idem  
Rev. Stat.,  
c. 243

(4) The provisions of *The Municipal Act* relating to ballot papers shall *mutatis mutandis* apply to this section.

Authority  
to regulate  
traffic  
during  
emergencies

5.—(1) The council of the Corporation may pass by-laws for regulating traffic for temporary periods on account of the holding of parades, funerals or special events or the performance of maintenance or construction work on a public highway; and any such by-law may provide for placing, regulating and maintaining upon any such public highway traffic signs directing traffic or prohibiting the parking or standing of vehicles, and may provide that such signs shall have the same force and effect as signs erected pursuant to the provisions of a traffic by-law approved by the Department of Highways; and may provide for penalties against the driver and the owner of all motor vehicles violating a by-law passed under this section or a sign erected in accordance with such by-law.



(2) No signs erected pursuant to the authority contained Proviso in this section shall have any force or effect for a temporary period longer than fourteen days.

**6.** The council of the Corporation may pass by-laws to Authority to extend powers of The Parking Authority of Toronto authorize The Parking Authority of Toronto,

- (a) to lease to others the land or structures or parts thereof under its control for parking purposes subject to such limitations and conditions as may be provided in the by-law passed by council or in the lease made by The Parking Authority of Toronto;
- (b) to grant to others the right to sell gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, lights, spark plugs and batteries for motor vehicles or to make minor or running repairs essential to the actual operation of motor vehicles, or to wash and clean motor vehicles upon the land or structures or parts thereof under the control of The Parking Authority of Toronto or leased by it to others.

**7.** The council of the Corporation may pass by-laws to Motor vehicle owner and driver liable for penalties provide that the owner as well as the driver of a motor vehicle shall incur the penalties provided for violation of a by-law of the council relating to any municipal parking facility or of any regulation made by The Parking Authority of Toronto within its powers, unless at the time of the violation the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur.

**8.** The agreement between Her Majesty the Queen in right Agreement between Ontario and Toronto confirmed of Ontario and the Corporation set forth in the Schedule to this Act is ratified and confirmed and declared to be legal, valid and binding upon the Corporation, and the Corporation is hereby empowered to carry out its obligations and exercise its privileges thereunder.

**9.** The council of the Corporation may pass by-laws Tax exemption exempting from taxes, other than local improvement charges, such land, as defined in *The Assessment Act*, at 145 Beverley Street in the City of Toronto, as is owned and occupied by Rev. Stat., c. 24 the Jewish Immigrant Aid Society of Canada, so long as the said land continues to be used for the purposes of the Jewish Immigrant Aid Society of Canada.

**10.—(1)** This Act, except section 2, comes into force on Commencement the day it receives Royal Assent.

**Idem** (2) Section 2 shall be deemed to have come into force on the 1st day of January, 1953.

**Short title** **11.** This Act may be cited as *The City of Toronto Act, 1953*.

## SCHEDULE

THIS AGREEMENT, made in quadruplicate, this 25th day of February, one thousand nine hundred and fifty-three:

BETWEEN:

HER MAJESTY THE QUEEN in Right of Ontario, as represented herein by the Honourable William Griesinger, Minister of Public Works, hereinafter called "the Province",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City",

OF THE SECOND PART.

WHEREAS the Province is the owner of a certain parcel of land situate at the south-east corner of York and Queen Streets in the City of Toronto and being more particularly described in the Appendix hereto; and

WHEREAS the City may divert the said York Street at and about its intersection with the said Queen Street, and the Province is willing in that event to make available to the City the lands described in the Appendix in the manner and upon the terms and conditions herein contained; and

WHEREAS there is doubt that the City is competent under legislation presently in force to carry out the provisions of this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Province, in consideration of the premises and the covenants of the City hereinafter contained and the sum of One dollar (\$1.00) of lawful money of Canada now paid by the City to the Province (the receipt whereof is hereby acknowledged) does hereby covenant and agree with the City as follows:

1. That the Province will and does hereby give to the City an option irrevocable during the period of six years next following the date hereof, thereafter to be void, to purchase for or in connection with the diversion of the said York Street, free from encumbrances, the said lands described in the Appendix hereto, for a price or sum to be mutually agreed upon between the Parties, or in the event that no agreement can be reached, to be settled by arbitration under *The Municipal Arbitrations Act*. Without limiting any other means by which the option hereby given may by law be accepted, the same may be accepted by resolution or by-law of the City communicated to the Province by mailing a copy of the same or a notice of the effect thereof to the Minister of Public Works for the time being, or to his successor, and acceptance by this means or by any other means by law permitted shall constitute a binding contract of purchase and sale.

AND FURTHER THIS AGREEMENT WITNESSETH that the City, in consideration of the premises and the covenants of the Province herein contained and the sum of One dollar (\$1.00) of lawful money of Canada now paid by the Province to the City (the receipt whereof is hereby acknowledged) does hereby covenant and agree with the Province as follows:

2. That upon the constituting of the contract of purchase and sale referred to in paragraph numbered 1 the City hereby agrees to sell and convey to the Province whatever lands if any lie north of the north limit of Richmond Street West in the said City of Toronto and between the present west limit of York Street and the west limit of such last-mentioned street as it exists after the proposed diversion has been completed and south

of the south limit of Queen Street, the price or sum to be paid therefor to be mutually agreed upon between the Parties, or in the event that no agreement can be reached to be settled by reference to the Official Arbitrator appointed for Toronto under *The Municipal Arbitrations Act*, and the provisions of that Act shall *mutatis mutandis* apply to such reference; provided that the conveyance of the said lands shall be withheld until the work upon such diversion has been completed.

3. That the City will not expropriate the whole or any part of the lands now occupied by Osgoode Hall, being the lands bounded on the south by Queen Street, on the west by University Avenue, on the north by Osgoode Street and on the east by Chestnut Street, so long as such lands are occupied for the purposes of the Courts or of the Law Society of Upper Canada, except with the approval of the Lieutenant-Governor in Council.

4. That after receiving the conveyance from the City of the said lands referred to in paragraph number 2 the Province may serve upon the City a notice requiring it to remove from beneath the surface of the said lands the public utilities or services, or any plant, equipment and fixtures used in connection therewith and the City will, within six months next following the receipt of such notice, at its own cost and expense remove such utilities, services, plant, equipment and fixtures.

AND FURTHER THIS AGREEMENT WITNESSETH that for the respective considerations before-mentioned it is hereby agreed and understood between the parties hereto as follows:

5. That the City will not be required to remove from beneath the surface of the ground before or at the time of the conveyance to the Province of the lands referred to in paragraph numbered 2 any public utilities, services, or any plant, equipment or fixtures used in connection therewith.

6. That for the purpose of fixing the price or sum to be paid by the Province to the City for the lands referred to in the said paragraph numbered 2 any public utilities or services upon, under, over or through such lands and any plant, equipment or fixtures used in connection with such utilities or services shall not decrease the value of such lands and such price or sum shall be computed as if the said utilities, services, plant, equipment or fixtures did not exist upon, under, over or through such lands.

7. That neither of the parties hereto will sell, mortgage, lease, or place or allow to be placed any encumbrances whatsoever upon any lands affected by this agreement during the time that such lands may be conveyed to the other Party pursuant to this agreement.

IN WITNESS WHEREOF the Parties hereto have caused these presents to be duly executed.

WITNESS:

HER MAJESTY THE QUEEN in Right of Ontario, as represented herein by the Honourable William Griesinger, Minister of Public Works:

(Seal)

W. GRIESINGER.

THE CORPORATION OF THE CITY OF TORONTO:

ALLAN A. LAMPOR,  
Mayor.

(Seal)

G. A. LASCELLES,  
Treasurer.

This is the Appendix to the agreement made between  
HER MAJESTY THE QUEEN and THE CORPORATION OF THE  
CITY OF TORONTO, dated this 25th day of February, 1953.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being in the City of Toronto, in the County of York, in the Province of Ontario, and being composed of part of Town Lot 8 on the north side of Richmond Street, according to the Plan of the Town of York, and shown marked in red on the accompanying sketch, L.S.-8, the boundaries of the said parcel of land being described as follows:

PREMISING that the easterly limit of York Street has a bearing of North Sixteen Degrees West (N. 16° 00' W.), and relating all bearings thereto:

COMMENCING at the north-westerly angle of the said Town Lot 8, being the point of intersection of the southerly limit of Queen Street West and the easterly limit of York Street;

Thence southerly along the said easterly limit of York Street, a distance of Two hundred and eighteen feet, eleven and three-quarters of an inch (218' 11 $\frac{3}{4}$ " ), to the northerly limit of Richmond Street West;

Thence easterly along the said northerly limit of Richmond Street West Sixty-eight feet and three-quarters of an inch (68' 0 $\frac{3}{4}$ " ), more or less, to the point of intersection of the said northerly limit of Richmond Street West with the site of a line of a former old fence representing in 1935 the limit between lands described in Registered Instrument No. 841-S on file in the Registry Office for the Registry Division of Toronto and the lands to the East thereof, described in Registered Instrument No. 14069-ES, on file in the said Registry Office;

Thence northerly along the line of the said fence, One hundred and nine feet, four inches (109' 4" ), to the point of intersection of the last named limit with the site of the line of the northerly face of the northerly wall of the former old frame shed standing upon the northerly part of the lands described in the said Registered Instrument 14069-ES, the last mentioned point of intersection being distant Sixty-nine feet seven inches (69' 7" ) measured easterly on a course parallel with the said northerly limit of Richmond Street West from the said easterly limit of York Street;

Thence easterly along the said site of the line of the northerly face of the northerly wall of the former frame shed, Eleven feet, eight and one-half inches (11' 8 $\frac{1}{2}$ " ), to a point in the centre line of the said Lot, the last mentioned point being distant, One hundred and nine feet, two and three-eighths inches (109' 2 $\frac{3}{8}$ " ), measured northerly on a course parallel to the said easterly limit of York Street, from the said northerly limit of Richmond Street West;

Thence easterly along the said centre line of lot, Thirty-eight feet, nine and three-quarter inches (38' 9 $\frac{3}{4}$ " ), to the point of intersection of the said centre line of lot with the production southerly of the easterly face of the easterly foundation wall of a brick building formerly standing on the lands herein described, the last mentioned point of intersection being distant One hundred and nine feet and five-eighths of an inch (109' 0 $\frac{5}{8}$ " ) measured southerly on a course parallel to the said easterly limit of York Street, from the said southerly limit of Queen Street West;

Thence northerly, along the said production to and along the site of the said easterly face of the easterly foundation wall of the last mentioned brick building and continuing thence northerly in a straight line in all a distance of Fifty-nine feet and five-eighths of an inch (59' 0 $\frac{5}{8}$ " ) more or less to a point distant fifty feet south of the southerly limit of Queen Street West measured on a line drawn parallel to the easterly limit of York Street and distant One hundred and twenty feet (120') easterly therefrom, measured along a line drawn parallel to the said southerly limit of Queen Street West;

Thence westerly and parallel to the said southerly limit of Queen Street West, a distance of Three feet, two and three-quarter inches ( $3' 2\frac{3}{4}"$ ), to a point in the site of the easterly face of the easterly wall of a brick building formerly standing on the lands herein described;

Thence northerly in a straight line a distance of Fifty feet ( $50' 0"$ ), to a point in the said southerly limit of Queen Street West, the last mentioned point being distant One hundred and sixteen feet nine inches ( $116' 9"$ ), measured easterly along the said southerly limit of Queen Street West from the said north-westerly angle of the said Lot 8;

Thence westerly along the said southerly limit of Queen Street West, a distance of One hundred and sixteen feet nine inches ( $116' 9"$ ), more or less, to the point of commencement.

TOGETHER with all rights of any and every nature or kind whatsoever, which are in any way appurtenant to the lands hereinbefore described, in, over, along and upon that certain parcel of land lying immediately to the east of the lands hereinbefore described, the boundaries of the last mentioned parcel of land being described as follows:

COMMENCING at the north-easterly angle of the lands hereinbefore described, being a point in the said southerly limit of Queen Street West;

Thence southerly along the easterly limit of the lands hereinbefore described, a distance of Fifty feet ( $50' 00"$ );

Thence easterly parallel with the said southerly limit of Queen Street West, Nine feet two and one-half inches ( $9' 2\frac{1}{2}"$ ), more or less, to the westerly face of the westerly wall of a brick building standing at the date hereof upon the lands lying immediately to the east of the Parcel now under description;

Thence northerly along the said westerly face of brick wall, a distance of Twelve feet nine inches ( $12' 9"$ ), more or less, to a point in the northerly extremity thereof, the last mentioned point being distant Seven feet nine inches ( $7' 9"$ ), measured easterly on a course parallel with the said southerly limit of Queen Street West from the said easterly limit of the lands hereinbefore described;

Thence northerly along the westerly face of the westerly wall of an old frame and metal clad building standing at the date hereof upon the northerly part of the said lands lying immediately to the east of the said Parcel now under description, a distance of Thirty-seven feet four and one-half inches ( $37' 4\frac{1}{2}"$ ), more or less, to the said southerly limit of Queen Street West;

Thence westerly along the last mentioned limit, a distance of Seven feet two and three-quarter inches ( $7' 2\frac{3}{4}"$ ), more or less, to the point of commencement.

The Parcel lastly described being shown marked in brown on the accompanying sketch, L.S.-8.

(Plan attached)



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BILL

An Act respecting the City of Toronto

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

March 26th, 1953

*3rd Reading*

March 30th, 1953

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MR. WEAVER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting the Town of Dundas**

---

MR. CONNELL

---

(PRIVATE BILL)



# BILL

## An Act respecting the Town of Dundas

**W**HEREAS The Corporation of the Town of Dundas by Preamble its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Order P.F. M-447 of the Ontario Municipal Board Annexation order confirmed dated the 19th day of November, 1952, set forth as the Schedule hereto, is hereby confirmed.

(2) Notwithstanding anything contained therein, the annexation provided for in the said order shall be deemed to Effective date have had effect on and after the 1st day of January, 1953.

**2.** This Act comes into force on the day it receives Royal Commencement Assent.

**3.** This Act may be cited as *The Town of Dundas Act, 1953*. Short title

## SCHEDULE

P.F. M-447

## THE ONTARIO MUNICIPAL BOARD

Wednesday, the 19th day of November, A.D. 1952

## BEFORE:

W. J. MOORE, O.L.S.,  
Vice-Chairman, and

R. H. YEATES,  
Member.

IN THE MATTER OF Section 20 of  
"The Municipal Act" (R.S.O.  
1950, Chapter 243), and

IN THE MATTER OF an application  
by The Corporation of the Town  
of Dundas for annexation to that  
municipality of a portion of the  
Township of West Flamboro, and

IN THE MATTER OF By-law No. 1517  
of The Corporation of the Town  
of Dundas.

UPON THE APPLICATION OF The Corporation of the Town of Dundas coming on for hearing before this Board in the Council Chamber in the Town of Dundas on the 30th day of September, A.D. 1952, and in the presence of Counsel for the Town of Dundas, Counsel for the County of Wentworth, Counsel for the Township of West Flamboro and certain property owners and also a number of property owners in the area sought to be annexed, who appeared in person;

AND UPON hearing what was alleged by Counsel and other interested persons;

AND UPON being satisfied that public notice of the hearing had been given as directed by the Board:

1. THE BOARD ORDERS that, under and pursuant to Section 20 of *The Municipal Act*, that part of the Township of West Flamboro described in Schedule "A" to this Order be and the same is hereby annexed to the Town of Dundas.

2. THE BOARD FURTHER ORDERS that, subject to the provisions of subsections 15 and 16 of Section 20 of *The Municipal Act*, this Order shall come into effect on the First day of January, A.D. 1953.

3. THE BOARD FURTHER ORDERS that, if and when this Order shall become effective, the Corporation of the Town of Dundas shall cause a survey of the new boundary to be made and properly marked with durable survey posts and shall furnish the Board with a correct description of the annexed area in accordance with the survey.

4. THE BOARD FURTHER ORDERS that any other matters affecting this annexation which are properly the subject for consideration may be taken up from time to time and orders supplementary to this Order may be issued by the Board.

Seal  
THE ONTARIO MUNICIPAL BOARD

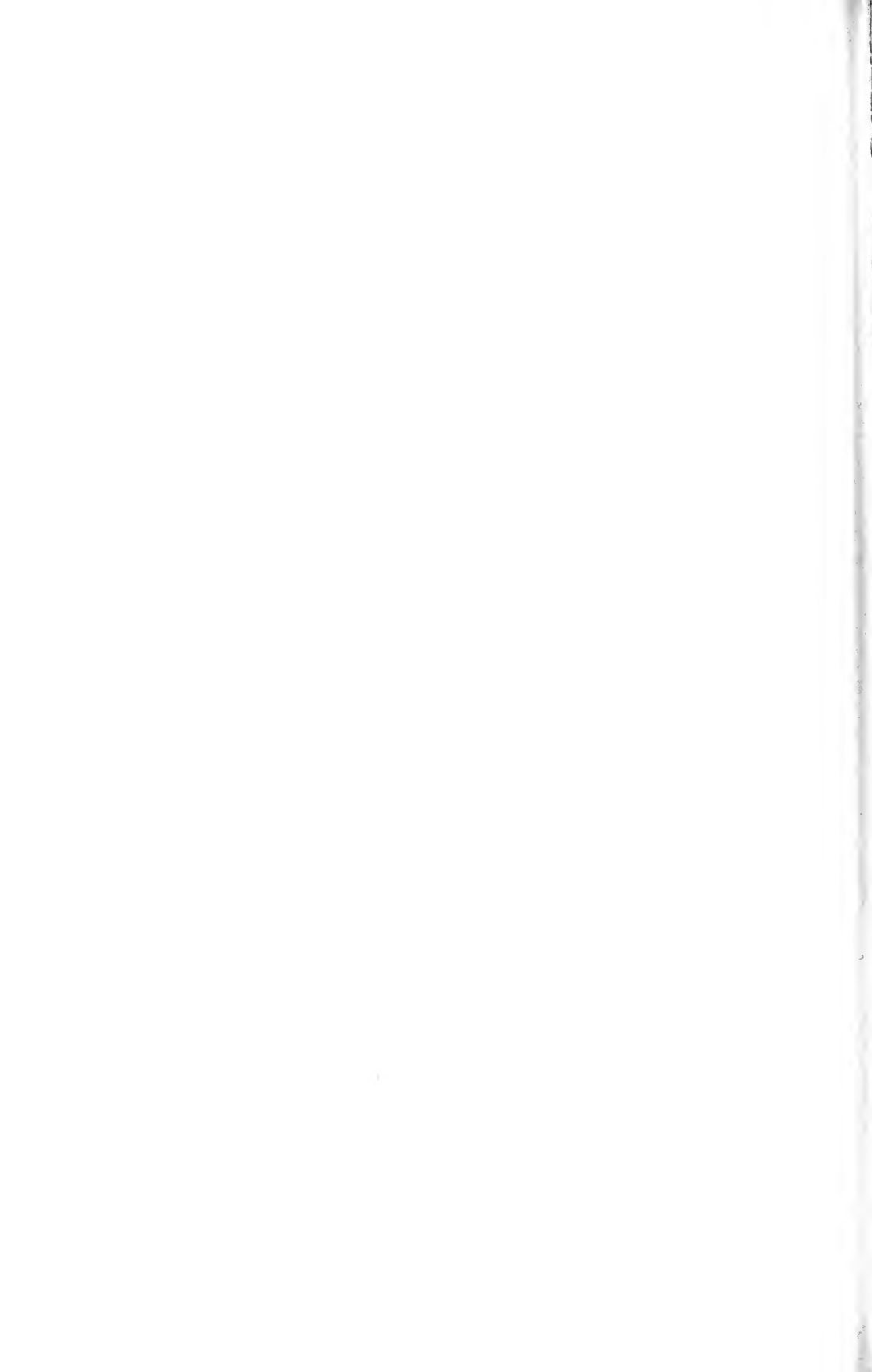
(Sgd.) W. J. MOORE,  
Vice-Chairman.

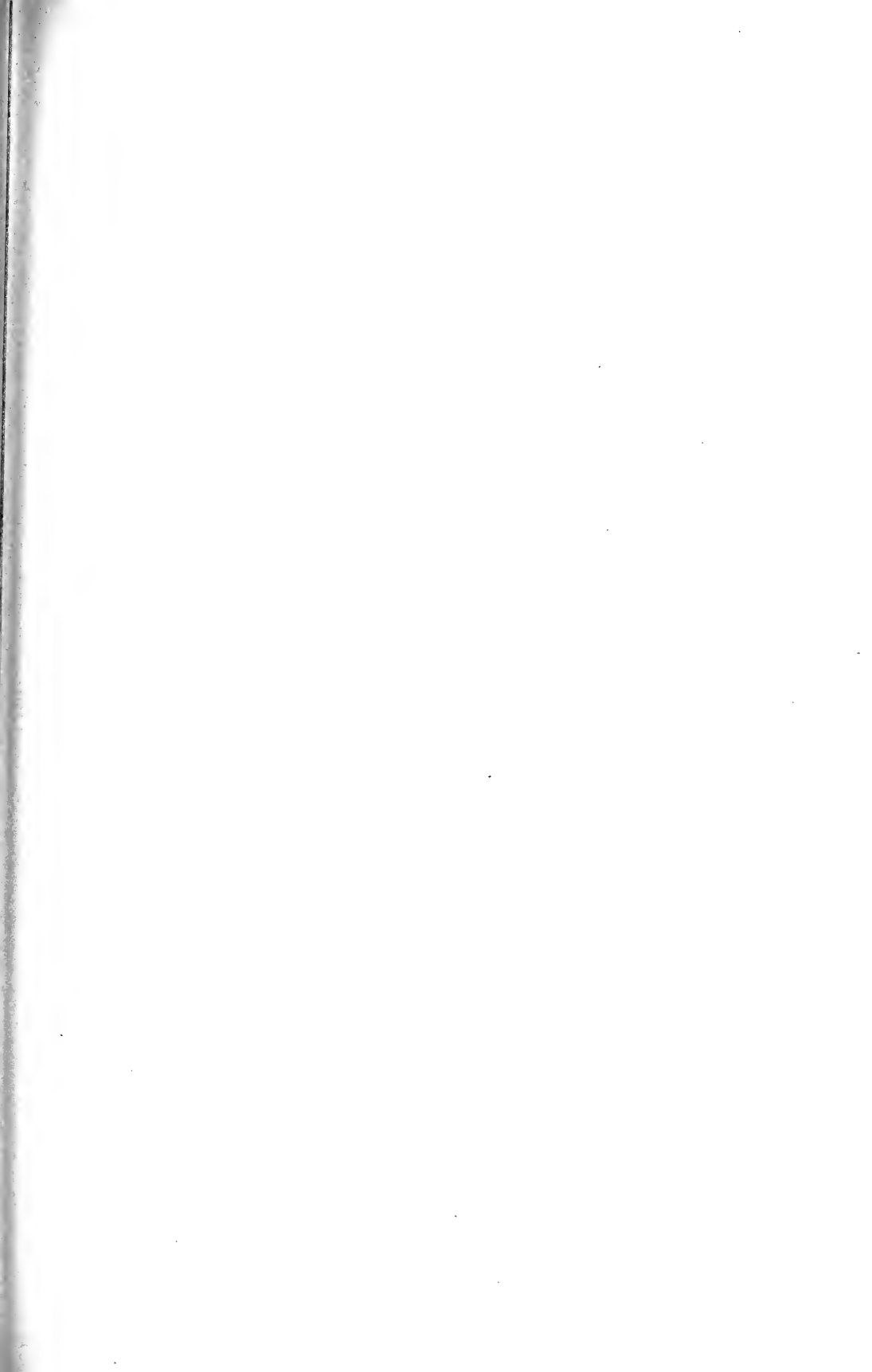
*Schedule "A"*

to the Order of The Ontario Municipal  
Board dated the 19th day of November,  
A.D. 1952

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of West Flamboro, in the County of Wentworth, in the Province of Ontario, being composed of part of Lot Numbers 12, 13 and 14 and the Unopened Road Allowance between Lot Numbers 12 and 13 in the First Concession of the Township of West Flamboro, and which may be more particularly described as follows, that is to say:

COMMENCING at a point in the present western limit of the Town of Dundas, the said point being in the centre line of Chegwin Street, distant two hundred and fifty feet (250') measured northerly thereon from the northern limit of the Governor's Road; thence westerly in a straight line to the north-east angle of Park Lot Number 4; thence westerly following the northern limit of Park Lot Numbers 4, 5, 6 and 7 to the north-west angle of Park Lot 7; thence northerly following the western limit of the Central Park Subdivision to its intersection with a line and its production easterly drawn parallel with and distant one hundred and fifty feet (150') measured southerly at right angles from the southern limit of Mercer Street; thence westerly along the aforesaid line drawn parallel with the southern limit of Mercer Street and the production of the line thereof westerly to its intersection with the division line between Lots 11 and 12 in the First Concession of the Township of West Flamboro; thence northerly along the aforesaid division line between Lot Numbers 11 and 12 to its intersection with the southern limit of the right-of-way lands of the Canadian National Railways right-of-way; thence easterly along the southern limit of the Canadian National Railways right-of-way lands to a point of intersection with the present western limit of the Town of Dundas; thence south-westerly and southerly along the present limits of the Town of Dundas to a point of intersection with the northern limit of Mercer Street; thence easterly along the northern limit of Mercer Street to a point of intersection with the present southern limit of the Town of Dundas; thence continuing easterly along the present southern limit of the Town of Dundas to a point in the aforesaid centre line of Chegwin Street; thence southerly along the aforesaid centre line of Chegwin Street to the place of beginning.





BILL

An Act respecting the Town of Dundas

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. CONNELL

---

(*Private Bill*)



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting the Town of Dundas**

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MR. CONNELL

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# BILL

## An Act respecting the Town of Dundas

**W**HEREAS The Corporation of the Town of Dundas by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Order P.F. M-447 of the Ontario Municipal Board <sup>Annexation order confirmed</sup> dated the 19th day of November, 1952, set forth as the Schedule hereto, is hereby confirmed.

(2) Notwithstanding anything contained therein, the annexation provided for in the said order shall be deemed to <sup>Effective date</sup> have had effect on and after the 1st day of January, 1953.

**2.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**3.** This Act may be cited as *The Town of Dundas Act, 1953*. <sup>Short title</sup>

SCHEDULE

P.F. M-447

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 19th day of November, A.D. 1952

BEFORE:

W. J. MOORE, O.L.S.,  
Vice-Chairman, and  
R. H. YEATES,  
Member.

IN THE MATTER OF Section 20 of  
"The Municipal Act" (R.S.O.  
1950, Chapter 243), and

IN THE MATTER OF an application  
by The Corporation of the Town  
of Dundas for annexation to that  
municipality of a portion of the  
Township of West Flamboro, and

IN THE MATTER OF By-law No. 1517  
of The Corporation of the Town  
of Dundas.

UPON THE APPLICATION OF The Corporation of the Town of Dundas coming on for hearing before this Board in the Council Chamber in the Town of Dundas on the 30th day of September, A.D. 1952, and in the presence of Counsel for the Town of Dundas, Counsel for the County of Wentworth, Counsel for the Township of West Flamboro and certain property owners and also a number of property owners in the area sought to be annexed, who appeared in person;

AND UPON hearing what was alleged by Counsel and other interested persons;

AND UPON being satisfied that public notice of the hearing had been given as directed by the Board:

1. THE BOARD ORDERS that, under and pursuant to Section 20 of *The Municipal Act*, that part of the Township of West Flamboro described in Schedule "A" to this Order be and the same is hereby annexed to the Town of Dundas.

2. THE BOARD FURTHER ORDERS that, subject to the provisions of subsections 15 and 16 of Section 20 of *The Municipal Act*, this Order shall come into effect on the First day of January, A.D. 1953.

3. THE BOARD FURTHER ORDERS that, if and when this Order shall become effective, the Corporation of the Town of Dundas shall cause a survey of the new boundary to be made and properly marked with durable survey posts and shall furnish the Board with a correct description of the annexed area in accordance with the survey.

4. THE BOARD FURTHER ORDERS that any other matters affecting this annexation which are properly the subject for consideration may be taken up from time to time and orders supplementary to this Order may be issued by the Board.

Seal  
THE ONTARIO MUNICIPAL BOARD

(Sgd.) W. J. MOORE,  
Vice-Chairman.

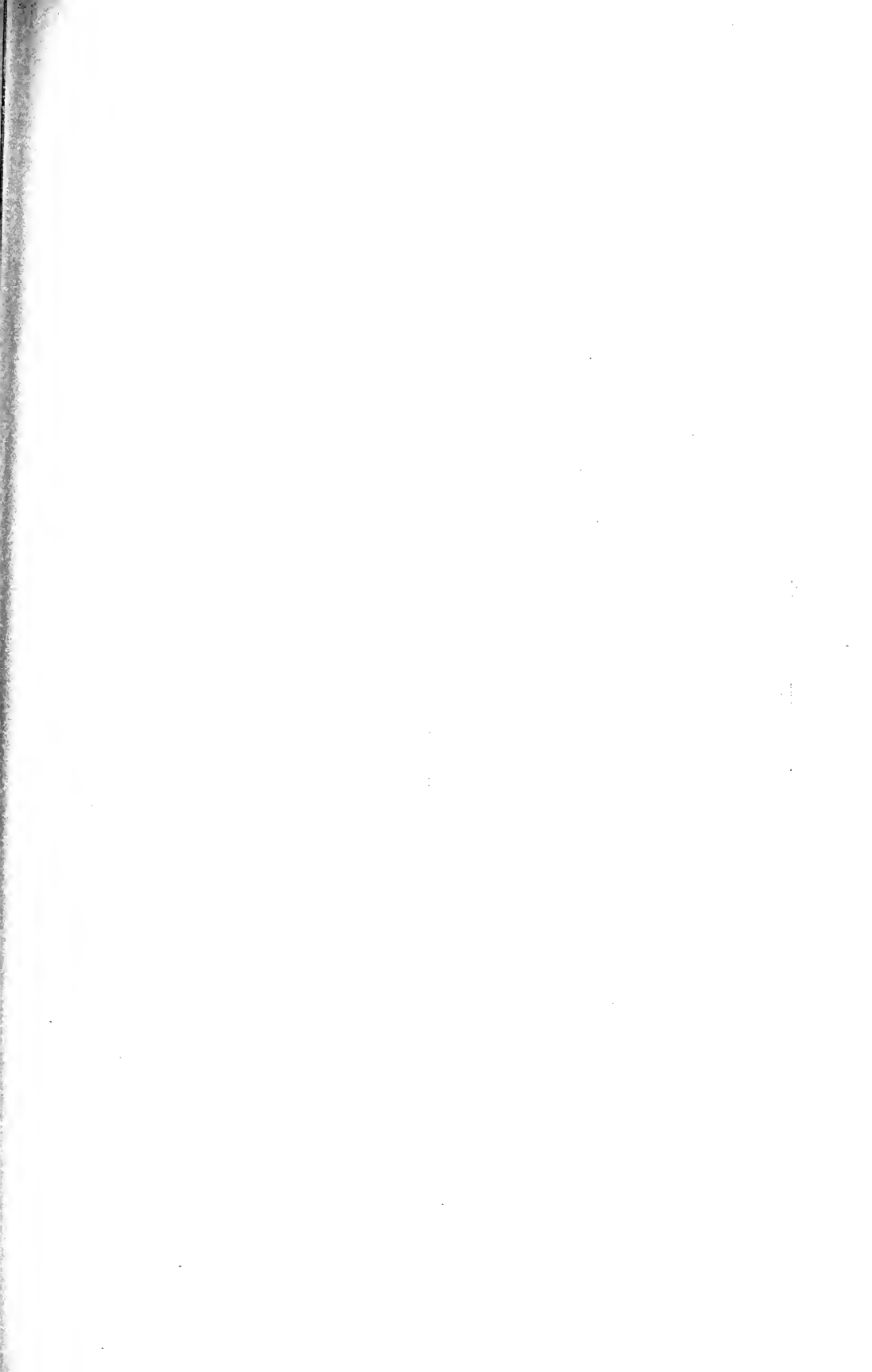
*Schedule "A"*

to the Order of The Ontario Municipal  
Board dated the 19th day of November,  
A.D. 1952

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of West Flamboro, in the County of Wentworth, in the Province of Ontario, being composed of part of Lot Numbers 12, 13 and 14 and the Unopened Road Allowance between Lot Numbers 12 and 13 in the First Concession of the Township of West Flamboro, and which may be more particularly described as follows, that is to say:

COMMENCING at a point in the present western limit of the Town of Dundas, the said point being in the centre line of Chegwin Street, distant two hundred and fifty feet (250') measured northerly thereon from the northern limit of the Governor's Road; thence westerly in a straight line to the north-east angle of Park Lot Number 4; thence westerly following the northern limit of Park Lot Numbers 4, 5, 6 and 7 to the north-west angle of Park Lot 7; thence northerly following the western limit of the Central Park Subdivision to its intersection with a line and its production easterly drawn parallel with and distant one hundred and fifty feet (150') measured southerly at right angles from the southern limit of Mercer Street; thence westerly along the aforesaid line drawn parallel with the southern limit of Mercer Street and the production of the line thereof westerly to its intersection with the division line between Lots 11 and 12 in the First Concession of the Township of West Flamboro; thence northerly along the aforesaid division line between Lot Numbers 11 and 12 to its intersection with the southern limit of the right-of-way lands of the Canadian National Railways right-of-way; thence easterly along the southern limit of the Canadian National Railways right-of-way lands to a point of intersection with the present western limit of the Town of Dundas; thence south-westerly and southerly along the present limits of the Town of Dundas to a point of intersection with the northern limit of Mercer Street; thence easterly along the northern limit of Mercer Street to a point of intersection with the present southern limit of the Town of Dundas; thence continuing easterly along the present southern limit of the Town of Dundas to a point in the aforesaid centre line of Chegwin Street; thence southerly along the aforesaid centre line of Chegwin Street to the place of beginning.





BILL

An Act respecting the Town of Dundas

---

*1st Reading*

February 26th, 1953

*2nd Reading*

March 20th, 1953

*3rd Reading*

March 25th, 1953

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MR. CONNELL

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting The Hospital for Sick Children

---

MR. ROBERTS (St. Patrick)

---

(PRIVATE BILL)



# BILL

## An Act respecting The Hospital for Sick Children

**W**HEREAS The Hospital for Sick Children by its petition <sup>Preamble</sup> has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In addition to the powers of investing in such securities <sup>Investment of funds</sup> as the trustees may deem advisable, the corporation may invest the assets now or hereafter owned by it in any investments or securities that are now or may hereafter be authorized investments for joint stock insurance companies and cash-mutual insurance companies under clauses *a* to *q* of subsection 1 of section 298 of *The Companies Act*, and may alter <sup>Rev. Stat., c. 59</sup> and vary such investments from time to time by substituting others of a like nature.

**2.** Such investments shall not be subject to the provisions <sup>Provisions not applicable</sup> of subsections 2 to 15 of section 298 of *The Companies Act* or any provisions that may be substituted therefor.

**3.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**4.** This Act may be cited as *The Hospital for Sick Children* <sup>Short title</sup> Act, 1953.

BILL.

An Act respecting The Hospital for  
Sick Children

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. ROBERTS (St. Patrick)

*(Private Bill)*

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No. 33

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting The Hospital for Sick Children

---

MR. ROBERTS (St. Patrick)

---



# BILL

## An Act respecting The Hospital for Sick Children

**W**HEREAS The Hospital for Sick Children by its petition <sup>Preamble</sup> has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In addition to the powers of investing in such securities <sup>Investment of funds</sup> as the trustees may deem advisable, the corporation may invest the assets now or hereafter owned by it in any investments or securities that are now or may hereafter be authorized investments for joint stock insurance companies and cash-mutual insurance companies under clauses *a* to *q* of subsection 1 of section 298 of *The Companies Act*, and may alter <sup>Rev. Stat., c. 59</sup> and vary such investments from time to time by substituting others of a like nature.

**2.** Such investments shall not be subject to the provisions <sup>Provisions not applicable</sup> of subsections 2 to 15 of section 298 of *The Companies Act* or any provisions that may be substituted therefor.

**3.** This Act comes into force on the day it receives Royal <sup>Commencement</sup> Assent.

**4.** This Act may be cited as *The Hospital for Sick Children* <sup>Short title</sup> *Act, 1953*.

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BILL

An Act respecting 'The Hospital for Sick Children

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

March 11th, 1953

*3rd Reading*

March 17th, 1953

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MR. ROBERTS (St. Patrick)

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No. 34

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of Ottawa

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MR. MORROW

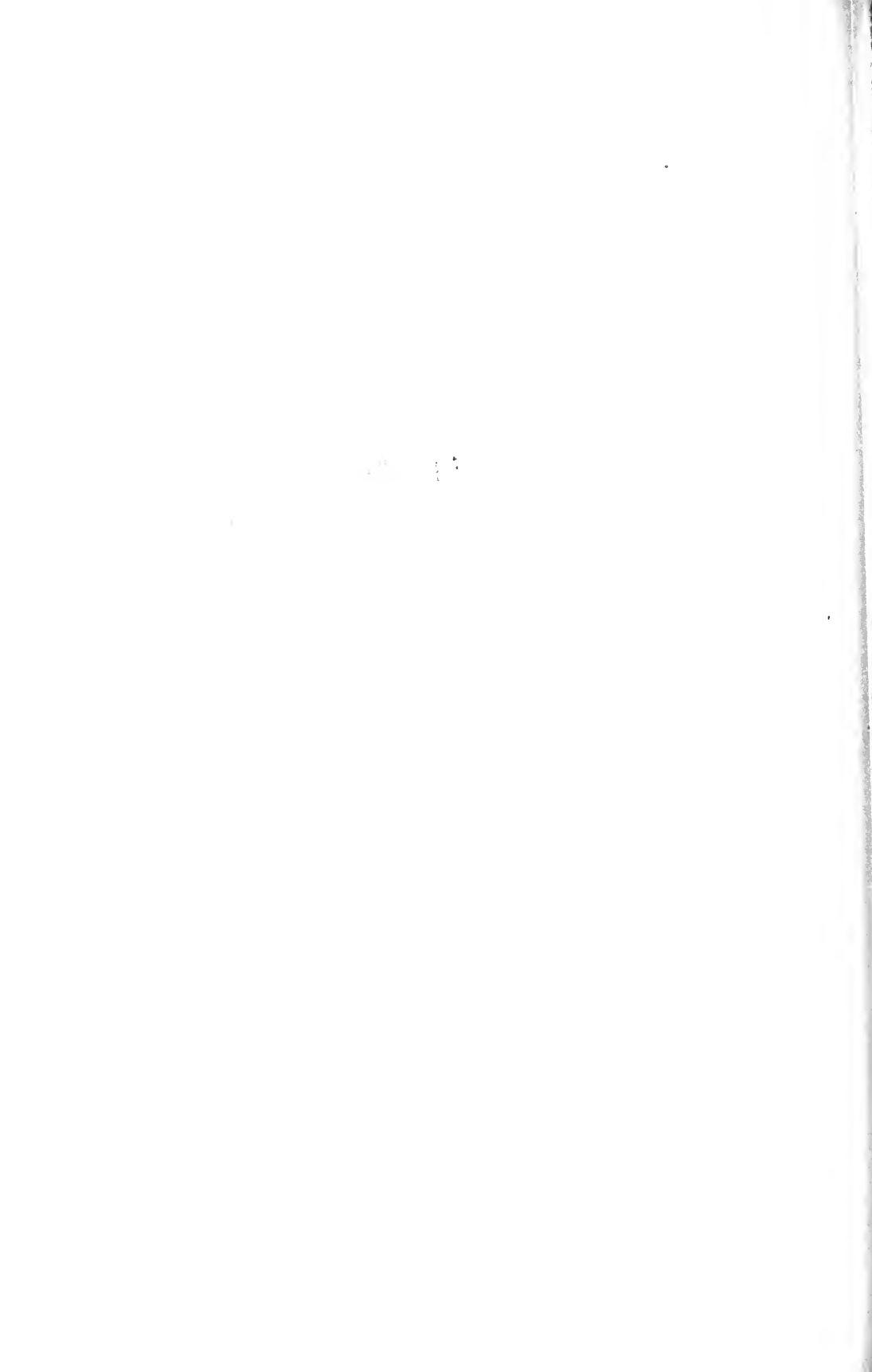
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(PRIVATE BILL)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa by Preamble  
 its petition has represented that it may be desirable  
 that a commissioner be appointed to inquire into the Manor  
 Park and other land developments in the City of Ottawa;  
 and that the Municipal Recreation Committee of Ottawa  
 should be declared to be a board within the meaning of *The* Rev. Stat.,  
c. 58  
*Community Centres Act*; and whereas the petitioner has prayed  
 for special legislation to effect such purposes; and whereas  
 it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:

**1.**—(1) Upon receipt of a certified copy of a resolution of Inquiry as  
to Manor  
Park land  
development  
 the council of The Corporation of the City of Ottawa request-  
 ing him to do so, and upon the recommendation of the Minister  
 of Municipal Affairs, the Lieutenant-Governor in Council  
 may by commission appoint a person to inquire into or  
 concerning,

- (a) the land development or developments in that area  
 of the City of Ottawa known as Manor Park both to  
 the east and to the west of St. Laurent Boulevard,  
 and both the existing development or developments  
 and any projected extension thereof; and
- (b) any other land development in the City of Ottawa  
 that is specified in the resolution.

(2) The commissioner shall have all the powers that may be Powers  
Rev. Stat.,  
c. 308  
 conferred upon a commissioner appointed under *The Public*  
*Inquiries Act*.

(3) The commissioner shall, with all convenient speed, Report  
 report to the said council the result of the inquiry and the  
 evidence taken.

Expenses

(4) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister of Municipal Affairs and paid forthwith by The Corporation of the City of Ottawa.

Municipal  
Recreation  
Committee,  
appointment  
Rev. Stat.,  
c. 58

2. Notwithstanding section 6 of *The Community Centres Act*, the Municipal Recreation Committee of Ottawa appointed under By-law No. 12-52 of The Corporation of the City of Ottawa shall be deemed to be a board appointed under that Act.

Commence-  
ment

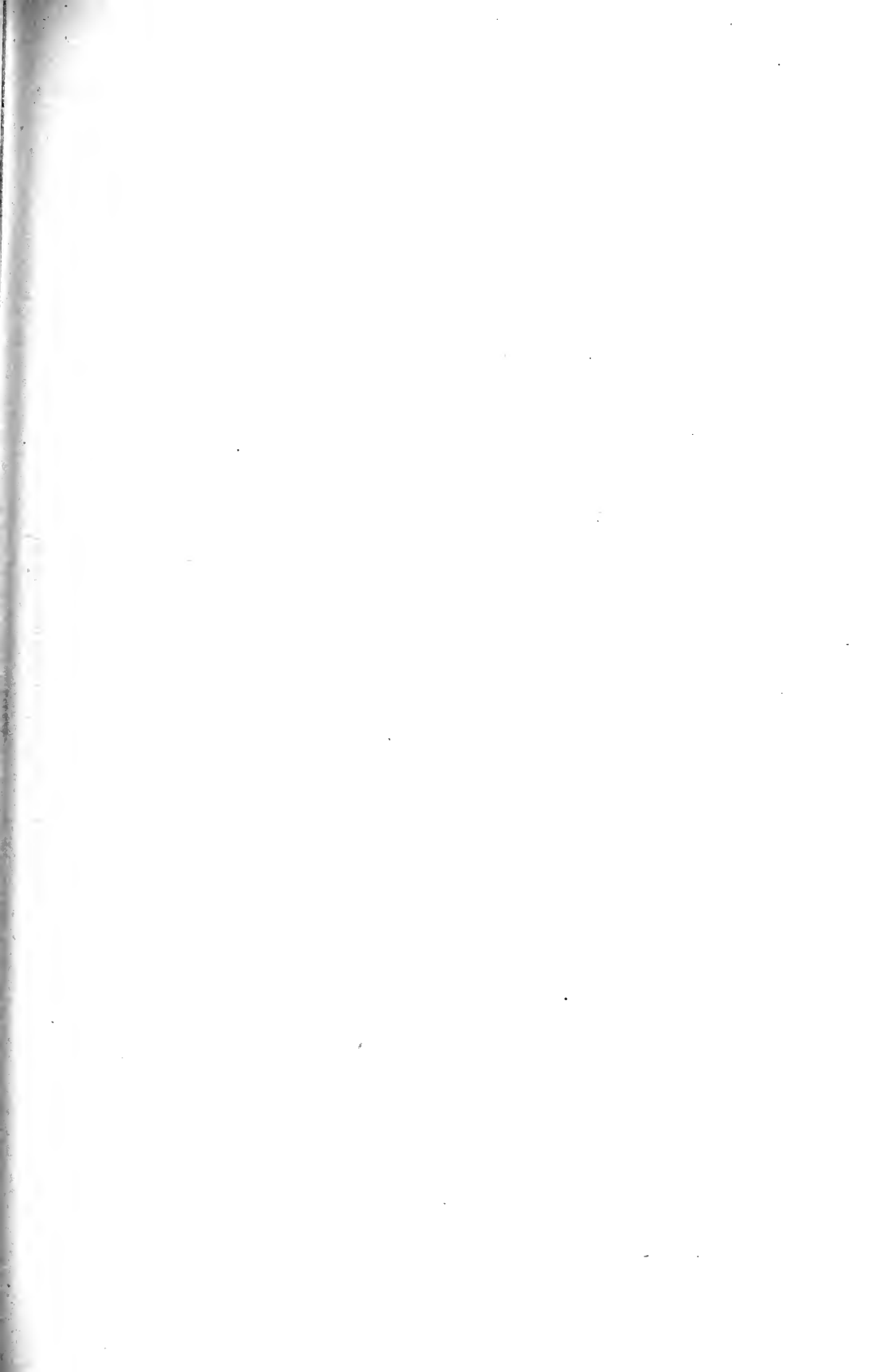
3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Ottawa Act, 1953*.







BILL

An Act respecting the City of Ottawa

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MORROW

*(Private Bill)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of Ottawa

---

MR. MORROW

---

*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa by Preamble its petition has represented that it may be desirable that a commissioner be appointed to inquire into the Manor Park and other land developments in the City of Ottawa; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Upon receipt of a certified copy of a resolution of Inquiry as to Manor Park land development the council of The Corporation of the City of Ottawa requesting him to do so, and upon the recommendation of the Minister of Municipal Affairs, the Lieutenant-Governor in Council may by commission appoint a person to inquire into or concerning,

- (a) the land development or developments in that area of the City of Ottawa known as Manor Park both to the east and to the west of St. Laurent Boulevard, and both the existing development or developments and any projected extension thereof; and
- (b) any other land development in the City of Ottawa that is specified in the resolution.

(2) The commissioner shall have all the powers that may be Powers conferred upon a commissioner appointed under *The Public Inquiries Act.* Rev. Stat., c. 308

(3) The commissioner shall, with all convenient speed, Report report to the said council the result of the inquiry and the evidence taken.

**Expenses** (4) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister of Municipal Affairs and paid forthwith by The Corporation of the City of Ottawa.

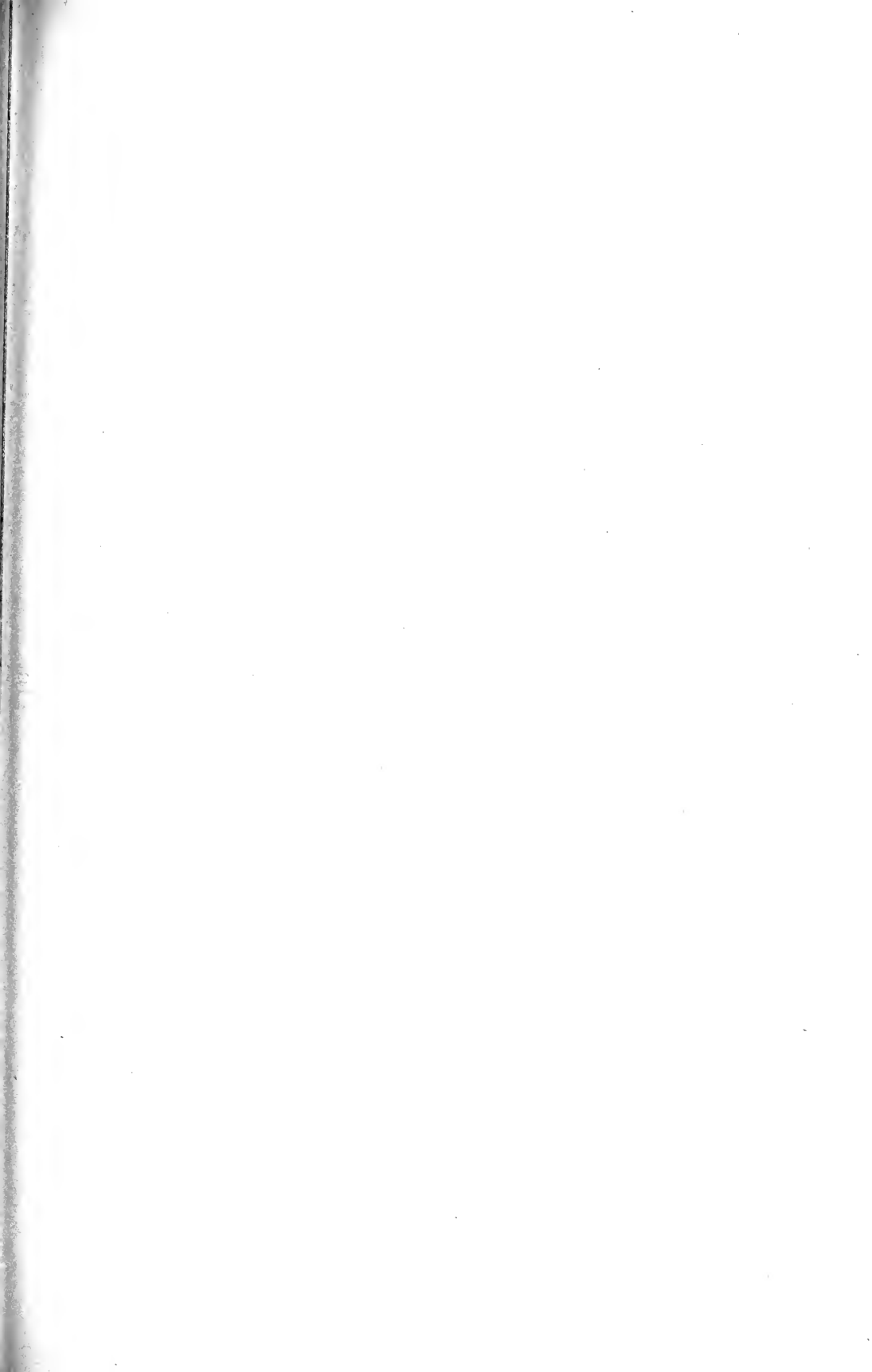
**Counsel** (5) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, and any other person interested, may be represented by counsel.

**Commence-  
ment** 2. This Act comes into force on the day it receives Royal Assent.

**Short title** 3. This Act may be cited as *The City of Ottawa Act, 1953*.







BILL

An Act respecting the City of Ottawa

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

---

MR. MORROW

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*(Reprinted as amended by the Committee on  
Private Bills)*



No. 34

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of Ottawa

---

MR. MORROW

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa by Preamble its petition has represented that it may be desirable that a commissioner be appointed to inquire into the Manor Park and other land developments in the City of Ottawa; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

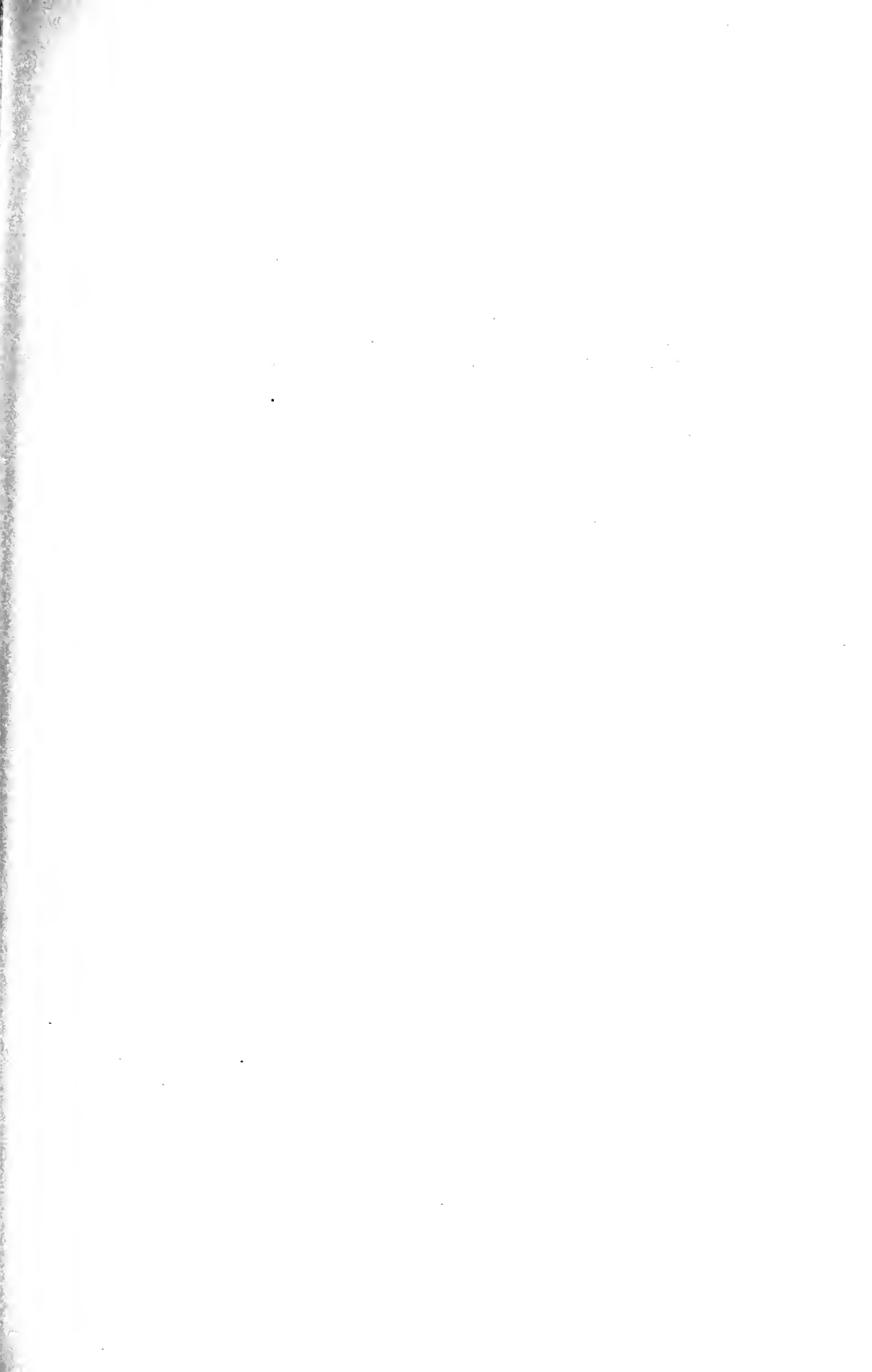
1.—(1) Upon receipt of a certified copy of a resolution of Inquiry as to Manor Park land development the council of The Corporation of the City of Ottawa requesting him to do so, and upon the recommendation of the Minister of Municipal Affairs, the Lieutenant-Governor in Council may by commission appoint a person to inquire into or concerning,

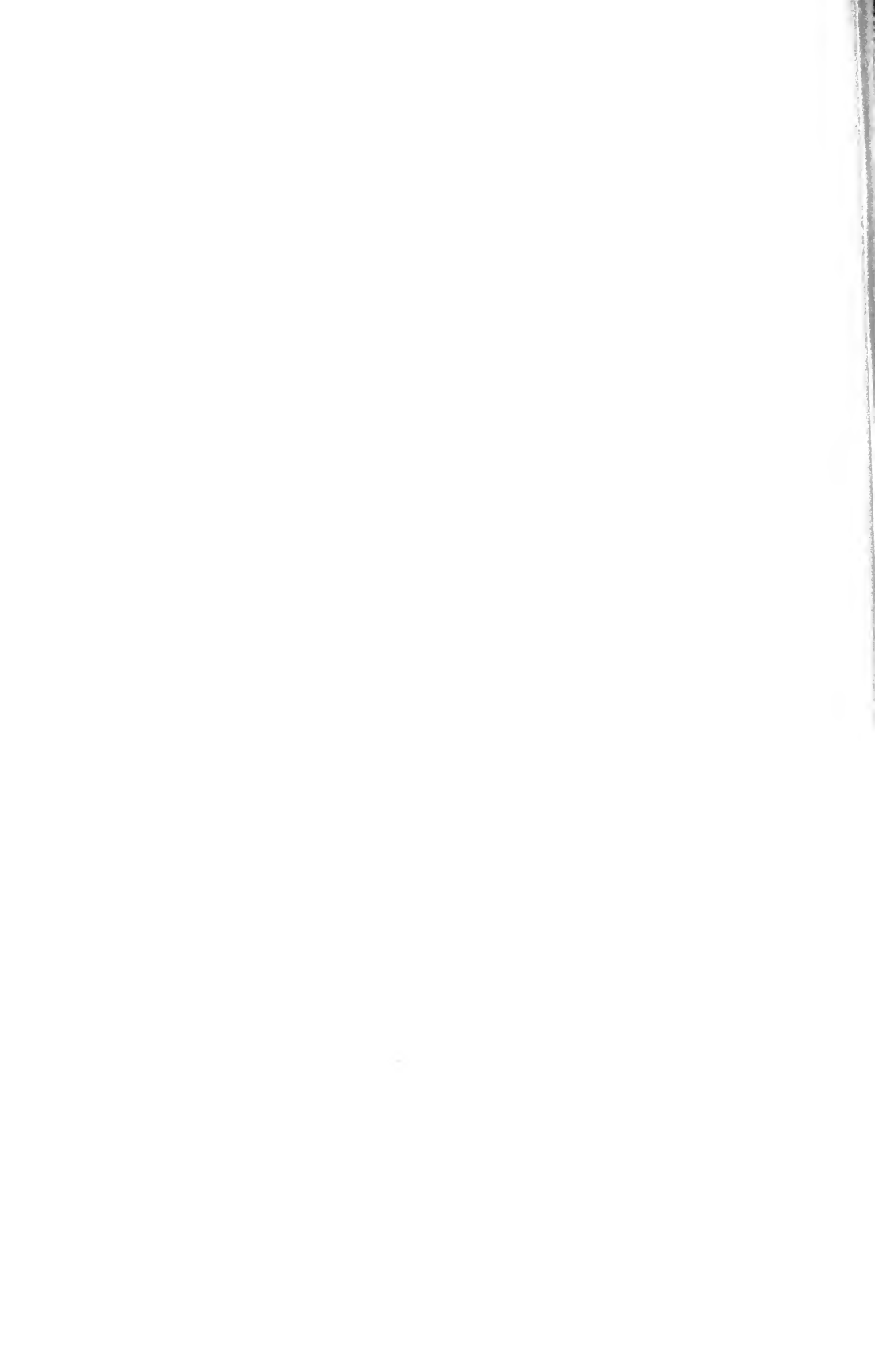
- (a) the land development or developments in that area of the City of Ottawa known as Manor Park both to the east and to the west of St. Laurent Boulevard, and both the existing development or developments and any projected extension thereof; and
- (b) any other land development in the City of Ottawa that is specified in the resolution.

(2) The commissioner shall have all the powers that may be Powers conferred upon a commissioner appointed under *The Public Inquiries Act.* Rev. Stat., c. 308

(3) The commissioner shall, with all convenient speed, Report report to the said council the result of the inquiry and the evidence taken.

- Expenses** (4) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister of Municipal Affairs and paid forthwith by The Corporation of the City of Ottawa.
- Counsel** (5) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, and any other person interested, may be represented by counsel.
- Commencement** **2.** This Act comes into force on the day it receives Royal Assent.
- Short title** **3.** This Act may be cited as *The City of Ottawa Act, 1953*.







BILL

An Act respecting the City of Ottawa

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

March 20th, 1953

*3rd Reading*

March 25th, 1953

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MR. MORROW

---



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting the City of Kingston

---

MR. NICKLE

---

(PRIVATE BILL)



# BILL

## An Act respecting the City of Kingston

**W**HEREAS The Corporation of the City of Kingston Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any term or provision in any other Act, Transmission poles, wires, etc. the council of the Corporation may pass by-laws for authorizing and regulating, upon such terms and conditions as to the council may seem expedient, the erection and maintenance upon or under highways and lanes within the limits of the Corporation of poles, wires and cables and buried ducts and cables, or the placing and maintenance of wires and cables upon any poles or in any underground ducts with the authority of the owner, for the purpose of transmitting electrical or electronic impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes, or parts thereof, or television programmes, or parts thereof.

**2.** This Act comes into force on the day it receives Royal Commencement Assent.

**3.** This Act may be cited as *The City of Kingston Act, 1953*. Short title

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BILL.

An Act respecting the City of Kingston

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. NICKLE

---

*(Private Bill)*

No. 36

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the Town of Almonte

---

MR. MACODRUM

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# BILL

## An Act respecting the Town of Almonte

**W**HEREAS The Corporation of the Town of Almonte <sup>Preamble</sup> by its petition has represented that a parcel of land in the Town of Almonte, known as "Gemmill Park", was dedicated to the Town of Almonte; and whereas the use of the said land is restricted by such dedication; and whereas the petition has prayed for a special act of the Legislature to vest in fee simple a portion of the said "Gemmill Park" and also to validate and confirm an Agreement entered into between the Corporation and the Board of Park Management of "Gemmill Park"; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The following lands, being a portion of "Gemmill Park" <sup>Park land vested in Town</sup> and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Town of Almonte in the County of Lanark and Province of Ontario and being composed of part of the West Half of Lot Fifteen in the Ninth Concession of the Township of Ramsay in the said County of Lanark (now within the limits of the said Town of Almonte) as shown on Wilkie's General Plan of the said Town registered in the Registry Office for the Registry Division of the North Riding of the County of Lanark and containing Thirty-six and 67/100 acres (36.67) more or less, which said parcel may be more particularly described as follows:

COMMENCING at the intersection of the Westerly limit of Country Street with the Northerly limit of Perth Street; thence Westerly along the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the intersection of the Northerly limit of Perth Street with the Easterly limit of Provincial Highway No. 29; thence Northerly along the Easterly limit of Highway No. 29 aforesaid Seven Hundred and Forty-one feet (741') to a point; thence Easterly and parallel with the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the Westerly limit of Country Street; thence Southerly and following the Westerly limit of Country Street Seven Hundred and Forty-one feet (741') to the place of beginning,

are hereby vested in fee simple in The Corporation of the Town of Almonte.

Trusts, etc.,  
annulled

**2.** The trusts and special purposes mentioned in the grant of certain lands to the said Corporation by the executors and trustees of the last will and testament of Winnifred Knight Dunlop Gemmill are hereby annulled in so far as they apply to the lands mentioned in section 1.

Agreement  
confirmed

**3.** The Agreement between The Corporation of the Town of Almonte and the said Board of Park Management dated the 15th day of January, 1953, set forth as the Schedule hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Town of Almonte Act, 1953*.



## SCHEDULE

ARTICLES OF AGREEMENT made the 15th day of January, A.D. 1953.

BETWEEN:

THE CORPORATION OF THE TOWN OF ALMONTE, hereinafter called the Corporation,

OF THE FIRST PART,

—and—

THE BOARD OF PARK MANAGEMENT, of the Town of Almonte in the County of Lanark, hereinafter called the Board,

OF THE SECOND PART.

WHEREAS it has been proposed that the Corporation obtain a special Act of the Legislature of the Province of Ontario authorizing the Corporation to sell a portion of the "Gemmill Park" property hereinafter described.

AND WHEREAS it is desirable and expedient that the portion to be sold shall be sold subject to certain conditions hereinafter set forth.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of FIVE DOLLARS of lawful money of Canada now paid by the Corporation to the Board (the receipt whereof is hereby by it acknowledged) the Board agrees with the Corporation as follows:

1. The Corporation shall have the right to sell the following land, now part of the "Gemmill Park", more particularly described as follows:

"ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Town of Almonte in the County of Lanark and Province of Ontario and being composed of part of the West Half of Lot Fifteen in the Ninth Concession of the Township of Ramsay in the County of Lanark (now within the limits of the said Town of Almonte) more particularly described as follows:

COMMENCING at the intersection of the Westerly limit of Country Street with the Northerly limit of Perth Street; thence Westerly along the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the intersection of the Northerly limit of Perth Street with the Easterly limit of Provincial Highway No. 29; thence Northerly along the Easterly limit of Highway No. 29 aforesaid Seven Hundred and Forty-one feet (741') to a point; thence Easterly and parallel with the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the Westerly limit of Country Street; thence Southerly and following the Westerly limit of Country Street Seven Hundred and Forty-one feet (741') to the place of beginning.

ALL OF WHICH according to Wilkie's General Plan of the said Town of Almonte registered in the Registry Office for the Registry Division of the North Riding of the County of Lanark and the part above described containing in all Thirty-six and  $67/100$  acres (36.67 acres) more or less."

on such terms as are hereinafter set out.

2. All sales shall be for cash only and all moneys so received by the Corporation shall immediately become the property of the Board.

3. All moneys so received by the Board shall be applied by the Board to improvements of a capital nature to the remaining part of the "Gemmill Park".

4. The price of the lots to be sold and the order in which they may be sold shall be subject to the approval of the Board.

5. The Corporation shall be responsible for the cost of construction of streets, sewers, watermains and other like municipal services in the land so sold and the Board shall have no responsibility of any nature in the land so sold except that the laying out of the lots, streets, sewers, watermains and other like municipal services shall be subject to the approval of the Board.

6. All portions of the land to be sold shall remain under the administration of the Board until the sale is completed except for such preliminary arrangements as may be necessary for the aforesaid Municipal services by the Corporation.

7. All land so sold shall be subject to the building restrictions set forth in Schedule hereto marked Exhibit "A" to this Agreement.

8. All legal and other expenses in connection with the proposed legislation and the sale of the said lands by the Corporation and the establishment of all municipal services as aforesaid (including all costs and expenses of the Board) shall be borne by the Corporation.

9. This Agreement may be amended from time to time by the Corporation and the Board.

IN WITNESS WHEREOF the Corporation and the Board have hereto executed this Agreement by the signature of their respective signing officers and the seal of the Corporation has been hereto affixed.

SIGNED, SEALED AND DELIVERED  
In the presence of

R. A. JAMIESON

as to execution by The Board  
of Park Management of the  
Town of Almonte.

THE CORPORATION OF THE TOWN  
OF ALMONTE:

G. M. DUNFIELD,  
*Mayor.*

(Seal) R. J. FRANCE,  
*Clerk.*

THE BOARD OF PARK  
MANAGEMENT OF THE TOWN  
OF ALMONTE:

GEO. L. COMBA,  
*Chairman.*

A. LEVITAN,  
*Secretary  
pro tem.*

*Exhibit "A"*

PROPOSED DEED RESTRICTIONS  
GEMMILL PARK PROPERTY  
TOWN OF ALMONTE.

(1) PERMITTED USES

- (a) Single family dwellings and accessory buildings customarily incidental to such use. Provided however that such dwellings may include the office or consulting room of a Physician, Dentist or other professional person when forming part of the occupancy and that the accessory building shall not be used for human habitation.
- (b) Educational, religious, municipal or institutional uses, except those likely to be detrimental to the residential character of the neighbourhood.
- (c) Professional signs of not more than one square foot in area and signs of not more than three square feet in area advertising the sale or lease of the property.

## (2) REQUIREMENTS

- (a) No single family dwelling shall be erected upon an area of land containing less than eighty-seven hundred (8700) square feet or having a frontage of less than sixty-six (66) feet.
- (b) No single family dwelling shall have a floor area of less than—
  - 800 sq. ft. if one storey in height.
  - 950 sq. ft. if of one and one half stories in height.
  - 1100 sq. ft. if of two stories or more in height.

The floor area to be measured to the outside of the main walls.

- (c) No single family dwelling shall be erected to cost less than ten thousand (\$10,000.00) dollars.
- (d) No single family dwelling shall be located on a lot unless the main front wall is at least twenty (20) feet from the front lot line and the side walls are at least eight (8) feet from the side lot lines.
- (e) No accessory buildings shall be located on a lot unless the main front wall is at least twenty (20) feet from the front lot line, provided however that an accessory building on a corner lot may be erected to front on the flanking street and shall then not be less than eight (8) feet from the lot line on the flanking street.

## (3) ADMINISTRATION

- (a) Prior to issuing a building permit for any structure to be erected on the property herein described, the application for the permit shall be approved by the Gemmill Park Commission as conforming to these restrictions.
- (b) The Purchaser shall commence construction of the building to be erected on the lot, or lots, within the six (6) months period immediately following the acceptance of the offer to purchase and will complete the construction of the main building within a period of eighteen months from the date of commencement of construction. If more than one lot is purchased this paragraph applies to each lot so purchased.

**BILL**

An Act respecting the Town of Almonte

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MACODRUM

---

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act respecting the Town of Almonte**

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MR. MACODRUM

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting the Town of Almonte

**W**HEREAS The Corporation of the Town of Almonte <sup>Preamble</sup> by its petition has represented that a parcel of land in the Town of Almonte, known as "Gemmill Park", was dedicated to the Town of Almonte; and whereas the use of the said land is restricted by such dedication; and whereas the petition has prayed for a special act of the Legislature to vest in fee simple a portion of the said "Gemmill Park" and also to validate and confirm an Agreement entered into between the Corporation and the Board of Park Management of "Gemmill Park"; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The following lands, being a portion of "Gemmill Park" <sup>Park land vested in Town</sup> and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Town of Almonte in the County of Lanark and Province of Ontario and being composed of part of the West Half of Lot Fifteen in the Ninth Concession of the Township of Ramsay in the said County of Lanark (now within the limits of the said Town of Almonte) as shown on Wilkie's General Plan of the said Town registered in the Registry Office for the Registry Division of the North Riding of the County of Lanark and containing Thirty-six and 67/100 acres (36.67) more or less, which said parcel may be more particularly described as follows:

COMMENCING at the intersection of the Westerly limit of Country Street with the Northerly limit of Perth Street; thence Westerly along the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the intersection of the Northerly limit of Perth Street with the Easterly limit of Provincial Highway No. 29; thence Northerly along the Easterly limit of Highway No. 29 aforesaid Seven Hundred and Forty-one feet (741') to a point; thence Easterly and parallel with the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the Westerly limit of Country Street; thence Southerly and following the Westerly limit of Country Street Seven Hundred and Forty-one feet (741') to the place of beginning,

are hereby vested in fee simple in The Corporation of the Town of Almonte.

Trusts, etc.,  
annulled

**2.** The trusts and special purposes mentioned in the grant of certain lands to the said Corporation by the executors and trustees of the last will and testament of Winnifred Knight Dunlop Gemmill are hereby annulled in so far as they apply to the lands mentioned in section 1.

Agreement  
confirmed

**3.** The Agreement between The Corporation of the Town of Almonte and the said Board of Park Management dated the 15th day of January, 1953, set forth as the Schedule hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Memorial  
Tablet

**4.** The said Board of Park Management shall erect and at all times maintain upon the park property a suitable Memorial Tablet reading:

Gemmill Park, donated by Winnifred Knight Dunlop Gemmill, of the Town of Almonte, formerly the property of James Dunlop Gemmill of Almonte, deceased

or reading in such other manner as may be approved by the executors and trustees of the last will and testament of the said Winnifred Knight Dunlop Gemmill.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Town of Almonte Act, 1953.*



## SCHEDULE

ARTICLES OF AGREEMENT made the 15th day of January, A.D. 1953.

BETWEEN:

THE CORPORATION OF THE TOWN OF ALMONTE, hereinafter called the Corporation,

OF THE FIRST PART,

—and—

THE BOARD OF PARK MANAGEMENT, of the Town of Almonte in the County of Lanark, hereinafter called the Board,

OF THE SECOND PART.

WHEREAS it has been proposed that the Corporation obtain a special Act of the Legislature of the Province of Ontario authorizing the Corporation to sell a portion of the "Gemmill Park" property hereinafter described.

AND WHEREAS it is desirable and expedient that the portion to be sold shall be sold subject to certain conditions hereinafter set forth.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of FIVE DOLLARS of lawful money of Canada now paid by the Corporation to the Board (the receipt whereof is hereby by it acknowledged) the Board agrees with the Corporation as follows:

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2. All sales shall be for cash only and all moneys so received by the Corporation shall immediately become the property of the Board.

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9. This Agreement may be amended from time to time by the Corporation and the Board.

IN WITNESS WHEREOF the Corporation and the Board have hereunto executed this Agreement by the signature of their respective signing officers and the seal of the Corporation has been hereto affixed.

SIGNED, SEALED AND DELIVERED  
In the presence of

R. A. JAMIESON

as to execution by The Board  
of Park Management of the  
Town of Almonte.

THE CORPORATION OF THE TOWN  
OF ALMONTE:

G. M. DUNFIELD,  
*Mayor.*

(Seal) R. J. FRANCE,  
*Clerk.*

THE BOARD OF PARK  
MANAGEMENT OF THE TOWN  
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GEMMILL PARK PROPERTY  
TOWN OF ALMONTE.

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## (2) REQUIREMENTS

- (a) No single family dwelling shall be erected upon an area of land containing less than eighty-seven hundred (8700) square feet or having a frontage of less than sixty-six (66) feet.
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  - 800 sq. ft. if one storey in height.
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- (a) Prior to issuing a building permit for any structure to be erected on the property herein described, the application for the permit shall be approved by the Gemmill Park Commission as conforming to these restrictions.
- (b) The Purchaser shall commence construction of the building to be erected on the lot, or lots, within the six (6) months period immediately following the acceptance of the offer to purchase and will complete the construction of the main building within a period of eighteen months from the date of commencement of construction. If more than one lot is purchased this paragraph applies to each lot so purchased.

BILL

An Act respecting the Town of Almonte

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. MACODRUM

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*(Reprinted as amended by the Committee on  
Private Bills)*

No. 36

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act respecting the Town of Almonte

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MR. MACODRUM

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# BILL

## An Act respecting the Town of Almonte

**W**HEREAS The Corporation of the Town of Almonte Preamble by its petition has represented that a parcel of land in the Town of Almonte, known as "Gemmill Park", was dedicated to the Town of Almonte; and whereas the use of the said land is restricted by such dedication; and whereas the petition has prayed for a special act of the Legislature to vest in fee simple a portion of the said "Gemmill Park" and also to validate and confirm an Agreement entered into between the Corporation and the Board of Park Management of "Gemmill Park"; and whereas it is expedient to grant the prayer of the petition;

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## SCHEDULE

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OF THE FIRST PART,

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OF THE SECOND PART.

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IN WITNESS WHEREOF the Corporation and the Board have hereto executed this Agreement by the signature of their respective signing officers and the seal of the Corporation has been hereto affixed.

SIGNED, SEALED AND DELIVERED  
In the presence of

R. A. JAMIESON

as to execution by The Board  
of Park Management of the  
Town of Almonte.

THE CORPORATION OF THE TOWN  
OF ALMONTE:

G. M. DUNFIELD,  
*Mayor.*

(Seal) R. J. FRANCE,  
*Clerk.*

THE BOARD OF PARK  
MANAGEMENT OF THE TOWN  
OF ALMONTE:

GEO. L. COMBA,  
*Chairman.*

A. LEVITAN,  
*Secretary  
pro tem.*

*Exhibit "A"*

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GEMMILL PARK PROPERTY  
TOWN OF ALMONTE.

(1) PERMITTED USES

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The floor area to be measured to the outside of the main walls.
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## (3) ADMINISTRATION

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BILL

An Act respecting the Town of Almonte

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 26th, 1953

*3rd Reading*

March 30th, 1953

---

MR. MACODRUM

---

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting Separate School Boards in the  
Metropolitan Area of Toronto

---

MR. ROBERTS (St. Patrick)

---

(PRIVATE BILL)



# BILL

## An Act respecting Separate School Boards in the Metropolitan Area of Toronto

**W**HEREAS the Toronto and Suburban Separate School Board by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "district" means the part or parts of the Metropolitan Area of which the separate schools are administered from time to time by the Metropolitan Board;
- (b) "local board" means any board of separate school trustees subsisting immediately prior to the day upon which this Act comes into force, in the Metropolitan Area;
- (c) "Metropolitan Area" means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York;
- (d) "Metropolitan Board" means Metropolitan Separate School Board;
- (e) "Minister" means Minister of Education;

(f) "resident pupils" means pupils being children or wards of separate school supporters,

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the separate school ratepayers,

within the limits of a separate school division within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, whose parents or guardians are not assessed for, and do not pay, taxes for separate school purposes in the separate school division;

(g) "separate school division" means the area in which a local board has from time to time jurisdiction for separate school purposes;

(h) "wards" means the territorial divisions of the Metropolitan Area for electoral purposes, as set out in Schedule A hereto.

Metropolitan  
Separate  
School  
Board  
established

**2.**—(1) In the year 1953 and thereafter there shall be a board to be known as Metropolitan Separate School Board, which shall be a corporation with the powers and duties and for the purposes set out in this Act.

Composition  
of Metro-  
politan  
Board

(2) In the year 1953 the Metropolitan Board shall be composed of the following persons who shall hold office until their successors are elected as herein provided:

(a) The chairman of each local board.

(b) The members of the Toronto and Suburban Separate School Board.

Idem

(3) In the year 1954 and thereafter the Metropolitan Board, subject to the provisions of section 13, shall consist of fifteen members, and one of such members shall be elected from each ward.

Union of  
parts of  
Metro-  
politan  
Area for  
separate  
school  
purposes

**3.** The municipalities and parts of municipalities within the Metropolitan Area in which, at the date upon which this Act comes into force, no local board is in existence are united for separate school purposes into the district and after the



1st day of January, 1954, the separate school affairs of the district shall be administered by the Metropolitan Board.

4.—(1) For the purpose of electing members of the Metro-wards  
 politan Board, the Metropolitan Area shall be divided into  
 wards and, until varied in the manner provided by section 13,  
 the wards shall be comprised as set out in Schedule A hereto.

(2) Every person whose name is on the voters' list for any <sup>Electors</sup>  
 municipality or part thereof situated within a ward as entitled  
 to vote at municipal elections, who is a supporter of separate  
 schools for Roman Catholics or who, being a Roman Catholic,  
 is the wife or husband of a supporter of such separate schools,  
 shall be entitled to vote at the election of the member of the  
 Metropolitan Board to be elected from such ward.

(3) The first election of the Metropolitan Board shall take <sup>First</sup>  
 place at the municipal elections next after this Act comes into <sup>election</sup>  
 force.

(4) The members of the Metropolitan Board shall be <sup>Elections</sup>  
 elected by ballot and the election shall be held in each  
 municipality at the same time and place and by the same  
 officials and in the same manner as the municipal elections  
 of aldermen and councillors and, save as herein otherwise  
 expressly provided, the provisions of *The Municipal Act* <sup>Rev. Stat.,</sup>  
 respecting the time and manner of holding elections, including <sup>c. 243</sup>  
 the resignation of persons nominated, vacancies and declara-  
 tions of qualification for office, shall *mutatis mutandis* apply  
 to such election except that the oath to be taken by a voter  
 shall be as set forth in Schedule B hereto.

(5) Each member so elected shall hold office for two years <sup>Term of</sup>  
 and until his successor is elected. <sup>office</sup>

(6) The secretary of the Metropolitan Board shall be the <sup>Returning</sup>  
 returning officer of the Metropolitan Area and shall, in the <sup>officer</sup>  
 event of two or more candidates in any ward having an equal  
 number of votes, give a vote for one of such candidates so as  
 to decide the election.

(7) The returning officer of the Metropolitan Area, in any <sup>Idem</sup>  
 municipality wherein in any year for any reason no poll is  
 required to be held for the municipal election, shall, and in  
 any other municipality may, make the necessary arrangements  
 for the holding of the poll for the election of the member of  
 the Metropolitan Board.

(8) No person shall be eligible for election as a member of <sup>Qualifica-</sup>  
 the Metropolitan Board unless he is a resident of the Metro- <sup>tions for</sup>  
 politan Area and qualified to vote therein at the election of <sup>office</sup>

a member of the Metropolitan Board, and no member of any local board shall be eligible for election as a member of the Metropolitan Board.

Nomina-  
tions

(9) Nominations for the election of a member of the Metropolitan Board for any ward shall be made by filing in the office of the returning officer of the Metropolitan Area, on the earliest of the days fixed for nominations for municipal candidates in any of the municipalities within such ward, a nomination paper in writing signed by at least ten electors of the ward, containing the name and address of the nominee, the assessable property in respect of which he qualifies and the names and addresses of the nominators as appearing on the last revised voters' list, the signatures of such nominators to be witnessed by a qualified elector.

Where poll  
necessary

(10) If more than one person is nominated in any ward, then immediately after the expiry of the time within which a nominee may withdraw the returning officer of the Metropolitan Area shall notify the clerk of each municipality within the ward for which the nominations have been made of the names, addresses and occupations of the persons so nominated, and shall at least five days before the day fixed for the holding of the poll furnish the clerk of every such municipality a sufficient number of ballots for the purpose of the election.

Proceedings  
after close  
of poll

(11) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the Metropolitan Area a sealed return showing the number of ballots cast for each of the candidates for election to the Metropolitan Board and not later than the hour of 4 o'clock in the afternoon of the third day following the last of such elections, the returning officer of the Metropolitan Area shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid post a copy of such certificate to each candidate.

Vacancies  
in Metro-  
politan  
Board

5. Where the office of a member of the Metropolitan Board becomes vacant from any cause, the remaining members shall, at the first meeting after such vacancy occurs, elect from the separate school supporters resident in the ward from which the member so vacating his seat was elected a duly qualified person to fill the vacancy for the remainder of the term for which his predecessor was elected.

First  
meeting,  
1953

6.—(1) The first meeting of the Metropolitan Board shall be held on or after the 15th day of April, 1953, at such date, time and place as the Minister may determine, and the

Minister shall notify each person entitled to be a member of the Metropolitan Board of the date, time and place of the meeting; thereafter the meetings of the Metropolitan Board shall be held as provided by the by-laws of the Metropolitan Board.

(2) The Metropolitan Board shall be organized as provided by *The Separate Schools Act* with respect to urban separate school boards.

Organization  
of Metro-  
politan  
Board  
Rev. Stat.,  
c. 356

7.—(1) It shall be the duty of the Metropolitan Board and it shall have power,

Powers and  
duties of  
Metro-  
politan  
Board

- (a) to require each local board to prepare and submit to the Metropolitan Board, from time to time as the Metropolitan Board may prescribe, its proposals and recommendations with respect to the provision of adequate separate school accommodation within its jurisdiction, and the estimated cost thereof;
- (b) to review and consolidate all such proposals, in consultation with the local boards, and to prepare and revise from time to time a composite proposal and the recommendations of the Metropolitan Board for the provision of adequate separate school accommodation for the Metropolitan Area as a whole;
- (c) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective local boards, the boundaries of attendance areas for those separate schools in the Metropolitan Area which are to be attended by resident pupils from more than one separate school division;
- (d) notwithstanding the provisions of this or any other Act, to determine the basis upon which and the conditions under which fees, if any, on behalf of resident pupils of one separate school division in the Metropolitan Area attending a school in another separate school division in the Metropolitan Area shall be paid by the sending board to the receiving board;
- (e) notwithstanding the provisions of this or any other Act, to determine the basis upon which the cost of transportation, if any, of the resident pupils of one separate school division in the Metropolitan Area attending a school in another separate school division in the Metropolitan Area shall be paid, and the respective responsibilities therefor of the sending board, the receiving board and the Metropolitan Board;

- (f) notwithstanding the provisions of this or any other Act, to make provision, if deemed expedient, for the payment to any local board of any part or the whole of the cost of the education of pupils attending classes established under *The Auxiliary Classes Act* and other special classes authorized by the Minister;
- (g) to appoint a secretary, a treasurer and such other officers and staff as may be deemed expedient for the purposes of the Metropolitan Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers of the Metropolitan Board, if authorized by the Metropolitan Board;
- (h) if deemed expedient, to pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the Metropolitan Board from his home and in returning to his home, and to pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year;
- (i) to require each local board to pay to it a proportionate part, calculated according to the relation the aggregate equalized assessment of the ratepayers of the local board bears to the aggregate equalized assessment of all the separate school ratepayers in the Metropolitan Area, of the cost of discharging the duties of the Metropolitan Board hereunder which are not incurred in administering separate schools in the district.

Proviso

(2) The Metropolitan Board shall not be deemed to be administering the schools from time to time under the jurisdiction of any local board.

Discontin-  
tinuance  
of schools,  
etc.

**8.** Notwithstanding any of the provisions of this or any other Act, no board of separate school trustees within the Metropolitan Area or exercising jurisdiction within three miles of the Metropolitan Area,

- (a) shall discontinue the operation and maintenance of any school under its jurisdiction without the approval of the Metropolitan Board;
- (b) shall sell, lease or otherwise dispose of any school site, school building, school equipment or other item of

school property, the cost of which was financed in whole or in part by the issue of debentures, without the approval of the Metropolitan Board;

- (c) shall acquire any school site or any building or erection for school purposes, erect any school building or any addition to any school building, or make any alteration to any school building the cost of which alteration is to be financed in whole or part by the issue of debentures without the approval of the Metropolitan Board.

**9.** Each local board, unless and until dissolved as provided in this or any other Act, shall continue to have all the powers, duties and responsibilities conferred and imposed upon it by any general or special Act and regulations made thereunder that are not inconsistent with the provisions of this Act, and shall comply with all the requirements of this Act that apply to it. Powers and duties of local boards

**10.—(1)** Every local board may enter into an agreement with the Metropolitan Board and the Metropolitan Board may enter into such an agreement with such local board for the assumption by the Metropolitan Board of the administration for separate school purposes of the separate school division under the jurisdiction of such local board. Agreements with local boards

(2) Such agreement shall take effect on the 1st day of January next following the adoption by the Metropolitan Board of a by-law authorizing the execution thereof. Effective date

(3) Upon such agreement taking effect or upon the expiration of the period for which any separate school division under the jurisdiction of any local board shall have been exempted from the operation of *The Toronto and Suburban Separate School Board Act, 1941*, the separate school division theretofore under the jurisdiction of such local board shall become united to the district under the administration of the Metropolitan Board and such local board shall be dissolved and all real and personal property vested in such local board shall be vested in the Metropolitan Board, and all rights, powers and privileges which such local board would have enjoyed if it had continued to exist shall be exercised and enjoyed by the Metropolitan Board. Dissolution of local board 1941, c. 82

(4) Such agreement shall provide what amount of the outstanding indebtedness of such local board shall be levied against all the separate school ratepayers of the district and what amount shall be levied only against the separate school ratepayers resident within the separate school division previously under the jurisdiction of such local board. Debentures

Metropolitan Board responsible for obligations of local boards making agreements

**11.** The Metropolitan Board shall be responsible for and shall discharge all liabilities and obligations of every local board which shall have been dissolved and, subject to sections 13, 14 and 15, any indebtedness of any such local board shall be provided for by a general rate levied upon all property in the district liable for taxation for separate school purposes.

Equalization commission

**12.—(1)** The Metropolitan Board, whenever it considers it necessary for the equitable distribution of the cost of its operations, shall appoint three persons not members of any separate school board within the Metropolitan Area, who shall constitute an equalization commission.

Idem

(2) The duty of the equalization commission shall be to equalize the assessment for separate school purposes of the municipalities within the Metropolitan Area, and it shall make its report to the Metropolitan Board within two months after its appointment.

Idem

(3) A copy of the report of the equalization commission shall be forwarded to the clerk of every municipality within the Metropolitan Area.

Idem

(4) Notwithstanding the provisions of this or any other Act, the Metropolitan Board may, by resolution, adopt for the purposes of levying rates upon its supporters the latest report of an equalization commission made pursuant to section 8 of *The Toronto and Suburban Separate School Board Act, 1941* and thereupon such report shall for all purposes be deemed to be a report of an equalization commission appointed under this section.

1941, c. 82

Powers of Metropolitan Board

**13.** The Metropolitan Board with the approval of the Ontario Municipal Board may,

(a) upon any local board entering into an agreement under section 10,

(i) make such adjustment of assets and liabilities of such local board as between the ratepayers of the Metropolitan Board as may be agreed upon or as it shall consider the circumstances warrant,

(ii) make provisions for the preservation of the status, or the equitable adjustment as between its ratepayers, of the burden of the obligations of the local board and recognize such provisions in the levying of its annual rate;

- (b) vary the boundaries of the wards, the number of the wards and the number of the members of the Metropolitan Board accordingly;
- (c) defer the holding of any annual election for one year in order to co-ordinate the terms of office of its members and the terms of office to municipal councillors, and to extend the term of office of its members accordingly;
- (d) make provision for the holding of elections, the preparation of voters' lists and for such other matters as the Metropolitan Board may deem necessary to provide for the effective administration of the Metropolitan Area.

**14.**—(1) If the Metropolitan Board becomes liable for any <sup>New debts</sup> indebtedness incurred or created by a local board after the passing of this Act, all rates imposed by the Metropolitan Board for charges for such indebtedness shall be imposed solely upon the separate school ratepayers resident within the separate school division previously under the jurisdiction of such local board but so long as such rates are imposed, such ratepayers may *pro tanto* be relieved from the payment of rates imposed by the Metropolitan Board in respect of charges for other indebtedness of the Metropolitan Board.

(2) All debentures created by the Metropolitan Board or <sup>Debentures</sup> assumed by it on the dissolution of a local board shall be a charge upon all schoolhouse properties and premises and any other real or personal property vested in the Metropolitan Board and upon the separate school rates.

(3) Any person at the time of the creation of such debenture <sup>Idem</sup> indebtedness assessed as a separate school supporter shall, while resident within the Metropolitan Area, continue to be liable for the rates to be levied for the repayment of the money so borrowed.

(4) The Metropolitan Board may borrow money to repay <sup>Idem</sup> any indebtedness created by a local board and assumed by the Metropolitan Board and issue debentures to secure such money and the terms of repayment of the same may be arranged in consonance with the terms of repayment of its other obligations.

**15.** The rate to be levied for separate school purposes in <sup>Rate</sup> each municipality shall be determined by the Metropolitan Board in accordance with the last report of the equalization commission made prior to the levying of the rate.

Estimates

**16.**—(1) The Metropolitan Board shall annually, on or before the 1st day of March, make up its estimates of the cost of maintaining the separate schools in the district and of the amount necessary to provide for its annual debt charges and of its other expenditures and, subject to the variations provided in sections 13, 14 and 15, the same shall be raised, levied and collected by a rate in each municipality levied upon all rateable property of the supporters of the schools of the Metropolitan Board liable to taxation for separate school purposes according to the last revised assessment roll of such municipality.

Duty of municipal councils in district

(2) The council of every municipality within the district shall, through their collectors or other municipal officers, cause to be levied upon the taxable property liable to pay the same all sums of money for rates or taxes imposed by the Metropolitan Board in respect of separate schools and the provisions of subsection 2 of section 71 of *The Separate Schools Act* shall apply save that the money payable to the Metropolitan Board shall as far as possible be paid in monthly instalments or from time to time as the Metropolitan Board shall require.

Rev. Stat., c. 356

Metropolitan Board to be board of separate school trustees  
Rev. Stat., c. 356

**17.** Save as herein otherwise provided, the Metropolitan Board shall be an urban board of separate school trustees within the meaning of *The Separate Schools Act* and with respect to the district shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban board of separate school trustees by *The Separate Schools Act*.

Legislative grants shall not be reduced

**18.**—(1) Nothing in this Act shall reduce the total amount of special and general legislative grants payable to or on behalf of any board having jurisdiction over a separate school division in the Metropolitan Area below the amount which would have been paid had this Act not been passed.

Applications for legislative grants

(2) Each separate school board in the Metropolitan Area shall in each year apply to the Minister for all special and general legislative grants as if this Act had not been passed and such grants shall continue to be paid to that board or, if such board has been dissolved under this Act, to the Metropolitan Board.

Appointment of auditors

**19.** The Metropolitan Board shall by by-law appoint one or more auditors who shall be persons licensed by the Department of Municipal Affairs as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Board, and, notwithstanding any of the provisions of this or any other Act, only the auditor or auditors



so appointed shall audit the accounts and transactions of the Metropolitan Board.

**20.** Nothing in this or any other Act shall extend the period of time for which any municipality or part of a municipality has been exempted, pursuant to clause *b* of section 9 or section 16 of *The Toronto and Suburban Separate School Board Act, 1941*, from the operation of that Act and upon the expiration of such period of exemption any municipality or part of a municipality so exempted shall become united to the district as provided in subsection 3 of section 10. <sup>Exempted areas</sup> 1941, c. 82

**21.** The provisions of this Act shall apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail. <sup>Conflict with other Acts</sup>

**22.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**23.** This Act may be cited as *The Metropolitan Separate School Board Act, 1953*. <sup>Short title</sup>

## SCHEDULE A

Wards	That part of the Metropolitan Area comprised in
1 .....	Ward 1, Toronto
2 .....	Ward 2, Toronto
3 .....	Ward 3, Toronto
4 .....	Ward 4, Toronto
5 .....	Ward 5, Toronto
6 .....	Ward 6, Toronto
7 .....	Ward 7, Toronto
8 .....	Ward 8, Toronto
9 .....	Ward 9, Toronto
10 .....	Long Branch, Mimico, New Toronto
11 .....	Etobicoke, Weston
12 .....	Swansea, York, Wards 2 and 3
13 .....	Forest Hill, York, Ward 1
14 .....	Leaside, North York
15 .....	East York, Scarboro

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## SCHEDULE B

## OATH TO BE TAKEN BY A VOTER

You swear that you are the person named (*or* intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a ratepayer (*or*) that you are the wife (*or*) husband of a ratepayer (*as the case may be*);

That you are a Roman Catholic separate school supporter (*or*) that you are the wife (*or*) husband of a Roman Catholic separate school supporter (*as the case may be*);

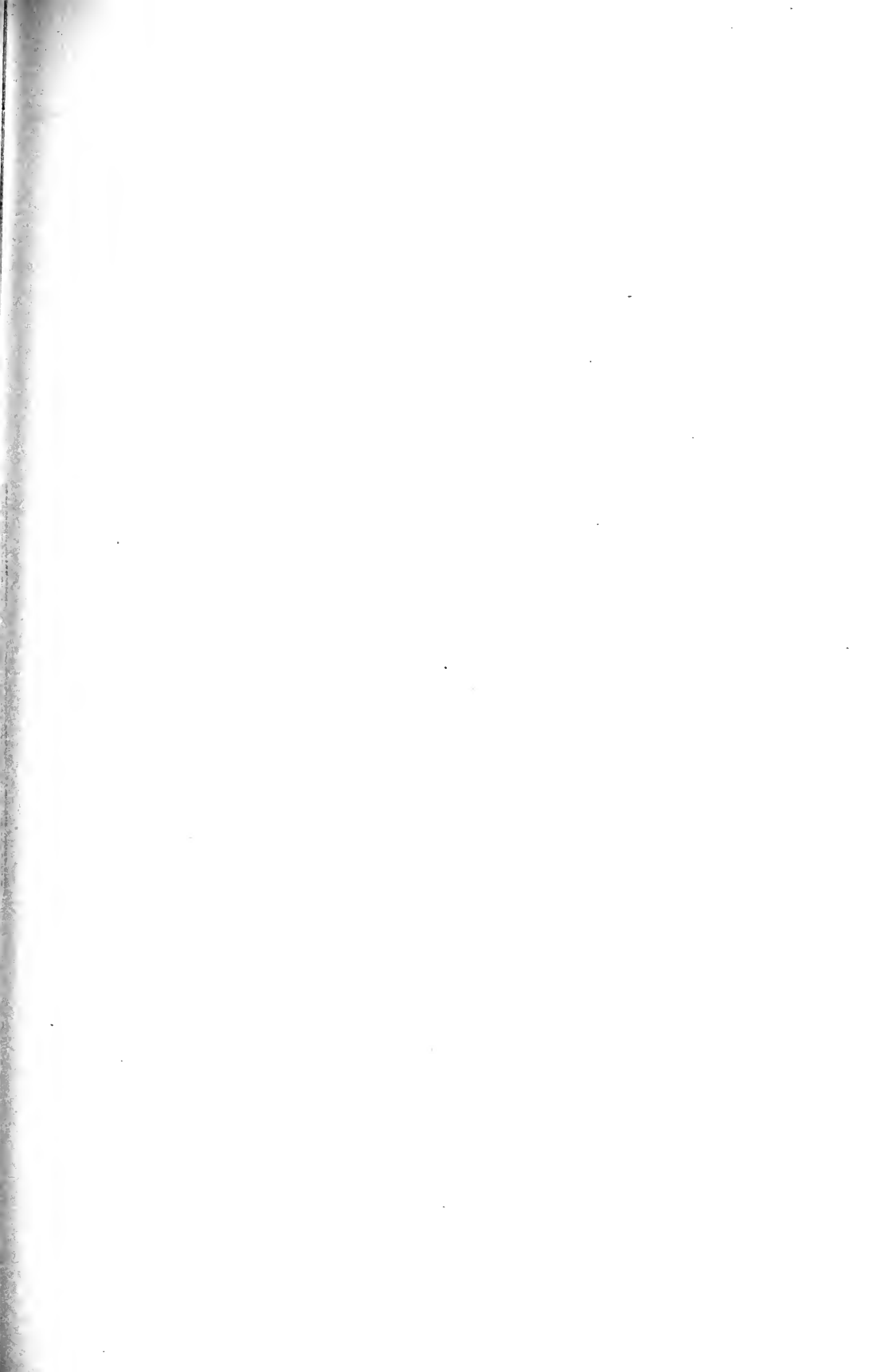
That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.



BILL

An Act respecting Separate School Boards  
in the Metropolitan Area  
of Toronto

---

*1st Reading*

March 4th, 1953

*2nd Reading*

*3rd Reading*

---

MR. ROBERTS (St. Patrick)

*(Private Bill)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

**An Act respecting Separate School Boards in the  
Metropolitan Area of Toronto**

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MR. ROBERTS (St. Patrick)

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*(Reprinted as amended by the Committee on Private Bills)*



# BILL

## An Act respecting Separate School Boards in the Metropolitan Area of Toronto

**W**HEREAS the Toronto and Suburban Separate School Board by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "district" means the part or parts of the Metropolitan Area of which the separate schools are administered from time to time by the Metropolitan Board;
- (b) "local board" means any board of separate school trustees subsisting immediately prior to the day upon which this Act comes into force, in the Metropolitan Area;
- (c) "Metropolitan Area" means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York;
- (d) "Metropolitan Board" means Metropolitan Separate School Board;
- (e) "Minister" means Minister of Education;

(f) "resident pupils" means pupils being children or wards of separate school supporters,

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the separate school ratepayers,

within the limits of a separate school division within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, whose parents or guardians are not assessed for, and do not pay, taxes for separate school purposes in the separate school division;

(g) "separate school division" means the area in which a local board has from time to time jurisdiction for separate school purposes;

(h) "wards" means the territorial divisions of the Metropolitan Area for electoral purposes, as set out in Schedule A hereto.

Metropolitan  
Separate  
School  
Board  
established

**2.**—(1) In the year 1953 and thereafter there shall be a board to be known as Metropolitan Separate School Board, which shall be a corporation with the powers and duties and for the purposes set out in this Act.

Composition  
of Metro-  
politan  
Board

(2) In the year 1953 the Metropolitan Board shall be composed of the following persons who shall hold office until their successors are elected as herein provided:

(a) The chairman of each local board.

(b) The members of the Toronto and Suburban Separate School Board.

Idem

(3) In the year 1954 and thereafter the Metropolitan Board, subject to the provisions of section 13, shall consist of fifteen members, and one of such members shall be elected from each ward.

Union of  
parts of  
Metro-  
politan  
Area for  
separate  
school  
purposes

**3.** The municipalities and parts of municipalities within the Metropolitan Area in which, at the date upon which this Act comes into force, no local board is in existence are united for separate school purposes into the district and after the



1st day of January, 1954, the separate school affairs of the district shall be administered by the Metropolitan Board.

4.—(1) For the purpose of electing members of the Metro-<sup>Wards</sup>politan Board, the Metropolitan Area shall be divided into wards and, until varied in the manner provided by section 13, the wards shall be comprised as set out in Schedule A hereto.

(2) Every person whose name is on the voters' list for any<sup>Electors</sup> municipality or part thereof situated within a ward as entitled to vote at municipal elections, who is a supporter of separate schools for Roman Catholics or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of the member of the Metropolitan Board to be elected from such ward.

(3) The first election of the Metropolitan Board shall take<sup>First</sup> place at the municipal elections next after this Act comes into<sup>election</sup> force.

(4) The members of the Metropolitan Board shall be<sup>Elections</sup> elected by ballot and the election shall be held in each municipality at the same time and place and by the same officials and in the same manner as the municipal elections of aldermen and councillors and, save as herein otherwise expressly provided, the provisions of *The Municipal Act*<sup>Rev. Stat., c. 243</sup> respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office, shall *mutatis mutandis* apply to such election except that the oath to be taken by a voter shall be as set forth in Schedule B hereto.

(5) Each member so elected shall hold office for two years<sup>Term of office</sup> and until his successor is elected.

(6) The secretary of the Metropolitan Board shall be the<sup>Returning officer</sup> returning officer of the Metropolitan Area and shall, in the event of two or more candidates in any ward having an equal number of votes, give a vote for one of such candidates so as to decide the election.

(7) The returning officer of the Metropolitan Area, in any<sup>Idem</sup> municipality wherein in any year for any reason no poll is required to be held for the municipal election, shall, and in any other municipality may, make the necessary arrangements for the holding of the poll for the election of the member of the Metropolitan Board.

(8) No person shall be eligible for election as a member of<sup>Qualifications for office</sup> the Metropolitan Board unless he is a resident of the Metropolitan Area and qualified to vote therein at the election of

a member of the Metropolitan Board, and no member of any local board shall be eligible for election as a member of the Metropolitan Board.

Nomina-  
tions

(9) Nominations for the election of a member of the Metropolitan Board for any ward shall be made by filing in the office of the returning officer of the Metropolitan Area, on the earliest of the days fixed for nominations for municipal candidates in any of the municipalities within such ward, a nomination paper in writing signed by at least ten electors of the ward, containing the name and address of the nominee, the assessable property in respect of which he qualifies and the names and addresses of the nominators as appearing on the last revised voters' list, the signatures of such nominators to be witnessed by a qualified elector.

Where poll  
necessary

(10) If more than one person is nominated in any ward, then immediately after the expiry of the time within which a nominee may withdraw the returning officer of the Metropolitan Area shall notify the clerk of each municipality within the ward for which the nominations have been made of the names, addresses and occupations of the persons so nominated, and shall at least five days before the day fixed for the holding of the poll furnish the clerk of every such municipality a sufficient number of ballots for the purpose of the election.

Proceedings  
after close  
of poll

(11) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the Metropolitan Area a sealed return showing the number of ballots cast for each of the candidates for election to the Metropolitan Board and not later than the hour of 4 o'clock in the afternoon of the third day following the last of such elections, the returning officer of the Metropolitan Area shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid post a copy of such certificate to each candidate.

Vacancies  
in Metro-  
politan  
Board

5. Where the office of a member of the Metropolitan Board becomes vacant from any cause, the remaining members shall, at the first meeting after such vacancy occurs, elect from the separate school supporters resident in the ward from which the member so vacating his seat was elected a duly qualified person to fill the vacancy for the remainder of the term for which his predecessor was elected.

First  
meeting,  
1953

6.—(1) The first meeting of the Metropolitan Board shall be held on or after the 15th day of April, 1953, at such date, time and place as the Minister may determine, and the

Minister shall notify each person entitled to be a member of the Metropolitan Board of the date, time and place of the meeting; thereafter the meetings of the Metropolitan Board shall be held as provided by the by-laws of the Metropolitan Board.

(2) The Metropolitan Board shall be organized as provided by *The Separate Schools Act* with respect to urban separate school boards.

Organization  
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politan  
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7.—(1) It shall be the duty of the Metropolitan Board and it shall have power,

Powers and  
duties of  
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Board

- (a) to require each local board to prepare and submit to the Metropolitan Board, from time to time as the Metropolitan Board may prescribe, its proposals and recommendations with respect to the provision of adequate separate school accommodation within its jurisdiction, and the estimated cost thereof;
- (b) to review and consolidate all such proposals, in consultation with the local boards, and to prepare and revise from time to time a composite proposal and the recommendations of the Metropolitan Board for the provision of adequate separate school accommodation for the Metropolitan Area as a whole;
- (c) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective local boards, the boundaries of attendance areas for those separate schools in the Metropolitan Area which are to be attended by resident pupils from more than one separate school division;
- (d) notwithstanding the provisions of this or any other Act, to determine the basis upon which and the conditions under which fees, if any, on behalf of resident pupils of one separate school division in the Metropolitan Area attending a school in another separate school division in the Metropolitan Area, not in excess of the fees calculated in accordance with section 90 of *The Public Schools Act*, shall be paid by the sending board to the receiving board;

Rev. Stat.,  
c. 316

- (e) notwithstanding the provisions of this or any other Act, to determine the basis upon which the cost of transportation, if any, of the resident pupils of one separate school division in the Metropolitan Area attending a school in another separate school division in the Metropolitan Area shall be paid, and the respective responsibilities therefor of the sending board, the receiving board and the Metropolitan Board;

Rev. Stat.,  
c. 29

- (f) notwithstanding the provisions of this or any other Act, to make provision, if deemed expedient, for the payment to any local board of any part or the whole of the cost of the education of pupils attending classes established under *The Auxiliary Classes Act* and other special classes authorized by the Minister;
- (g) to appoint a secretary, a treasurer and such other officers and staff as may be deemed expedient for the purposes of the Metropolitan Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers of the Metropolitan Board, if authorized by the Metropolitan Board;
- (h) if deemed expedient, to pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the Metropolitan Board from his home and in returning to his home, and to pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year;
- (i) to require each local board to pay to it a proportionate part, calculated according to the relation the aggregate equalized assessment of the ratepayers of the local board bears to the aggregate equalized assessment of all the separate school ratepayers in the Metropolitan Area, of the cost of discharging the duties of the Metropolitan Board hereunder which are not incurred in administering separate schools in the district.

Proviso

(2) The Metropolitan Board shall not be deemed to be administering the schools from time to time under the jurisdiction of any local board.

Discontin-  
uance  
of schools,  
etc.

**8.** Notwithstanding any of the provisions of this or any other Act, no board of separate school trustees within the Metropolitan Area or exercising jurisdiction within three miles of the Metropolitan Area,

- (a) shall discontinue the operation and maintenance of any school under its jurisdiction without the approval of the Metropolitan Board;
- (b) shall sell, lease or otherwise dispose of any school site, school building, school equipment or other item of

school property, the cost of which was financed in whole or in part by the issue of debentures, without the approval of the Metropolitan Board;

- (c) shall acquire any school site or any building or erection for school purposes, erect any school building or any addition to any school building, or make any alteration to any school building the cost of which alteration is to be financed in whole or part by the issue of debentures without the approval of the Metropolitan Board.

**9.** Each local board, unless and until dissolved as provided in this or any other Act, shall continue to have all the powers, duties and responsibilities conferred and imposed upon it by any general or special Act and regulations made thereunder that are not inconsistent with the provisions of this Act, and shall comply with all the requirements of this Act that apply to it. Powers and duties of local boards

**10.—(1)** Every local board may enter into an agreement with the Metropolitan Board and the Metropolitan Board may enter into such an agreement with such local board for the assumption by the Metropolitan Board of the administration for separate school purposes of the separate school division under the jurisdiction of such local board. Agreements with local boards

(2) Such agreement shall take effect on the 1st day of January next following the adoption by the Metropolitan Board of a by-law authorizing the execution thereof. Effective date

(3) Upon such agreement taking effect or upon the expiration of the period for which any separate school division under the jurisdiction of any local board shall have been exempted from the operation of *The Toronto and Suburban Separate School Board Act, 1941*, the separate school division theretofore under the jurisdiction of such local board shall become united to the district under the administration of the Metropolitan Board and such local board shall be dissolved and all real and personal property vested in such local board shall be vested in the Metropolitan Board, and all rights, powers and privileges which such local board would have enjoyed if it had continued to exist shall be exercised and enjoyed by the Metropolitan Board. Dissolution of local board 1941, c. 82

(4) Such agreement shall provide what amount of the outstanding indebtedness of such local board shall be levied against all the separate school ratepayers of the district and what amount shall be levied only against the separate school ratepayers resident within the separate school division previously under the jurisdiction of such local board. Debentures

Metropolitan Board responsible for obligations of local boards making agreements

**11.** The Metropolitan Board shall be responsible for and shall discharge all liabilities and obligations of every local board which shall have been dissolved and, subject to sections 13, 14 and 15, any indebtedness of any such local board shall be provided for by a general rate levied upon all property in the district liable for taxation for separate school purposes.

Equalization commission

**12.—(1)** The Metropolitan Board, whenever it considers it necessary for the equitable distribution of the cost of its operations, shall appoint three persons not members of any separate school board within the Metropolitan Area, who shall constitute an equalization commission.

Idem

(2) The duty of the equalization commission shall be to equalize the assessment for separate school purposes of the municipalities within the Metropolitan Area, and it shall make its report to the Metropolitan Board within two months after its appointment.

Idem

(3) A copy of the report of the equalization commission shall be forwarded to the clerk of every municipality within the Metropolitan Area.

Idem

(4) Notwithstanding the provisions of this or any other Act, the Metropolitan Board may, by resolution, adopt for the purposes of levying rates upon its supporters the latest report of an equalization commission made pursuant to section 8 of *The Toronto and Suburban Separate School Board Act, 1941* and thereupon such report shall for all purposes be deemed to be a report of an equalization commission appointed under this section.

1941, c. 82

Powers of Metropolitan Board

**13.** The Metropolitan Board with the approval of the Ontario Municipal Board may,

(a) upon any local board entering into an agreement under section 10,

(i) make such adjustment of assets and liabilities of such local board as between the ratepayers of the Metropolitan Board as may be agreed upon or as it shall consider the circumstances warrant,

(ii) make provisions for the preservation of the status, or the equitable adjustment as between its ratepayers, of the burden of the obligations of the local board and recognize such provisions in the levying of its annual rate;

- (b) vary the boundaries of the wards, the number of the wards and the number of the members of the Metropolitan Board accordingly;
- (c) defer the holding of any annual election for one year in order to co-ordinate the terms of office of its members and the terms of office to municipal councillors, and to extend the term of office of its members accordingly;
- (d) make provision for the holding of elections, the preparation of voters' lists and for such other matters as the Metropolitan Board may deem necessary to provide for the effective administration of the Metropolitan Area.

**14.**—(1) If the Metropolitan Board becomes liable for any <sup>New debts</sup> indebtedness incurred or created by a local board after the passing of this Act, all rates imposed by the Metropolitan Board for charges for such indebtedness shall be imposed solely upon the separate school ratepayers resident within the separate school division previously under the jurisdiction of such local board but so long as such rates are imposed, such ratepayers may *pro tanto* be relieved from the payment of rates imposed by the Metropolitan Board in respect of charges for other indebtedness of the Metropolitan Board.

(2) All debentures created by the Metropolitan Board or <sup>Debentures</sup> assumed by it on the dissolution of a local board shall be a charge upon all schoolhouse properties and premises and any other real or personal property vested in the Metropolitan Board and upon the separate school rates.

(3) Any person at the time of the creation of such debenture <sup>Idem</sup> indebtedness assessed as a separate school supporter shall, while resident within the Metropolitan Area, continue to be liable for the rates to be levied for the repayment of the money so borrowed.

(4) The Metropolitan Board may borrow money to repay <sup>Idem</sup> any indebtedness created by a local board and assumed by the Metropolitan Board and issue debentures to secure such money and the terms of repayment of the same may be arranged in consonance with the terms of repayment of its other obligations.

**15.** The rate to be levied for separate school purposes in <sup>Rate</sup> each municipality shall be determined by the Metropolitan Board in accordance with the last report of the equalization commission made prior to the levying of the rate.

Estimates

**16.**—(1) The Metropolitan Board shall annually, on or before the 1st day of March, make up its estimates of the cost of maintaining the separate schools in the district and of the amount necessary to provide for its annual debt charges and of its other expenditures and, subject to the variations provided in sections 13, 14 and 15, the same shall be raised, levied and collected by a rate in each municipality levied upon all rateable property of the supporters of the schools of the Metropolitan Board liable to taxation for separate school purposes according to the last revised assessment roll of such municipality.

Duty of municipal councils in district

(2) The council of every municipality within the district shall, through their collectors or other municipal officers, cause to be levied upon the taxable property liable to pay the same all sums of money for rates or taxes imposed by the Metropolitan Board in respect of separate schools and the provisions of subsection 2 of section 71 of *The Separate Schools Act* shall apply save that the money payable to the Metropolitan Board shall as far as possible be paid in monthly instalments or from time to time as the Metropolitan Board shall require.

Rev. Stat., c. 356

Metropolitan Board to be board of separate school trustees  
Rev. Stat., c. 356

**17.** Save as herein otherwise provided, the Metropolitan Board shall be an urban board of separate school trustees within the meaning of *The Separate Schools Act* and with respect to the district shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban board of separate school trustees by *The Separate Schools Act*.

Legislative grants shall not be reduced

**18.**—(1) Nothing in this Act shall reduce the total amount of special and general legislative grants payable to or on behalf of any board having jurisdiction over a separate school division in the Metropolitan Area below the amount which would have been paid had this Act not been passed.

Applications for legislative grants

(2) Each separate school board in the Metropolitan Area shall in each year apply to the Minister for all special and general legislative grants as if this Act had not been passed and such grants shall continue to be paid to that board or, if such board has been dissolved under this Act, to the Metropolitan Board.

Appointment of auditors

**19.** The council of The Municipality of Metropolitan Toronto shall by by-law appoint one or more auditors who shall be persons licensed by the Department of Municipal Affairs as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Board, and, notwithstanding any of the provisions of this or any other



Act, only the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Board.

**20.** Nothing in this or any other Act shall extend the period of time for which any municipality or part of a municipality has been exempted, pursuant to clause *b* of section 9 or section 16 of *The Toronto and Suburban Separate School Board Act, 1941*, from the operation of that Act and upon the expiration of such period of exemption any municipality or part of a municipality so exempted shall become united to the district as provided in subsection 3 of section 10. <sup>Exempted areas</sup> 1941, c. 82

**21.** The provisions of this Act shall apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail. <sup>Conflict with other Acts</sup>

**22.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**23.** This Act may be cited as *The Metropolitan Separate School Board Act, 1953*. <sup>Short title</sup>

## SCHEDULE A

Wards	That part of the Metropolitan Area comprised in
1 .....	Ward 1, Toronto
2 .....	Ward 2, Toronto
3 .....	Ward 3, Toronto
4 .....	Ward 4, Toronto
5 .....	Ward 5, Toronto
6 .....	Ward 6, Toronto
7 .....	Ward 7, Toronto
8 .....	Ward 8, Toronto
9 .....	Ward 9, Toronto
10 .....	Long Branch, Mimico, New Toronto
11 .....	Etobicoke, Weston
12 .....	Swansea, York, Wards 2 and 3
13 .....	Forest Hill, York, Ward 1
14 .....	Leaside, North York
15 .....	East York, Scarboro

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## SCHEDULE B

## OATH TO BE TAKEN BY A VOTER

You swear that you are the person named (*or* intended to be named) in the list of voters now shown to you (*showing the list to the voter*):

That you are of the full age of twenty-one years;

That you are a ratepayer (*or*) that you are the wife (*or*) husband of a ratepayer (*as the case may be*);

That you are a Roman Catholic separate school supporter (*or*) that you are a Roman Catholic and the wife (*or*) husband of a Roman Catholic separate school supporter (*as the case may be*);

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.



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BILL

An Act respecting Separate School Boards  
in the Metropolitan Area  
of Toronto

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*1st Reading*

March 4th, 1953

*2nd Reading*

*3rd Reading*

---

MR. ROBERTS (St. Patrick)

*(Reprinted as amended by the Committee on  
Private Bills)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act respecting Separate School Boards in the  
Metropolitan Area of Toronto

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MR. ROBERTS (St. Patrick)

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# BILL

## An Act respecting Separate School Boards in the Metropolitan Area of Toronto

**W**HEREAS the Toronto and Suburban Separate School Board by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "district" means the part or parts of the Metropolitan Area of which the separate schools are administered from time to time by the Metropolitan Board;
- (b) "local board" means any board of separate school trustees subsisting immediately prior to the day upon which this Act comes into force, in the Metropolitan Area;
- (c) "Metropolitan Area" means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York;
- (d) "Metropolitan Board" means Metropolitan Separate School Board;
- (e) "Minister" means Minister of Education;

(f) "resident pupils" means pupils being children or wards of separate school supporters,

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the separate school ratepayers,

within the limits of a separate school division within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, whose parents or guardians are not assessed for, and do not pay, taxes for separate school purposes in the separate school division;

(g) "separate school division" means the area in which a local board has from time to time jurisdiction for separate school purposes;

(h) "wards" means the territorial divisions of the Metropolitan Area for electoral purposes, as set out in Schedule A hereto.

Metropolitan  
Separate  
School  
Board  
established

**2.**—(1) In the year 1953 and thereafter there shall be a board to be known as Metropolitan Separate School Board, which shall be a corporation with the powers and duties and for the purposes set out in this Act.

Composition  
of Metro-  
politan  
Board

(2) In the year 1953 the Metropolitan Board shall be composed of the following persons who shall hold office until their successors are elected as herein provided:

(a) The chairman of each local board.

(b) The members of the Toronto and Suburban Separate School Board.

Idem

(3) In the year 1954 and thereafter the Metropolitan Board, subject to the provisions of section 13, shall consist of fifteen members, and one of such members shall be elected from each ward.

Union of  
parts of  
Metropolitan  
Area for  
separate  
school  
purposes

**3.** The municipalities and parts of municipalities within the Metropolitan Area in which, at the date upon which this Act comes into force, no local board is in existence are united for separate school purposes into the district and after the



1st day of January, 1954, the separate school affairs of the district shall be administered by the Metropolitan Board.

4.—(1) For the purpose of electing members of the Metro-wards  
 politan Board, the Metropolitan Area shall be divided into  
 wards and, until varied in the manner provided by section 13,  
 the wards shall be comprised as set out in Schedule A hereto.

(2) Every person whose name is on the voters' list for any Electors  
 municipality or part thereof situated within a ward as entitled  
 to vote at municipal elections, who is a supporter of separate  
 schools for Roman Catholics or who, being a Roman Catholic,  
 is the wife or husband of a supporter of such separate schools,  
 shall be entitled to vote at the election of the member of the  
 Metropolitan Board to be elected from such ward.

(3) The first election of the Metropolitan Board shall take First  
 place at the municipal elections next after this Act comes into election  
 force.

(4) The members of the Metropolitan Board shall be Elections  
 elected by ballot and the election shall be held in each  
 municipality at the same time and place and by the same  
 officials and in the same manner as the municipal elections  
 of aldermen and councillors and, save as herein otherwise  
 expressly provided, the provisions of *The Municipal Act* Rev. Stat.,  
 respecting the time and manner of holding elections, including c. 243  
 the resignation of persons nominated, vacancies and declara-  
 tions of qualification for office, shall *mutatis mutandis* apply  
 to such election except that the oath to be taken by a voter  
 shall be as set forth in Schedule B hereto.

(5) Each member so elected shall hold office for two years Term of  
 and until his successor is elected. office

(6) The secretary of the Metropolitan Board shall be the Returning  
 returning officer of the Metropolitan Area and shall, in the officer  
 event of two or more candidates in any ward having an equal  
 number of votes, give a vote for one of such candidates so as  
 to decide the election.

(7) The returning officer of the Metropolitan Area, in any Idem  
 municipality wherein in any year for any reason no poll is  
 required to be held for the municipal election, shall, and in  
 any other municipality may, make the necessary arrangements  
 for the holding of the poll for the election of the member of  
 the Metropolitan Board.

(8) No person shall be eligible for election as a member of Qualifica-  
 the Metropolitan Board unless he is a resident of the Metro- tions for  
 politan Area and qualified to vote therein at the election of office

a member of the Metropolitan Board, and no member of any local board shall be eligible for election as a member of the Metropolitan Board.

Nomina-  
tions

(9) Nominations for the election of a member of the Metropolitan Board for any ward shall be made by filing in the office of the returning officer of the Metropolitan Area, on the earliest of the days fixed for nominations for municipal candidates in any of the municipalities within such ward, a nomination paper in writing signed by at least ten electors of the ward, containing the name and address of the nominee, the assessable property in respect of which he qualifies and the names and addresses of the nominators as appearing on the last revised voters' list, the signatures of such nominators to be witnessed by a qualified elector.

Where poll  
necessary

(10) If more than one person is nominated in any ward, then immediately after the expiry of the time within which a nominee may withdraw the returning officer of the Metropolitan Area shall notify the clerk of each municipality within the ward for which the nominations have been made of the names, addresses and occupations of the persons so nominated, and shall at least five days before the day fixed for the holding of the poll furnish the clerk of every such municipality a sufficient number of ballots for the purpose of the election.

Proceedings  
after close  
of poll

(11) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the Metropolitan Area a sealed return showing the number of ballots cast for each of the candidates for election to the Metropolitan Board and not later than the hour of 4 o'clock in the afternoon of the third day following the last of such elections, the returning officer of the Metropolitan Area shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid post a copy of such certificate to each candidate.

Vacancies  
in Metro-  
politan  
Board

5. Where the office of a member of the Metropolitan Board becomes vacant from any cause, the remaining members shall, at the first meeting after such vacancy occurs, elect from the separate school supporters resident in the ward from which the member so vacating his seat was elected a duly qualified person to fill the vacancy for the remainder of the term for which his predecessor was elected.

First  
meeting,  
1953

6.—(1) The first meeting of the Metropolitan Board shall be held on or after the 15th day of April, 1953, at such date, time and place as the Minister may determine, and the

Minister shall notify each person entitled to be a member of the Metropolitan Board of the date, time and place of the meeting; thereafter the meetings of the Metropolitan Board shall be held as provided by the by-laws of the Metropolitan Board.

(2) The Metropolitan Board shall be organized as provided by *The Separate Schools Act* with respect to urban separate school boards.

Organization  
of Metro-  
politan  
Board  
Rev. Stat.,  
c. 356

7.—(1) It shall be the duty of the Metropolitan Board and it shall have power,

Powers and  
duties of  
Metro-  
politan  
Board

- (a) to require each local board to prepare and submit to the Metropolitan Board, from time to time as the Metropolitan Board may prescribe, its proposals and recommendations with respect to the provision of adequate separate school accommodation within its jurisdiction, and the estimated cost thereof;
- (b) to review and consolidate all such proposals, in consultation with the local boards, and to prepare and revise from time to time a composite proposal and the recommendations of the Metropolitan Board for the provision of adequate separate school accommodation for the Metropolitan Area as a whole;
- (c) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective local boards, the boundaries of attendance areas for those separate schools in the Metropolitan Area which are to be attended by resident pupils from more than one separate school division;
- (d) notwithstanding the provisions of this or any other Act, to determine the basis upon which and the conditions under which fees, if any, on behalf of resident pupils of one separate school division in the Metropolitan Area attending a school in another separate school division in the Metropolitan Area, not in excess of the fees calculated in accordance with section 90 of *The Public Schools Act*, shall be paid by the sending board to the receiving board;
- (e) notwithstanding the provisions of this or any other Act, to determine the basis upon which the cost of transportation, if any, of the resident pupils of one separate school division in the Metropolitan Area attending a school in another separate school division in the Metropolitan Area shall be paid, and the respective responsibilities therefor of the sending board, the receiving board and the Metropolitan Board;

Rev. Stat.,  
c. 316

Rev. Stat.,  
c. 29

- (f) notwithstanding the provisions of this or any other Act, to make provision, if deemed expedient, for the payment to any local board of any part or the whole of the cost of the education of pupils attending classes established under *The Auxiliary Classes Act* and other special classes authorized by the Minister;
- (g) to appoint a secretary, a treasurer and such other officers and staff as may be deemed expedient for the purposes of the Metropolitan Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers of the Metropolitan Board, if authorized by the Metropolitan Board;
- (h) if deemed expedient, to pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the Metropolitan Board from his home and in returning to his home, and to pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year;
- (i) to require each local board to pay to it a proportionate part, calculated according to the relation the aggregate equalized assessment of the ratepayers of the local board bears to the aggregate equalized assessment of all the separate school ratepayers in the Metropolitan Area, of the cost of discharging the duties of the Metropolitan Board hereunder which are not incurred in administering separate schools in the district.

Proviso

(2) The Metropolitan Board shall not be deemed to be administering the schools from time to time under the jurisdiction of any local board.

Discon-  
tinuance  
of schools,  
etc.

**8.** Notwithstanding any of the provisions of this or any other Act, no board of separate school trustees within the Metropolitan Area or exercising jurisdiction within three miles of the Metropolitan Area,

- (a) shall discontinue the operation and maintenance of any school under its jurisdiction without the approval of the Metropolitan Board;
- (b) shall sell, lease or otherwise dispose of any school site, school building, school equipment or other item of

school property, the cost of which was financed in whole or in part by the issue of debentures, without the approval of the Metropolitan Board;

- (c) shall acquire any school site or any building or erection for school purposes, erect any school building or any addition to any school building, or make any alteration to any school building the cost of which alteration is to be financed in whole or part by the issue of debentures without the approval of the Metropolitan Board.

**9.** Each local board, unless and until dissolved as provided in this or any other Act, shall continue to have all the powers, duties and responsibilities conferred and imposed upon it by any general or special Act and regulations made thereunder that are not inconsistent with the provisions of this Act, and shall comply with all the requirements of this Act that apply to it. Powers and duties of local boards

**10.**—(1) Every local board may enter into an agreement with the Metropolitan Board and the Metropolitan Board may enter into such an agreement with such local board for the assumption by the Metropolitan Board of the administration for separate school purposes of the separate school division under the jurisdiction of such local board. Agreements with local boards

(2) Such agreement shall take effect on the 1st day of January next following the adoption by the Metropolitan Board of a by-law authorizing the execution thereof. Effective date

(3) Upon such agreement taking effect or upon the expiration of the period for which any separate school division under the jurisdiction of any local board shall have been exempted from the operation of *The Toronto and Suburban Separate School Board Act, 1941*, the separate school division theretofore under the jurisdiction of such local board shall become united to the district under the administration of the Metropolitan Board and such local board shall be dissolved and all real and personal property vested in such local board shall be vested in the Metropolitan Board, and all rights, powers and privileges which such local board would have enjoyed if it had continued to exist shall be exercised and enjoyed by the Metropolitan Board. Dissolution of local board 1941, c. 82

(4) Such agreement shall provide what amount of the outstanding indebtedness of such local board shall be levied against all the separate school ratepayers of the district and what amount shall be levied only against the separate school ratepayers resident within the separate school division previously under the jurisdiction of such local board. Debentures

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**11.** The Metropolitan Board shall be responsible for and shall discharge all liabilities and obligations of every local board which shall have been dissolved and, subject to sections 13, 14 and 15, any indebtedness of any such local board shall be provided for by a general rate levied upon all property in the district liable for taxation for separate school purposes.

Equalization commission

**12.—(1)** The Metropolitan Board, whenever it considers it necessary for the equitable distribution of the cost of its operations, shall appoint three persons not members of any separate school board within the Metropolitan Area, who shall constitute an equalization commission.

Idem

(2) The duty of the equalization commission shall be to equalize the assessment for separate school purposes of the municipalities within the Metropolitan Area, and it shall make its report to the Metropolitan Board within two months after its appointment.

Idem

(3) A copy of the report of the equalization commission shall be forwarded to the clerk of every municipality within the Metropolitan Area.

Idem

(4) Notwithstanding the provisions of this or any other Act, the Metropolitan Board may, by resolution, adopt for the purposes of levying rates upon its supporters the latest report of an equalization commission made pursuant to section 8 of *The Toronto and Suburban Separate School Board Act, 1941* and thereupon such report shall for all purposes be deemed to be a report of an equalization commission appointed under this section.

1941, c. 82

Powers of Metropolitan Board

**13.** The Metropolitan Board with the approval of the Ontario Municipal Board may,

(a) upon any local board entering into an agreement under section 10,

(i) make such adjustment of assets and liabilities of such local board as between the ratepayers of the Metropolitan Board as may be agreed upon or as it shall consider the circumstances warrant,

(ii) make provisions for the preservation of the status, or the equitable adjustment as between its ratepayers, of the burden of the obligations of the local board and recognize such provisions in the levying of its annual rate;

- (b) vary the boundaries of the wards, the number of the wards and the number of the members of the Metropolitan Board accordingly;
- (c) defer the holding of any annual election for one year in order to co-ordinate the terms of office of its members and the terms of office to municipal councillors, and to extend the term of office of its members accordingly;
- (d) make provision for the holding of elections, the preparation of voters' lists and for such other matters as the Metropolitan Board may deem necessary to provide for the effective administration of the Metropolitan Area.

**14.**—(1) If the Metropolitan Board becomes liable for any <sup>New debts</sup> indebtedness incurred or created by a local board after the passing of this Act, all rates imposed by the Metropolitan Board for charges for such indebtedness shall be imposed solely upon the separate school ratepayers resident within the separate school division previously under the jurisdiction of such local board but so long as such rates are imposed, such ratepayers may *pro tanto* be relieved from the payment of rates imposed by the Metropolitan Board in respect of charges for other indebtedness of the Metropolitan Board.

(2) All debentures created by the Metropolitan Board or <sup>Debentures</sup> assumed by it on the dissolution of a local board shall be a charge upon all schoolhouse properties and premises and any other real or personal property vested in the Metropolitan Board and upon the separate school rates.

(3) Any person at the time of the creation of such debenture <sup>Idem</sup> indebtedness assessed as a separate school supporter shall, while resident within the Metropolitan Area, continue to be liable for the rates to be levied for the repayment of the money so borrowed.

(4) The Metropolitan Board may borrow <sup>Idem</sup> money to repay any indebtedness created by a local board and assumed by the Metropolitan Board and issue debentures to secure such money and the terms of repayment of the same may be arranged in consonance with the terms of repayment of its other obligations.

**15.** The rate to be levied for separate school purposes in <sup>Rate</sup> each municipality shall be determined by the Metropolitan Board in accordance with the last report of the equalization commission made prior to the levying of the rate.

Estimates

**16.—(1)** The Metropolitan Board shall annually, on or before the 1st day of March, make up its estimates of the cost of maintaining the separate schools in the district and of the amount necessary to provide for its annual debt charges and of its other expenditures and, subject to the variations provided in sections 13, 14 and 15, the same shall be raised, levied and collected by a rate in each municipality levied upon all rateable property of the supporters of the schools of the Metropolitan Board liable to taxation for separate school purposes according to the last revised assessment roll of such municipality.

Duty of municipal councils in district

(2) The council of every municipality within the district shall, through their collectors or other municipal officers, cause to be levied upon the taxable property liable to pay the same all sums of money for rates or taxes imposed by the Metropolitan Board in respect of separate schools and the provisions of subsection 2 of section 71 of *The Separate Schools Act* shall apply save that the money payable to the Metropolitan Board shall as far as possible be paid in monthly instalments or from time to time as the Metropolitan Board shall require.

Rev. Stat., c. 356

Metropolitan Board to be board of separate school trustees  
Rev. Stat., c. 356

**17.** Save as herein otherwise provided, the Metropolitan Board shall be an urban board of separate school trustees within the meaning of *The Separate Schools Act* and with respect to the district shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban board of separate school trustees by *The Separate Schools Act*.

Legislative grants shall not be reduced

**18.—(1)** Nothing in this Act shall reduce the total amount of special and general legislative grants payable to or on behalf of any board having jurisdiction over a separate school division in the Metropolitan Area below the amount which would have been paid had this Act not been passed.

Applications for legislative grants

(2) Each separate school board in the Metropolitan Area shall in each year apply to the Minister for all special and general legislative grants as if this Act had not been passed and such grants shall continue to be paid to that board or, if such board has been dissolved under this Act, to the Metropolitan Board.

Appointment of auditors

**19.** The council of The Municipality of Metropolitan Toronto shall by by-law appoint one or more auditors who shall be persons licensed by the Department of Municipal Affairs as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Board, and, notwithstanding any of the provisions of this or any other



Act, only the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Board.

**20.** Nothing in this or any other Act shall extend the period of time for which any municipality or part of a municipality has been exempted, pursuant to clause *b* of section 9 or section 16 of *The Toronto and Suburban Separate School Board Act, 1941*, from the operation of that Act and upon the expiration of such period of exemption any municipality or part of a municipality so exempted shall become united to the district as provided in subsection 3 of section 10.

**21.** The provisions of this Act shall apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail.

**22.** This Act comes into force on the day it receives Royal Assent.

**23.** This Act may be cited as *The Metropolitan Separate School Board Act, 1953*.

## SCHEDULE A

Wards	That part of the Metropolitan Area comprised in
1 .....	Ward 1, Toronto
2 .....	Ward 2, Toronto
3 .....	Ward 3, Toronto
4 .....	Ward 4, Toronto
5 .....	Ward 5, Toronto
6 .....	Ward 6, Toronto
7 .....	Ward 7, Toronto
8 .....	Ward 8, Toronto
9 .....	Ward 9, Toronto
10 .....	Long Branch, Mimico, New Toronto
11 .....	Etobicoke, Weston
12 .....	Swansea, York, Wards 2 and 3
13 .....	Forest Hill, York, Ward 1
14 .....	Leaside, North York
15 .....	East York, Scarboro

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## SCHEDULE B

## OATH TO BE TAKEN BY A VOTER

You swear that you are the person named (*or* intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a ratepayer (*or*) that you are the wife (*or*) husband of a ratepayer (*as the case may be*);

That you are a Roman Catholic separate school supporter (*or*) that you are a Roman Catholic and the wife (*or*) husband of a Roman Catholic separate school supporter (*as the case may be*);

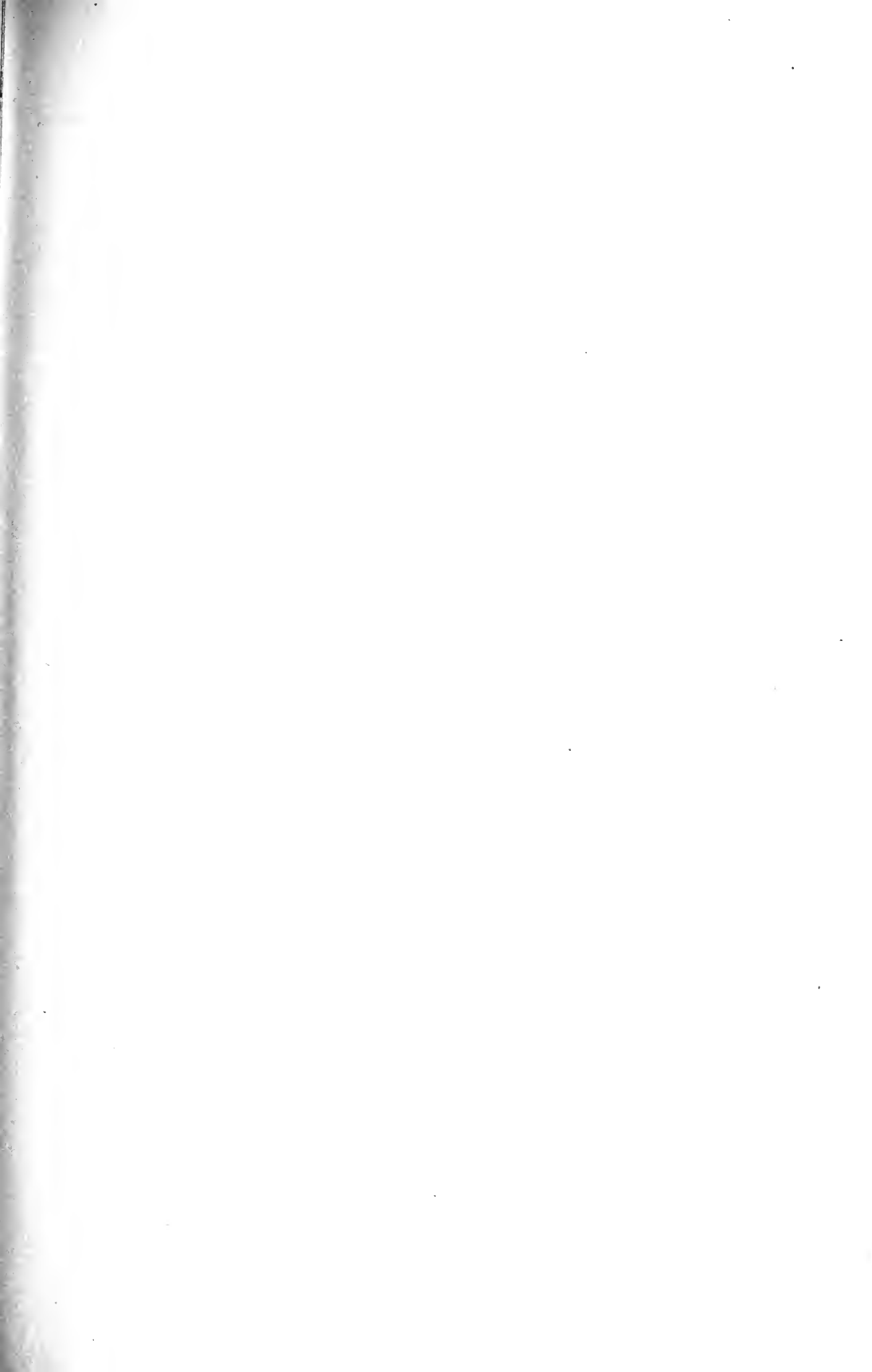
That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.



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BILL

An Act respecting Separate School Boards  
in the Metropolitan Area  
of Toronto

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*1st Reading*

March 4th, 1953

*2nd Reading*

March 26th, 1953

*3rd Reading*

March 30th, 1953

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MR. ROBERTS (St. Patrick)

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No. 38

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Commissioners for  
taking Affidavits Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. The section repealed reads as follows:

7. The judges of the Supreme Court or any two of them may issue under the seal of the court commissions empowering such and so many persons as they think fit and necessary to administer oaths and to take affidavits in any province or territory in Canada, in or concerning actions, causes or matters depending in or in anywise concerning any proceeding to be had in any court in Ontario.

This power has not been exercised for many years. These commissions are now issued by the Lieutenant-Governor under sections 5 and 6 of the Act.

SECTION 2. This amendment is complementary to section 1 of the bill.

# BILL

## An Act to amend The Commissioners for taking Affidavits Act

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

**1.** Section 7 of *The Commissioners for taking Affidavits Act* is repealed. Rev. Stat., c. 57, s. 7, repealed

**2.** Section 10 of *The Commissioners for taking Affidavits Act* is amended by striking out the words "appointed by him or by the judges of the Supreme Court or any court formerly authorized to issue commissions, and such revocation shall operate as a revocation for all purposes" in the second, third, fourth and fifth lines, so that the section shall read as follows: Rev. Stat., c. 57, s. 10, amended

10. The Lieutenant-Governor may revoke the commission of any commissioner. Revocation of commissions

**3.** This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1953*. Short title

BILL

An Act to amend The Commissioners  
for taking Affidavits Act

---

*1st Reading*

February 12th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Commissioners for  
taking Affidavits Act

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

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No. 38

1953

# BILL

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BILL

An Act to amend The Commissioners  
for taking Affidavits Act

---

*1st Reading*

February 12th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

---

MR. PORTER

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*(Reprinted as amended by the Committee on  
Legal Bills)*

No. 38

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Commissioners for  
taking Affidavits Act

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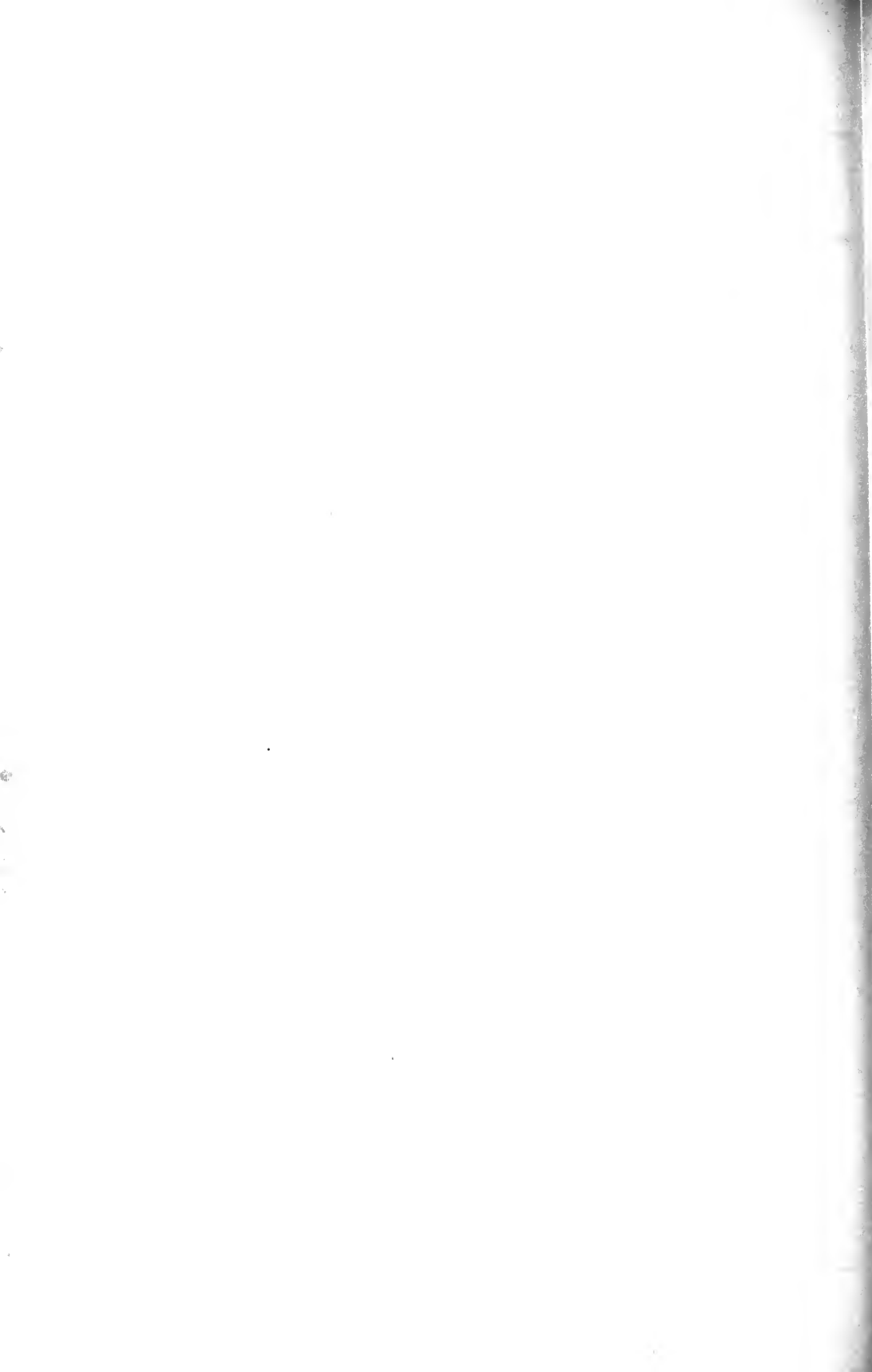
MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 38

1953

# BILL

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2. Section 10 of *The Commissioners for taking Affidavits Act* is amended by striking out the words "or by the judges of the Supreme Court or any court formerly authorized to issue commissions, and such revocation shall operate as a revocation for all purposes" in the second, third, fourth and fifth lines, so that the section shall read as follows:

10. The Lieutenant-Governor may revoke the commission of any commissioner appointed by him. Revocation of commissions

3. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1953*. Short title

BILL

An Act to amend The Commissioners  
for taking Affidavits Act

---

*1st Reading*

February 12th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 13th, 1953

---

MR. PORTER

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No. 39

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to repeal The County Publicity Act

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MR. DUNBAR

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#### EXPLANATORY NOTE

*The County Publicity Act*, which provides for the formation of county publicity associations for the purpose of advertising the resources and possibilities of the county and the payment of grants to such associations, has not been used for many years and is therefore repealed. The matter of expenditures by counties and other municipalities for publicity purposes is completely covered by section 422 of *The Municipal Act*, which was re-enacted in 1951.

No. 39

1953

# BILL

## An Act to repeal The County Publicity Act

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

1. *The County Publicity Act* is repealed.
2. This Act may be cited as *The County Publicity Repeal Act, 1953*.

Rev. Stat.,  
c. 77,  
repealed

Short title

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BILL

An Act to repeal The County  
Publicity Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

---

MR. DUNBAR

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No. 39

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to repeal The County Publicity Act**

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MR. DUNBAR

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No. 39

1953

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c. 77,  
repealed
2. This Act may be cited as *The County Publicity Repeal Act, 1953*. Short title

BILL

An Act to repeal The County  
Publicity Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 6th, 1953

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MR. DUNBAR

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Unemployment  
Relief Act**

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MR. GOODFELLOW

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EXPLANATORY NOTE

These amendments are for clarification purposes only and are designed to assist in the proper administration of the Act. No change in policy is involved.

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# BILL

## An Act to amend The Unemployment Relief Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 11 of *The Unemployment Relief Act*, as re-enacted by section 1 of *The Unemployment Relief Amendment Act, 1951*, is amended by adding at the end thereof the words “and where a person has not resided in a municipality or district for a period of twelve consecutive months as aforesaid he shall be deemed to reside in the municipality or district in which he resided on the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor”, so that the subsection shall read as follows:

(2) For the purposes of this Act, a person shall be deemed to reside in the municipality or district in which he has last resided for a period of twelve consecutive months since the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor, and where a person has not resided in a municipality or district for a period of twelve consecutive months as aforesaid he shall be deemed to reside in the municipality or district in which he resided on the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor.

(2) Subsection 5 of the said section 11 is amended by striking out the words “in receipt of direct relief” in the first line, by striking out the words “a pension under *The Old Age Pensions Act*” in the eighth and ninth lines and inserting in lieu thereof the words and figures “assistance under *The Old Age Assistance Act, 1951*” and by inserting after the word “Act” in the tenth line the figures “1952”, so that the subsection shall read as follows:

Responsibility for relief of persons who move from one municipality to another

1951  
(2nd Sess.),  
c. 2

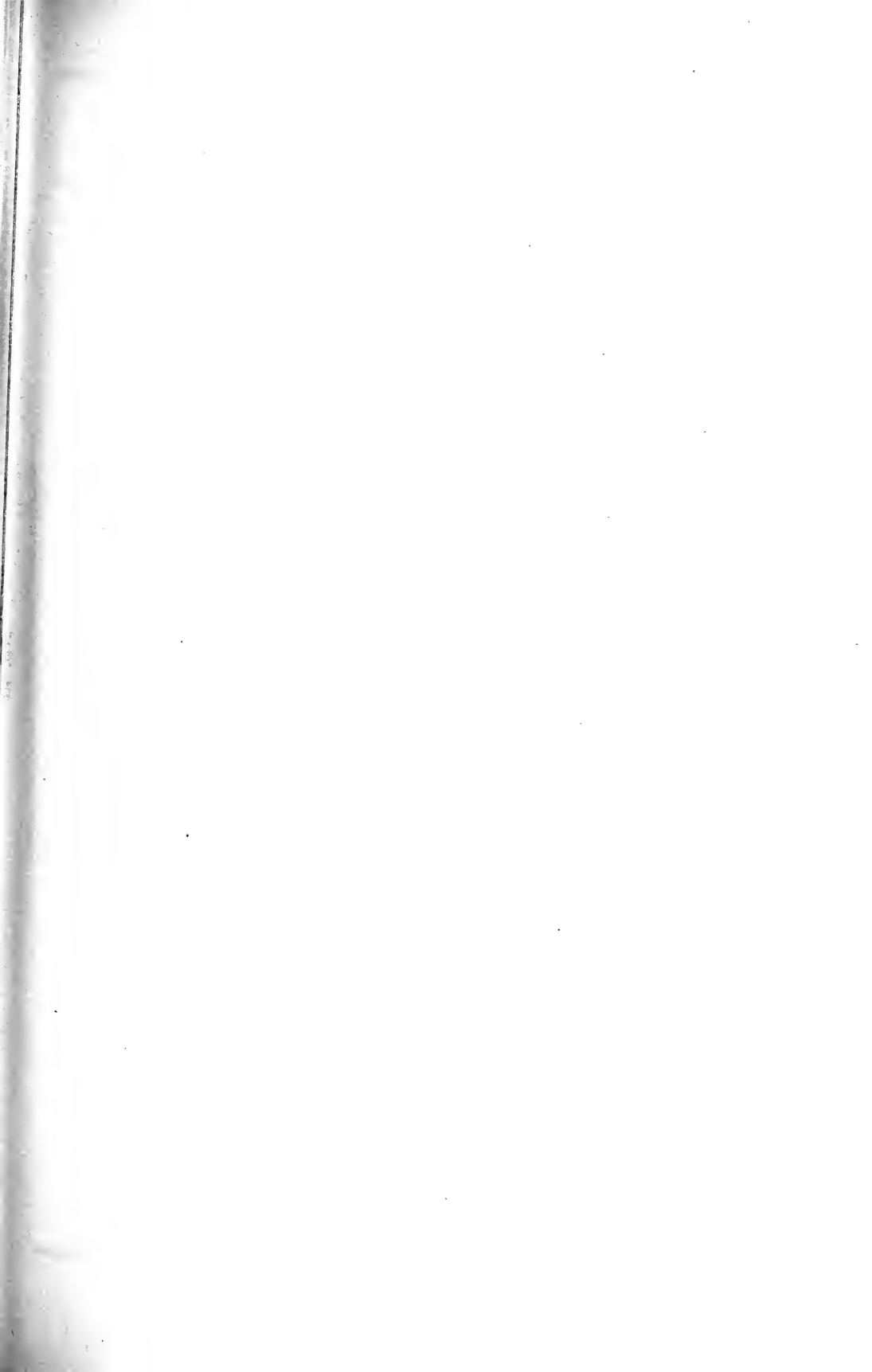
1952, c. 62

- (5) Where a person moves from one municipality or district in Ontario to another, the municipality or district from which he moves shall be liable for his direct relief until he has resided for twelve consecutive months in the municipality or district to which he has moved, and such twelve consecutive months shall, except where he or either of his parents is in receipt of assistance under *The Old Age Assistance Act, 1951* or is a beneficiary under *The Mothers' Allowances Act, 1952*, be computed from the day he commences to support himself by gainful employment.

Short title      **2.** This Act may be cited as *The Unemployment Relief Amendment Act, 1953*.







BILL

An Act to amend The Unemployment  
Relief Act

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

MR. GOODFELLOW



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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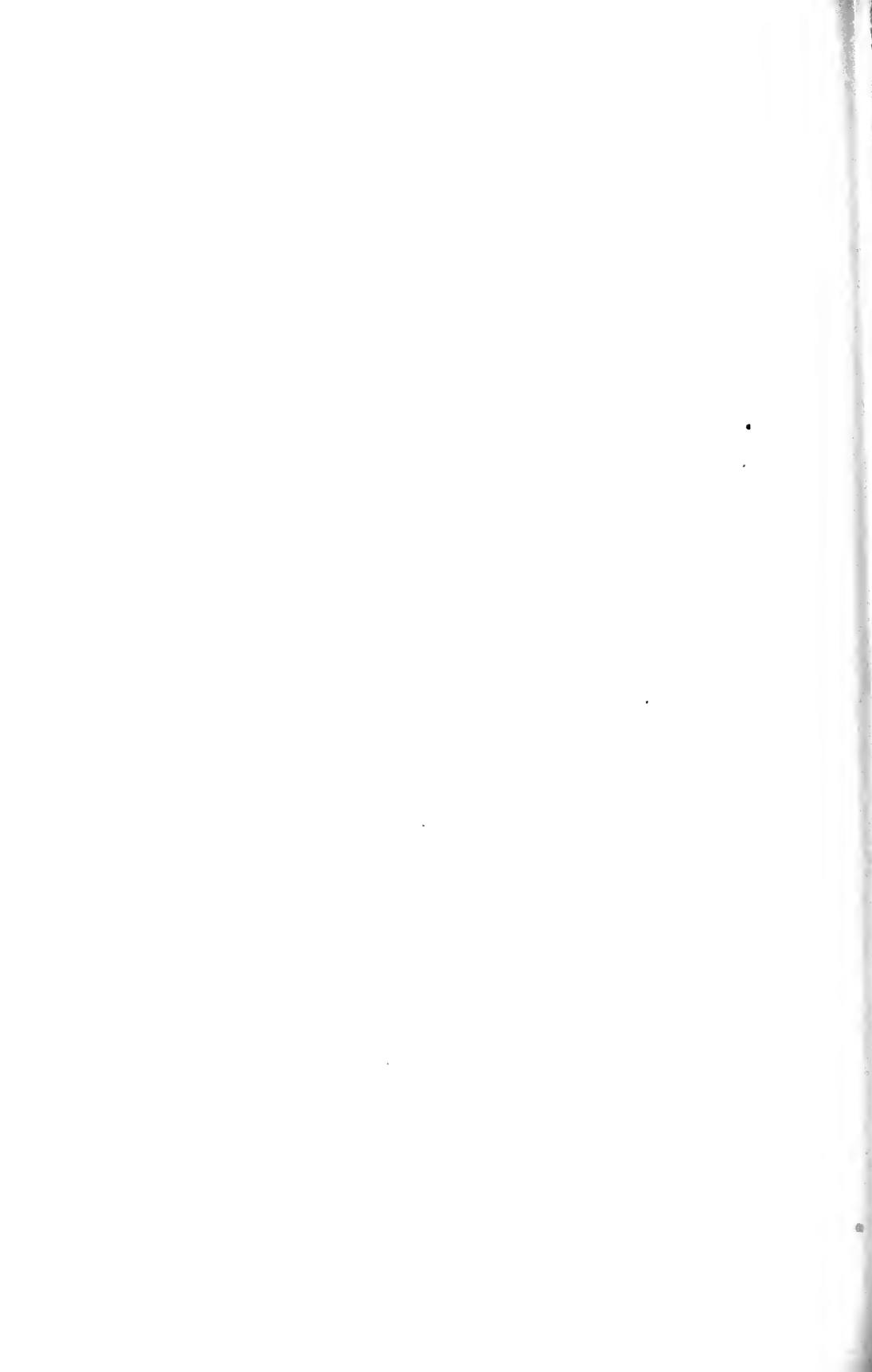
# BILL

An Act to amend The Unemployment  
Relief Act

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MR. GOODFELLOW

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# BILL

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Rev. Stat.,  
c. 403, s. 11,  
subs. 2  
(1951,  
c. 90, s. 1),  
amended

(2) For the purposes of this Act, a person shall be deemed to reside in the municipality or district in which he has last resided for a period of twelve consecutive months since the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor, and where a person has not resided in a municipality or district for a period of twelve consecutive months as aforesaid he shall be deemed to reside in the municipality or district in which he resided on the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor.

Residence  
defined

(2) Subsection 5 of the said section 11 is amended by striking out the words “in receipt of direct relief” in the first line, by striking out the words “a pension under *The Old Age Pensions Act*” in the eighth and ninth lines and inserting in lieu thereof the words and figures “assistance under *The Old Age Assistance Act, 1951*” and by inserting after the word “*Act*” in the tenth line the figures “1952”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 403, s. 11,  
subs. 5  
(1951,  
c. 90, s. 1),  
amended

Responsibility for relief of persons who move from one municipality to another

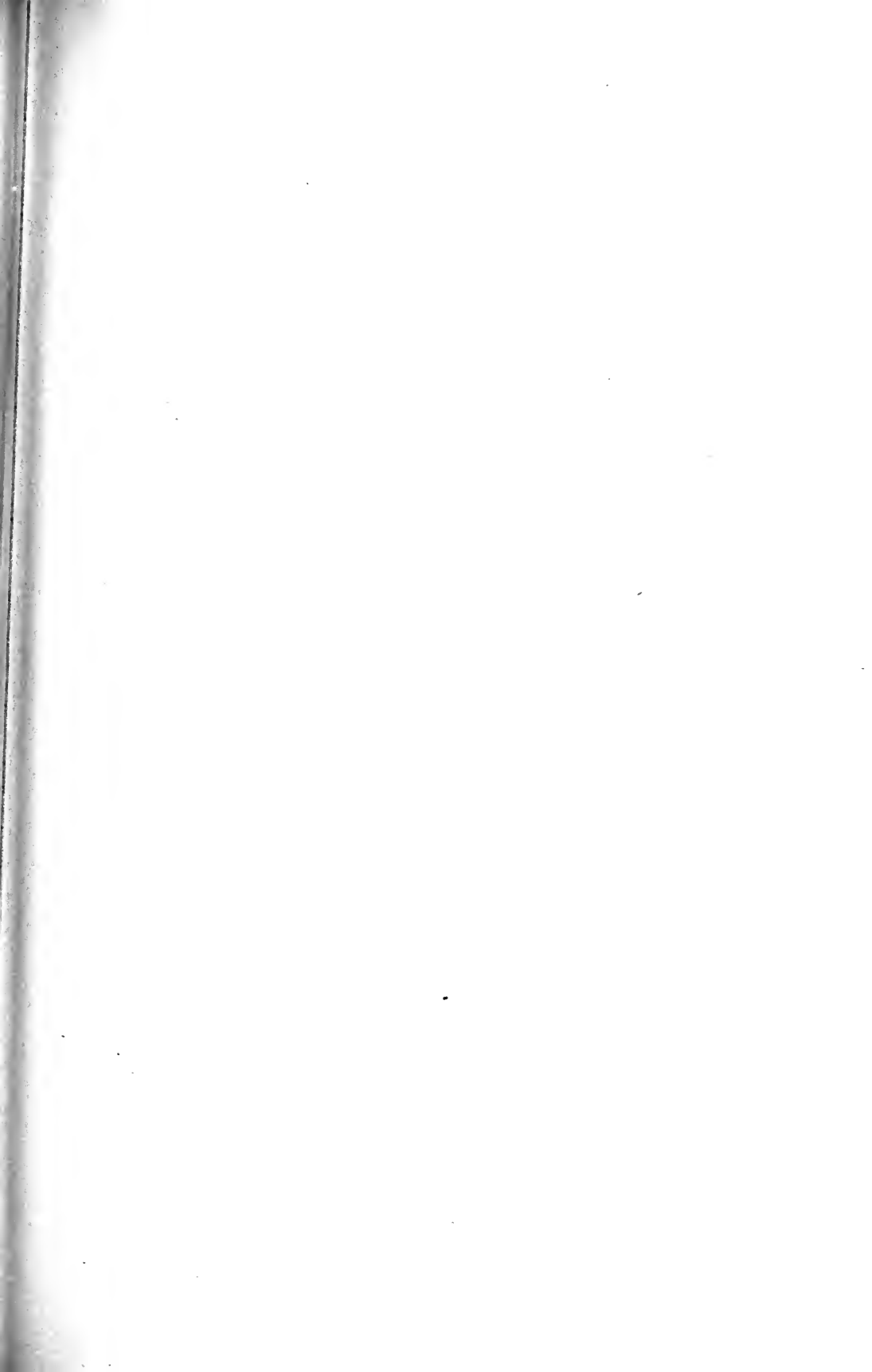
1951  
(2nd Sess.),  
c. 2

1952, c. 62

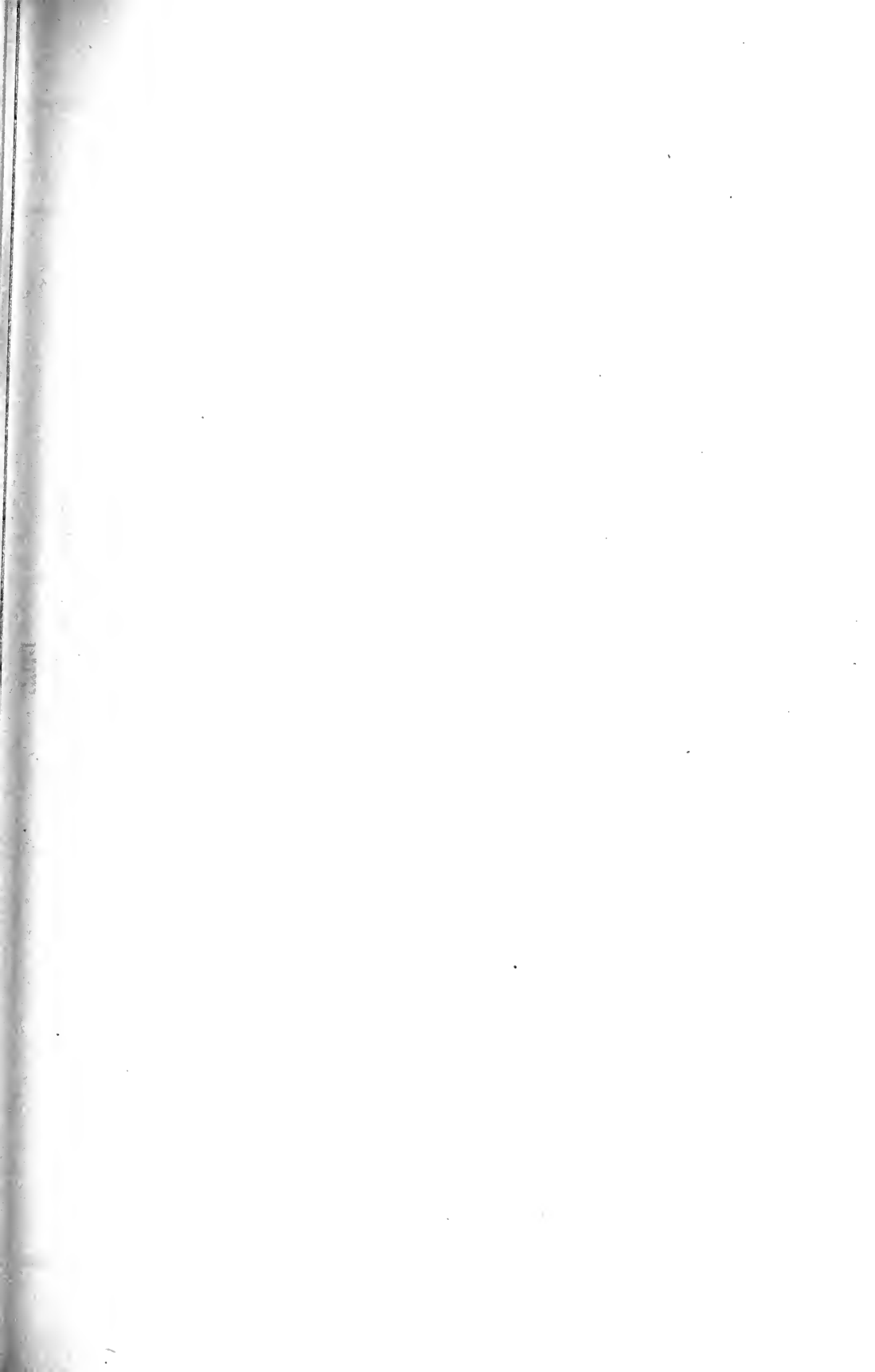
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Short title

**2.** This Act may be cited as *The Unemployment Relief Amendment Act, 1953*.







BILL

An Act to amend The Unemployment  
Relief Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 6th, 1953

---

MR. GOODFELLOW

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No. 41

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Charitable  
Institutions Act

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MR. GOODFELLOW

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EXPLANATORY NOTE

This clause fixes the amount of provincial aid that may be paid to private charitable institutions classed as refuges. The amendment is self-explanatory.

No. 41

1953

# BILL

## An Act to amend The Charitable Institutions Act

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

1. Clause *a* of subsection 1 of section 8 of *The Charitable Institutions Act* is amended by striking out the word "indigent" in the first line and by striking out the word "ten" in the second line and inserting in lieu thereof the word "twenty", so that the clause shall read as follows:

Rev. Stat.,  
c. 49, s. 8,  
subs. 1,  
cl. *a*,  
amended

(a) For every person an inmate of a refuge, twenty <sup>Refuges</sup> cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

2. This Act may be cited as *The Charitable Institutions Amendment Act, 1953*. <sup>Short title</sup>

BILL

An Act to amend The Charitable  
Institutions Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

---

MR. GOODFELLOW

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No. 41

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Charitable  
Institutions Act

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MR. GOODFELLOW

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TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON



# BILL

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Rev. Stat.,  
c. 49, s. 8,  
subs. 1,  
cl. a,  
amended

(a) For every person an inmate of a refuge, twenty <sup>Refuges</sup> cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

2. This Act may be cited as *The Charitable Institutions Amendment Act, 1953*. <sup>Short title</sup>

BILL

An Act to amend The Charitable  
Institutions Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 6th, 1953

---

MR. GOODFELLOW

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No. 42

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Deserted Wives' and  
Children's Maintenance Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTE

This new section adds a further means by which deserting husbands may be required to support their wives and children. It is designed to cover the case where the husband resides in Ontario at such a distance from the wife that it is impracticable, by reason of the expense involved, to return him for the hearing to the place where his wife resides.

# BILL

## An Act to amend The Deserted Wives' and Children's Maintenance Act

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

1. *The Deserted Wives' and Children's Maintenance Act* Rev. Stat.,  
c. 102,  
amended  
is amended by adding thereto the following section:

8a.—(1) Where a complaint has been laid against a Provisional  
order person under this Act and that person fails to appear to answer to the charge, a judge of the juvenile court or magistrate having jurisdiction to hear the complaint in the locality in which the information was laid may, instead of issuing a warrant to compel such person's attendance or taking any other action that might be taken under this Act or otherwise, in his absence and without further notice to him, hear the evidence and if satisfied of the justice of the complaint and that the person is resident in another locality in Ontario, make any order that he might have made if such person had appeared before him to answer to the complaint, but in such case the order shall be provisional only and shall have no effect unless and until confirmed by a judge of the juvenile court or magistrate having jurisdiction in the locality in which such person resides.

(2) If the testimony of a witness at the hearing is not Depositions  
and trans-  
cripts taken in shorthand, it shall be put into the form of a deposition which shall be read over and signed by the witness and by the judge or magistrate presiding at the hearing.

(3) Where an order is made under subsection 1, the Transmission  
of docu-  
ments judge or magistrate, as the case may be, shall send to a judge of the juvenile court or magistrate having jurisdiction in the locality in which the person against whom the order is made resides,

- (a) a copy of the complaint certified by the judge or magistrate to be a true copy;
- (b) a copy of the order certified by the judge to be a true copy;
- (c) a copy of the transcript of the evidence certified by the court stenographer to be a true copy, or where the evidence was not taken in shorthand, the depositions referred to in subsection 2;
- (d) a statement, signed by the judge or magistrate, containing such information as is available for facilitating the identification of the person against whom the order is made and ascertaining his whereabouts.

Issue of  
summons

- (4) The judge or magistrate to whom the documents mentioned in subsection 3 are sent may issue a summons calling upon the person named in the order to appear and show cause why the order should not be confirmed.

Confirma-  
tion of order

- (5) At the hearing it shall be open to the person named in the order to raise any defence that he might have raised in the original proceedings, but if on appearing he fails to satisfy the judge or magistrate that the order ought not to be confirmed, the judge or magistrate may confirm the order without modification or with such modification as he considers proper having regard to all the evidence.

Adjourn-  
ment for  
further  
evidence

- (6) Where the person mentioned in the order appears before the judge or magistrate and satisfies him that for the purpose of any defence or for the taking of further evidence or otherwise it is necessary to remit the case to the judge or magistrate who made the order, the judge or magistrate may so remit the case and adjourn the proceedings for that purpose.

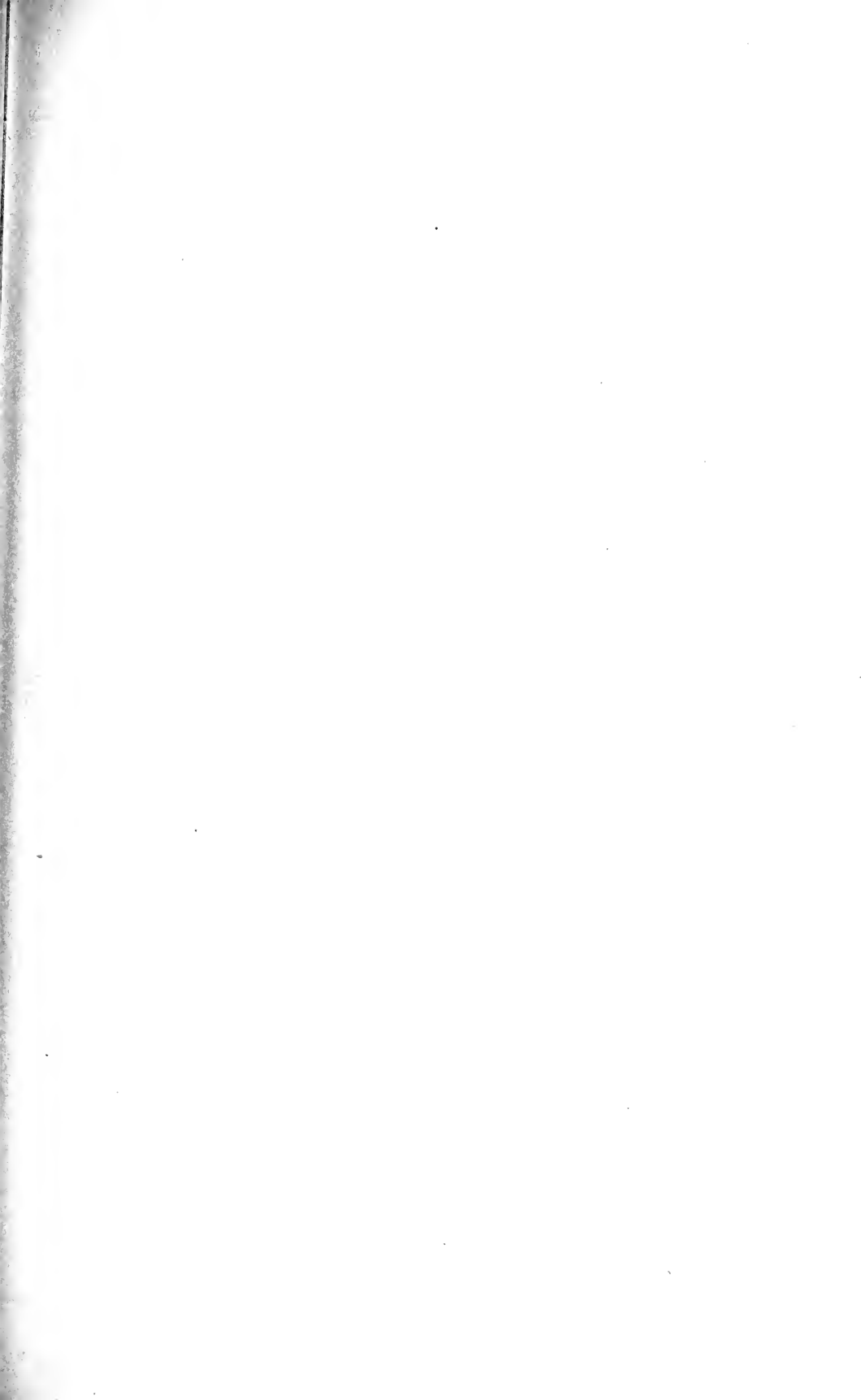
Where  
order not  
confirmed

- (7) Where the person named in the order appears before the judge or magistrate and the judge or magistrate, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, he may remit the case to the judge or magistrate who made the order together with a statement signed by him of his reasons for so doing, and in that event the judge or magistrate who made the order may proceed with the case as though the order had not been made.

- (8) Where an order has been confirmed under this section, it may be varied or rescinded in like manner as if it were made originally by the confirming judge or magistrate, and where on an application for variation or rescission the judge or magistrate is satisfied that it is necessary to remit the case to the judge or magistrate who made the order for the purpose of taking further evidence, he may so remit the case and adjourn the proceedings for that purpose. Variation and rescission of order, remission of case, after confirmation
- (9) No appeal shall lie from a provisional order made under this section, but where an order is confirmed under this section, the person bound thereby has the same right of appeal as he would have if the order had been made under section 1 or 2. Right of appeal
- (10) An order that has been confirmed under this section shall be deemed to be an order of the judge or magistrate who confirmed it and the officers of his court shall take all proper steps to enforce it. Effect of confirmation
- (11) Any document under this section purporting to be signed by a judge or magistrate or by a court stenographer shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or official character of the person appearing to have signed it and any such document shall be admissible in evidence. Proof of documents; admissibility in evidence

**2.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Act, 1953*. Short title





BILL

An Act to amend The Deserted Wives' and  
Children's Maintenance Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 42

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to amend The Deserted Wives' and  
Children's Maintenance Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Deserted Wives' and Children's Maintenance Act

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

1. *The Deserted Wives' and Children's Maintenance Act* Rev. Stat., c. 102, amended is amended by adding thereto the following section:

8a.—(1) Where a complaint has been laid against a Provisional order person under this Act and that person fails to appear to answer to the complaint, a judge of the juvenile court or magistrate having jurisdiction to hear the complaint in the locality in which the information was laid may, instead of issuing a warrant to compel such person's attendance or taking any other action that might be taken under this Act or otherwise, in his absence and without further notice to him, hear the evidence and if satisfied of the justice of the complaint and that the person is resident in another locality in Ontario, make any order that he might have made if such person had appeared before him to answer to the complaint, but in such case the order shall be provisional only and shall have no effect unless and until confirmed by a judge of the juvenile court or magistrate having jurisdiction in the locality in which such person resides.

(2) If the testimony of a witness at the hearing is not Depositions and transcripts taken in shorthand, it shall be put into the form of a deposition which shall be read over and signed by the witness and by the judge or magistrate presiding at the hearing.

(3) Where an order is made under subsection 1, the Transmission of documents judge or magistrate, as the case may be, shall send to a judge of the juvenile court or magistrate having jurisdiction in the locality in which the person against whom the order is made resides,

- (a) a copy of the complaint certified by the judge or magistrate to be a true copy;
- (b) a copy of the order certified by the judge to be a true copy;
- (c) a copy of the transcript of the evidence certified by the court stenographer to be a true copy, or where the evidence was not taken in shorthand, the depositions referred to in subsection 2;
- (d) a statement, signed by the judge or magistrate, containing such information as is available for facilitating the identification of the person against whom the order is made and ascertaining his whereabouts.

Issue of  
summons

- (4) The judge or magistrate to whom the documents mentioned in subsection 3 are sent may issue a summons calling upon the person named in the order to appear and show cause why the order should not be confirmed.

Confirma-  
tion of order

- (5) At the hearing it shall be open to the person named in the order to raise any defence that he might have raised in the original proceedings, but if on appearing he fails to satisfy the judge or magistrate that the order ought not to be confirmed, the judge or magistrate may confirm the order without modification or with such modification as he considers proper having regard to all the evidence.

Adjourn-  
ment for  
further  
evidence

- (6) Where the person mentioned in the order appears before the judge or magistrate and satisfies him that for the purpose of any defence or for the taking of further evidence or otherwise it is necessary to remit the case to the judge or magistrate who made the order, the judge or magistrate may so remit the case and adjourn the proceedings for that purpose.

Where  
order not  
confirmed

- (7) Where the person named in the order appears before the judge or magistrate and the judge or magistrate, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, he may remit the case to the judge or magistrate who made the order together with a statement signed by him of his reasons for so doing, and in that event the judge or magistrate who made the order may proceed with the case as though the order had not been made.

- (8) Where an order has been confirmed under this section, it may be varied or rescinded in like manner as if it were made originally by the confirming judge or magistrate, and where on an application for variation or rescission the judge or magistrate is satisfied that it is necessary to remit the case to the judge or magistrate who made the order for the purpose of taking further evidence, he may so remit the case and adjourn the proceedings for that purpose. Variation and rescission of order, remission of case, after confirmation
- (9) No appeal shall lie from a provisional order made under this section, but where an order is confirmed under this section, the person bound thereby has the same right of appeal as he would have if the order had been made under section 1 or 2. Right of appeal
- (10) An order that has been confirmed under this section shall be deemed to be an order of the judge or magistrate who confirmed it and the officers of his court shall take all proper steps to enforce it. Effect of confirmation
- (11) Any document under this section purporting to be signed by a judge or magistrate or by a court stenographer shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or official character of the person appearing to have signed it and any such document shall be admissible in evidence. Proof of documents; admissibility in evidence

**2.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1953*. Short title





BILL

An Act to amend 'The Deserted Wives' and  
Children's Maintenance Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

March 4th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 43

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The County Judges Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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EXPLANATORY NOTE

The amendment provides for the appointment of a junior judge in the county of Welland.

No. 43

1953

# BILL

## An Act to amend The County Judges Act

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

**1.** Subsection 1 of section 4 of *The County Judges Act*, Rev. Stat., c. 76, s. 4, as re-enacted by section 1 of *The County Judges Amendment Act*, subs. 1 **1951**, is amended by striking out the words "and Middlesex" (1951, c. 16, s. 1), in the second line and inserting in lieu thereof the words amended "Middlesex and Welland", so that the subsection shall read as follows:

(1) A junior judge may be appointed for each of the Junior counties of Carleton, Middlesex and Welland and judges for each of the districts of Sudbury and Thunder Bay.

**2.** This Act comes into force on the day it receives Royal Commence- Assent. ment

**3.** This Act may be cited as *The County Judges Amendment* Short title *Act, 1953.*

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BILL

An Act to amend The County  
Judges Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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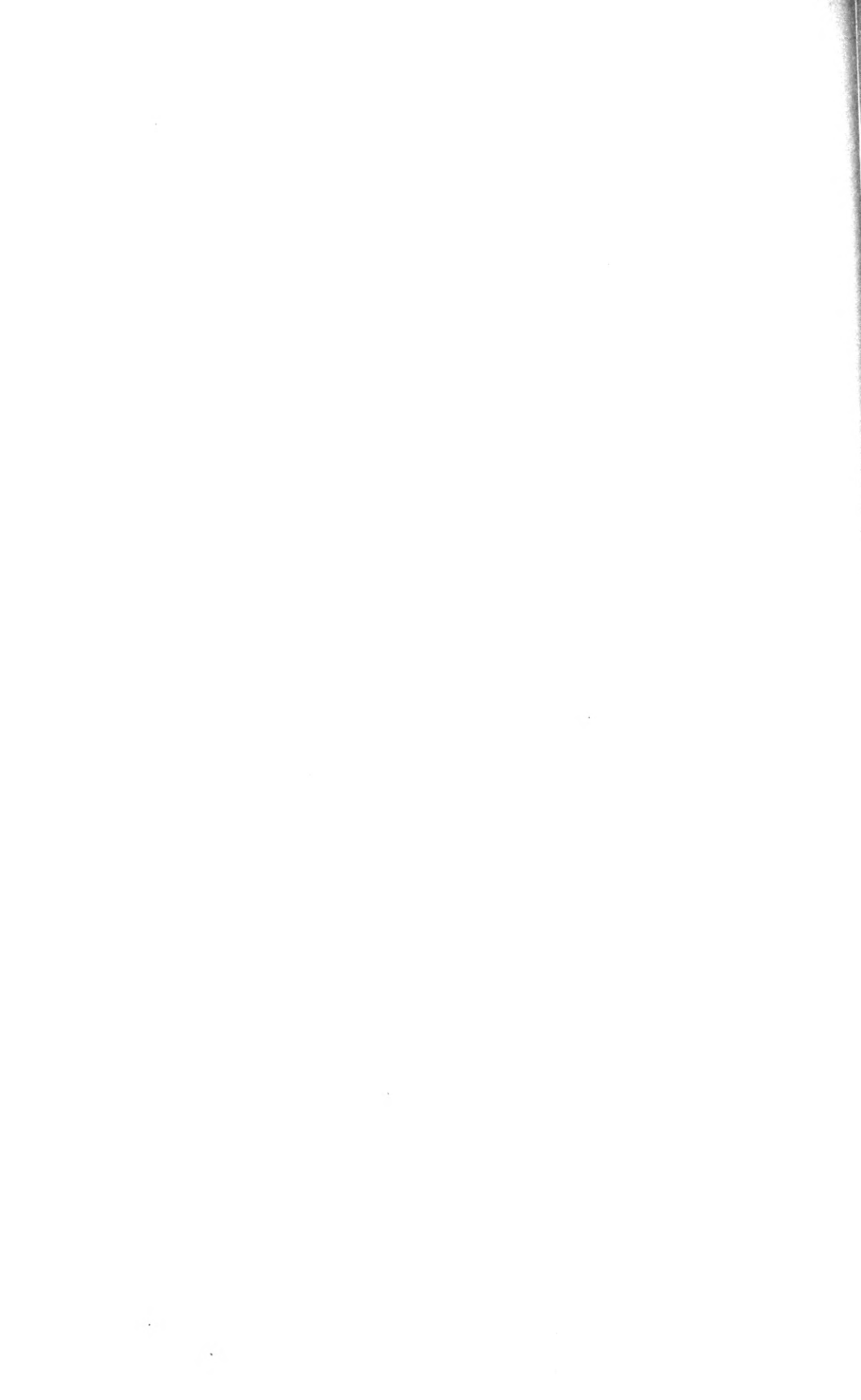
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**BILL**  
**An Act to amend The County Judges Act**

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MR. PORTER

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No. 43

1953

# BILL

## An Act to amend The County Judges Act

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

**1.** Subsection 1 of section 4 of *The County Judges Act*, Rev. Stat., c. 76, s. 4, as re-enacted by section 1 of *The County Judges Amendment Act*, subs. 1 *1951*, is amended by striking out the words "and Middlesex" (1951, c. 16, s. 1), in the second line and inserting in lieu thereof the words amended "Middlesex and Welland", so that the subsection shall read as follows:

(1) A junior judge may be appointed for each of the Junior counties of Carleton, Middlesex and Welland and judges for each of the districts of Sudbury and Thunder Bay.

**2.** This Act comes into force on the day it receives Royal Commence- Assent. ment

**3.** This Act may be cited as *The County Judges Amendment* Short title *Act, 1953.*

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BILL

An Act to amend The County  
Judges Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 13th, 1953

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MR. PORTER

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No. 44

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The General Sessions Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

Section 1—Subsection 1. This amendment provides for three sittings each year of the Court of General Sessions of the Peace in the county of Carleton instead of two.

Subsections 2 and 3. Changes are made in the commencement dates of the sittings of the Court of General Sessions of the Peace in the county of Lincoln and in the county of York.

These changes will permit these courts to function more efficiently.

SECTION 2. Self-explanatory.

# BILL

## An Act to amend The General Sessions Act

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

1.—(1) Subsection 2 of section 3 of *The General Sessions Act* is amended by inserting after the word “in” in the second line the words “February and”, so that the subsection shall read as follows: Rev. Stat., c. 158, s. 3, subs. 2, amended

(2) In the county of Carleton the sittings of the court in each year shall commence on the first Monday in February and April and the third Monday in October. Exceptions, Carleton

(2) Subsection 3a of the said section 3, as enacted by subsection 1 of section 1 of *The General Sessions Amendment Act, 1952*, is amended by striking out the word “June” in the third line and inserting in lieu thereof the word “May” and by striking out the word “fourth” in the said third line and inserting in lieu thereof the word “first”, so that the subsection shall read as follows: Rev. Stat., c. 158, s. 3, subs. 3a (1952, c. 34, s. 1, subs. 1), amended

(3a) In the county of Lincoln the sittings of the court in each year shall commence on the first Monday in May and the first Monday in November. Lincoln

(3) Subsection 7 of the said section 3 is amended by striking out the word “Tuesday” in the third line and inserting in lieu thereof the word “Monday”, so that the subsection shall read as follows: Rev. Stat., c. 158, s. 3, subs. 7, amended

(7) In the county of York the sittings of the court in each year shall commence on the first Monday in December, March and May and on the second Monday in September. York

2.—(1) Subsection 2 of section 3 of *The General Sessions Act*, as amended by subsection 1 of section 1 of this Act, applies to the sittings of the Court of General Sessions of the Application

Peace in the county of Carleton commencing on the first Monday in April, 1953, and to subsequent sittings.

**Idem**

(2) Subsection 3a of the said section 3, as amended by subsection 2 of section 1 of this Act, applies to the sittings of the Court of General Sessions of the Peace in the county of Lincoln commencing on the first Monday in May, 1953, and to subsequent sittings.

**Idem**

(3) Subsection 7 of the said section 3, as amended by subsection 3 of section 1 of this Act, applies to the sittings of the Court of General Sessions of the Peace in the county of York commencing on the second Monday in September, 1953, and to subsequent sittings.

**Commence-  
ment**

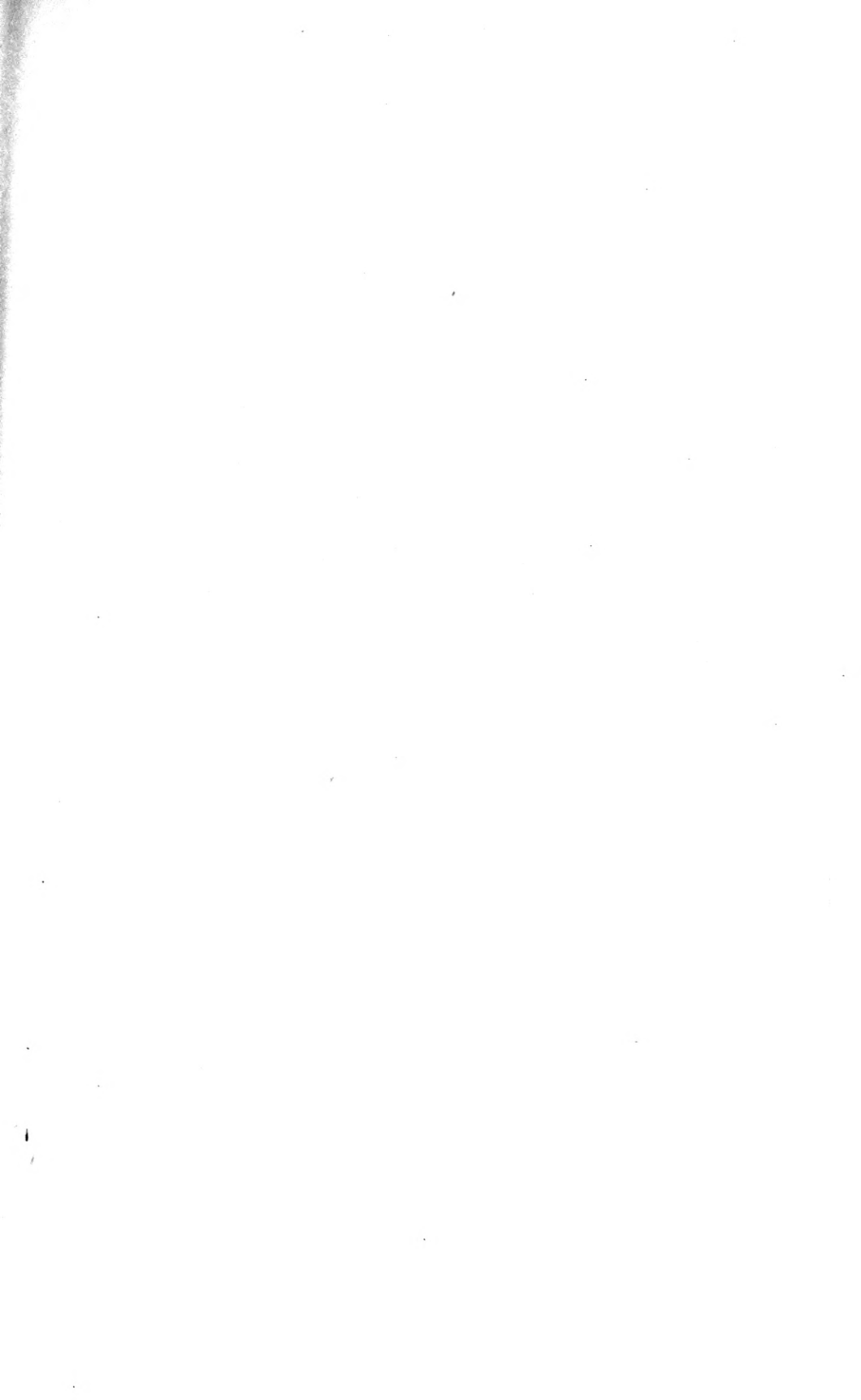
**3.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**4.** This Act may be cited as *The General Sessions Amendment Act, 1953*.







BILL

An Act to amend The General Sessions Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The General Sessions Act

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

Section 1—Subsection 1. This amendment provides for three sittings each year of the Court of General Sessions of the Peace in the county of Carleton instead of two.

Subsections 2 and 3. Changes are made in the commencement dates of the sittings of the Court of General Sessions of the Peace in the county of Lincoln and in the county of York.

These changes will permit these courts to function more efficiently.

SECTION 2. Self-explanatory.

# BILL

## An Act to amend The General Sessions Act

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

1.—(1) Subsection 2 of section 3 of *The General Sessions Act* is amended by striking out the words "April and the third Monday in October" in the second and third lines and inserting in lieu thereof the words "February, April and October", so that the subsection shall read as follows:

Rev. Stat.,  
c. 153, s. 3,  
subs. 2,  
amended

(2) In the county of Carleton the sittings of the court in each year shall commence on the first Monday in February, April and October.

Exceptions,  
Carleton

(2) Subsection 3a of the said section 3, as enacted by subsection 1 of section 1 of *The General Sessions Amendment Act, 1952*, is amended by striking out the word "June" in the third line and inserting in lieu thereof the word "May" and by striking out the word "fourth" in the said third line and inserting in lieu thereof the word "first", so that the subsection shall read as follows:

Rev. Stat.,  
c. 153, s. 3,  
subs. 3a  
(1952,  
c. 34, s. 1,  
subs. 1),  
amended

(3a) In the county of Lincoln the sittings of the court in each year shall commence on the first Monday in May and the first Monday in November.

Lincoln

(3) Subsection 7 of the said section 3 is amended by striking out the word "Tuesday" in the third line and inserting in lieu thereof the word "Monday", so that the subsection shall read as follows:

Rev. Stat.,  
c. 153, s. 3,  
subs. 7,  
amended

(7) In the county of York the sittings of the court in each year shall commence on the first Monday in December, March and May and on the second Monday in September.

York

2.—(1) Subsection 2 of section 3 of *The General Sessions Act*, as amended by subsection 1 of section 1 of this Act, applies to the sittings of the court of general sessions of the

Application

peace in the county of Carleton commencing on the first Monday in April, 1953, and to subsequent sittings.

**Idem** (2) Subsection 3*a* of the said section 3, as amended by subsection 2 of section 1 of this Act, applies to the sittings of the court of general sessions of the peace in the county of Lincoln commencing on the first Monday in May, 1953, and to subsequent sittings.

**Idem** (3) Subsection 7 of the said section 3, as amended by subsection 3 of section 1 of this Act, applies to the sittings of the court of general sessions of the peace in the county of York commencing on the second Monday in September, 1953, and to subsequent sittings.

**Commence-  
ment** **3.** This Act comes into force on the day it receives Royal Assent.

**Short title** **4.** This Act may be cited as *The General Sessions Amendment Act, 1953*.







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BILL

An Act to amend The General Sessions Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee on  
Legal Bills)*



No. 44

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The General Sessions Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 44

1953

# BILL

## An Act to amend The General Sessions Act

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

1.—(1) Subsection 2 of section 3 of *The General Sessions Act* is amended by striking out the words “April and the third Monday in October” in the second and third lines and inserting in lieu thereof the words “February, April and October”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 158,  
s. 3, subs. 2,  
amended

(2) In the county of Carleton the sittings of the court in each year shall commence on the first Monday in February, April and October.

Exceptions,  
Carleton

(2) Subsection 3a of the said section 3, as enacted by subsection 1 of section 1 of *The General Sessions Amendment Act, 1952*, is amended by striking out the word “June” in the third line and inserting in lieu thereof the word “May” and by striking out the word “fourth” in the said third line and inserting in lieu thereof the word “first”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 158, s. 3,  
subs. 3a  
(1952,  
c. 34, s. 1,  
subs. 1),  
amended

(3a) In the county of Lincoln the sittings of the court in each year shall commence on the first Monday in May and the first Monday in November.

Lincoln

(3) Subsection 7 of the said section 3 is amended by striking out the word “Tuesday” in the third line and inserting in lieu thereof the word “Monday”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 158, s. 3,  
subs. 7,  
amended

(7) In the county of York the sittings of the court in each year shall commence on the first Monday in December, March and May and on the second Monday in September.

York

2.—(1) Subsection 2 of section 3 of *The General Sessions Act*, as amended by subsection 1 of section 1 of this Act, applies to the sittings of the court of general sessions of the

Application

peace in the county of Carleton commencing on the first Monday in April, 1953, and to subsequent sittings.

**Idem** (2) Subsection 3a of the said section 3, as amended by subsection 2 of section 1 of this Act, applies to the sittings of the court of general sessions of the peace in the county of Lincoln commencing on the first Monday in May, 1953, and to subsequent sittings.

**Idem** (3) Subsection 7 of the said section 3, as amended by subsection 3 of section 1 of this Act, applies to the sittings of the court of general sessions of the peace in the county of York commencing on the second Monday in September, 1953, and to subsequent sittings.

**Commence-  
ment** **3.** This Act comes into force on the day it receives Royal Assent.

**Short title** **4.** This Act may be cited as *The General Sessions Amendment Act, 1953*.







BILL

An Act to amend The General Sessions Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 13th, 1953

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MR. PORTER



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The County Courts Act

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The subsection as re-enacted provides for three sittings with or without a jury and two non-jury sittings in each year of the county court of the county of Carleton, instead of two jury sittings and two non-jury sittings.

Subsection 2. These changes in commencement dates of the sittings of the county court of the county of Lincoln will enable it to function more efficiently.

SECTION 2. These later commencement dates bring the Act into line with the current practice in the district court of the district of Kenora.

# BILL

## An Act to amend The County Courts Act

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

- 1.**—(1) Subsection 2 of section 12 of *The County Courts Act* Rev. Stat., c. 75, s. 12, subs. 2, re-enacted is repealed and the following substituted therefor:
- (2) In each year the sittings of the county court of the county of Carleton for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in February, April and October and without a jury on the first Monday in June and December. Exceptions, Carleton
- (2) Subsection 2a of the said section 12, as enacted by sub-section 1 of section 2 of *The County Courts Amendment Act, 1952*, is amended by striking out the word “June” in the fourth line and inserting in lieu thereof the word “May” and by striking out the word “fourth” in the fifth line and inserting in lieu thereof the word “first”, so that the subsection shall read as follows: Rev. Stat., c. 75, s. 12, subs. 2a (1952, c. 14, s. 2, subs. 1), amended
- (2a) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the first Monday in November and without a jury on the first Monday in April and October. Lincoln
- 2.** Clause *e* of section 13 of *The County Courts Act* is amended by striking out the words “first Monday of June and the second Tuesday of November” in the first and second lines and inserting in lieu thereof the words “first Tuesday of June and the first Tuesday of December”, so that the clause shall read as follows: Rev. Stat., c. 75, s. 13, cl. e, amended
- (*e*) Kenora, commencing on the first Tuesday of June and the first Tuesday of December.

- Application     **3.**—(1) Subsection 2 of section 12 of *The County Courts Act*, as re-enacted by subsection 1 of section 1 of this Act, applies to the sittings of the county court of the county of Carleton commencing on the first Monday in April, 1953, and to subsequent sittings.
- Idem             (2) Subsection 2*a* of the said section 12, as amended by subsection 2 of section 1 of this Act, applies to the sittings of the county court of the county of Lincoln commencing on the first Monday in May, 1953, and to subsequent sittings.
- Idem             (3) Clause *e* of section 13 of *The County Courts Act*, as amended by section 2 of this Act, applies to the sittings of the district court of the district of Kenora commencing on the first Tuesday of June, 1953, and to subsequent sittings.
- Commence-  
ment           **4.** This Act comes into force on the day it receives Royal Assent.
- Short title     **5.** This Act may be cited as *The County Courts Amendment Act, 1953*.

SECTION 3. Self-explanatory.





BILL

An Act to amend The County Courts Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 45

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The County Courts Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## An Act to amend The County Courts Act

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

- 1.—(1) Subsection 2 of section 12 of *The County Courts Act* Rev. Stat., c. 75, s. 12, subs. 2, re-enacted is repealed and the following substituted therefor:
- (2) In each year the sittings of the county court of the county of Carleton for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in February, April and October and without a jury on the first Monday in June and December. Exceptions, Carleton
- (2) Subsection 2a of the said section 12, as enacted by subsection 1 of section 2 of *The County Courts Amendment Act, 1952*, is amended by striking out the word "June" in the fourth line and inserting in lieu thereof the word "May" and by striking out the word "fourth" in the fifth line and inserting in lieu thereof the word "first", so that the subsection shall read as follows: Rev. Stat., c. 75, s. 12, subs. 2a (1952, c. 14, s. 2, subs. 1), amended
- (2a) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the first Monday in November and without a jury on the first Monday in April and October. Lincoln
2. Clause e of section 13 of *The County Courts Act* is amended by striking out the words "first Monday of June and the second Tuesday of November" in the first and second lines and inserting in lieu thereof the words "first Tuesday of June and the first Tuesday of December", so that the clause shall read as follows: Rev. Stat., c. 75, s. 13, amended
- (e) Kenora, commencing on the first Tuesday of June and the first Tuesday of December.

- Application     **3.**—(1) Subsection 2 of section 12 of *The County Courts Act*, as re-enacted by subsection 1 of section 1 of this Act, applies to the sittings of the county court of the county of Carleton commencing on the first Monday in April, 1953, and to subsequent sittings.
- Idem             (2) Subsection 2*a* of the said section 12, as amended by subsection 2 of section 1 of this Act, applies to the sittings of the county court of the county of Lincoln commencing on the first Monday in May, 1953, and to subsequent sittings.
- Idem             (3) Clause *e* of section 13 of *The County Courts Act*, as amended by section 2 of this Act, applies to the sittings of the district court of the district of Kenora commencing on the first Tuesday of June, 1953, and to subsequent sittings.
- Commence-  
ment            **4.** This Act comes into force on the day it receives Royal Assent.
- Short title     **5.** This Act may be cited as *The County Courts Amendment Act, 1953*.







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BILL

An Act to amend The County Courts Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 13th, 1953

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MR. PORTER

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No. 46

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to amend The Administration of  
Justice Expenses Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Correction of typographical error.

# BILL

## An Act to amend The Administration of Justice Expenses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 17 of *The Administration of Justice Expenses Act* is amended by striking out the word "within" in the tenth line and inserting in lieu thereof the word "without", so that the subsection shall read as follows:

Rev. Stat.,  
c. 5, s. 17,  
subs. 2,  
amended

(2) Except as in this Act or by law otherwise provided all fees payable under Part I to the officers therein mentioned, for services connected with the administration of justice, other than those mentioned in subsection 1, shall be paid in the first instance by the county, unless the county jail is owned and maintained by a city, in which case the fees in respect of prisoners convicted for offences committed within the city limits shall be paid in the first instance by the city, and so far as they relate to prisoners convicted for offences committed in the county without the limits of the city, shall be paid in the first instance by the county, and the county or city, as the case may be, shall be entitled to be reimbursed out of the Consolidated Revenue Fund all of the said expenses mentioned in Schedule B which relate to prisoners who have been convicted of indictable offences or committed for trial, or who have been tried but not convicted under Part XVIII or XIX of the *Criminal Code* (Canada).

Fees payable  
in first  
instance by  
county

R.S.C. 1927,  
c. 36

2. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1953*.

Short title

BILL

An Act to amend The Administration of  
Justice Expenses Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to amend The Administration of  
Justice Expenses Act**

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MR. PORTER

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# BILL

## An Act to amend The Administration of Justice Expenses Act

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

1. Subsection 2 of section 17 of *The Administration of Justice Expenses Act* is amended by striking out the word "within" in the tenth line and inserting in lieu thereof the word "without", so that the subsection shall read as follows:

- (2) Except as in this Act or by law otherwise provided all fees payable under Part I to the officers therein mentioned, for services connected with the administration of justice, other than those mentioned in subsection 1, shall be paid in the first instance by the county, unless the county jail is owned and maintained by a city, in which case the fees in respect of prisoners convicted for offences committed within the city limits shall be paid in the first instance by the city, and so far as they relate to prisoners convicted for offences committed in the county without the limits of the city, shall be paid in the first instance by the county, and the county or city, as the case may be, shall be entitled to be reimbursed out of the Consolidated Revenue Fund all of the said expenses mentioned in Schedule B which relate to prisoners who have been convicted of indictable offences or committed for trial, or who have been tried but not convicted under Part XVIII or XIX of the *Criminal Code* (Canada).

Rev. Stat.,  
c. 5, s. 17,  
subs. 2,  
amended

Fees payable  
in first  
instance by  
county

R.S.C. 1927,  
c. 36

2. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1953*.

Short title

BILL

An Act to amend The Administration of  
Justice Expenses Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 13th, 1953

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MR. PORTER

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No. 47

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Judicature Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. Space in Osgoode Hall and in the county and district court houses is at a premium. It is estimated that 40 per cent of the space now used for storage could be reclaimed and put to better use through the destruction of old and useless papers under this new provision.

SECTION 2. This provision implements an undertaking of Ontario under the Canada-Ontario Tax Rental Agreement of 1952.

# BILL

## An Act to amend The Judicature Act

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

1. Section 102 of *The Judicature Act* is amended by adding thereto the following subsection:
 

<p>Rev. Stat., c. 190, s. 102, amended</p>
--
  
- (4) Where books, documents or papers have been preserved in a court referred to in section 101 for so long that it appears they need not be preserved any longer, a judge of the court in which such books, documents or papers are preserved may make an order authorizing the Inspector to cause their destruction.
 

<p>Destruction of docu- ments</p>
---
  
2. The Court of Appeal has power to perform its functions under clauses 10 and 11 of the agreement between the Government of Canada and the Government of Ontario mentioned in section 1 of *The Corporations and Income Taxes Suspension Act, 1952*.
 

<p>Court of Appeal, Can.-Ont. Tax Rental Agreement 1952 (2nd Sess.), c. 1</p>
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3. This Act may be cited as *The Judicature Amendment Act, 1953*.
 

<p>Short title</p>
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BILL

An Act to amend The Judicature Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

**An Act to amend The Judicature Act**

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTES

SECTION 1. Space in the county and district court houses is at a premium. It is estimated that 40 per cent of the space now used for storage could be reclaimed and put to better use through the destruction of old and useless papers under this new provision.

SECTION 2. This provision implements an undertaking of Ontario under the Canada-Ontario Tax Rental Agreement of 1952.

# BILL

## An Act to amend The Judicature Act

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

**1.** Section 102 of *The Judicature Act* is amended by adding thereto the following subsection: Rev. Stat., c. 190, s. 102, amended

(4) Where books, documents or papers have been preserved in a court referred to in section 101, other than the Supreme Court, for so long that it appears they need not be preserved any longer, a judge of the court in which such books, documents or papers are preserved may make an order authorizing the Inspector to cause their destruction. Destruction of documents

**2.** The Court of Appeal has power to perform its functions under clauses 10 and 11 of the agreement between the Government of Canada and the Government of Ontario mentioned in section 1 of *The Corporations and Income Taxes Suspension Act, 1952*. Court of Appeal, Can.-Ont. Tax Rental Agreement 1952 (2nd Sess.), c. 1

**3.** This Act may be cited as *The Judicature Amendment Act, 1953*. Short title

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BILL

An Act to amend The Judicature Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee on  
Legal Bills)*



No. 47

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Judicature Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Judicature Act

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

**1.** Section 102 of *The Judicature Act* is amended by adding thereto the following subsection: Rev. Stat., c. 190, s. 102, amended

- (4) Where books, documents or papers have been preserved in a court referred to in section 101, other than the Supreme Court, for so long that it appears they need not be preserved any longer, a judge of the court in which such books, documents or papers are preserved may make an order authorizing the Inspector to cause their destruction. Destruction of documents

**2.** The Court of Appeal has power to perform its functions under clauses 10 and 11 of the agreement between the Government of Canada and the Government of Ontario mentioned in section 1 of *The Corporations and Income Taxes Suspension Act, 1952*. Court of Appeal, Can.-Ont. Tax Rental Agreement 1952 (2nd Sess.), c. 1

**3.** This Act may be cited as *The Judicature Amendment Act, 1953*. Short title

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BILL

An Act to amend The Judicature Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 18th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 48

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Division Courts Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTES

SECTION 1. The amendment increases payments to jurors attending division court sittings from \$3 to \$6. These payments will then be in line with those under *The Jurors Act* in the Supreme Court and in the county and district courts.

SECTIONS 2 and 3. The clause repealed states that the Inspector, when authorized by the Lieutenant-Governor so to do, may direct that any papers or documents which it is unnecessary to preserve be destroyed.

This provision is now brought into line with the practice that will prevail in the Supreme Court and the county and district courts. See section 1 of Bill No. 47.

# BILL

## An Act to amend The Division Courts Act

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

**1.** Subsection 1 of section 195 of *The Division Courts Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 106, s. 195,  
subs. 1,  
re-enacted

(1) The clerk shall pay every juror actually attending a sittings of a division court the sum of \$6 per day for every day on which he was necessarily absent from his place of residence for the purpose of attending the court, and the sum of 10 cents for every mile he necessarily travelled from his place of residence to the court.

Jurors'  
fees and  
mileage

**2.** Clause *f* of subsection 1 of section 197 of *The Division Courts Act* is repealed.

Rev. Stat.,  
c. 106, s. 197,  
subs. 1, cl. *f*,  
repealed

**3.** *The Division Courts Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 106,  
amended

**197a.** Where books, documents or papers have been preserved in a division court for so long that it appears they need not be preserved any longer, the judge may make an order authorizing the Inspector to cause their destruction.

Destruction  
of docu-  
ments

**4.** This Act may be cited as *The Division Courts Amendment Act, 1953*.

Short title

BILL

An Act to amend The Division Courts Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER



No. 48

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Division Courts Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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No. 48

1953

# BILL

## An Act to amend The Division Courts Act

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

1. Subsection 1 of section 195 of *The Division Courts Act* is repealed and the following substituted therefor:
 

<p>Jurors' fees and mileage</p>	<p>Rev. Stat., c. 106, s. 195, subs. 1, re-enacted</p>
---------------------------------	--
  
- (1) The clerk shall pay every juror actually attending a sittings of a division court the sum of \$6 per day for every day on which he was necessarily absent from his place of residence for the purpose of attending the court, and the sum of 10 cents for every mile he necessarily travelled from his place of residence to the court.
  
2. Clause *f* of subsection 1 of section 197 of *The Division Courts Act* is repealed.
 

<p>repealed</p>	<p>Rev. Stat., c. 106, s. 197, subs. 1, cl. <i>f</i>, repealed</p>
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3. *The Division Courts Act* is amended by adding thereto the following section:
 

<p>amended</p>	<p>Rev. Stat., c. 106, amended</p>
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- 197*a*. Where books, documents or papers have been preserved in a division court for so long that it appears they need not be preserved any longer, the judge may make an order authorizing the Inspector to cause their destruction.
 

<p>of documents</p>	<p>Destruction</p>
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4. This Act may be cited as *The Division Courts Amendment Act, 1953*.
 

<p>Short title</p>	<p>Short title</p>
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BILL

An Act to amend The Division Courts Act

*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 13th, 1953

MR. PORTER

No. 49

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Assignment of  
Book Debts Act**

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MR. PORTER

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TORONTO  
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#### EXPLANATORY NOTE

The fee for filing (item 1) is increased from 50 cents to \$1.00; the fee for a search (item 2) or for a certificate (item 3) is increased from 25 cents to 50 cents and the fee for copies of documents is increased from 10 cents to 20 cents per 100 words. Item 5 is added to conform with the schedule of fees in other similar Acts and to conform with the practice under this Act.

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# BILL

## An Act to amend The Assignment of Book Debts Act

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

- 1.** Items 1 to 5 of section 17 of *The Assignment of Book Debts Act* are repealed and the following substituted therefor: Rev. Stat., c. 25, s. 17, items 1-5, re-enacted
- |   |        |
|---|--------|
| 1. For filing and registering an assignment or a certificate of discharge.....    | \$1.00 |
| 2. For a search.....  | .50    |
| 3. For a certificate of registration of an instrument.....                        | .50    |
| 4. For copies of a document and certifying the same, for every hundred words..... | .20    |
| 5. For production and inspection of an instrument or document.....                | .10    |
- 2.** This Act comes into force on the 1st day of July, 1953. Commencement
- 3.** This Act may be cited as *The Assignment of Book Debts Amendment Act, 1953*. Short title

BILL

An Act to amend The Assignment of  
Book Debts Act

---

1st Reading

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 49

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Assignment of  
Book Debts Act**

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MR. PORTER

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# BILL

## An Act to amend The Assignment of Book Debts Act

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

**1.** Items 1 to 5 of section 17 of *The Assignment of Book Debts Act* are repealed and the following substituted therefor: Rev. Stat., c. 25, s. 17, items 1-5, re-enacted

- 1. For filing and registering an assignment or a certificate of discharge..... \$1.00
- 2. For a search..... .50
- 3. For a certificate of registration of an instrument..... .50
- 4. For copies of a document and certifying the same, for every 100 words..... .20
- 5. For production and inspection of an instrument or document..... .10

**2.** This Act comes into force on the 1st day of July, 1953. Commencement

**3.** This Act may be cited as *The Assignment of Book Debts Amendment Act, 1953*. Short title

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BILL

An Act to amend The Assignment of  
Book Debts Act

---

1st Reading

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 13th, 1953

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Mr. PORTER

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No. 50

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Conveyancing and  
Law of Property Act**

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MR. PORTER

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TORONTO  
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#### EXPLANATORY NOTE

The purpose of this section is to remove the uncertainty that now exists as to the validity of a designation of a beneficiary to receive payment under an employee pension or retirement plan operated by an employer or by a trustee in the event of the death of the employee before he reaches pension or retirement age.

This point as it applies to pension and retirement plans operated by insurance companies has already been covered by legislation (*The Insurance Act*, s. 158 et seq.).

# BILL

## An Act to amend The Conveyancing and Law of Property Act

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

1. *The Conveyancing and Law of Property Act* is amended by adding thereto the following section: Rev. Stat., c. 68, amended

62.—(1) In this section,

Interpretation

- (a) “benefit” means the beneficial interest of an employee in an employee pension, retirement or profit-sharing fund or plan;
  - (b) “beneficiary” means a beneficiary designated pursuant to this section; and
  - (c) “employee” means an employee or former employee who is participating in a fund or plan of a type mentioned in clause *a*.
- (2) An employee may designate one or more beneficiaries to receive payment of a benefit in the event of his death and may from time to time alter or revoke any prior designation or substitute other beneficiaries or divert the payment wholly or in part to his estate. Employees may designate beneficiaries
- (3) The right of a beneficiary to receive payment of a benefit shall not be defeated or impaired by any Act or law relating to the transfer of property by will or gift or on an intestacy. Beneficiary's rights
- (4) Where a beneficiary predeceases the employee and no other disposition of the benefit is provided for in the designation, the benefit is payable to the employee's estate, but where there are several beneficiaries and one or more of them predeceases the Where beneficiary predeceases employee

employee and no other disposition of the share or shares of the deceased beneficiary or beneficiaries is provided for in the designation, such share or shares are payable to the surviving beneficiary or beneficiaries, and if more than one, in equal shares, and if there is no surviving beneficiary, such share or shares are payable to the employee's estate.

Contents  
of design-  
ation

- (5) A designation under this section shall be made in writing, other than in an instrument purporting to be a will or other testamentary instrument, shall specifically refer to the fund or plan to which it relates and shall be signed by the employee.

When design-  
ation  
effective

- (6) A designation under this section has effect from the time it is filed with the employer.

When  
section not  
to apply  
Rev. Stat.,  
c. 183

- (7) This section does not apply to any designation to which *The Insurance Act* applies.

When  
section  
to apply

- (8) This section applies to designations made before or after this section comes into force by employees who die after this section comes into force.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1953*.









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BILL

An Act to amend The Conveyancing and  
Law of Property Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to amend The Bills of Sale and  
Chattel Mortgages Act**

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MR. PORTER

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#### EXPLANATORY NOTE

The fee for registration (item 1) is increased from 50 cents to \$1.00; the fee for a search (item 2) or for a certificate (item 3) is increased from 25 cents to 50 cents and the fee for copies of instruments or documents (item 4) is increased from 10 cents to 20 cents per 100 words.

# BILL

## An Act to amend The Bills of Sale and Chattel Mortgages Act

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

**1.** Clauses *a* to *g* of section 36 of *The Bills of Sale and Chattel Mortgages Act* are repealed and the following items substituted therefor: Rev. Stat., c. 36, s. 36, clauses *a-g*, re-enacted

- |   |        |
|---|--------|
| 1. For registering an instrument or a copy thereof or a renewal statement or an assignment or a certificate of discharge..... | \$1.00 |
| 2. For a search.....  | .50    |
| 3. For a certificate of registration of an instrument.....  | .50    |
| 4. For copies of an instrument or document and certifying the same, for every hundred words.....                              | .20    |
| 5. For production and inspection of an instrument or document.....  | .10    |

**2.** This Act comes into force on the 1st day of July, 1953. Commencement

**3.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1953*. Short title

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BILL

An Act to amend The Bills of Sale and  
Chattel Mortgages Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 51

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to amend The Bills of Sale and  
Chattel Mortgages Act**

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MR. PORTER

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# BILL

## An Act to amend The Bills of Sale and Chattel Mortgages Act

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

**1.** Clauses *a* to *g* of section 36 of *The Bills of Sale and Chattel Mortgages Act* are repealed and the following items substituted therefor: Rev. Stat., c. 36, s. 36, clauses a-g, re-enacted

- 1. For registering an instrument or a copy thereof or a renewal statement or an assignment or a certificate of discharge..... \$1.00
- 2. For a search..... .50
- 3. For a certificate of registration of an instrument..... .50
- 4. For copies of an instrument or document and certifying the same, for every 100 words..... .20
- 5. For production and inspection of an instrument or document..... .10

**2.** This Act comes into force on the 1st day of July, 1953. Commencement

**3.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1953*. Short title

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BILL

An Act to amend The Bills of Sale and  
Chattel Mortgages Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 13th, 1953

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Conditional Sales Act

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MR. PORTER

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#### EXPLANATORY NOTE

The fee for filing (item 1) is increased from 50 cents to \$1.00; the fee for a search (item 2) is increased from 25 cents to 50 cents and the fee for copies of contracts or documents (item 4) is increased from 10 cents to 20 cents.

# BILL

## An Act to amend The Conditional Sales Act

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

- 1.** Items 1 to 6 of section 5 of *The Conditional Sales Act* are repealed and the following substituted therefor:
- |   |        |  |
|---|--------|--|
| 1. For filing a copy of a contract or a renewal statement or an assignment or a certificate of discharge..... | \$1.00 | Rev. Stat.,<br>c. 61, s. 5,<br>items 1-5,<br>re-enacted;<br>item 6<br>repealed |
| 2. For a search.....  | .50    |  |
| 3. For a certificate of filing of a copy of a contract or document.....                                       | .50    |  |
| 4. For copies of a copy of a contract or document and certifying the same, for every hundred words.....       | .20    |  |
| 5. For production and inspection of a copy of a contract or document.....                                     | .10    |  |
- 2.** This Act comes into force on the 1st day of July, 1953.
- 3.** This Act may be cited as *The Conditional Sales Amendment Act, 1953*.

Commence-  
ment

Short title

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BILL.

An Act to amend The Conditional  
Sales Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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Mr. PORTER

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No. 52

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Conditional Sales Act

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MR. PORTER

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TORONTO  
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# BILL

## An Act to amend The Conditional Sales Act

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

- 1.** Items 1 to 6 of section 5 of *The Conditional Sales Act* are repealed and the following substituted therefor:
- |   |        |  |
|---|--------|--|
| 1. For filing a copy of a contract or a renewal statement or an assignment or a certificate of discharge..... | \$1.00 | Rev. Stat.,<br>c. 61, s. 5,<br>items 1-5,<br>re-enacted;<br>item 6<br>repealed |
| 2. For a search.....  | .50    |  |
| 3. For a certificate of filing of a copy of a contract or document.....                                       | .50    |  |
| 4. For copies of a copy of a contract or document and certifying the same, for every 100 words.....           | .20    |  |
| 5. For production and inspection of a copy of a contract or document.....                                     | .10    |  |
- 2.** This Act comes into force on the 1st day of July, 1953.
- 3.** This Act may be cited as *The Conditional Sales Amendment Act, 1953*.

Commence-  
ment

Short title

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BILL

An Act to amend The Conditional  
Sales Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 13th, 1953

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Mr. PORTER

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No. 53

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Jurors Act

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. It is sometimes difficult to get a quorum (three) of county selectors in York county owing to the pressure of business on the officials named. Under the subsection as re-enacted provision is made for an adequate number of alternatives.

# BILL

## An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The Jurors Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 191, s. 6,  
subs. 3,  
re-enacted

(3) In the county of York,

York  
county

- (a) the judge of the county court, or any junior judge designated by the judge except the senior junior judge, the sheriff, or a deputy sheriff designated by the sheriff, the warden, or a member of the county council designated by the warden, and the treasurer of the county, or the assistant treasurer of the county, if designated by the treasurer, shall attend when the selection is being made from the local municipalities of the county other than the city of Toronto;
- (b) the senior of the junior judges of the county court, or any other junior judge designated by that judge, the sheriff or a deputy sheriff designated by the sheriff, the mayor of Toronto, or a member of the city council designated by the mayor, and the treasurer of Toronto or the assistant treasurer of Toronto if designated by the treasurer, shall attend when the selection is being made for the city of Toronto;
- (c) the senior of the junior judges or the junior judge designated by him, as the case may be, shall be the chairman of the city section of the county selectors, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Rev. Stat.,  
c. 191, s. 53,  
amended

**2.** Section 53 of *The Jurors Act* is amended by striking out the words "except that the number of petit jurors to be summoned in the county of York shall not exceed 288" in the sixth, seventh and eighth lines, so that the section shall read as follows:

And county  
courts

53. The provisions of this Act respecting the issue of precepts for the return of a general panel of petit jurors for the sittings of the Supreme Court, as well as for the execution and return of the precepts, with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of the several county courts.

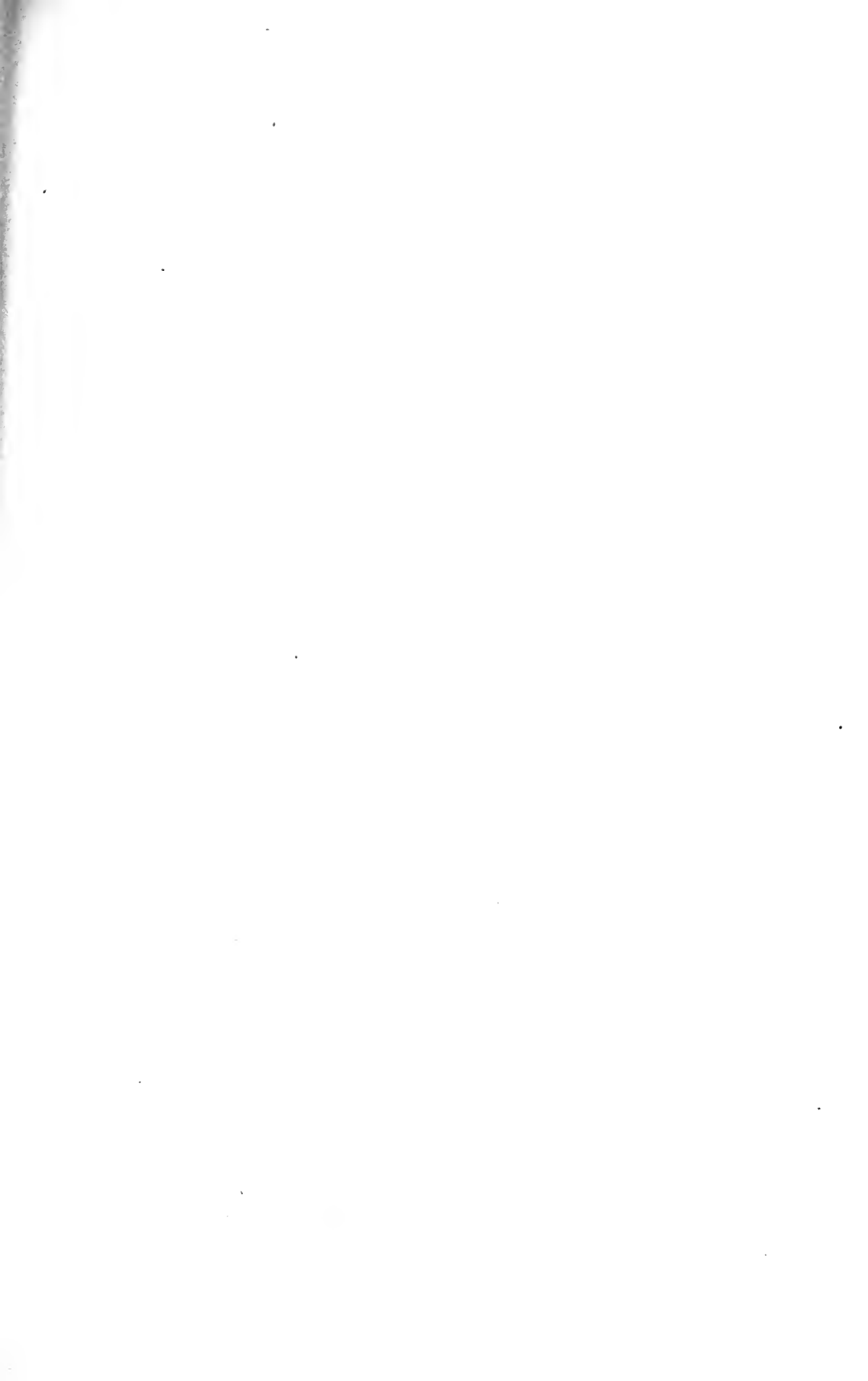
Short title

**3.** This Act may be cited as *The Jurors Amendment Act, 1953*.



SECTION 2. The deletion of these words will enable a sufficient number of jurors to be summoned for the county court of the county of York. The volume of business in this court is increasing.





BILL

An Act to amend The Jurors Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 53

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Jurors Act

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. It is sometimes difficult to get a quorum (three) of county selectors in York county owing to the pressure of business on the officials named. Under the subsection as re-enacted provision is made for an adequate number of alternatives.

# BILL

## An Act to amend The Jurors Act

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

1. Subsection 3 of section 6 of *The Jurors Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 191, s. 6,  
subs. 3,  
re-enacted

(3) In the county of York,

York  
county

- (a) the judge of the county court, or any junior judge designated by the judge except the senior junior judge, the sheriff, or a deputy sheriff designated by the sheriff, the warden, or a member of the county council designated by the warden, and the treasurer of the county, or the deputy treasurer of the county, if designated by the treasurer, shall attend when the selection is being made from the local municipalities of the county other than the city of Toronto;
- (b) the senior of the junior judges of the county court, or any other junior judge designated by that judge, the sheriff or a deputy sheriff designated by the sheriff, the mayor of Toronto, or a member of the city council designated by the mayor, and the treasurer of Toronto or the deputy treasurer of Toronto if designated by the treasurer, shall attend when the selection is being made for the city of Toronto;
- (c) the senior of the junior judges or the junior judge designated by him, as the case may be, shall be the chairman of the city section of the county selectors, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Rev. Stat.,  
c. 191, s. 53,  
amended

**2.** Section 53 of *The Jurors Act* is amended by striking out the words "except that the number of petit jurors to be summoned in the county of York shall not exceed 288" in the sixth, seventh and eighth lines, so that the section shall read as follows:

And county  
courts

53. The provisions of this Act respecting the issue of precepts for the return of a general panel of petit jurors for the sittings of the Supreme Court, as well as for the execution and return of the precepts, with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of the several county courts.

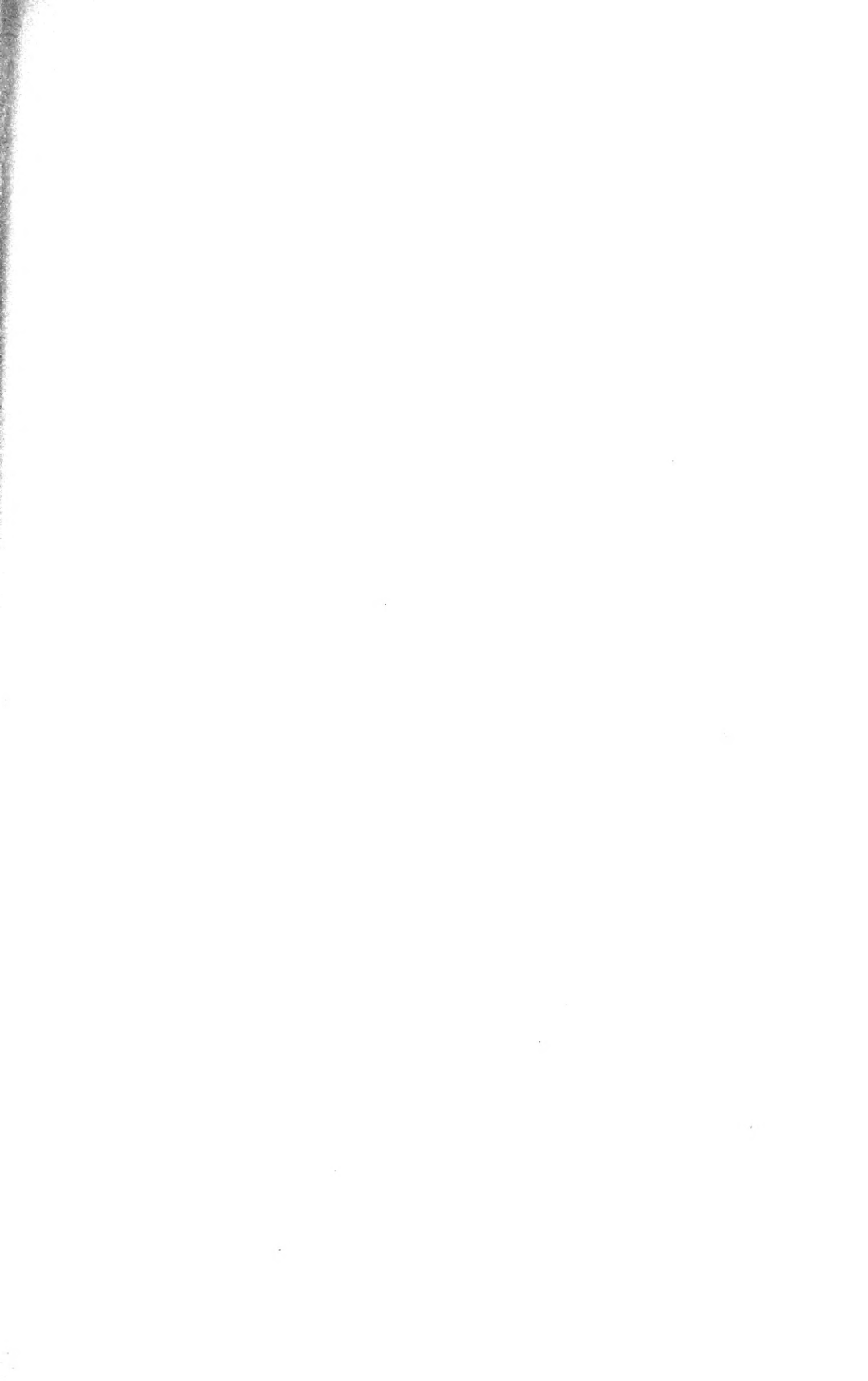
Short title

**3.** This Act may be cited as *The Jurors Amendment Act, 1953*.



SECTION 2. The deletion of these words will enable a sufficient number of jurors to be summoned for the county court of the county of York. The volume of business in this court is increasing.





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BILL

An Act to amend The Jurors Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee on  
Legal Bills)*

No. 53

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Jurors Act

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MR. PORTER

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Jurors Act

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

1. Subsection 3 of section 6 of *The Jurors Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 191, s. 6,  
subs. 3,  
re-enacted

(3) In the county of York,

York  
county

- (a) the judge of the county court, or any junior judge designated by the judge except the senior junior judge, the sheriff, or a deputy sheriff designated by the sheriff, the warden, or a member of the county council designated by the warden, and the treasurer of the county, or the deputy treasurer of the county, if designated by the treasurer, shall attend when the selection is being made from the local municipalities of the county other than the city of Toronto;
- (b) the senior of the junior judges of the county court, or any other junior judge designated by that judge, the sheriff or a deputy sheriff designated by the sheriff, the mayor of Toronto, or a member of the city council designated by the mayor, and the treasurer of Toronto or the deputy treasurer of Toronto if designated by the treasurer, shall attend when the selection is being made for the city of Toronto;
- (c) the senior of the junior judges or the junior judge designated by him, as the case may be, shall be the chairman of the city section of the county selectors, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Rev. Stat.,  
c. 191, s. 53,  
amended

**2.** Section 53 of *The Jurors Act* is amended by striking out the words "except that the number of petit jurors to be summoned in the county of York shall not exceed 288" in the sixth, seventh and eighth lines, so that the section shall read as follows:

And county  
courts

53. The provisions of this Act respecting the issue of precepts for the return of a general panel of petit jurors for the sittings of the Supreme Court, as well as for the execution and return of the precepts, with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of the several county courts.

Short title

**3.** This Act may be cited as *The Jurors Amendment Act, 1953*.









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BILL

An Act to amend The Jurors Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 54

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Devolution of  
Estates Act**

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MR. PORTER

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

Subsection 1 of section 6 of *The Legitimation Act* qualifies section 26 of *The Devolution of Estates Act* and subsection 2 of section 6 of the former Act qualifies section 29 of the latter Act.

The specific mention of the exceptions in the general provisions that they qualify will help to avoid the possibility of overlooking the exceptions when construing the general provisions.

No change in the law is intended.

# BILL

## An Act to amend The Devolution of Estates Act

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

1. Section 26 of *The Devolution of Estates Act* is amended by adding at the commencement thereof the words and figures "Subject to subsection 1 of section 6 of *The Legitimation Act*", so that the section shall read as follows:

Rev. Stat.,  
c. 103, s. 26,  
amended

26. Subject to subsection 1 of section 6 of *The Legitimation Act*, an illegitimate child or relative shall not share under any of the provisions of this Act.

Effect of  
illegitimacy  
Rev. Stat.,  
c. 203

2. Section 29 of *The Devolution of Estates Act* is amended by adding at the commencement thereof the words and figures "Subject to subsection 2 of section 6 of *The Legitimation Act* and", so that the section shall read as follows:

Rev. Stat.,  
c. 103, s. 29,  
amended

29. Subject to subsection 2 of section 6 of *The Legitimation Act* and except as otherwise provided in this Act the personal property of a person dying intestate shall be distributed as follows: one-third to the wife of the intestate and all the residue by equal portions among the children of the intestate and such persons as legally represent the children in case any of them have died in his lifetime, and if there are no children or any legal representatives of them then two-thirds of the personal property shall be allotted to the wife, and the residue thereof shall be distributed equally to every of the next of kindred of the intestate who are of equal degree and those who legally represent them, and for the purpose of this section the father and the mother and the brothers and sisters of the intestate shall be deemed of equal degree; but there shall be no representations admitted among collaterals after brothers' and sisters' children, and if there is no wife then all such personal property shall be distri-

Distribution  
of personal  
estate

Rev. Stat.,  
c. 203

buted equally among the children, and if there is no child then to the next of kindred in equal degree of or unto the intestate and their legal representatives and in no other manner; provided that if there is only one child or legal representatives of only one child the personal property of a person dying intestate shall be distributed as follows: one-half to the wife of the intestate and the other half to the child or the legal representatives of the child.

Short title      **3.** This Act may be cited as *The Devolution of Estates Amendment Act, 1953*.









BILL,

An Act to amend The Devolution of  
Estates Act

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

MR. PORTER

No. 54

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Devolution of  
Estates Act**

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MR. PORTER

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Devolution of Estates Act

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

1. Section 26 of *The Devolution of Estates Act* is amended Rev. Stat., c. 103, s. 26, amended by adding at the commencement thereof the words and figures "Subject to subsection 1 of section 6 of *The Legitimation Act*", so that the section shall read as follows:

26. Subject to subsection 1 of section 6 of *The Legitimation Act*, an illegitimate child or relative shall not share under any of the provisions of this Act. Effect of illegitimacy Rev. Stat., c. 203

2. Section 29 of *The Devolution of Estates Act* is amended Rev. Stat., c. 103, s. 29, amended by adding at the commencement thereof the words and figures "Subject to subsection 2 of section 6 of *The Legitimation Act* and", so that the section shall read as follows:

29. Subject to subsection 2 of section 6 of *The Legitimation Act* and except as otherwise provided in this Act Distribution of personal estate the personal property of a person dying intestate shall be distributed as follows: one-third to the wife of the intestate and all the residue by equal portions among the children of the intestate and such persons as legally represent the children in case any of them have died in his lifetime, and if there are no children or any legal representatives of them then two-thirds of the personal property shall be allotted to the wife, and the residue thereof shall be distributed equally to every of the next of kindred of the intestate who are of equal degree and those who legally represent them, and for the purpose of this section the father and the mother and the brothers and sisters of the intestate shall be deemed of equal degree; but there shall be no representations admitted among collaterals after brothers' and sisters' children, and if there is no wife then all such personal property shall be distri- Rev. Stat., c. 203

buted equally among the children, and if there is no child then to the next of kindred in equal degree of or unto the intestate and their legal representatives and in no other manner; provided that if there is only one child or legal representatives of only one child the personal property of a person dying intestate shall be distributed as follows: one-half to the wife of the intestate and the other half to the child or the legal representatives of the child.

Short title

**3.** This Act may be cited as *The Devolution of Estates Amendment Act, 1953*.









BILL  
An Act to amend The Devolution of  
Estates Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 13th, 1953

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Mr. PORTER

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No. 55

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Interpretation Act**

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MR. PORTER

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EXPLANATORY NOTE

The new language is intended to clarify the intent of the provisions.  
No change in principle is involved.

No. 55

1953

# BILL

## An Act to amend The Interpretation Act

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

**1.** Subsection 2 of section 7 of *The Interpretation Act*, Rev. Stat., c. 184, s. 7, as enacted by section 1 of *The Interpretation Amendment* subs. 2 (1952, *Act, 1952*, is amended by striking out the words "issued by the Lieutenant-Governor" in the first and second lines, so c. 43, s. 1), amended that the subsection shall read as follows:

- (2) Every proclamation shall be judicially noticed by *idem* all judges, justices of the peace, and others, without  
 • being specially pleaded.

**2.** This Act comes into force on the day it receives Royal Commence- Assent. ment

**3.** This Act may be cited as *The Interpretation Amendment* Short title *Act, 1953*.

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BILL  
An Act to amend The Interpretation  
Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 55

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Interpretation Act**

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MR. PORTER

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# BILL

## An Act to amend The Interpretation Act

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

**1.** Subsection 2 of section 7 of *The Interpretation Act*,<sup>Rev. Stat., c. 184, s. 7,</sup> as enacted by section 1 of *The Interpretation Amendment*<sup>subs. 2</sup> *Act, 1952*, is amended by striking out the words "issued by the Lieutenant-Governor" in the first and second lines, so<sup>(1952, c. 43, s. 1), amended</sup> that the subsection shall read as follows:

(2) Every proclamation shall be judicially noticed by *Idem* all judges, justices of the peace, and others, without being specially pleaded.

**2.** This Act comes into force on the day it receives Royal<sup>Commence-</sup> Assent.<sup>ment</sup>

**3.** This Act may be cited as *The Interpretation Amendment*<sup>Short title</sup> *Act, 1953*.

BILL

An Act to amend The Interpretation  
Act

---

*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Regulations Act

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MR. PORTER

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EXPLANATORY NOTE

The new language is intended to clarify the intent of the provision.  
No change in principle is involved.

No. 56

1953

# BILL

## An Act to amend The Regulations Act

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

1. Subsection 4 of section 3 of *The Regulations Act* is amended by striking out the words "and a published regulation shall be judicially noticed" in the seventh line and inserting in lieu thereof the words "and judicial notice shall be taken of a published regulation, of its contents and of its publication", so that the subsection shall read as follows:

(4) Publication of a regulation shall,

Effect of  
publication

(a) be *prima facie* evidence of the text of the regulation and of the making, approval where required, and filing thereof; and

(b) be deemed to be notice of the contents thereof to every person subject thereto or affected thereby,

and judicial notice shall be taken of a published regulation, of its contents and of its publication.

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Regulations Amendment Act, 1953*.

Short title

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BILL

An Act to amend The Regulations Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 56

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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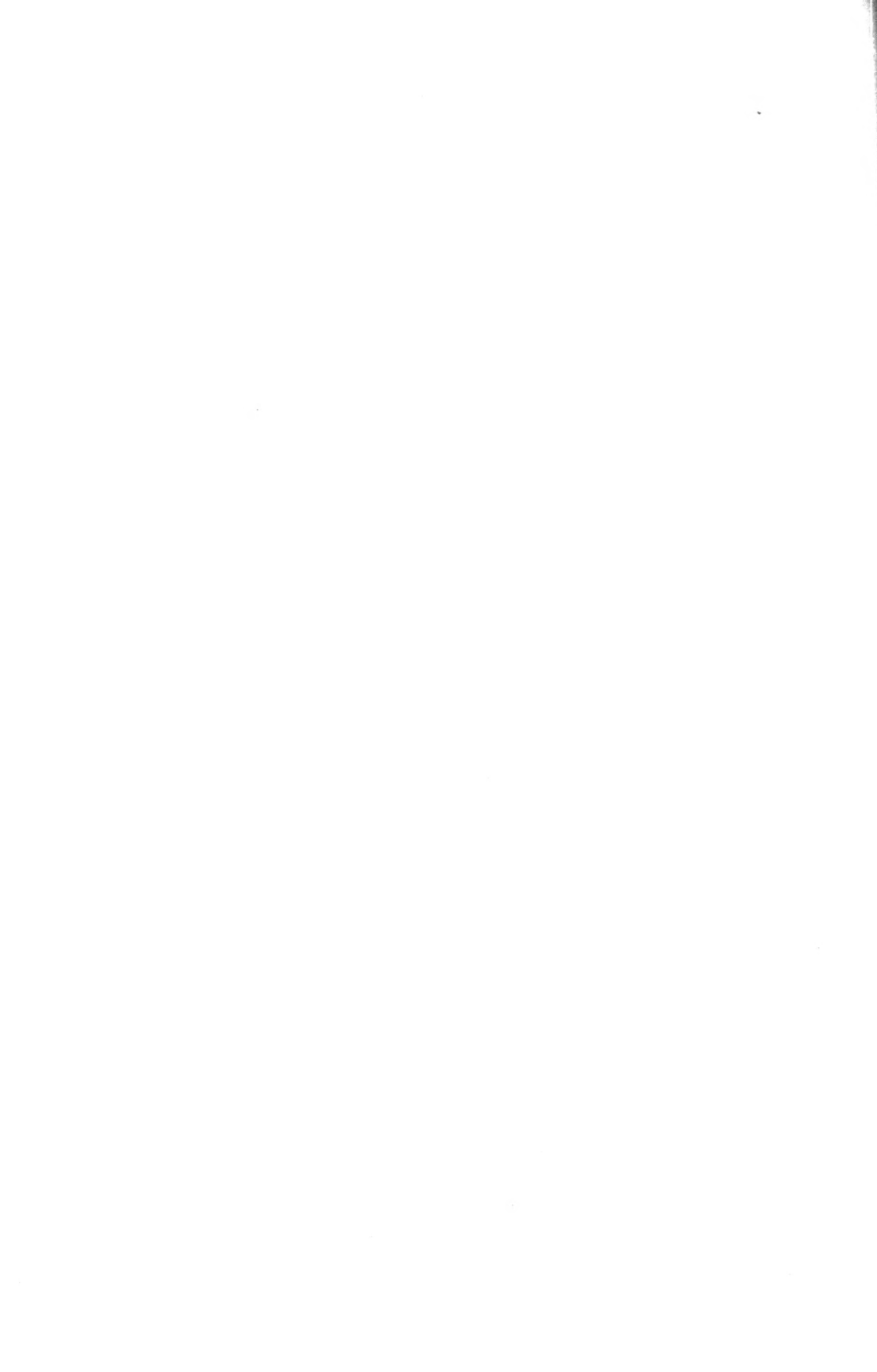
# BILL

An Act to amend The Regulations Act

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MR. PORTER

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No. 56

1953

# BILL

## An Act to amend The Regulations Act

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

1. Subsection 4 of section 3 of *The Regulations Act* is <sup>Rev. Stat., c. 337, s. 3, subs. 4, amended</sup> amended by striking out the words "and a published regulation shall be judicially noticed" in the seventh line and inserting in lieu thereof the words "and judicial notice shall be taken of a published regulation, of its contents and of its publication", so that the subsection shall read as follows:

(4) Publication of a regulation shall,

Effect of  
publication

(a) be *prima facie* evidence of the text of the regulation and of the making, approval where required, and filing thereof; and

(b) be deemed to be notice of the contents thereof to every person subject thereto or affected thereby,

and judicial notice shall be taken of a published regulation, of its contents and of its publication.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

3. This Act may be cited as *The Regulations Amendment Act, 1953*. <sup>Short title</sup>

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BILL

An Act to amend The Regulations Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 57

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Collection Agencies Act**

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MR. PORTER

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

The amendment extends the field covered by the Act and brings within it businesses which take in money in instalments from debtors and distribute it pro rata among the creditors. Such businesses do not come within the present Act because they do not collect debts for other persons.

# BILL

## An Act to amend The Collection Agencies Act

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

1. Clause *a* of section 1 of *The Collection Agencies Act* Rev. Stat.,  
c. 56, s. 1,  
cl. a,  
amended is amended by inserting after the word "persons" in the third line the words "or of receiving money periodically from persons for distribution to creditors of such persons", so that the clause shall read as follows:

(a) "collection agency" means a person, other than a collector, who carries on the business of collecting debts for other persons or of receiving money periodically from persons for distribution to creditors of such persons in consideration of the payment of a commission or other remuneration, and includes a person who takes an assignment of debts in consideration of such payment.

2. This Act may be cited as *The Collection Agencies Amendment Act, 1953*. Short title

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BILL

An Act to amend The Collection  
Agencies Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Collection Agencies Act**

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MR. PORTER

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*(Reprinted as amended by the Committee on Legal Bills)*

#### EXPLANATORY NOTE

SECTION 1. The amendment extends the field covered by the Act and brings within it businesses which take in money in instalments from debtors and distribute it pro rata among the creditors. Such businesses do not come within the present Act because they do not collect debts for other persons.

SECTION 2. This amendment is complementary to section 1 of this bill.

It is not intended that licensed trustees in bankruptcy should be required to register under this Act in order to conduct informal financial settlements between debtors and creditors. The amendment excludes them from the Act.

SECTION 3. This amendment is also complementary to section 1 of this bill.

The purpose of the amendment is to allow a collection agency that is receiving money from a debtor for distribution to his creditors to collect a commission from the debtor for the service rendered.

# BILL

## An Act to amend The Collection Agencies Act

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

**1.** Clause *a* of section 1 of *The Collection Agencies Act* is amended by inserting after the word "persons" in the third line the words "or of receiving money periodically from persons for distribution to creditors of such persons", so that the clause shall read as follows: Rev. Stat., c. 56, s. 1, cl. a, amended

- (a) "collection agency" means a person, other than a collector, who carries on the business of collecting debts for other persons or of receiving money periodically from persons for distribution to creditors of such persons in consideration of the payment of a commission or other remuneration, and includes a person who takes an assignment of debts in consideration of such payment.

**2.** Clause *c* of section 11 of *The Collection Agencies Act* is amended by inserting after the word "person" in the second line the words "licensed or", so that the clause shall read as follows: Rev. Stat., c. 56, s. 11, cl. c, amended

- (c) to any assignee, custodian, liquidator, receiver, trustee or other person licensed or acting under the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-up Act* (Canada) or any person acting under the order of any court. R.S.C. 1927, c. 11, Rev. Stat., cc. 59, 190, R.S.C. 1927, c. 213

**3.** Clause *a* of section 20 of *The Collection Agencies Act* is amended by inserting after the word "collect" where it occurs the second time in the first line the words "for a person for whom it acts" so that the clause shall read as follows: Rev. Stat., c. 56, s. 20, cl. a, amended

- (a) collect or attempt to collect for a person for whom it acts any moneys in addition to the amount owing by the debtor.

**4.** This Act may be cited as *The Collection Agencies Amendment Act, 1953*. Short title

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BILL

An Act to amend The Collection  
Agencies Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

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MR. PORTER

*(Reprinted as amended by the Committee on  
Legal Bills)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Collection Agencies Act

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MR. PORTER

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# BILL

## An Act to amend The Collection Agencies Act

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

**1.** Clause *a* of section 1 of *The Collection Agencies Act* is amended by inserting after the word "persons" in the third line the words "or of receiving money periodically from persons for distribution to creditors of such persons", so that the clause shall read as follows:

Rev. Stat.,  
c. 56, s. 1,  
cl. a,  
amended

- (a) "collection agency" means a person, other than a collector, who carries on the business of collecting debts for other persons or of receiving money periodically from persons for distribution to creditors of such persons in consideration of the payment of a commission or other remuneration, and includes a person who takes an assignment of debts in consideration of such payment.

**2.** Clause *c* of section 11 of *The Collection Agencies Act* is amended by inserting after the word "person" in the second line the words "licensed or", so that the clause shall read as follows:

Rev. Stat.,  
c. 56, s. 11,  
cl. c,  
amended

- (c) to any assignee, custodian, liquidator, receiver, trustee or other person licensed or acting under the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-up Act* (Canada) or any person acting under the order of any court.

R.S.C. 1927,  
c. 11  
Rev. Stat.,  
cc. 59, 190  
R.S.C. 1927,  
c. 213

**3.** Clause *a* of section 20 of *The Collection Agencies Act* is amended by inserting after the word "collect" where it occurs the second time in the first line the words "for a person for whom it acts" so that the clause shall read as follows:

Rev. Stat.,  
c. 56, s. 20,  
cl. a,  
amended

- (a) collect or attempt to collect for a person for whom it acts any moneys in addition to the amount owing by the debtor.

**4.** This Act may be cited as *The Collection Agencies Amendment Act, 1953*.

Short title

BILL

An Act to amend The Collection  
Agencies Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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Mr. PORTER

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No. 58

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Loan and Trust  
Corporations Act

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MR. PORTER

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EXPLANATORY NOTE

This addition to the schedule of fees is an omnibus clause, intended to cover all matters not specifically covered elsewhere in the schedule.

# BILL

## An Act to amend The Loan and Trust Corporations Act

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

**1.** Schedule B to *The Loan and Trust Corporations Act* is amended by adding thereto the following item: Rev. Stat.,  
c. 214,  
Sched. B,  
amended

22. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule ..... \$ 25.00

Order in Council ..... 100.00

**2.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1953*. Short title

BILL

An Act to amend The Loan and Trust  
Corporations Act

*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

MR. PORTER

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Loan and Trust  
Corporations Act

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MR. PORTER

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# BILL

## An Act to amend The Loan and Trust Corporations Act

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

**1.** Schedule B to *The Loan and Trust Corporations Act* is amended by adding thereto the following item: Rev. Stat., c. 214, Sched. B, amended

22. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule . . . . . \$ 25.00

Order in Council . . . . . 100.00

**2.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1953*. Short title

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BILL

An Act to amend The Loan and Trust  
Corporations Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 59

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to amend The Mechanics' Lien Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

Occasionally the lien given by the Act attaches to land that lies in two counties—a situation that is not covered by the present Act.

The amendments contained in this bill provide for these cases.

# BILL

## An Act to amend The Mechanics' Lien Act

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

1. Subsection 1 of section 29 of *The Mechanics' Lien Act* Rev. Stat., c. 227, s. 29, subs. 1, amended is amended by inserting after the word "land" in the fourth line the words "or part thereof", so that the subsection shall read as follows:

- (1) A lien shall be enforced in the Supreme Court in an Mode of realizing lien action to be commenced by filing in the office of the local registrar of the Supreme Court in the county or district in which the land or part thereof is situate a statement of claim, verified by affidavit (Form 5), which affidavit may be made by any of the persons named in subsection 2 of section 16.

2.—(1) Subsection 1 of section 31 of *The Mechanics' Lien Act* Rev. Stat., c. 227, s. 31, subs. 1, amended is amended by inserting after the word "land" in the second line the words "or part thereof" and by inserting after the word "situate" in the third line the word "wholly", so that the subsection shall read as follows:

- (1) The action shall be tried in the county or district Where actions to be tried in which the land or part thereof is situate before a judge of the county or district court, provided that where the land is situate wholly in the County of York the action shall be tried before a Master of the Supreme Court or an Assistant Master.

(2) Subsection 2 of the said section 31 is amended by Rev. Stat., c. 227, s. 31, subs. 2, amended inserting after the word "land" in the sixth line the words "or part thereof", so that the subsection shall read as follows:

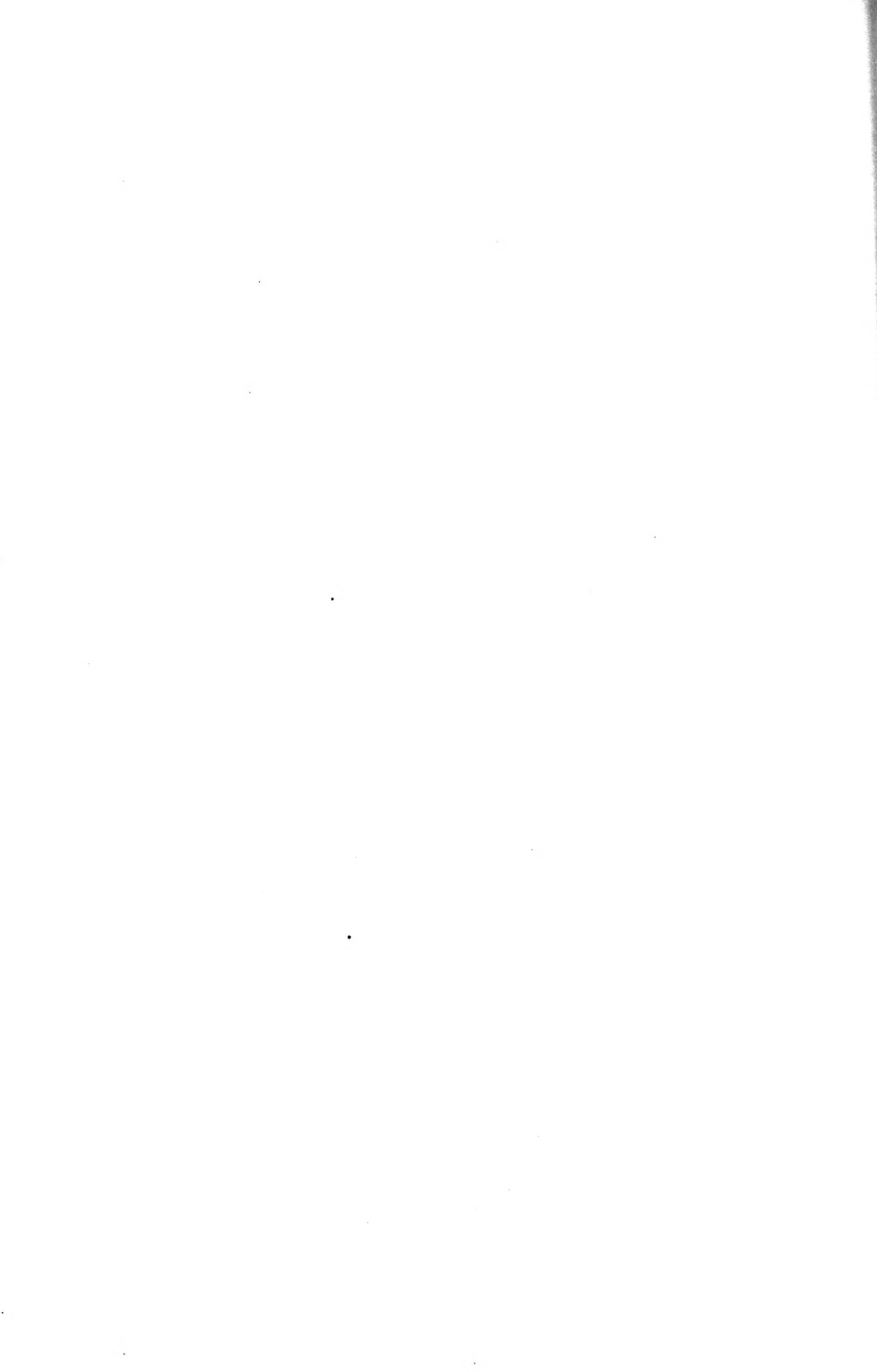
- (2) Notwithstanding subsection 1, upon the application When action may be tried in S.C.O. of any party to an action, made according to the practice of the Supreme Court, and upon notice the court may direct that the action be tried before a

judge of the Supreme Court at the regular sittings of the court for the trial of actions in the county or district in which the land or part thereof is situate.

Short title

**3.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1953*.







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BILL,  
An Act to amend 'The Mechanics'  
Lien Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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Mr. PORTER

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No. 59

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to amend The Mechanics' Lien Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Mechanics' Lien Act

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

1. Subsection 1 of section 29 of *The Mechanics' Lien Act* Rev. Stat., c. 227, s. 29, subs. 1, amended is amended by inserting after the word "land" in the fourth line the words "or part thereof", so that the subsection shall read as follows:

- (1) A lien shall be enforced in the Supreme Court in an <sup>Mode of realizing lien</sup> action to be commenced by filing in the office of the local registrar of the Supreme Court in the county or district in which the land or part thereof is situate a statement of claim, verified by affidavit (Form 5), which affidavit may be made by any of the persons named in subsection 2 of section 16.

2.—(1) Subsection 1 of section 31 of *The Mechanics' Lien Act* Rev. Stat., c. 227, s. 31, subs. 1, amended is amended by inserting after the word "land" in the second line the words "or part thereof" and by inserting after the word "situate" in the third line the word "wholly", so that the subsection shall read as follows:

- (1) The action shall be tried in the county or district <sup>Where actions to be tried</sup> in which the land or part thereof is situate before a judge of the county or district court, provided that where the land is situate wholly in the County of York the action shall be tried before a Master of the Supreme Court or an Assistant Master.

(2) Subsection 2 of the said section 31 is amended by <sup>Rev. Stat., c. 227, s. 31, subs. 2, amended</sup> inserting after the word "land" in the sixth line the words "or part thereof", so that the subsection shall read as follows:

- (2) Notwithstanding subsection 1, upon the application of any party to an action, made according to the practice of the Supreme Court, and upon notice the court may direct that the action be tried before a <sup>When action may be tried in S.C.O.</sup>

judge of the Supreme Court at the regular sittings of the court for the trial of actions in the county or district in which the land or part thereof is situate.

Short title

**3.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1953*.







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BILL

An Act to amend 'The Mechanics'  
Lien Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 60

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# **BILL**

**An Act to amend The Chartered  
Accountants Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

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BILL

An Act to amend The Chartered  
Accountants Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 60

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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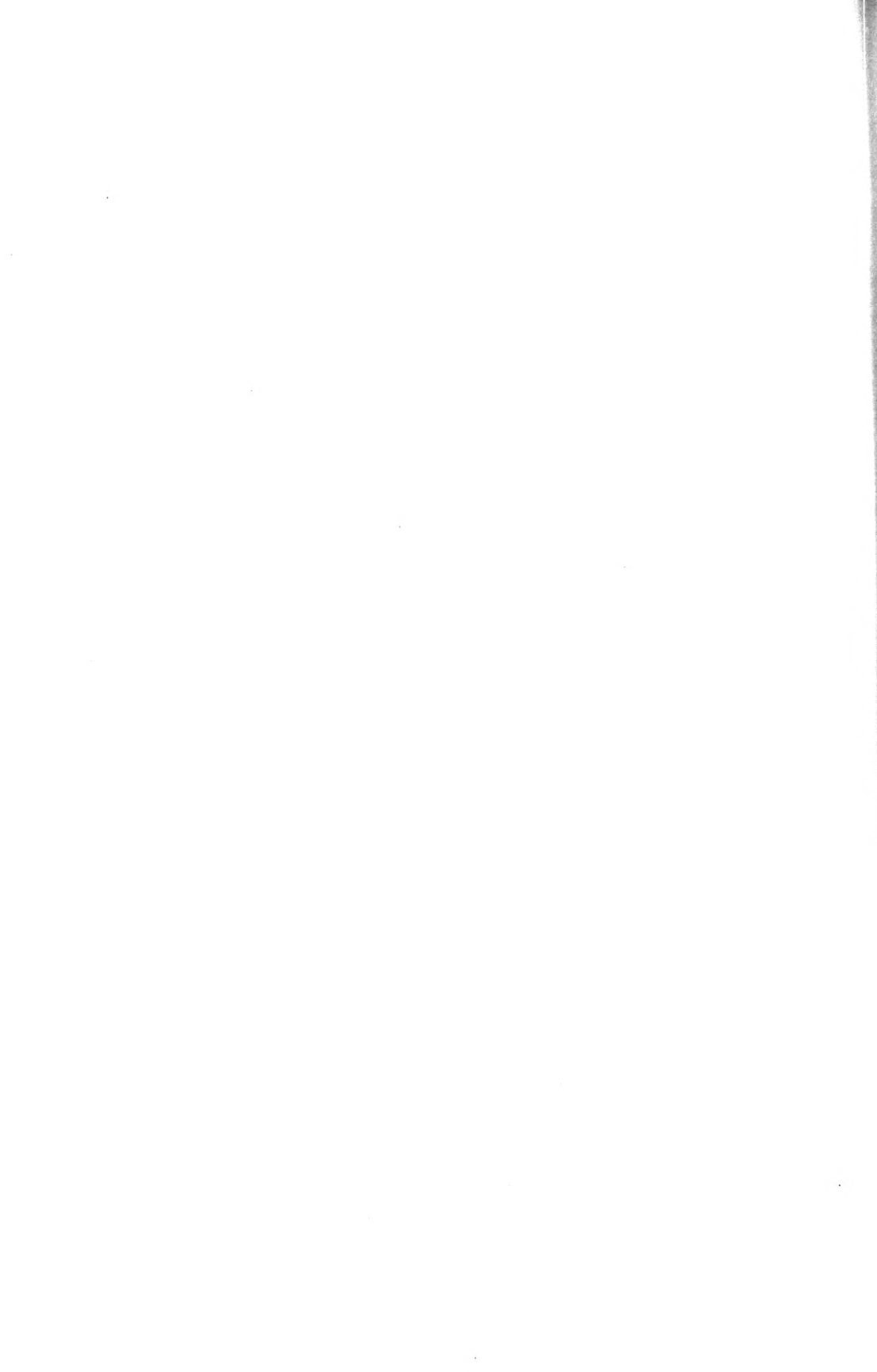
# **BILL**

**An Act to amend The Chartered  
Accountants Act**

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MR. PORTER

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# BILL

## An Act to amend The Chartered Accountants Act

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

1. Subsection 1 of section 2 of *The Chartered Accountants Act* is repealed and the following substituted therefor:

(1) The Institute may by resolution of its council,

- (a) purchase or otherwise acquire land;
- (b) erect on land held by it or acquire buildings, whether or not necessary for the use and occupation of the Institute or for carrying on its undertaking, and lease any part of such buildings;
- (c) hold, mortgage, charge, lease, dispose of, sell, alienate or convey any property whether real or personal;
- (d) borrow money upon the credit of the Institute, issue bonds, debentures, debenture stock or other securities, and pledge or sell such bonds, debentures, debenture stock or other securities.

2. It is hereby declared that The Institute of Chartered Accountants of Ontario is and has been since the 1st day of February, 1883, a body politic and corporate.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Chartered Accountants Amendment Act, 1953*.

R.S.O.  
1937,  
c. 235, s. 2,  
subs. 1,  
re-enacted  
Powers as  
to land,  
etc.

Declaration  
re 1882-3,  
c. 62

Commence-  
ment

Short title

BILL

An Act to amend The Chartered  
Accountants Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 6th, 1953

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MR. PORTER

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No. 61

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Architects Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTE

The effect of these amendments will be to prohibit corporations from applying the term "architects" to themselves or to hold themselves out as architects, thus abrogating the rule in *Giffels & Vallet vs. The King* (1952 O.W.N. 196).

Clause *bb* is added to subsection 3 of section 18 of the Act (see section 2(3) of the bill) in order to bring the Act into line with amendments made last year to *The Professional Engineers Act*.



# BILL

## An Act to amend The Architects Act

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

1. Section 7 of *The Architects Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 21, s. 7,  
amended

(2) No corporation shall be granted membership in the Association or be licensed to practise architecture in Ontario. Corporations  
excluded

2.—(1) Section 18 of *The Architects Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 21, s. 13,  
amended

(1a) Every corporation that applies to itself the term "architect" or "architects" alone or in combination with any other term or that holds itself out as an architect or as architects shall be guilty of an offence and the corporation or any director thereof, on summary conviction, shall be liable to a penalty of not less than \$100 and not more than \$500 for a first offence and to a penalty of not less than \$200 and not more than \$1,000, or to imprisonment for a term of not more than three months, or both, for any subsequent offence. Idem,  
corporations

(2) Subsection 2 of the said section 18 is amended by striking out the words "the foregoing" in the first line and inserting in lieu thereof the words and figures "subsections 1 and 1a", by inserting after the word "who" in the second line the words "or corporation that" and by inserting after the word "himself" in the seventh line the words "or itself", so that the subsection shall read as follows: Rev. Stat.,  
c. 21, s. 13,  
subs. 2,  
amended

(2) Without restricting the generality of subsections 1 and 1a, any person who or corporation that prepares or offers to prepare for a fee, commission or other remuneration any sketch, drawing or specification for any proposed building structure or for any structural alteration of or addition to an existing Holding out  
as architect  
defined

building structure, when such proposed work is to cost more than \$5,000, shall be deemed to hold himself or itself out as an architect.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3,  
amended. (3) Subsection 3 of the said section 18 is amended by adding thereto the following clause:

(bb) any partnership, association of persons or corporation that is entitled to practise in its own name under *The Professional Engineers Act* in accordance with the conditions therein prescribed, from performing architectural services in the course of any work undertaken or proposed to be undertaken by such partnership, association or corporation pursuant to such entitlement.

Rev. Stat.,  
c. 292

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. c,  
amended (4) Clause *c* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

(c) any person or corporation from preparing a sketch, drawing or specification for any structure in, upon or pertaining to a mining property, or any alteration of or addition to an existing structure in, upon or pertaining to a mining property.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. e,  
re-enacted

(5) Clause *e* of subsection 3 of the said section 18 is repealed and the following substituted therefor:

(e) a *bona fide* building contractor, whether a person or corporation, or a *bona fide* member of such contractor's staff domiciled in Ontario from preparing a sketch, drawing or specification for such contractor's own use as a building contractor in the construction or alteration by such contractor or by tradesmen employed by such contractor, of any building structure, whether the same be proceeded with or not, and obtaining remuneration therefor.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. f,  
amended

(6) Clause *f* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

(f) any person or corporation from preparing any sketch, drawing or specification for interior decorations or the installation in the interior of a structure, of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety.

(7) Clause *g* of subsection 3 of the said section 18 is amended Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. *g*,  
amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

(*g*) any person or corporation from using the term  
"Landscape Architect".

**3.** This Act may be cited as *The Architects Amendment Act, 1953*. Short title





BILL

An Act to amend The Architects Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 61

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Architects Act**

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MR. PORTER

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*(Reprinted as amended by the Committee of the Whole House)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

The effect of these amendments will be to prohibit corporations from applying the term "architects" to themselves or to hold themselves out as architects, thus abrogating the rule in *Giffels & Vallet vs. The King* (1952 O.W.N. 196).

Clause *bb* is added to subsection 3 of section 18 of the Act (see section 2(3) of the bill) in order to bring the Act into line with amendments made last year to *The Professional Engineers Act*.



# BILL

## An Act to amend The Architects Act

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

1. Section 7 of *The Architects Act* is amended by adding thereto the following subsection: Rev. Stat., c. 21, s. 7, amended

(2) No corporation shall be granted membership in the Association or be licensed to practise architecture in Ontario. Corporations excluded

2.—(1) Section 18 of *The Architects Act* is amended by adding thereto the following subsection: Rev. Stat., c. 21, s. 18, amended

(1a) Every corporation that applies to itself the term “architect” or “architects” alone or in combination with any other term or that holds itself out as an architect or as architects shall be guilty of an offence and the corporation or any director thereof, on summary conviction, shall be liable to a penalty of not less than \$100 and not more than \$500 for a first offence and to a penalty of not less than \$200 and not more than \$1,000, or to imprisonment for a term of not more than three months, or both, for any subsequent offence. Idem, corporations

(2) Subsection 2 of the said section 18 is amended by striking out the words “the foregoing” in the first line and inserting in lieu thereof the words and figures “subsections 1 and 1a”, by inserting after the word “who” in the second line the words “or corporation that”, by striking out the symbol and figures “\$5,000” in the sixth line and inserting in lieu thereof the symbol and figures “\$10,000” and by inserting after the word “himself” in the seventh line the words “or itself”, so that the subsection shall read as follows: Rev. Stat., c. 21, s. 18, subs. 2, amended

(2) Without restricting the generality of subsections, 1 and 1a, any person who or corporation that prepares or offers to prepare for a fee, commission or Holding out as architect defined

other remuneration any sketch, drawing or specification for any proposed building structure or for any structural alteration of or addition to an existing building structure, when such proposed work is to cost more than \$10,000, shall be deemed to hold himself or itself out as an architect.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3,  
amended.

(3) Subsection 3 of the said section 18 is amended by adding thereto the following clause:

(bb) any partnership, association of persons or corporation that is entitled to practise in its own name under *The Professional Engineers Act* in accordance with the conditions therein prescribed, from performing architectural services in the course of any work undertaken or proposed to be undertaken by such partnership, association or corporation pursuant to such entitlement.

Rev. Stat.,  
c. 292

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. c,  
amended

(4) Clause *c* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

(c) any person or corporation from preparing a sketch, drawing or specification for any structure in, upon or pertaining to a mining property, or any alteration of or addition to an existing structure in, upon or pertaining to a mining property.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. e,  
re-enacted

(5) Clause *e* of subsection 3 of the said section 18 is repealed and the following substituted therefor:

(e) a *bona fide* building contractor, whether a person or corporation, or a *bona fide* member of such contractor's staff domiciled in Ontario from preparing a sketch, drawing or specification for such contractor's own use as a building contractor in the construction or alteration by such contractor or by tradesmen employed by such contractor, of any building structure, whether the same be proceeded with or not, and obtaining remuneration therefor.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. f,  
amended

(6) Clause *f* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

(f) any person or corporation from preparing any sketch, drawing or specification for interior decorations or the installation in the interior of a structure, of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety.

(7) Clause *g* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows: Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. *g*,  
amended

(*g*) any person or corporation from using the term "Landscape Architect".

**3.** This Act may be cited as *The Architects Amendment Act, 1953*. Short title





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BILL

An Act to amend The Architects Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

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MR. PORTER

*(Reprinted as amended by the  
Committee of the Whole House)*

No. 61

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Architects Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





No. 61

1953

# BILL

## An Act to amend The Architects Act

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

1. Section 7 of *The Architects Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 21, s. 7,  
amended

(2) No corporation shall be granted membership in the Association or be licensed to practise architecture in Ontario. Corporations  
excluded

2.—(1) Section 18 of *The Architects Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 21, s. 18,  
amended

(1a) Every corporation that applies to itself the term "architect" or "architects" alone or in combination with any other term or that holds itself out as an architect or as architects shall be guilty of an offence and the corporation or any director thereof, on summary conviction, shall be liable to a penalty of not less than \$100 and not more than \$500 for a first offence and to a penalty of not less than \$200 and not more than \$1,000, or to imprisonment for a term of not more than three months, or both, for any subsequent offence. Idem.  
corporations

(2) Subsection 2 of the said section 18 is amended by striking out the words "the foregoing" in the first line and inserting in lieu thereof the words and figures "subsections 1 and 1a", by inserting after the word "who" in the second line the words "or corporation that", by striking out the symbol and figures "\$5,000" in the sixth line and inserting in lieu thereof the symbol and figures "\$10,000" and by inserting after the word "himself" in the seventh line the words "or itself", so that the subsection shall read as follows: Rev. Stat.,  
c. 21, s. 18,  
subs. 2,  
amended

(2) Without restricting the generality of subsections 1 and 1a, any person who or corporation that prepares or offers to prepare for a fee, commission or  Holding out  
as architect  
defined

other remuneration any sketch, drawing or specification for any proposed building structure or for any structural alteration of or addition to an existing building structure, when such proposed work is to cost more than \$10,000, shall be deemed to hold himself or itself out as an architect.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3,  
amended.

(3) Subsection 3 of the said section 18 is amended by adding thereto the following clause:

- (bb) any partnership, association of persons or corporation that is entitled to practise in its own name under *The Professional Engineers Act* in accordance with the conditions therein prescribed, from performing architectural services in the course of any work undertaken or proposed to be undertaken by such partnership, association or corporation pursuant to such entitlement.

Rev. Stat.,  
c. 292

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. c,  
amended

(4) Clause *c* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

- (c) any person or corporation from preparing a sketch, drawing or specification for any structure in, upon or pertaining to a mining property, or any alteration of or addition to an existing structure in, upon or pertaining to a mining property.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. e,  
re-enacted

(5) Clause *e* of subsection 3 of the said section 18 is repealed and the following substituted therefor:

- (e) a *bona fide* building contractor, whether a person or corporation, or a *bona fide* member of such contractor's staff domiciled in Ontario from preparing a sketch, drawing or specification for such contractor's own use as a building contractor in the construction or alteration by such contractor or by tradesmen employed by such contractor, of any building structure, whether the same be proceeded with or not, and obtaining remuneration therefor.

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. f,  
amended

(6) Clause *f* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

- (f) any person or corporation from preparing any sketch, drawing or specification for interior decorations or the installation in the interior of a structure, of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety.

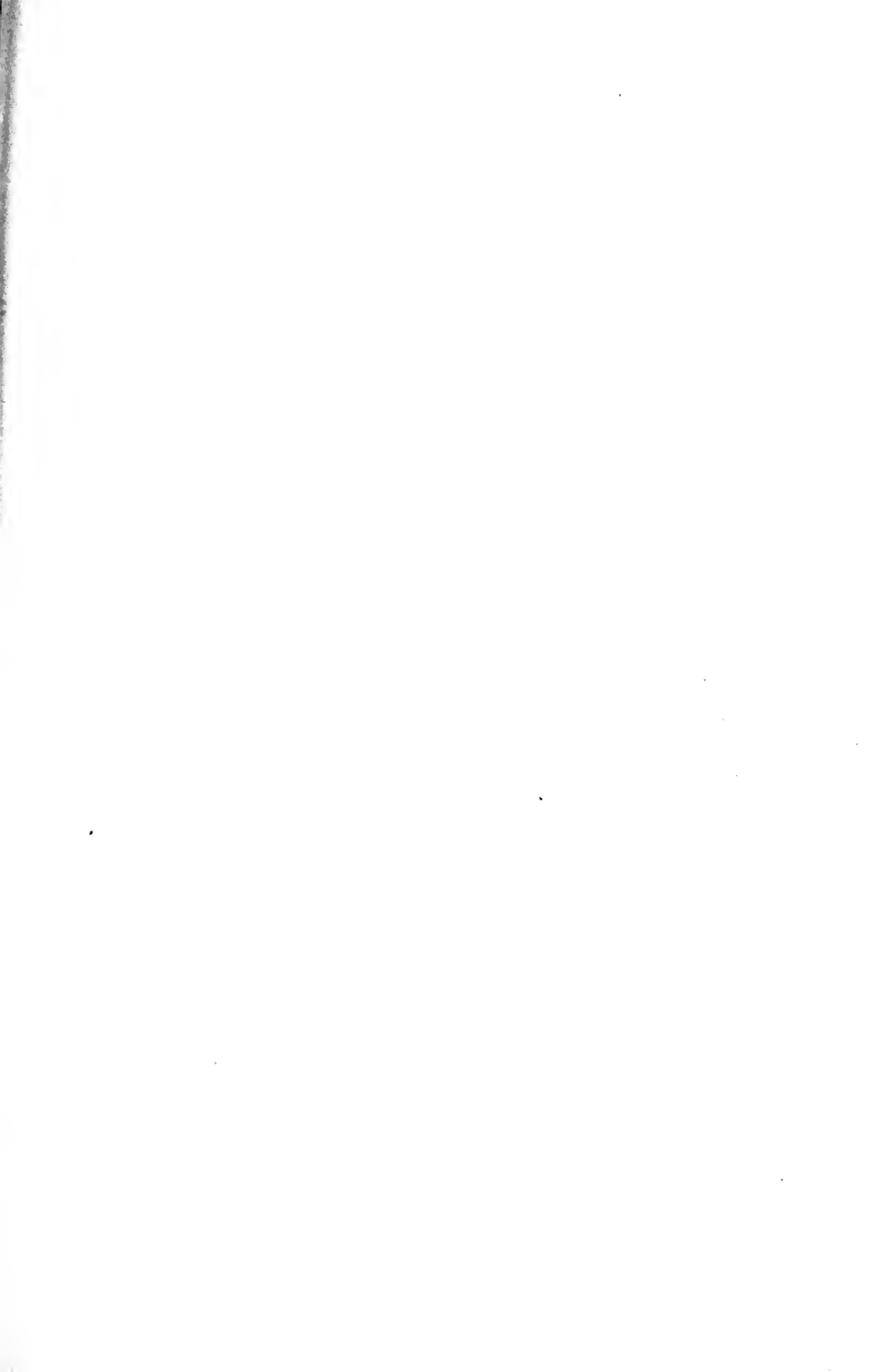
(7) Clause *g* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

Rev. Stat.,  
c. 21, s. 18,  
subs. 3, cl. *g*,  
amended

(*g*) any person or corporation from using the term  
"Landscape Architect".

**3.** This Act may be cited as *The Architects Amendment Act, 1953*. Short title





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BILL

An Act to amend The Architects Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

April 1st, 1953

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MR. PORTER

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No. 62

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Public Officers'  
Fees Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTE

Division court clerks and bailiffs are entitled to retain \$6,000 of all gross fees earned by them and before January 1st, 1951, were required to pay to the Treasurer of Ontario 10 per cent of the excess of gross fees over \$6,000 and up to \$10,000 and 20 per cent of the excess over \$10,000. These provisions were amended in 1951 and the percentages payable to the Treasurer were increased from 10 per cent to 50 per cent and from 20 per cent to 60 per cent. The increases were intended to apply only to clerks but inadvertently were made to apply to bailiffs. This bill is to correct this situation.



# BILL

## An Act to amend The Public Officers' Fees Act

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

1. Subsection 2 of section 8 of *The Public Officers' Fees Act*, Rev. Stat., c. 312, s. 18, as amended by section 1 of *The Public Officers' Fees Amendment Act, 1951*, subs. 2, (1951, c. 72, s. 1), re-enacted is repealed and the following substituted therefor:

(2) Of all the gross fees and emoluments earned by any Clerks division court clerk in each year he shall pay to the Treasurer of Ontario,

(a) on the excess over \$6,000 up to \$10,000, 50 per cent thereof;

(b) on the excess over \$10,000, 60 per cent thereof.

(3) Of all the gross fees and emoluments earned by any Bailiffs division court bailiff in each year he shall pay to the Treasurer of Ontario,

(a) on the excess over \$6,000 up to \$10,000, 10 per cent thereof;

(b) on the excess over \$10,000, 20 per cent thereof.

2. This Act shall be deemed to have come into force on the Commence- 1st day of January, 1951. ment

3. This Act may be cited as *The Public Officers' Fees Amendment Act, 1953*. Short title

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BILL  
An Act to amend 'The Public Officers'  
Fees Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

*3rd Reading*

---

MR. PORTER

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No. 62

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Public Officers'**  
**Fees Act**

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 62

1953

# BILL

## An Act to amend The Public Officers' Fees Act

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

1. Subsection 2 of section 8 of *The Public Officers' Fees Act*, Rev. Stat., c. 312, s. 18, as amended by section 1 of *The Public Officers' Fees Amendment Act, 1951*, subs. 2, (1951, c. 72, s. 1), re-enacted is repealed and the following substituted therefor:

(2) Of all the gross fees and emoluments earned by any Clerks division court clerk in each year he shall pay to the Treasurer of Ontario,

(a) on the excess over \$6,000 up to \$10,000, 50 per cent thereof;

(b) on the excess over \$10,000, 60 per cent thereof.

(3) Of all the gross fees and emoluments earned by any Bailiffs division court bailiff in each year he shall pay to the Treasurer of Ontario,

(a) on the excess over \$6,000 up to \$10,000, 10 per cent thereof;

(b) on the excess over \$10,000, 20 per cent thereof.

2. This Act shall be deemed to have come into force on the Commence-ment 1st day of January, 1951.

3. This Act may be cited as *The Public Officers' Fees Amendment Act, 1953*. Short title

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BILL

An Act to amend 'The Public Officers'  
Fees Act

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*1st Reading*

February 13th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 63

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Securities Act

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. These amendments divide those heretofore known as "investment counsel" into two groups: "investment counsel" and "securities advisers", thus recognizing the differences in the services rendered by the members of each group.

SECTIONS 2, 3, 4, 5 and 9. See note to section 1.



# BILL

## An Act to amend The Securities Act

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

1.—(1) Clause *g* of section 1 of *The Securities Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 351, s. 1,  
cl. *g*, re-  
enacted

(*g*) “investment counsel” means any person or company who engages in or holds himself or itself out as engaging in the business of advising others as to the advisability of investing in or purchasing or selling specific securities and who is primarily engaged in giving continuous advice as to the investment of funds on the basis of the individual needs of each client.

(2) The said section 1 is amended by adding thereto the following clause:

Rev. Stat.,  
c. 351, s. 1,  
amended

(*pp*) “securities adviser” means any person or company who engages in or holds himself or itself out as engaging in the business of advising others, either directly or through publications or writings, as to the advisability of investing in or purchasing or selling specific securities.

2.—(1) Clause *d* of subsection 1 of section 6 of *The Securities Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 351, s. 6,  
subs. 1, cl. *d*,  
re-enacted

(*d*) act as investment counsel or securities adviser unless such person or company is registered as an investment counsel or securities adviser, as the case may be.

(2) Subsection 2 of the said section 6 is amended by striking out the words “or investment counsel” in the second line and in the fourth and fifth lines and inserting in lieu thereof in each instance the words “investment counsel or securities adviser”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 351, s. 6,  
subs. 2,  
amended

When  
separate  
registration  
of partners,  
officers and  
officials not  
required

- (2) Where a person or company is registered as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, as the case may be, on behalf of such person or company, without separate registration and where a company is registered as a security issuer the officials thereof may act on its behalf in connection with a trade in a security by such company without separate registration.

Rev. Stat.,  
c. 351, s. 14,  
subs. 1,  
amended

3.—(1) Subsection 1 of section 14 of *The Securities Act* is amended by inserting after the words “investment counsel” in the eighth line the words “securities adviser”, so that the subsection shall read as follows:

Residence

- (1) Registration may, in the absolute discretion of the Commission, be refused to any person who has not been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario, unless at the time of application such person is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is otherwise suitable for registration.

Rev. Stat.,  
c. 351, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by inserting after the words “investment counsel” in the ninth line the words “securities adviser”, so that the subsection shall read as follows:

Idem

- (2) Where a company or partnership makes application for registration, the registration may, in the absolute discretion of the Commission, be refused, unless every officer and director, or every member, as the case may be, has been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario or is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser or salesman under the security laws of the jurisdic-



SECTION 6. Subsections 1 and 2 of section 19 of the Act provide that registration is not required in order to make trades of the kinds set out therein, but power is given to the Commission in subsection 3 to take prospectors out of these exemptions.

The effect of this is that (subject to the one exception of prospectors) persons and companies making trades of the kinds set out cannot be brought under any supervision or control whatever.

The re-enactment of subsection 3 enlarges the powers of the Commission so that it can take not only prospectors but any person or company out of these exemptions, thus protecting the public interest in this field in the same way it now does in the fields now covered by the Act.

tion in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is otherwise suitable for registration.

4. Subsection 3 of section 16 of *The Securities Act* is amended by inserting after the words "investment counsel" in the first line the words "and securities adviser", so that the subsection shall read as follows: Rev. Stat., c. 351, s. 16, subs. 3, amended

(3) Every registered investment counsel and securities adviser shall, within five days, notify the registrar in writing of, Investment counsel; securities advisers

(a) any change of the address for service; and

(b) any change in the officers or members in the case of a company or partnership.

5.—(1) Section 18 of *The Securities Act* is amended by inserting after the words "investment counsel" in the first line the words "or securities adviser", so that the section, exclusive of the clauses, shall read as follows: Rev. Stat., c. 351, s. 18, amended

18. Registration as an investment counsel or securities adviser shall not be required to be obtained by, Exemption from registration as investment counsel or securities adviser

(2) Clause *d* of the said section 18 is amended by inserting after the words "investment counsel" in the fifth line the words "or securities adviser", so that the clause shall read as follows: Rev. Stat., c. 351, s. 18, cl. d, amended

(d) a publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an investment counsel or securities adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commissions or other consideration for giving the advice and who gives the advice as solely incidental to the conduct of his business as a publisher; or certain publishers

6. Subsection 3 of section 19 of *The Securities Act* is repealed and the following substituted therefor: Rev. Stat., c. 351, s. 19, subs. 3, re-enacted

Where exemptions not to apply

- (3) Where a person or company has been guilty of acts or conduct which, in the opinion of the Commission, would warrant the Commission refusing to grant registration to him or it under this Act, the Commission may rule that subsections 1 and 2 shall not apply to him or it.

Rev. Stat., c. 351, s. 56, re-enacted

7. Section 56 of *The Securities Act* is repealed and the following substituted therefor:

Disclosure of financial interest by investment counsel and securities advisers

56. Every registered investment counsel and securities adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him or it, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest which he or it may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof including,

- (a) any ownership, beneficial or otherwise, which he or it may have in such securities or in any securities issued by the same company;
- (b) any option which he or it may have in respect of such securities, and the terms thereof;
- (c) any commission or other remuneration which he or it has received or may expect to receive from any person or company registered for trading in securities under this Act or otherwise in connection with any trade in such securities;
- (d) any financial arrangement which he or it may have with any person or company registered for trading in securities under this Act relating to such securities; and
- (e) any financial arrangement which he or it may have with any underwriter or other person who has any interest in the securities.

Rev. Stat., c. 351, s. 63, amended

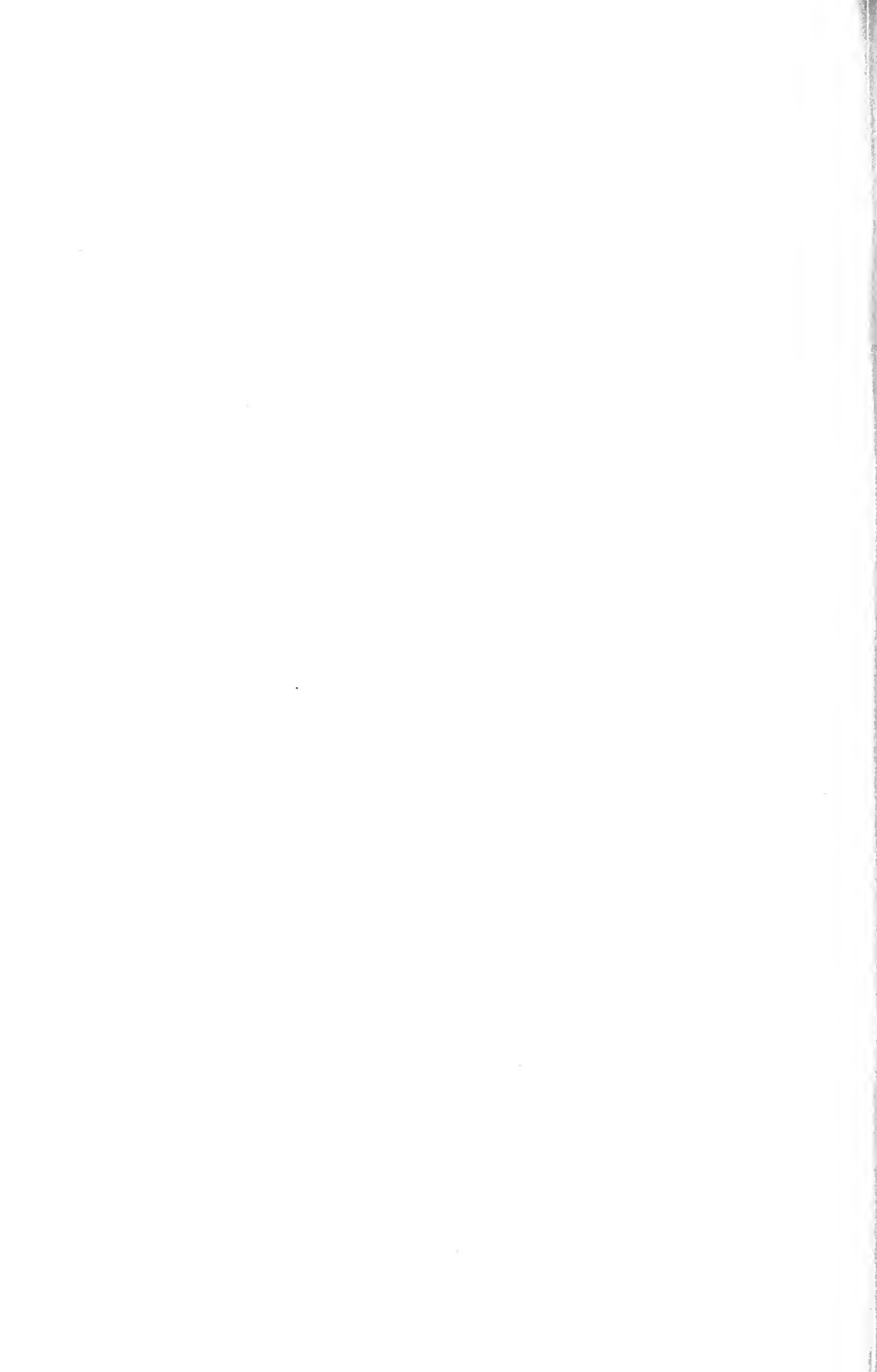
8. Section 63 of *The Securities Act* is amended by adding thereto the following subsections:

Parties to offences

- (3) Every person or company is a party to and guilty of an offence under this Act,

SECTION 7. The section as re-enacted recognizes the addition of securities advisers (see section 1 of this bill) and also covers cases where the investment counsel or securities adviser is a corporation.

SECTION 8. These new subsections, which are similar to sections 69(1), 70(1) and 70(2) of the *Criminal Code*, are designed to assist in the enforcement of the Act.





- (a) that actually commits the offence;
- (b) that does or omits an act for the purpose of aiding another person or company in the commission of the offence;
- (c) that abets another person or company in the commission of the offence; or
- (d) that counsels or procures another person or company to commit the offence.

- (4) Every person or company that counsels or procures <sup>Idem</sup> another person or company to be a party to an offence under this Act of which that other person or company is afterwards guilty is a party to that offence, although it may be committed in a way different from that which was counselled or procured.
- (5) Every person or company that counsels or procures <sup>Idem</sup> another person or company to be a party to an offence under this Act is a party to every other offence under this Act which that other person or company commits in consequence of such counselling or procuring and which the person or company counselling or procuring knew, or ought to have known, to be likely to be committed in consequence of such counselling or procuring.

**9.** Clause *f* of section 71 of *The Securities Act* is amended <sup>Rev. Stat., c. 351, s. 71,</sup> by adding at the end thereof the words "or securities adviser", <sup>cl. *f*,</sup> so that the clause shall read as follows: <sup>amended</sup>

- (*f*) designating any person or company or any class of persons or companies which shall not be required to obtain registration as investment counsel or securities adviser.

**10.** This Act may be cited as *The Securities Amendment Act, 1953*. <sup>Short title</sup>

BILL

An Act to amend The Securities Act

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*1st Reading*

February 18th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 63

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Securities Act

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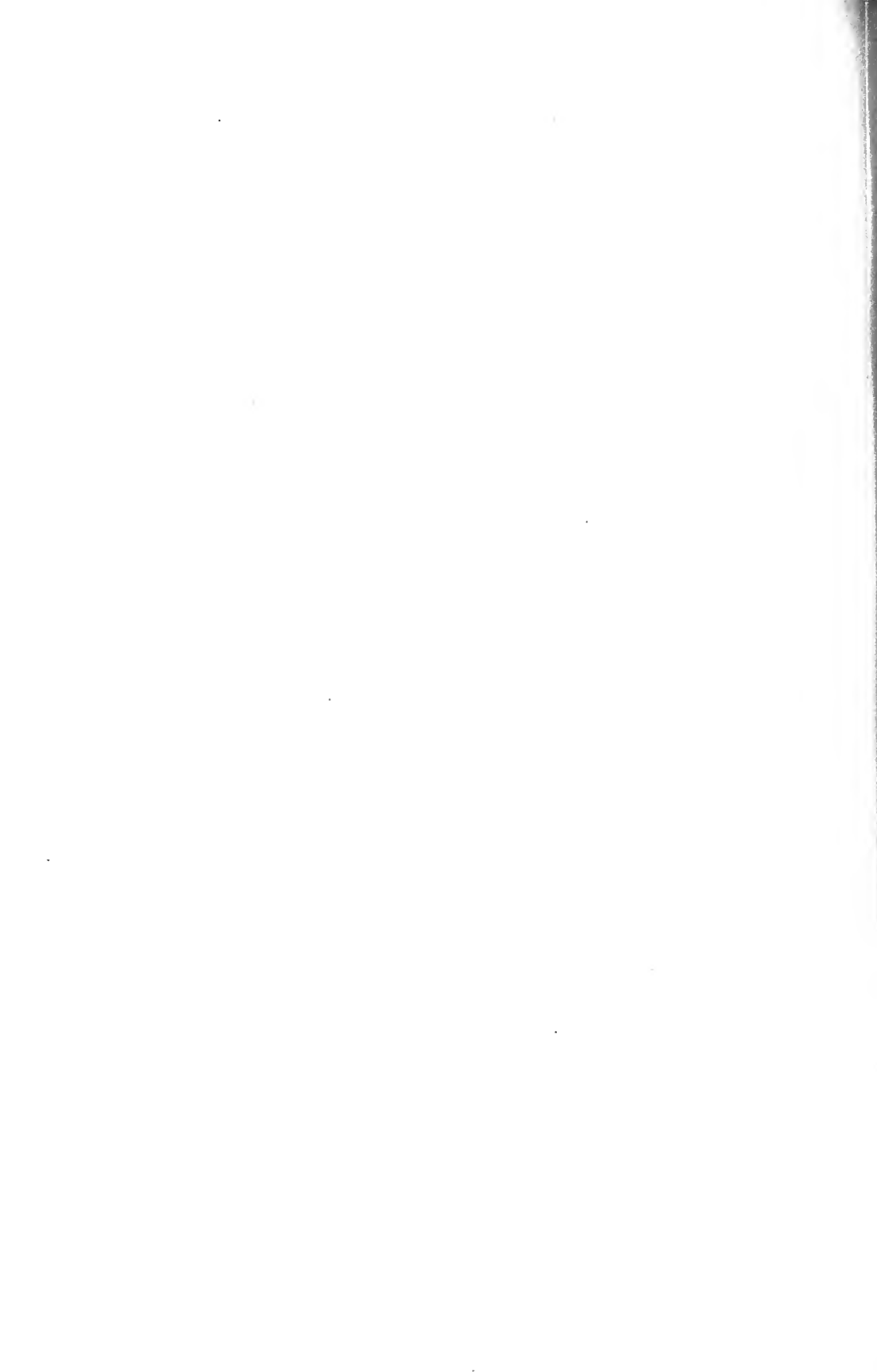
MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## An Act to amend The Securities Act

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

1.—(1) Clause *g* of section 1 of *The Securities Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 351, s. 1,  
cl. *g*, re-  
enacted

(*g*) “investment counsel” means any person or company who engages in or holds himself or itself out as engaging in the business of advising others as to the advisability of investing in or purchasing or selling specific securities and who is primarily engaged in giving continuous advice as to the investment of funds on the basis of the individual needs of each client.

(2) The said section 1 is amended by adding thereto the following clause:

Rev. Stat.,  
c. 351, s. 1,  
amended

(*pp*) “securities adviser” means any person or company who engages in or holds himself or itself out as engaging in the business of advising others, either directly or through publications or writings, as to the advisability of investing in or purchasing or selling specific securities.

2.—(1) Clause *d* of subsection 1 of section 6 of *The Securities Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 351, s. 6,  
subs. 1, cl. *d*,  
re-enacted

(*d*) act as investment counsel or securities adviser unless such person or company is registered as an investment counsel or securities adviser, as the case may be.

(2) Subsection 2 of the said section 6 is amended by striking out the words “or investment counsel” in the second line and in the fourth and fifth lines and inserting in lieu thereof in each instance the words “investment counsel or securities adviser”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 351, s. 6,  
subs. 2,  
amended

When separate registration of partners, officers and officials not required

- (2) Where a person or company is registered as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, as the case may be, on behalf of such person or company, without separate registration and where a company is registered as a security issuer the officials thereof may act on its behalf in connection with a trade in a security by such company without separate registration.

Rev. Stat., c. 351, s. 14, subs. 1, amended

- 3.—(1) Subsection 1 of section 14 of *The Securities Act* is amended by inserting after the words "investment counsel" in the eighth line the words "securities adviser", so that the subsection shall read as follows:

Residence

- (1) Registration may, in the absolute discretion of the Commission, be refused to any person who has not been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario, unless at the time of application such person is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is otherwise suitable for registration.

Rev. Stat., c. 351, s. 14, subs. 2, amended

- (2) Subsection 2 of the said section 14 is amended by inserting after the words "investment counsel" in the ninth line the words "securities adviser", so that the subsection shall read as follows:

Idem

- (2) Where a company or partnership makes application for registration, the registration may, in the absolute discretion of the Commission, be refused, unless every officer and director, or every member, as the case may be, has been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario or is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser or salesman under the security laws of the jurisdic-

tion in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is otherwise suitable for registration.

4. Subsection 3 of section 16 of *The Securities Act* is amended by inserting after the words "investment counsel" in the first line the words "and securities adviser", so that the subsection shall read as follows:

Rev. Stat.,  
c. 351, s. 16,  
subs. 3,  
amended

(3) Every registered investment counsel and securities adviser shall, within five days, notify the registrar in writing of,

Investment  
counsel;  
securities  
advisers

(a) any change of the address for service; and

(b) any change in the officers or members in the case of a company or partnership.

5.—(1) Section 18 of *The Securities Act* is amended by inserting after the words "investment counsel" in the first line the words "or securities adviser", so that the section, exclusive of the clauses, shall read as follows:

Rev. Stat.,  
c. 351, s. 18,  
amended

18. Registration as an investment counsel or securities adviser shall not be required to be obtained by,  
. . . . .  
Exemption from registration as investment counsel or securities adviser

(2) Clause *d* of the said section 18 is amended by inserting after the words "investment counsel" in the fifth line the words "or securities adviser", so that the clause shall read as follows:

Rev. Stat.,  
c. 351, s. 18,  
cl. *d*,  
amended

(d) a publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an investment counsel or securities adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commissions or other consideration for giving the advice and who gives the advice as solely incidental to the conduct of his business as a publisher; or  
. . . . .  
certain publishers

6. Subsection 3 of section 19 of *The Securities Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 351, s. 19,  
subs. 3,  
re-enacted

Where  
exemptions  
not to apply

- (3) Where a person or company has been guilty of acts or conduct which, in the opinion of the Commission, would warrant the Commission refusing to grant registration to him or it under this Act, the Commission may rule that subsections 1 and 2 shall not apply to him or it.

Rev. Stat.,  
c. 351, s. 56,  
re-enacted

7. Section 56 of *The Securities Act* is repealed and the following substituted therefor:

Disclosure  
of financial  
interest by  
investment  
counsel and  
securities  
advisers

56. Every registered investment counsel and securities adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him or it, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest which he or it may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof including,

- (a) any ownership, beneficial or otherwise, which he or it may have in such securities or in any securities issued by the same company;
- (b) any option which he or it may have in respect of such securities, and the terms thereof;
- (c) any commission or other remuneration which he or it has received or may expect to receive from any person or company registered for trading in securities under this Act or otherwise in connection with any trade in such securities;
- (d) any financial arrangement which he or it may have with any person or company registered for trading in securities under this Act relating to such securities; and
- (e) any financial arrangement which he or it may have with any underwriter or other person who has any interest in the securities.

Rev. Stat.,  
c. 351, s. 63,  
amended

8. Section 63 of *The Securities Act* is amended by adding thereto the following subsections:

Parties to  
offences

- (3) Every person or company is a party to and guilty of an offence under this Act,



- (a) that actually commits the offence;
  - (b) that does or omits an act for the purpose of aiding another person or company in the commission of the offence;
  - (c) that abets another person or company in the commission of the offence; or
  - (d) that counsels or procures another person or company to commit the offence.
- (4) Every person or company that counsels or procures <sup>Idem</sup> another person or company to be a party to an offence under this Act of which that other person or company is afterwards guilty is a party to that offence, although it may be committed in a way different from that which was counselled or procured.
- (5) Every person or company that counsels or procures <sup>Idem</sup> another person or company to be a party to an offence under this Act is a party to every other offence under this Act which that other person or company commits in consequence of such counselling or procuring and which the person or company counselling or procuring knew, or ought to have known, to be likely to be committed in consequence of such counselling or procuring.

**9.** Clause *f* of section 71 of *The Securities Act* is amended <sup>Rev. Stat., c. 351, s. 71, cl. *f*, amended</sup> by adding at the end thereof the words "or securities adviser", so that the clause shall read as follows:

- (*f*) designating any person or company or any class of persons or companies which shall not be required to obtain registration as investment counsel or securities adviser.

**10.** This Act may be cited as *The Securities Amendment Act, 1953*. <sup>Short title</sup>

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BILL

An Act to amend The Securities Act

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*1st Reading*

February 18th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 18th, 1953

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MR. PORTER

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No. 64

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Mortgages Act**

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MR. PORTER

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PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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This Act is designed to afford relief to any mortgagor in default of payment of interest or principal under his mortgage and who by reason of the terms of the mortgage is required to pay the full amount of the mortgage.

# BILL

## An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Mortgages Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 239,  
amended

19a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable, Relief for  
mortgagors  
in default  
in payment  
of principal  
or interest,  
etc.

(a) at any time before sale under the mortgage or before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor may perform such covenant or pay the amount of moneys due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he shall be relieved from the consequences of such default; or

(b) in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, upon performance of such covenant or upon payment of the moneys due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the mortgagor may apply to the court for relief, and

(i) if judgment has not been recovered the court shall dismiss the action, or

(ii) if judgment has been recovered but no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place the court may stay proceedings in the action.

Subsequent  
default

(2) Where proceedings have been stayed under sub-clause ii of clause *b* of subsection 1 and default again occurs under the mortgage, the court upon application may remove the stay.

Application

(2) Section 19*a* of *The Mortgages Act*, as enacted by subsection 1 of this section, applies to mortgages existing on or made after the day this Act comes into force.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Mortgages Amendment Act, 1953*.









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BILL

An Act to amend The Mortgages Act

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*1st Reading*

February 18th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 64

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Mortgages Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Mortgages Act

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

1.—(1) *The Mortgages Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 239,  
amended

19a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable,

(a) at any time before sale under the mortgage or before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor may perform such covenant or pay the amount of moneys due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he shall be relieved from the consequences of such default; or

(b) in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, upon performance of such covenant or upon payment of the moneys due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the mortgagor may apply to the court for relief, and

(i) if judgment has not been recovered the court shall dismiss the action, or

(ii) if judgment has been recovered but no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place the court may stay proceedings in the action.

Subsequent  
default

(2) Where proceedings have been stayed under sub-clause ii of clause *b* of subsection 1 and default again occurs under the mortgage, the court upon application may remove the stay.

Application

(2) Section 19*a* of *The Mortgages Act*, as enacted by subsection 1 of this section, applies to mortgages existing on or made after the day this Act comes into force.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Mortgages Amendment Act, 1953*.









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BILL

An Act to amend The Mortgages Act

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*1st Reading*

February 18th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 65

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Insurance Act

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. This provision will enable fire insurance contracts to cover the electrocution of live stock by means other than lightning. Now that farm buildings are commonly wired for electricity this extended coverage is frequently desirable.

SECTIONS 2 and 3. These sections divide the present section 117 of the Act into two sections, 117 and 117*a*, the latter of which deals with refunds from surplus. This is done for convenience of reference.

Section 117*a* is the same as the present subsections 5, 6 and 7 of section 117, except that the table appended to subsection 5 is enlarged.

This table sets out the minimum net surplus, in terms of cents per \$100 of net insurance in force, that farm mutual fire insurance companies (and hereafter weather insurance companies) must have after deducting the total amount of a refund to policyholders.

The two items are added to the table owing to the tremendous increase in the amounts at risk to-day compared with the time when the table was compiled.

No. 65

1953

# BILL

## An Act to amend The Insurance Act

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

**1.** Section 105 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 183, s. 105, amended

(1a) An insurer licensed under this Act for the transaction of fire insurance may include in its insurance contracts a clause or endorsement providing that, in the case of live stock insured against death or injury caused by fire or lightning, the word "lightning" shall be deemed to include other electrical currents. Power to extend meaning of "lightning" in live stock contracts

**2.—**(1) Subsection 4 of section 117 of *The Insurance Act* is amended by inserting after the word "section" in the first line the words "and in section 117a," so that the subsection shall read as follows: Rev. Stat., c. 183, s. 117, subs. 4, amended

(4) In this section and in section 117a, "surplus" means the assets of the insurer other than the premium note residue after deducting therefrom all liabilities of the insurer (other than contingent liabilities on unexpired contracts) and the proportion of cash payments and instalments thereof paid in advance applicable to unexpired policy contracts calculated as required by subsection 5 of section 74. Interpretation

(2) Subsections 5, 6 and 7 of the said section 117 are repealed. Rev. Stat., c. 183, s. 117, subs. 5, 6, 7, repealed

**3.** *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 183, amended

117a.—(1) The directors may declare a refund from surplus provided that, Refund from surplus

(a) on the effective date of the refund the net surplus of the insurer after deducting the total

amount of the refund shall, in terms of cents per hundred dollars of net insurance in force, be not less than the amount set out in the following table, or, in the case of an insurer with less than \$2,000,000 of net insurance in force, such other amount as shall be approved by the Superintendent;

- (b) except as hereinafter provided, the refund shall apply on all policies in force on the effective date thereof;
- (c) the refund on each policy shall be in the same ratio to the total refund as the face value of the premium note is to the total face value of all premium notes in force at date of refund, or, that the refund on each policy shall be a fixed percentage of the annual instalment or of one-third of the cash payment for three years in advance, as the case may be; and
- (d) the by-laws of the insurer require that refunds shall be payable only to members insured continuously in the insurer during the three years preceding the effective date of the refund.

TABLE

When the total net amount at risk is greater than	\$125,000,000—	\$.40
When the total net amount at risk is greater than	75,000,000—	.50
When the total net amount at risk is greater than	25,000,000—	.60
When the total net amount at risk is greater than	10,000,000—	.70
When the total net amount at risk is greater than	5,000,000—	.80
When the total net amount at risk is greater than	2,000,000—	1.00

Application  
of subs. 1

- (2) Subsection 1 shall not apply to cash-mutual fire insurance corporations, or to an insurer the surplus of which as defined by subsection 4 of section 117 exceeds 10 per cent of the total amount at risk.

Where  
subs. 1 to  
apply

- (3) Subject to the exceptions in subsection 2, subsection 1 shall apply to any distribution of surplus to members other than a distribution for the purposes of winding up or re-insurance of the insurer.

Rev. Stat.,  
c. 183, s. 233,  
subs. 1  
amended

- 4. Subsection 1 of section 233 of *The Insurance Act* is amended by adding thereto the following clause:

(d) the provisions relating to a refund from surplus.

Rev. Stat.,  
c. 183, s. 235,  
re-enacted

- 5. Section 235 of *The Insurance Act* is repealed and the following substituted therefor:

SECTION 4. Farm mutual fire insurance companies are now authorized to make refunds to policyholders from surplus in the circumstances set out in section 117 (5), (6) and (7) of the Act.

This amendment extends this right to weather insurance companies.

SECTION 5. This section, which prescribes the amount of the cash payment on a premium note that must be taken by a weather insurance company, is brought into line with present-day conditions, regard being had to the tremendous growth of these companies.

SECTION 6—Subsection 1. The special insurance broker's licence enables the licensee to negotiate, continue or renew contracts of fire insurance on property in Ontario with unlicensed insurers.

This amendment extends the rights of these licensees so that they may carry on this type of business in all fields of insurance, except life insurance.

Subsection 2. Complementary to subsection 1.



235. On every premium note taken by the insurer there shall be payable at the commencement of the three-year term of insurance a basic cash payment amounting to at least three-fifths of 1 per cent of the sum insured or *pro rata* where the cash payment is paid in advance for a shorter term, and the premium note shall, as to the balance thereof, be subject to assessment by the directors, and when the amount of insurance in force exceeds \$10,000,000 and the total assets of the company including premium note residue do not fall below 2 per cent of the total amount at risk, the basic cash payment may be reduced to three-eighths of 1 per cent of the sum insured for three years or *pro rata* for a shorter term, and when the amount of insurance in force exceeds \$25,000,000 and the total assets of the company including premium note residue do not fall below 1½ per cent of the total amount at risk, the Superintendent may authorize a further reduction of the basic cash payment for three years which shall not be less than three-tenths of 1 per cent of the sum insured or *pro rata* for a shorter term.

6.—(1) Subsection 1 of section 293 of *The Insurance Act* is amended by striking out the words “fire insurance on property in Ontario in” in the fourth and fifth lines and inserting in lieu thereof the words “insurance in Ontario, other than contracts of life insurance, with”, so that the subsection shall read as follows:

Premium  
note

Rev. Stat.,  
c. 183, s. 293,  
subs. 1,  
amended

- (1) The Superintendent may, upon the payment of the prescribed fee, issue to any suitable person resident in Ontario, a licence to act as a special insurance broker to negotiate, continue or renew contracts of insurance in Ontario, other than contracts of life insurance, with insurers not authorized to transact such business in Ontario.

Licence to  
special  
insurance  
broker

(2) Subsection 6 of the said section 293 is amended by striking out the words “on property” in the first line, by striking out the words “property insured, its location” in the seventh and eighth lines and inserting in lieu thereof the words “risk to be insured” and by striking out the words “the property insured and its location” in the fifteenth and sixteenth lines and inserting in lieu thereof the words “a description of the risk insured”, so that the subsection shall read as follows:

Rev. Stat.,  
c. 183, s. 293,  
subs. 6,  
amended

- (6) Where sufficient insurance in Ontario cannot be obtained at reasonable rates or on the form of contract required by the insured from insurers licensed

When  
licensee  
may effect  
insurance  
with un-  
licensed  
insurers

to do business in Ontario, the person named in such licence may effect insurance with unlicensed insurers, but shall in the case of every insurance effected under this section obtain from the insured a signed and dated statement describing the risk to be insured and the amount of insurance required and stating that the insurance cannot be obtained in licensed companies and that the application for such insurance at the stated rate of premium was previously made to and refused by named companies licensed in Ontario, and the person named in such licence shall, within ten days after the placing of such insurance with unlicensed insurers, submit to the Superintendent a statement setting forth the name of the insured, a description of the risk insured, the full names of the unlicensed insurers, and the amount of insurance placed with each and the rate and amount of premium paid to each.

Rev. Stat.,  
c. 183,  
Sched. A,  
item 1,  
note,  
amended

**7.** The note at the end of item 1 of Schedule A to *The Insurance Act* is amended by striking out the word "par" in the eighth line and inserting in lieu thereof the words "the current rate", so that the note shall read as follows:

NOTE.—The assets of the insurer as used in this schedule means, if the head office of the insurer is in Canada, the total gross assets of the insurer wherever situate, as exhibited by the balance sheet of the insurer at the end of the last preceding accounting period of the insurer, and as issued to the public in Canada, or, if the head office of the insurer is not in Canada, the equivalent in Canadian currency at the current rate of exchange of the total assets of the insurer exhibited by the head office balance sheet in the currency of the country where the head office of the insurer is situate.

Short title

**8.** This Act may be cited as *The Insurance Amendment Act, 1953*.

SECTION 7. Under present conditions it is often difficult to determine "par" of exchange. This is changed to "the current rate" of exchange in order to have a definite and equitable method of computing the assets of foreign insurers.





BILL

An Act to amend The Insurance Act

*1st Reading*

February 18th, 1953

*2nd Reading*

*3rd Reading*

MR. PORTER

No. 65

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Insurance Act**

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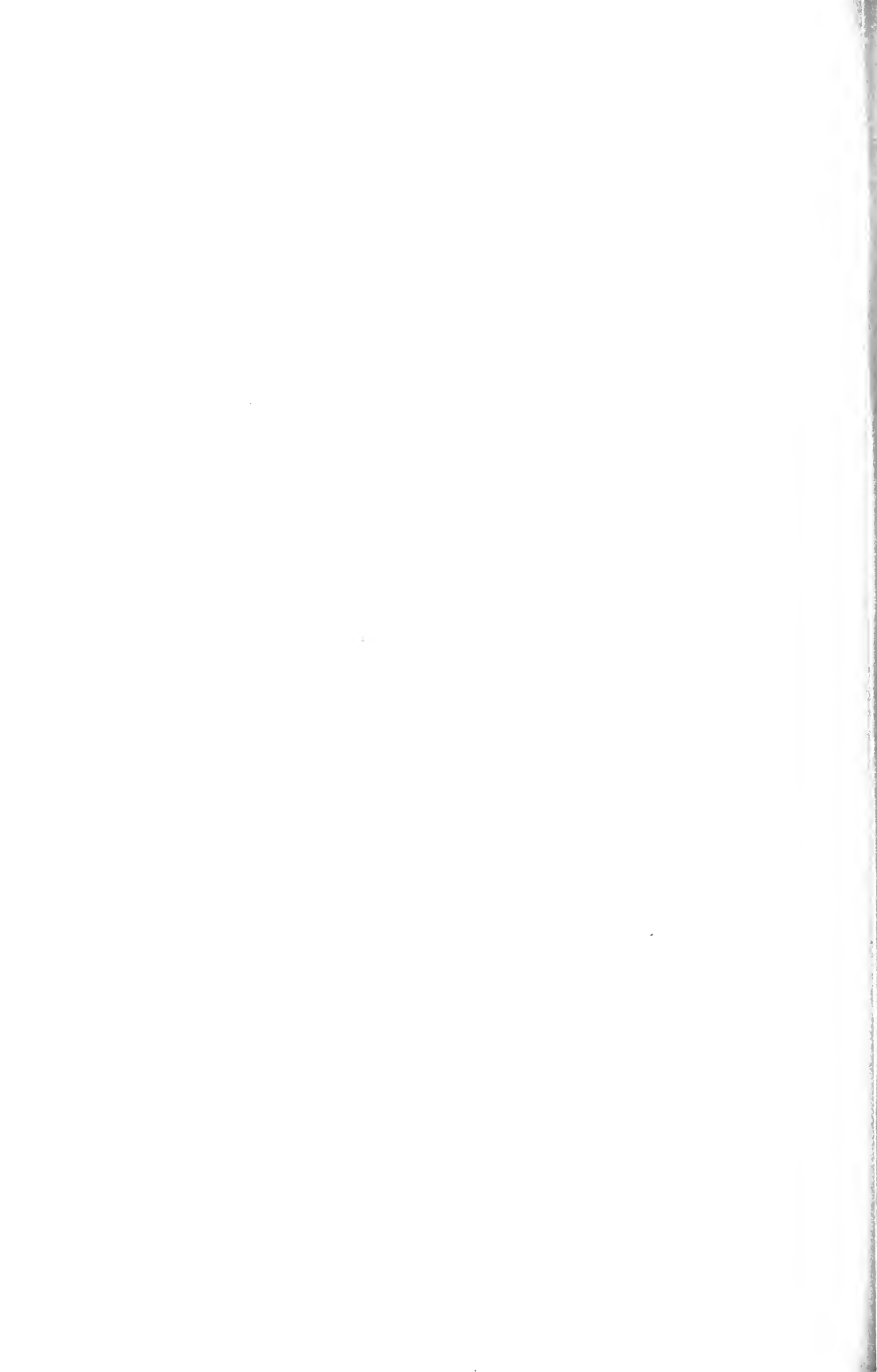
MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY





No. 65

1953

# BILL

## An Act to amend The Insurance Act

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

**1.** Section 105 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 183, s. 105, amended

(1a) An insurer licensed under this Act for the transaction of fire insurance may include in its insurance contracts a clause or endorsement providing that, in the case of live stock insured against death or injury caused by fire or lightning, the word "lightning" shall be deemed to include other electrical currents. Power to extend meaning of "lightning" in live stock contracts

**2.—(1)** Subsection 4 of section 117 of *The Insurance Act* is amended by inserting after the word "section" in the first line the words "and in section 117a," so that the subsection shall read as follows: Rev. Stat., c. 183, s. 117, subs. 4, amended

(4) In this section and in section 117a, "surplus" means the assets of the insurer other than the premium note residue after deducting therefrom all liabilities of the insurer (other than contingent liabilities on unmatured contracts) and the proportion of cash payments and instalments thereof paid in advance applicable to unexpired policy contracts calculated as required by subsection 5 of section 74. Interpretation

(2) Subsections 5, 6 and 7 of the said section 117 are repealed. Rev. Stat., c. 183, s. 117, subss. 5, 6, 7, repealed

**3.** *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 183, amended

117a.—(1) The directors may declare a refund from surplus provided that, Refund from surplus

(a) on the effective date of the refund the net surplus of the insurer after deducting the total

amount of the refund shall, in terms of cents per hundred dollars of net insurance in force, be not less than the amount set out in the following table, or, in the case of an insurer with less than \$2,000,000 of net insurance in force, such other amount as shall be approved by the Superintendent;

- (b) except as hereinafter provided, the refund shall apply on all policies in force on the effective date thereof;
- (c) the refund on each policy shall be in the same ratio to the total refund as the face value of the premium note is to the total face value of all premium notes in force at date of refund, or, that the refund on each policy shall be a fixed percentage of the annual instalment or of one-third of the cash payment for three years in advance, as the case may be; and
- (d) the by-laws of the insurer require that refunds shall be payable only to members insured continuously in the insurer during the three years preceding the effective date of the refund.

#### TABLE

When the total net amount at risk is greater than	\$125,000,000—	\$0.40
When the total net amount at risk is greater than	75,000,000—	.50
When the total net amount at risk is greater than	25,000,000—	.60
When the total net amount at risk is greater than	10,000,000—	.70
When the total net amount at risk is greater than	5,000,000—	.80
When the total net amount at risk is greater than	2,000,000—	1.00

Application  
of subs. 1

- (2) Subsection 1 shall not apply to cash-mutual fire insurance corporations, or to an insurer the surplus of which as defined by subsection 4 of section 117 exceeds 10 per cent of the total amount at risk.

Where  
subs. 1 to  
apply

- (3) Subject to the exceptions in subsection 2, subsection 1 shall apply to any distribution of surplus to members other than a distribution for the purposes of winding up or re-insurance of the insurer.

Rev. Stat.,  
c. 183, s. 233,  
subs. 1  
amended

- 4. Subsection 1 of section 233 of *The Insurance Act* is amended by adding thereto the following clause:

(d) the provisions relating to a refund from surplus.

Rev. Stat.,  
c. 183, s. 235,  
re-enacted

- 5. Section 235 of *The Insurance Act* is repealed and the following substituted therefor:

235. On every premium note taken by the insurer there shall be payable at the commencement of the three-year term of insurance a basic cash payment amounting to at least three-fifths of 1 per cent of the sum insured or *pro rata* where the cash payment is paid in advance for a shorter term, and the premium note shall, as to the balance thereof, be subject to assessment by the directors, and when the amount of insurance in force exceeds \$10,000,000 and the total assets of the company including premium note residue do not fall below 2 per cent of the total amount at risk, the basic cash payment may be reduced to three-eighths of 1 per cent of the sum insured for three years or *pro rata* for a shorter term, and when the amount of insurance in force exceeds \$25,000,000 and the total assets of the company including premium note residue do not fall below  $1\frac{1}{2}$  per cent of the total amount at risk, the Superintendent may authorize a further reduction of the basic cash payment for three years which shall not be less than three-tenths of 1 per cent of the sum insured or *pro rata* for a shorter term.

6.—(1) Subsection 1 of section 293 of *The Insurance Act* is amended by striking out the words “fire insurance on property in Ontario in” in the fourth and fifth lines and inserting in lieu thereof the words “insurance in Ontario, other than contracts of life insurance, with”, so that the subsection shall read as follows:

(1) The Superintendent may, upon the payment of the prescribed fee, issue to any suitable person resident in Ontario, a licence to act as a special insurance broker to negotiate, continue or renew contracts of insurance in Ontario, other than contracts of life insurance, with insurers not authorized to transact such business in Ontario.

(2) Subsection 6 of the said section 293 is amended by striking out the words “on property” in the first line, by striking out the words “property insured, its location” in the seventh and eighth lines and inserting in lieu thereof the words “risk to be insured” and by striking out the words “the property insured and its location” in the fifteenth and sixteenth lines and inserting in lieu thereof the words “a description of the risk insured”, so that the subsection shall read as follows:

(6) Where sufficient insurance in Ontario cannot be obtained at reasonable rates or on the form of contract required by the insured from insurers licensed

to do business in Ontario, the person named in such licence may effect insurance with unlicensed insurers, but shall in the case of every insurance effected under this section obtain from the insured a signed and dated statement describing the risk to be insured and the amount of insurance required and stating that the insurance cannot be obtained in licensed companies and that the application for such insurance at the stated rate of premium was previously made to and refused by named companies licensed in Ontario, and the person named in such licence shall, within ten days after the placing of such insurance with unlicensed insurers, submit to the Superintendent a statement setting forth the name of the insured, a description of the risk insured, the full names of the unlicensed insurers, and the amount of insurance placed with each and the rate and amount of premium paid to each.

Rev. Stat.,  
c. 183,  
Sched. A,  
item 1,  
note,  
amended

**7.** The note at the end of item 1 of Schedule A to *The Insurance Act* is amended by striking out the word "par" in the eighth line and inserting in lieu thereof the words "the current rate", so that the note shall read as follows:

NOTE.—The assets of the insurer as used in this schedule means, if the head office of the insurer is in Canada, the total gross assets of the insurer wherever situate, as exhibited by the balance sheet of the insurer at the end of the last preceding accounting period of the insurer, and as issued to the public in Canada, or, if the head office of the insurer is not in Canada, the equivalent in Canadian currency at the current rate of exchange of the total assets of the insurer exhibited by the head office balance sheet in the currency of the country where the head office of the insurer is situate.

Short title

**8.** This Act may be cited as *The Insurance Amendment Act, 1953*.



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BILL

An Act to amend The Insurance Act

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*1st Reading*

February 18th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 66

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act for the Protection of  
Archaeological and Historic Sites

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MR. DUNLOP

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#### EXPLANATORY NOTE

This bill covers a new field in Ontario. It is designed to give a reasonable degree of protection to sites and objects of the kinds specified in order to prevent their destruction or removal by persons who are not qualified to do so.

The provisions of the bill are self-explanatory.



# BILL

## An Act for the Protection of Archaeological and Historic Sites

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

**1.** In this Act,

Interpre-  
tation

- (a) "archaeological object" means an object of archaeological significance found at an archaeological site;
- (b) "archaeological site" means land of archaeological significance that is designated as such by the Minister;
- (c) "historical object" means an object of historical significance found at an historic site;
- (d) "historic site" means land of historical significance that is designated as such by the Minister;
- (e) "Minister" means the member of the Executive Council charged for the time being with the administration of this Act;
- (f) "permit" means a valid and subsisting permit issued under this Act.

**2.** The Minister may designate any land as an archaeological site or as an historic site.

Designation  
of sites

**3.** No person shall excavate or alter an archaeological site or an historic site or remove any archaeological or historical object therefrom unless he is the holder of a permit.

Permit  
holders  
only may  
excavate,  
etc.

**4.—(1)** Upon application made to him in writing, the Minister may issue a permit to any person to excavate or alter an archaeological site and remove archaeological objects therefrom, or to excavate or alter an historic site and remove historical objects therefrom.

Minister  
may issue  
permits

- Terms and conditions (2) The Minister may limit a permit as to time and location and may impose such other terms and conditions as he considers proper.
- Cancellation (3) The Minister may cancel a permit at any time.
- Consent of owner **5.** A permit holder shall not excavate or alter an archaeological or an historic site or remove any archaeological or historical object therefrom without the consent of the owner.
- Reports **6.** Within a reasonable time after the close of each season's field work, every permit holder shall furnish, in duplicate, to the Minister a report containing full details of the work done, including details of any stratification or other chronological evidence encountered, and such other information as the Minister may require.
- Disposal of objects **7.**—(1) Any archaeological or historical object that is taken by a person who is not a permit holder or by a permit holder in contravention of his permit or this Act may be seized by a person authorized so to do by the Minister and turned over to and deposited in such public institution as the Minister may designate.
- Idem (2) The Minister may direct that any archaeological or historical object taken under the authority of a permit be turned over to and deposited in such public institution as he may designate.
- Offence and penalties **8.** A person who contravenes any provision of this Act or a permit or a direction of the Minister under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.
- Advisory board **9.**—(1) The Minister may establish an advisory board, consisting of not more than seven members, to advise him upon all matters to which this Act refers.
- Remuneration and expenses (2) The members of the advisory board shall serve without remuneration, but each member shall be paid his proper travelling and other expenses incurred in the work of the board.
- Commencement **10.** This Act comes into force on the day it receives Royal Assent.
- Short title **11.** This Act may be cited as *The Archaeological and Historic Sites Protection Act, 1953.*







BILL.

An Act for the Protection of Archaeological  
and Historic Sites

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*1st Reading*

February 18th, 1953

*2nd Reading*

*3rd Reading*

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MR. DUNLOP

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act for the Protection of  
Archaeological and Historic Sites

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MR. DUNLOP

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# BILL

## An Act for the Protection of Archaeological and Historic Sites

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

**1.** In this Act,

Interpre-  
tation

- (a) "archaeological object" means an object of archaeological significance found at an archaeological site;
- (b) "archaeological site" means land of archaeological significance that is designated as such by the Minister;
- (c) "historical object" means an object of historical significance found at an historic site;
- (d) "historic site" means land of historical significance that is designated as such by the Minister;
- (e) "Minister" means the member of the Executive Council charged for the time being with the administration of this Act;
- (f) "permit" means a valid and subsisting permit issued under this Act.

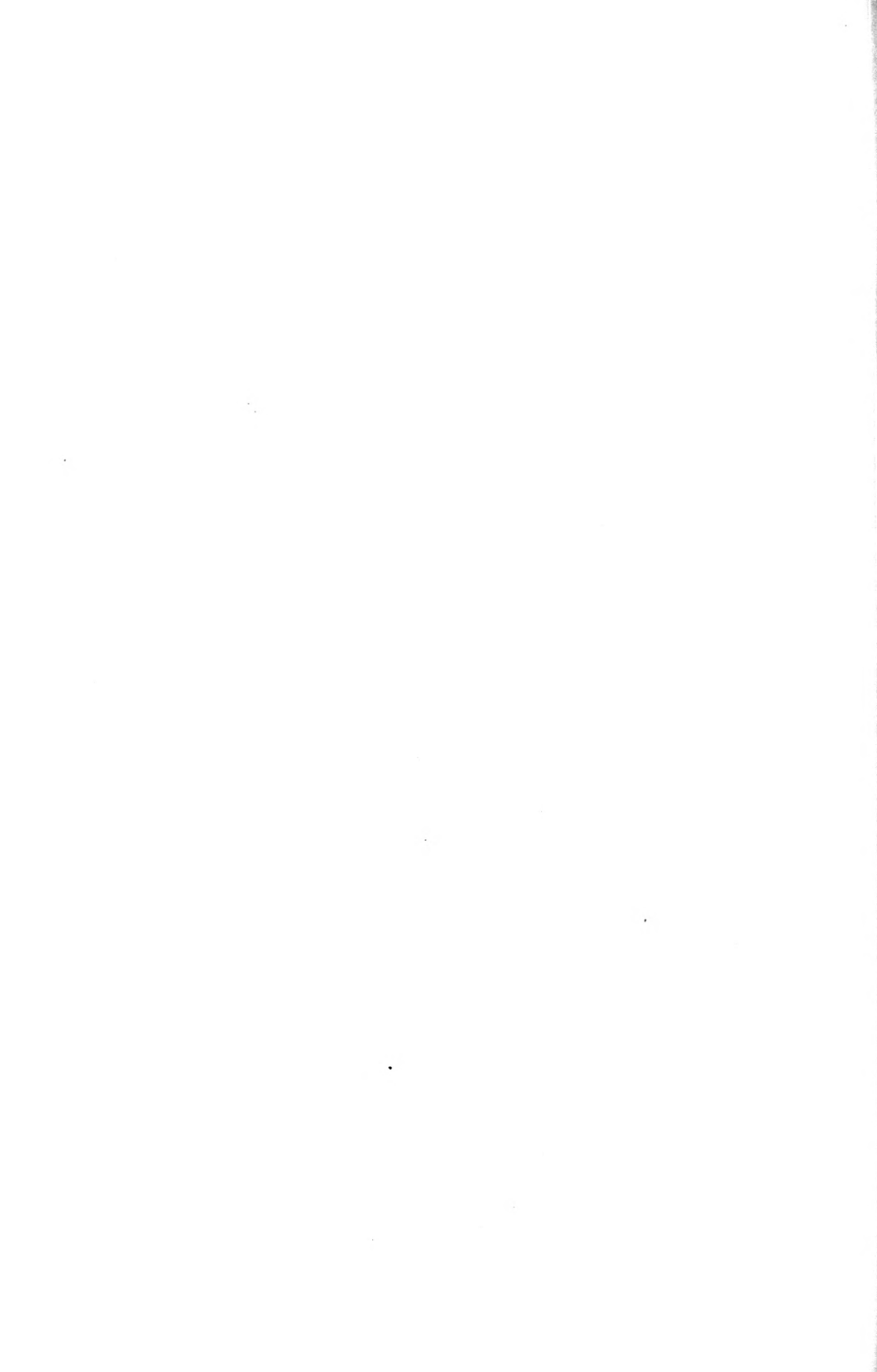
**2.** The Minister may designate any land as an archaeological site or as an historic site. Designation of sites

**3.** No person shall excavate or alter an archaeological site or an historic site or remove any archaeological or historical object therefrom unless he is the holder of a permit. Permit holders only may excavate, etc.

**4.—(1)** Upon application made to him in writing, the Minister may issue a permit to any person to excavate or alter an archaeological site and remove archaeological objects therefrom, or to excavate or alter an historic site and remove historical objects therefrom. Minister may issue permits

- Terms and conditions** (2) The Minister may limit a permit as to time and location and may impose such other terms and conditions as he considers proper.
- Cancellation** (3) The Minister may cancel a permit at any time.
- Consent of owner** **5.** A permit holder shall not excavate or alter an archaeological or an historic site or remove any archaeological or historical object therefrom without the consent of the owner.
- Reports** **6.** Within a reasonable time after the close of each season's field work, every permit holder shall furnish, in duplicate, to the Minister a report containing full details of the work done, including details of any stratification or other chronological evidence encountered, and such other information as the Minister may require.
- Disposal of objects** **7.—(1)** Any archaeological or historical object that is taken by a person who is not a permit holder or by a permit holder in contravention of his permit or this Act may be seized by a person authorized so to do by the Minister and turned over to and deposited in such public institution as the Minister may designate.
- Idem** (2) The Minister may direct that any archaeological or historical object taken under the authority of a permit be turned over to and deposited in such public institution as he may designate.
- Offence and penalties** **8.** A person who contravenes any provision of this Act or a permit or a direction of the Minister under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.
- Advisory board** **9.—(1)** The Minister may establish an advisory board, consisting of not more than seven members, to advise him upon all matters to which this Act refers.
- Remuneration and expenses** (2) The members of the advisory board shall serve without remuneration, but each member shall be paid his proper travelling and other expenses incurred in the work of the board.
- Commencement** **10.** This Act comes into force on the day it receives Royal Assent.
- Short title** **11.** This Act may be cited as *The Archaeological and Historic Sites Protection Act, 1953.*







BILL

An Act for the Protection of Archaeological  
and Historic Sites

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*1st Reading*

February 18th, 1953

*2nd Reading*

February 20th, 1953

*3rd Reading*

March 6th, 1953

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MR. DUNLOP

No. 67

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Mining Act

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MR. KELLY

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. Heretofore the orders in council prohibiting mining operation near highways have varied from time to time as to the width of the prohibited area. The new section will unify the situation.

SECTION 2. Subsection 1. Self explanatory.

Subsection 2. At the present time leases of mining lands in provincial forests are issued for 10-year periods and they are renewable for 10-year periods. The rent charged on an original lease is \$1 an acre for the first year and 25 cents an acre for the next 9 years. The renewal rental is 10 cents an acre. In addition, the lands are subject to acreage tax under *The Mining Tax Act*. In order to simplify this situation and the accounting in connection with it, it is proposed to exempt these lands from the acreage tax and to increase the renewal rent to 25 cents an acre. The net result of these changes will be that a lessee will pay 10 cents an acre less for the first 10 years, but in succeeding years he will pay 5 cents an acre more than he does now.



# BILL

## An Act to amend The Mining Act

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

1. *The Mining Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 236,  
amended

41a. Where a mining claim adjoins or is adjacent to a highway or road maintained by the Department of Highways, no surface mining operations shall be carried on within 150 feet of the limits of the highway or road except with the consent in writing of the Minister. Surface  
operations  
within  
150 feet of  
highway

2.—(1) Subsection 1 of section 47 of *The Mining Act* is amended by striking out the symbol and figure "\$4" in the sixth line and inserting in lieu thereof the symbol and figure "\$5", so that the subsection shall read as follows: Rev. Stat.,  
236, s. 47,  
subs. 1,  
amended

(1) Mining lands in a provincial forest shall not be sold or granted but a lease of such lands may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each subsequent year, but the minimum rental shall be \$10 for the first year and \$5 for each subsequent year. Mining  
lands in  
provincial  
forest not  
to be sold

(2) Subsection 2 of the said section 47 is repealed and the following substituted therefor: Rev. Stat.,  
c. 236,  
s. 47, subs. 2,  
re-enacted

(2) Every such lease shall be renewable in perpetuity for periods of ten years and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister may, in the circumstances of the case, deem proper. Renewal  
of leases

Rate (2a) The annual renewal rental shall be at the rate of 25 cents per acre, but the minimum annual rental shall be \$5.

Rev. Stat.,  
c. 236,  
amended **3.** *The Mining Act* is amended by adding thereto the following section:

Mining  
claims on  
agricultural  
lands

49a.—(1) Where the Minister of Lands and Forests certifies that land is suitable for disposition for agricultural purposes, a mining claim staked thereon shall not give the staker any right, title or interest in or to the surface rights.

Where  
surface  
rights  
necessary  
for mining  
operations

(2) Where surface rights on any such land are necessary to the carrying on of mining operations, the Minister may determine the part of the surface rights so required, and if not previously disposed of, may sell or award the surface rights or such portion thereof to the claim holder as he may deem essential to the efficient carrying on of mining operations, and he may require the claim holder to have such surveys made at the expense of the claim holder as he considers proper.

Where  
surface  
rights  
disposed of

(3) Where surface rights on any such land are disposed of by the Crown after a mining claim has been staked on the same land, the owner, lessee, occupant or holder of the surface rights shall not be entitled to compensation under section 95.

Rev. Stat.,  
c. 236,  
s. 52, subs. 3,  
amended **4.**—(1) Subsection 3 of section 52 of *The Mining Act* is amended by striking out all the words after the word "section" in the ninth line, so that the subsection shall read as follows:

Lands  
covered  
with water

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter-section or subdivision of a section, or have constituted a lot, quarter-section or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section or subdivision of a section.

Rev. Stat.,  
c. 236, s. 52,  
subs. 4,  
re-enacted (2) Subsection 4 of the said section 52 is repealed and the following substituted therefor:

SECTION 3. This section is new. The need for it is created by the development of geophysical methods of prospecting. Large areas, thought to be suitable for agricultural purposes only, now have a potential mineral value.

SECTION 4. These provisions are brought into line with the practices of the Department of Lands and Forests under which 66 feet along lake shores are reserved for access purposes, and provision is also made for a road allowance at the rear of these sites.

Subsection 6, which is new, makes statutory what is now the practice of the Department of Mines.

SECTION 5. Self explanatory. This additional information is necessary in order that the resident geologist may know the exact location of drill holes.

SECTION 6. Subsection 1. The provision is enlarged to cover all type of mechanical equipment approved by the Minister of Mines.

- (4) Where a claim includes land covered with or bordering on water, there may be reserved for the Crown the surface rights not exceeding 400 feet in width from the high water mark. Crown reservation
- (5) Where a claim consists of or partly consists of land under navigable water, a lease or licence only to extract the mineral from the land under the navigable water may be granted. Land under navigable water
- (6) The annual rental of such lease or licence shall be at the rate of \$1 an acre for the first year and 25 cents an acre for each subsequent year, but the minimum annual rental shall be \$1. Rate
- (7) Subsections 3, 4 and 5 of section 47 shall apply *mutatis mutandis* to such licences and leases. S. 47, subss. 3, 4, 5 to apply

5. Subsection 3 of section 80 of *The Mining Act* is amended by adding at the end thereof the words "and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 80, subs. 3, amended

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by affidavit in the prescribed form, and the report shall show in detail, Work reports
- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who perform the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole, and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

6.—(1) Subsection 4 of section 81 of *The Mining Act* is amended by striking out the words "a compressed air drill or other power driven rock drill" in the first and second lines Rev. Stat., c. 236, s. 81, subs. 4, amended

and inserting in lieu thereof the words "mechanical equipment" and by striking out the words "the drill" in the fourth line and inserting in lieu thereof the words "such mechanical equipment", so that the subsection shall read as follows:

Mechanical  
equipment

- (4) Work done by mechanical equipment of a type approved by the Minister shall count as work at the rate of two days work in respect of each man necessarily employed in operating such mechanical equipment for each day of his employment.

Rev. Stat.,  
c. 236, s. 81,  
subs. 7,  
amended

- (2) Subsection 7 of the said section 81 is amended by striking out the words "power driven mechanical equipment or equipment" in the first and second lines and by striking out the symbol and figure "\$5" in the fourth line and inserting in lieu thereof the symbol and figures "\$10", so that the subsection shall read as follows:

Stripping

- (7) The actual cost of stripping by other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$10 so spent not exceeding one hundred days work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister within thirty days of the recording of such work.

Rev. Stat.,  
c. 236, s. 89,  
re-enacted

7. Section 89 of *The Mining Act* is repealed and the following substituted therefor:

Relief  
against  
forfeiture

- 89.—(1) Where forfeiture or loss of rights occurs under subsection 4 of section 61 or under subsection 1 of section 88, the Judge may upon such terms as he deems just make an order relieving the person in default from such forfeiture or loss of rights, subject to the following:

1. Where forfeiture or loss of rights occurs under clause *a* of subsection 1 of section 88, the Judge's order shall authorize and require a special renewal of the claim holder's licence, which may be issued only on payment of twice the prescribed fee.
2. Where forfeiture or loss of rights occurs under clause *c* or *d* of subsection 1 of section 88, relief may be granted only within six months of such forfeiture or loss of rights, and in the case of forfeiture under clause *d* the claim holder shall file a proper report.

Subsection 2. The first amendment is complementary to subsection 1 above and the second amendment brings the provision into line with the present cost of labour.

SECTION 7. In order to encourage development and prevent mining claims being held for long periods without assessment work being performed, the rights of claim owners are restricted.





3. Not more than one order relieving from forfeiture or loss of rights shall be made in respect of the work required to be performed within one year immediately following the recording of the claim, and not more than one order shall be made in respect of the performance of work required to be done in each succeeding period thereafter, nor shall any order made be extended.
- (2) If application is made to the Judge within thirty <sup>Extension of time</sup> days before the time forfeiture or loss of rights would occur, he may make an order or orders granting one extension of time in respect of one or more of the following:
    1. For affixing the metal tags to the corner posts of the claim.
    2. For performing any work required to be performed in any twelve months period.
    3. For paying the money required for patent or lease.
  - (3) Where before subsections 1 and 2 come into force <sup>Idem</sup> the Judge has made an order granting an extension of time for the fulfilment of the requirements of the Act, he may, notwithstanding anything in this section, make an order granting one additional extension of time for a period of not more than one year if application is made therefor before the forfeiture or loss of rights occurs.
  - (4) Where the Judge extends the time for performing <sup>Filing of report</sup> work, the report of the performance thereof shall be filed within such extended time.
  - (5) Where forfeiture or loss of rights has occurred, <sup>Re-staking</sup> the lands, mining rights or mining claims concerned shall not be open for staking until seven o'clock in the forenoon of the day immediately following that upon which forfeiture or loss of rights occurred.
  - (6) No order made by the Judge under this section shall <sup>Filing of Judge's orders</sup> come into effect until it is filed in the office of the mining recorder for the mining division in which the claims are situated and until the prescribed fees are paid.

Cancellation  
of record

- (7) The recorder, upon any forfeiture or abandonment of or loss of rights in a mining claim, shall forthwith enter a note thereof, with the date of entry, upon the record of the claim and mark the record of the claim "Cancelled", and shall post up forthwith in his office a notice of cancellation.

Rev. Stat.,  
c. 236,  
amended

**8.** *The Mining Act* is amended by adding thereto the following section:

Licence  
to prospect  
by technical  
methods

205.—(1) Where the Minister is satisfied that any terrain, due to the paucity of rock outcrops or for any other reason, cannot be prospected or explored for its mineral possibilities by other than geophysical or other technical methods, he may, notwithstanding anything in this Act and subject to the approval of the Lieutenant-Governor in Council, issue a licence to prospect and explore any such area that he may designate for base metals and minerals, other than gold, silver, radio-active substances, precious metals, petroleum oil and natural gas, subject to the following:

1. The licence shall be for a term of three years and may contain such conditions as the Minister considers proper.
2. The fee for the licence shall be \$1,000 payable annually during the term of the licence.
3. The area for which a licence may be issued shall be in one parcel and shall not be greater than 100,000 acres.
4. A licensee may surrender his licence at any time upon giving written notice thereof to the Minister at least thirty days before the surrender is to take effect.
5. The Minister may terminate a licence at any time if he is satisfied that the licensee has not complied with this section and the conditions of the licence.
6. Before the issue of a licence the applicant therefor shall furnish to the Minister a cash deposit of \$25,000 which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has

SECTION 8. This section is new. It is self explanatory.



not complied with this section and with the conditions of the licence to the satisfaction of the Minister, the deposit shall be forfeited to and become the property of the Crown.

7. A licensee shall expend annually in geophysical, geological or other exploratory work of a similar nature, or drilling, a sum equal to \$1 an acre, but in no case shall such annual expenditure be less than \$25,000.
8. A plan detailing the nature of a proposed annual expenditure shall be submitted to the Minister for approval within ninety days of the date of issue or anniversary date of the licence, as the case may be, and if the plan is approved, the exploratory work shall be commenced within six months thereafter.
9. The licensee shall,
  - (i) within thirty days after the anniversary date of the licence, prove to the satisfaction of the Minister that he has expended the amount required in the manner provided in item 7,
  - (ii) within sixty days of completion submit to the Minister full reports and plans of all geological or geophysical examinations, drillings or other exploratory work, including detailed logs of all holes drilled,
  - (iii) correctly label all drill cores and cuttings, and
  - (iv) permit the Minister or his authorized agent to examine all drill cores and cuttings at any time not later than six months after the completion of the drilling.
- (2) If a deposit of mineral is found by a licensee which in <sup>Lease</sup> the opinion of the Minister is of economic importance, the licensee shall be entitled to apply for a lease comprising not more than 10 per cent of the area for which the licence was issued.

Idem (3) The lease shall be for a term of ten years and shall contain such conditions as the Minister deems proper.

Rental (4) The annual rental shall be at the rate of 50 cents an acre.

Renewal (5) The lease may be renewed for terms of ten years at such rental and subject to such conditions as the Minister deems proper.

Regulations (6) The Lieutenant-Governor in Council may make such regulations as he deems expedient for the better carrying out of this section.

Rev. Stat., c. 236, Sched., items 2, 4, repealed 9.—(1) Items 2 and 4 of the Schedule to *The Mining Act* are repealed.

Rev. Stat., c. 236, Sched., item 18, re-enacted (2) Item 18 of the Schedule to *The Mining Act* is repealed and the following substituted therefor:

18. For recording an order of the Judge relieving against forfeiture or loss of rights, extending the time for performing working conditions, or both, or authorizing the filing of a belated report of work, affixing metal tags or making application and payment for patent or lease, per claim.....\$5.00

Rev. Stat., c. 236, Sched., item 23, re-enacted (3) Item 23 of the Schedule to *The Mining Act* is repealed and the following substituted therefor:

23. For abstract or copy of entries in record book respecting any mining claim..... .50

Short title 10. This Act may be cited as *The Mining Amendment Act, 1953.*

SECTION 9. Subsection 1. The individual miner's licence fee is \$5, but if issued after October 1st the fee is \$3. The effect of the repeal of item 2 will be that all miners' licences will cost \$5 regardless of the time of issue.

Item 4, which is repealed, provides for a half fee where a miner's licence is issued to a company.

Subsection 2. This fee is increased from \$3 to \$5.

Subsection 3. This fee is changed from a rate of 10 cents per folio (minimum, 25 cents) to a flat rate of 50 cents.







BILL

An Act to amend The Mining Act

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*1st Reading*

February 18th, 1953

*2nd Reading*

*3rd Reading*

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MR. KELLY

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Mining Act**

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MR. KELLY

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*(Reprinted as amended by the Committee on Mining)*

#### EXPLANATORY NOTES

SECTION 1. Heretofore the orders in council prohibiting mining operation near highways have varied from time to time as to the width of the prohibited area. The new section will unify the situation.

SECTION 2. Subsection 1. Self explanatory.

Subsection 2. At the present time leases of mining lands in provincial forests are issued for 10-year periods and they are renewable for 10-year periods. The rent charged on an original lease is \$1 an acre for the first year and 25 cents an acre for the next 9 years. The renewal rental is 10 cents an acre. In addition, the lands are subject to acreage tax under *The Mining Tax Act*. In order to simplify this situation and the accounting in connection with it, it is proposed to exempt these lands from the acreage tax and to increase the renewal rent to 25 cents an acre. The net result of these changes will be that a lessee will pay 10 cents an acre less for the first 10 years, but in succeeding years he will pay 5 cents an acre more than he does now.

# BILL

## An Act to amend The Mining Act

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

1. *The Mining Act* is amended by adding thereto the following section: Rev. Stat., c. 236, amended

41a. Where a mining claim adjoins or is adjacent to a highway or road maintained by the Department of Highways, no surface mining operations shall be carried on within 150 feet of the limits of the highway or road except with the consent in writing of the Minister. Surface operations within 150 feet of highway

2.—(1) Subsection 1 of section 47 of *The Mining Act* is amended by striking out the symbol and figure “\$4” in the sixth line and inserting in lieu thereof the symbol and figure “\$5”, so that the subsection shall read as follows: Rev. Stat., 236, s. 47, subs. 1, amended

(1) Mining lands in a provincial forest shall not be sold or granted but a lease of such lands may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each subsequent year, but the minimum rental shall be \$10 for the first year and \$5 for each subsequent year. Mining lands in provincial forest not to be sold

(2) Subsection 2 of the said section 47 is repealed and the following substituted therefor: Rev. Stat., c. 236, s. 47, subs. 2, re-enacted

(2) Every such lease shall be renewable in perpetuity for periods of ten years and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister may, in the circumstances of the case, deem proper. Renewal of leases

Rate (2a) The annual renewal rental shall be at the rate of 25 cents per acre, but the minimum annual rental shall be \$5.

Rev. Stat.,  
c. 236,  
amended

**3.** *The Mining Act* is amended by adding thereto the following section:

Mining  
claims on  
agricultural  
lands

49a.—(1) Where the Minister of Lands and Forests certifies that land is suitable for disposition for agricultural purposes, a mining claim staked thereon shall not give the staker any right, title or interest in or to the surface rights.

Where  
surface  
rights  
necessary  
for mining  
operations

(2) Where surface rights on any such land are necessary to the carrying on of mining operations, the Minister may determine the part of the surface rights so required, and if not previously disposed of, may sell or award the surface rights or such portion thereof to the claim holder as he may deem essential to the efficient carrying on of mining operations, and he may require the claim holder to have such surveys made at the expense of the claim holder as he considers proper.

Rev. Stat.,  
c. 236,  
s. 52, subs. 3,  
amended

**4.**—(1) Subsection 3 of section 52 of *The Mining Act* is amended by striking out all the words after the word "section" in the ninth line, so that the subsection shall read as follows:

Lands  
covered  
with water

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter-section or subdivision of a section, or have constituted a lot, quarter-section or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section or subdivision of a section.

Rev. Stat.,  
c. 236, s. 52,  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 52 is repealed and the following substituted therefor:

Crown  
reservation

(4) Where a claim includes land covered with or bordering on water, there may be reserved for the Crown the surface rights not exceeding 400 feet in width from the high water mark.

SECTION 3. This section is new. The need for it is created by the development of geophysical methods of prospecting. Large areas, thought to be suitable for agricultural purposes only, now have a potential mineral value.

SECTION 4. These provisions are brought into line with the practices of the Department of Lands and Forests under which 66 feet along lake shores are reserved for access purposes, and provision is also made for a road allowance at the rear of these sites.

Subsection 6, which is new, makes statutory what is now the practice of the Department of Mines.

SECTION 5. Self explanatory. This additional information is necessary in order that the resident geologist may know the exact location of drill holes.

SECTION 6. Subsection 1. The provision is enlarged to cover all types of mechanical equipment approved by the Minister of Mines.



- (5) Where a claim consists of or partly consists of land under navigable water, a lease or licence only to extract the mineral from the land under the navigable water may be granted. Land under navigable water
- (6) The annual rental of such lease or licence shall be at the rate of \$1 an acre for the first year and 25 cents an acre for each subsequent year, but the minimum annual rental shall be \$1. Rate
- (7) Subsections 3, 4 and 5 of section 47 shall apply *mutatis mutandis* to such licences and leases. S. 47, subss. 3, 4, 5 to apply

5. Subsection 3 of section 80 of *The Mining Act* is amended by adding at the end thereof the words "and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 80 subss. 3, amended

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by affidavit in the prescribed form, and the report shall show in detail, Work reports
- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who perform the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole, and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

6.—(1) Subsection 4 of section 81 of *The Mining Act* is amended by striking out the words "a compressed air drill or other power driven rock drill" in the first and second lines and inserting in lieu thereof the words "mechanical equipment" and by striking out the words "the drill" in the fourth line and inserting in lieu thereof the words "such mechanical equipment", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 81 subss. 4, amended

Mechanical  
equipment

- (4) Work done by mechanical equipment of a type approved by the Minister shall count as work at the rate of two days work in respect of each man necessarily employed in operating such mechanical equipment for each day of his employment.

Rev. Stat.,  
c. 236, s. 81,  
subs. 7,  
amended

(2) Subsection 7 of the said section 81 is amended by striking out the words "power driven mechanical equipment or equipment" in the first and second lines and by striking out the symbol and figure "\$5" in the fourth line and inserting in lieu thereof the symbol and figures "\$10", so that the subsection shall read as follows:

Stripping

- (7) The actual cost of stripping by other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$10 so spent not exceeding one hundred days work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister within thirty days of the recording of such work.

Rev. Stat.,  
c. 236, s. 89,  
re-enacted

7. Section 89 of *The Mining Act* is repealed and the following substituted therefor:

Relief  
against  
forfeiture

89.—(1) Where forfeiture or loss of rights occurs under subsection 4 of section 61 or under subsection 1 of section 88, the Judge may upon such terms as he deems just make an order relieving the person in default from such forfeiture or loss of rights, subject to the following:

1. Where forfeiture or loss of rights occurs under clause *a* of subsection 1 of section 88, the Judge's order shall authorize and require a special renewal of the claim holder's licence, which may be issued only on payment of twice the prescribed fee.
2. Where forfeiture or loss of rights occurs under clause *c* or *d* of subsection 1 of section 88, relief may be granted only within six months of such forfeiture or loss of rights, and in the case of forfeiture under clause *d* the claim holder shall file a proper report.
3. Not more than one order relieving from forfeiture or loss of rights shall be made in respect of the work required to be performed within one year immediately following the

Subsection 2. The first amendment is complementary to subsection 1 above and the second amendment brings the provision into line with the present cost of labour.

SECTION 7. In order to encourage development and prevent mining claims being held for long periods without assessment work being performed, the rights of claim owners are restricted.



recording of the claim, and not more than one order shall be made in respect of the performance of work required to be done in each succeeding period thereafter, nor shall any order made be extended.

- (2) If application is made to the Judge within thirty <sup>Extension of time</sup> days before the time forfeiture or loss of rights would occur, he may make an order or orders granting one extension of time in respect of one or more of the following:
1. For affixing the metal tags to the corner posts of the claim.
  2. For performing any work required to be performed in any twelve months period.
  3. For paying the money required for patent or lease.
- (3) Where before subsections 1 and 2 come into force <sup>Idem</sup> the Judge has made an order granting an extension of time for the fulfilment of the requirements of the Act, he may, notwithstanding anything in this section, make an order granting one additional extension of time for a period of not more than one year if application is made therefor before the forfeiture or loss of rights occurs.
- (4) Where the Judge extends the time for performing <sup>Filing of report</sup> work, the report of the performance thereof shall be filed within such extended time.
- (5) Where forfeiture or loss of rights has occurred, <sup>Re-staking</sup> the lands, mining rights or mining claims concerned shall not be open for staking until seven o'clock in the forenoon of the day immediately following that upon which forfeiture or loss of rights occurred.
- (6) No order made by the Judge under this section shall <sup>Filing of Judge's orders</sup> come into effect until it is filed in the office of the mining recorder for the mining division in which the claims are situated and until the prescribed fees are paid.
- (7) The recorder, upon any forfeiture or abandonment <sup>Cancellation of record</sup> of or loss of rights in a mining claim, shall forthwith enter a note thereof, with the date of entry, upon the

record of the claim and mark the record of the claim "Cancelled", and shall post up forthwith in his office a notice of cancellation.

Rev. Stat.,  
c. 236,  
amended

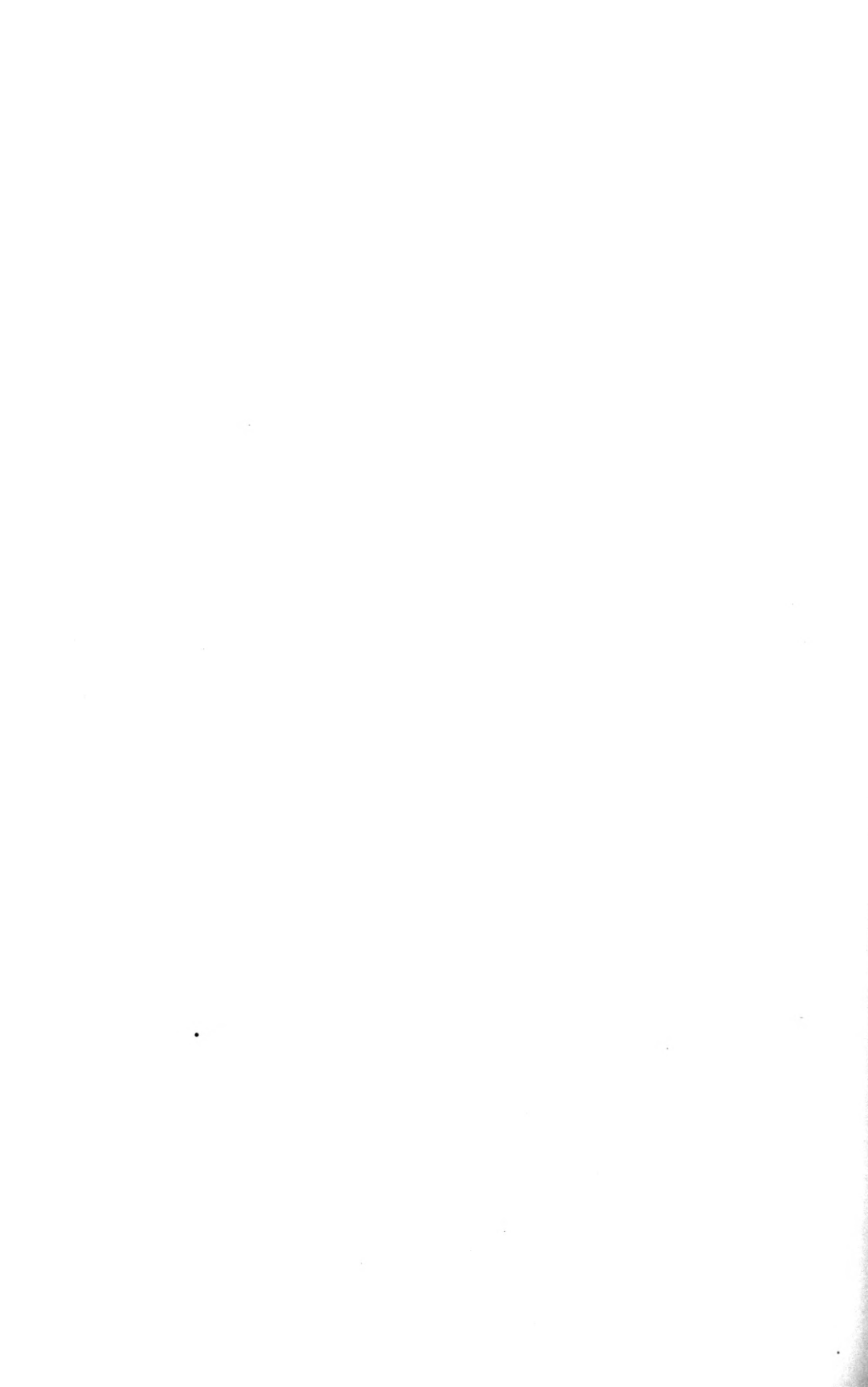
8. *The Mining Act* is amended by adding thereto the following section:

Licence  
to prospect  
by technical  
methods

205.—(1) Where the Minister is satisfied that any terrain, due to the paucity of rock outcrops or for any other reason, cannot be prospected or explored for its mineral possibilities by other than geophysical or other technical methods, he may, notwithstanding anything in this Act and subject to the approval of the Lieutenant-Governor in Council, issue a licence to prospect and explore any such area that he may designate for base metals and minerals, other than gold, silver, radio-active substances, precious metals, petroleum oil and natural gas, subject to the following:

1. The licence shall be for a term of three years and may contain such conditions as the Minister considers proper.
2. The fee for the licence shall be \$1,000 payable annually during the term of the licence.
3. The area for which a licence may be issued shall be in one parcel and shall not be greater than 64,000 acres.
4. A licensee may surrender his licence at any time upon giving written notice thereof to the Minister at least thirty days before the surrender is to take effect.
5. The Minister may terminate a licence at any time if he is satisfied that the licensee has not complied with this section and the conditions of the licence.
6. Before the issue of a licence the applicant therefor shall furnish to the Minister a cash deposit of \$25,000 which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has not complied with this section and with the conditions of the licence to the satisfaction of

SECTION 8. This section is new. It is self explanatory.





the Minister, the deposit shall be forfeited to and become the property of the Crown.

7. A licensee shall expend annually in geophysical, geological or other exploratory work of a similar nature, or drilling, a sum equal to \$1 an acre, but in no case shall such annual expenditure be less than \$25,000.
8. A plan detailing the nature of a proposed annual expenditure shall be submitted to the Minister for approval within ninety days of the date of issue or anniversary date of the licence, as the case may be, and if the plan is approved, the exploratory work shall be commenced within six months thereafter.
9. The licensee shall,
  - (i) within thirty days after the anniversary date of the licence, prove to the satisfaction of the Minister that he has expended the amount required in the manner provided in item 7,
  - (ii) within sixty days of completion submit to the Minister full reports and plans of all geological or geophysical examinations, drillings or other exploratory work, including detailed logs of all holes drilled,
  - (iii) correctly label all drill cores and cuttings, and
  - (iv) permit the Minister or his authorized agent to examine all drill cores and cuttings at any time not later than six months after the completion of the drilling.
- (2) If a deposit of mineral is found by a licensee which in <sup>Lease</sup> the opinion of the Minister is of economic importance, the licensee shall be entitled to apply for a lease comprising not more than 10 per cent of the area for which the licence was issued.
- (3) The lease shall be for a term of ten years and shall <sup>Idem</sup> contain such conditions as the Minister deems proper.

- Rental (4) The annual rental shall be at the rate of not less than 50 cents nor more than \$5 an acre.
- Renewal (5) The lease may be renewed for terms of ten years at such rental and subject to such conditions as the Minister deems proper.
- Regulations (6) The Lieutenant-Governor in Council may make such regulations as he deems expedient for the better carrying out of this section.

Rev. Stat., c. 236, Sched., items 2, 4, repealed **9.**—(1) Items 2 and 4 of the Schedule to *The Mining Act* are repealed.

Rev. Stat., c. 236, Sched., item 18, re-enacted (2) Item 18 of the Schedule to *The Mining Act* is repealed and the following substituted therefor:

- 18. For recording an order of the Judge relieving against forfeiture or loss of rights, extending the time for performing working conditions, or both, or authorizing the filing of a belated report of work, affixing metal tags or making application and payment for patent or lease, per claim.....\$5.00

Rev. Stat., c. 236, Sched., item 23, re-enacted (3) Item 23 of the Schedule to *The Mining Act* is repealed and the following substituted therefor:

- 23. For abstract or copy of entries in record book respecting any mining claim..... .50

Short title **10.** This Act may be cited as *The Mining Amendment Act, 1953*.

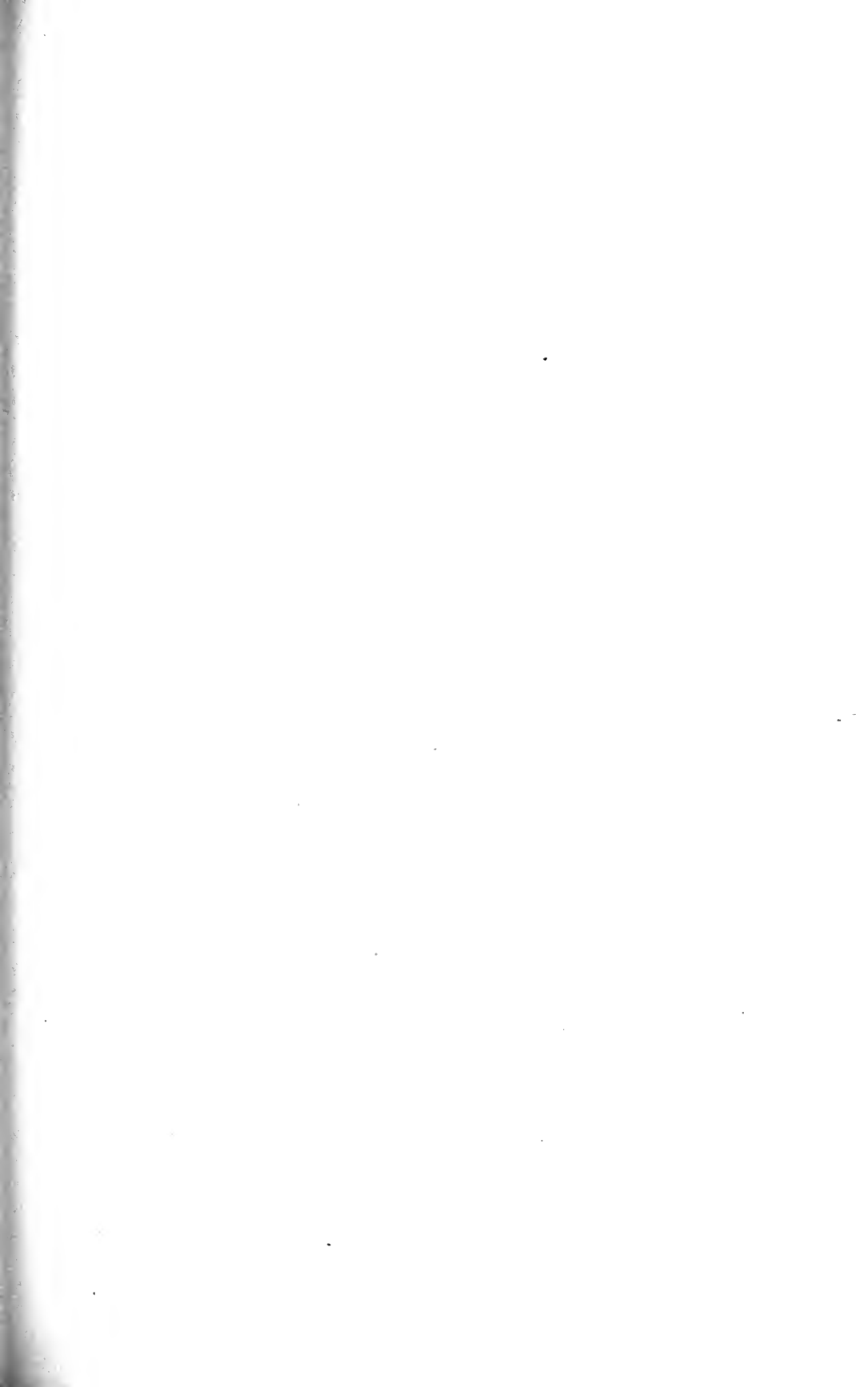
SECTION 9. Subsection 1. The individual miner's licence fee is \$5, but if issued after October 1st the fee is \$3. The effect of the repeal of item 2 will be that all miners' licences will cost \$5 regardless of the time of issue.

Item 4, which is repealed, provides for a half fee where a miner's licence is issued to a company.

Subsection 2. This fee is increased from \$3 to \$5.

Subsection 3. This fee is changed from a rate of 10 cents per folio (minimum, 25 cents) to a flat rate of 50 cents.





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BILL

An Act to amend The Mining Act

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*1st Reading*

February 18th, 1953

*2nd Reading*

March 5th, 1953

*3rd Reading*

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MR. KELLY

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*(Reprinted as amended by the Committee  
on Mining)*

3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Mining Act

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MR. KELLY

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# BILL

## An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mining Act* is amended by adding thereto the following section: Rev. Stat., c. 236, amended

41a. Where a mining claim adjoins or is adjacent to a highway or road maintained by the Department of Highways, no surface mining operations shall be carried on within 150 feet of the limits of the highway or road except with the consent in writing of the Minister. Surface operations within 150 feet of highway

2.—(1) Subsection 1 of section 47 of *The Mining Act* is amended by striking out the symbol and figure “\$4” in the sixth line and inserting in lieu thereof the symbol and figure “\$5”, so that the subsection shall read as follows: Rev. Stat., 236, s. 47, subs. 1, amended

(1) Mining lands in a provincial forest shall not be sold or granted but a lease of such lands may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each subsequent year, but the minimum rental shall be \$10 for the first year and \$5 for each subsequent year. Mining lands in provincial forest not to be sold

(2) Subsection 2 of the said section 47 is repealed and the following substituted therefor: Rev. Stat., c. 236, s. 47, subs. 2, re-enacted

(2) Every such lease shall be renewable in perpetuity for periods of ten years and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister may, in the circumstances of the case, deem proper. Renewal of leases

Rate (2a) The annual renewal rental shall be at the rate of 25 cents per acre, but the minimum annual rental shall be \$5.

Rev. Stat.,  
c. 236,  
amended **3.** *The Mining Act* is amended by adding thereto the following section:

Mining  
claims on  
agricultural  
lands

49a.—(1) Where the Minister of Lands and Forests certifies that land is suitable for disposition for agricultural purposes, a mining claim staked thereon shall not give the staker any right, title or interest in or to the surface rights.

Where  
surface  
rights  
necessary  
for mining  
operations

(2) Where surface rights on any such land are necessary to the carrying on of mining operations, the Minister may determine the part of the surface rights so required, and if not previously disposed of, may sell or award the surface rights or such portion thereof to the claim holder as he may deem essential to the efficient carrying on of mining operations, and he may require the claim holder to have such surveys made at the expense of the claim holder as he considers proper.

Rev. Stat.,  
c. 236,  
s. 52, subs. 3,  
amended **4.**—(1) Subsection 3 of section 52 of *The Mining Act* is amended by striking out all the words after the word “section” in the ninth line, so that the subsection shall read as follows:

Lands  
covered  
with water

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter-section or subdivision of a section, or have constituted a lot, quarter-section or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section or subdivision of a section.

Rev. Stat.,  
c. 236, s. 52,  
subs. 4,  
re-enacted (2) Subsection 4 of the said section 52 is repealed and the following substituted therefor:

Crown  
reservation

(4) Where a claim includes land covered with or bordering on water, there may be reserved for the Crown the surface rights not exceeding 400 feet in width from the high water mark.

- (5) Where a claim consists of or partly consists of land under navigable water, a lease or licence only to extract the mineral from the land under the navigable water may be granted. Land under navigable water
- (6) The annual rental of such lease or licence shall be at the rate of \$1 an acre for the first year and 25 cents an acre for each subsequent year, but the minimum annual rental shall be \$1. Rate
- (7) Subsections 3, 4 and 5 of section 47 shall apply *mutatis mutandis* to such licences and leases. S. 47, subss. 3, 4, 5 to apply

**5.** Subsection 3 of section 80 of *The Mining Act* is amended by adding at the end thereof the words "and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 80 subss. 3, amended

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by affidavit in the prescribed form, and the report shall show in detail, Work reports
- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who perform the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole, and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

**6.—**(1) Subsection 4 of section 81 of *The Mining Act* is amended by striking out the words "a compressed air drill or other power driven rock drill" in the first and second lines and inserting in lieu thereof the words "mechanical equipment" and by striking out the words "the drill" in the fourth line and inserting in lieu thereof the words "such mechanical equipment", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 81 subss. 4, amended

Mechanical  
equipment

- (4) Work done by mechanical equipment of a type approved by the Minister shall count as work at the rate of two days work in respect of each man necessarily employed in operating such mechanical equipment for each day of his employment.

Rev. Stat.,  
c. 236, s. 81,  
subs. 7,  
amended

(2) Subsection 7 of the said section 81 is amended by striking out the words "power driven mechanical equipment or equipment" in the first and second lines and by striking out the symbol and figure "\$5" in the fourth line and inserting in lieu thereof the symbol and figures "\$10", so that the subsection shall read as follows:

Stripping

- (7) The actual cost of stripping by other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$10 so spent not exceeding one hundred days work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister within thirty days of the recording of such work.

Rev. Stat.,  
c. 236, s. 89,  
re-enacted

7. Section 89 of *The Mining Act* is repealed and the following substituted therefor:

Relief  
against  
forfeiture

89.—(1) Where forfeiture or loss of rights occurs under subsection 4 of section 61 or under subsection 1 of section 88, the Judge may upon such terms as he deems just make an order relieving the person in default from such forfeiture or loss of rights, subject to the following:

1. Where forfeiture or loss of rights occurs under clause *a* of subsection 1 of section 88, the Judge's order shall authorize and require a special renewal of the claim holder's licence, which may be issued only on payment of twice the prescribed fee.
2. Where forfeiture or loss of rights occurs under clause *c* or *d* of subsection 1 of section 88, relief may be granted only within six months of such forfeiture or loss of rights, and in the case of forfeiture under clause *d* the claim holder shall file a proper report.
3. Not more than one order relieving from forfeiture or loss of rights shall be made in respect of the work required to be performed within one year immediately following the

recording of the claim, and not more than one order shall be made in respect of the performance of work required to be done in each succeeding period thereafter, nor shall any order made be extended.

- (2) If application is made to the Judge within thirty <sup>Extension of time</sup> days before the time forfeiture or loss of rights would occur, he may make an order or orders granting one extension of time in respect of one or more of the following:
1. For affixing the metal tags to the corner posts of the claim.
  2. For performing any work required to be performed in any twelve months period.
  3. For paying the money required for patent or lease.
- (3) Where before subsections 1 and 2 come into force <sup>Idem</sup> the Judge has made an order granting an extension of time for the fulfilment of the requirements of the Act, he may, notwithstanding anything in this section, make an order granting one additional extension of time for a period of not more than one year if application is made therefor before the forfeiture or loss of rights occurs.
- (4) Where the Judge extends the time for performing <sup>Filing of report</sup> work, the report of the performance thereof shall be filed within such extended time.
- (5) Where forfeiture or loss of rights has occurred, <sup>Re-staking</sup> the lands, mining rights or mining claims concerned shall not be open for staking until seven o'clock in the forenoon of the day immediately following that upon which forfeiture or loss of rights occurred.
- (6) No order made by the Judge under this section shall <sup>Filing of Judge's orders</sup> come into effect until it is filed in the office of the mining recorder for the mining division in which the claims are situated and until the prescribed fees are paid.
- (7) The recorder, upon any forfeiture or abandonment <sup>Cancellation of record</sup> of or loss of rights in a mining claim, shall forthwith enter a note thereof, with the date of entry, upon the

record of the claim and mark the record of the claim "Cancelled", and shall post up forthwith in his office a notice of cancellation.

Rev. Stat.,  
o. 236,  
amended

**8.** *The Mining Act* is amended by adding thereto the following section:

Licence  
to prospect  
by technical  
methods

205.—(1) Where the Minister is satisfied that any terrain, due to the paucity of rock outcrops or for any other reason, cannot be prospected or explored for its mineral possibilities by other than geophysical or other technical methods, he may, notwithstanding anything in this Act and subject to the approval of the Lieutenant-Governor in Council, issue a licence to prospect and explore any such area that he may designate for base metals and minerals, other than petroleum oil and natural gas, subject to the following:

1. The licence shall be for a term of three years and may contain such conditions as the Minister considers proper.
2. The fee for the licence shall be \$1,000 payable annually during the term of the licence.
3. The area for which a licence may be issued shall be in one parcel and shall not be greater than 64,000 acres.
4. A licensee may surrender his licence at any time upon giving written notice thereof to the Minister at least thirty days before the surrender is to take effect.
5. The Minister may terminate a licence at any time if he is satisfied that the licensee has not complied with this section and the conditions of the licence.
6. Before the issue of a licence the applicant therefor shall furnish to the Minister a cash deposit of \$25,000 which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has not complied with this section and with the conditions of the licence to the satisfaction of

the Minister, the deposit shall be forfeited to and become the property of the Crown.

7. A licensee shall expend annually in geophysical, geological or other exploratory work of a similar nature, or drilling, a sum equal to \$1 an acre, but in no case shall such annual expenditure be less than \$25,000.
8. A plan detailing the nature of a proposed annual expenditure shall be submitted to the Minister for approval within ninety days of the date of issue or anniversary date of the licence, as the case may be, and if the plan is approved, the exploratory work shall be commenced within six months thereafter.
9. The licensee shall,
  - (i) within thirty days after the anniversary date of the licence, prove to the satisfaction of the Minister that he has expended the amount required in the manner provided in item 7,
  - (ii) within sixty days of completion submit to the Minister full reports and plans of all geological or geophysical examinations, drillings or other exploratory work, including detailed logs of all holes drilled,
  - (iii) correctly label all drill cores and cuttings, and
  - (iv) permit the Minister or his authorized agent to examine all drill cores and cuttings at any time not later than six months after the completion of the drilling.
- (2) If a deposit of mineral is found by a licensee which in <sup>Lease</sup> the opinion of the Minister is of economic importance, the licensee shall be entitled to apply for a lease comprising not more than 10 per cent of the area for which the licence was issued.
- (3) The lease shall be for a term of ten years and shall <sup>Idem</sup> contain such conditions as the Minister deems proper.

Rental (4) The annual rental shall be at the rate of not less than 50 cents nor more than \$5 an acre.

Renewal (5) The lease may be renewed for terms of ten years at such rental and subject to such conditions as the Minister deems proper.

Regulations (6) The Lieutenant-Governor in Council may make such regulations as he deems expedient for the better carrying out of this section.

Rev. Stat., c. 236, Sched., Items 2, 4, repealed 9.—(1) Items 2 and 4 of the Schedule to *The Mining Act* are repealed.

Rev. Stat., c. 236, Sched., item 18, re-enacted (2) Item 18 of the Schedule to *The Mining Act* is repealed and the following substituted therefor:

18. For recording an order of the Judge relieving against forfeiture or loss of rights, extending the time for performing working conditions, or both, or authorizing the filing of a belated report of work, affixing metal tags or making application and payment for patent or lease, per claim.....\$5.00

Rev. Stat., c. 236, Sched., item 23, re-enacted (3) Item 23 of the Schedule to *The Mining Act* is repealed and the following substituted therefor:

23. For abstract or copy of entries in record book respecting any mining claim..... .50

Short title 10. This Act may be cited as *The Mining Amendment Act, 1953*.





#### EXPLANATORY NOTE

*The Research Council Act, 1948* establishes the Research Council of Ontario. It is composed of not more than twelve members appointed by the Lieutenant-Governor in Council.

Except in the case of certain of the first appointments, each member is appointed for a term of three years and any member may be re-appointed for one additional term of three years.

The amendment enlarges the power of re-appointment so that the members may be re-appointed for any number of three-year terms.

# BILL

## An Act to amend The Research Council Act, 1948

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

1. Section 3 of *The Research Council Act, 1948* is amended <sup>1948, c. 79, s. 3,</sup> by striking out the words "additional term" in the seventh <sup>amended</sup> line and inserting in lieu thereof the words "or more additional terms", so that the section shall read as follows:
  3. Each member of the Council shall be appointed for <sup>Members,</sup> a term of three years from the date of his appoint- <sup>term of</sup> ment, except that of the first appointments not more than four members may be appointed for four years and not more than four members for five years, so as to establish a system of retirement in rotation, and a member shall be eligible for re-appointment for one or more additional terms of three years.
2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>
3. This Act may be cited as *The Research Council Amend-* <sup>Short title</sup> *ment Act, 1953.*

BILL

An Act to amend The Research  
Council Act, 1948

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*1st Reading*

February 18th, 1953

*2nd Reading*

*3rd Reading*

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MR. WARRENDER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend  
The Research Council Act, 1948

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MR. WARRENDER

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# BILL

## An Act to amend The Research Council Act, 1948

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

1. Section 3 of *The Research Council Act, 1948* is amended by striking out the words "additional term" in the seventh line and inserting in lieu thereof the words "or more additional terms", so that the section shall read as follows:

1948, c. 79,  
s. 3,  
amended

3. Each member of the Council shall be appointed for a term of three years from the date of his appointment, except that of the first appointments not more than four members may be appointed for four years and not more than four members for five years, so as to establish a system of retirement in rotation, and a member shall be eligible for re-appointment for one or more additional terms of three years.

Members,  
term of  
appointment

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Research Council Amendment Act, 1953*.

Short title

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BILL

An Act to amend The Research  
Council Act, 1948

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*1st Reading*

February 18th, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

March 18th, 1953

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MR. WARRENDER

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No. 69

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Agricultural Societies Act**

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MR. THOMAS (Elgin)

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. The amount that a society may receive as an annual grant is increased from \$800 to \$1,000.

SECTION 2. The amendment provides that grants for capital expenditures are not to exceed one-quarter of the capital expenditure and that grants may be received from local organizations.

# BILL

## An Act to amend The Agricultural Societies Act

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

**1.** Subclause ii of clause *d* of subsection 1 of section 24 of *The Agricultural Societies Act* is amended by striking out the symbol and figures "\$800" in the second line and inserting in lieu thereof the symbol and figures "\$1,000", so that the subclause shall read as follows:

Rev. Stat.,  
c. 13, s. 24,  
subs. 1, cl. *d*,  
subcl. ii,  
amended

- (ii) no society shall in any year be entitled to receive a grant in excess of \$1,000.

**2.**—(1) Clause *a* of subsection 2 of section 26 of *The Agricultural Societies Act* is amended by striking out the word "one-third" and inserting in lieu thereof the word "one-quarter", so that the clause shall read as follows:

Rev. Stat.,  
c. 13, s. 26,  
subs. 2, cl. *a*,  
amended

- (a) one-quarter of the amount of the capital expenditure;  
or

. . . . .

(2) Clause *b* of subsection 2 of the said section 26 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 13, s. 26,  
subs. 2, cl. *b*,  
re-enacted

- (b) the total amount of the grants received from municipalities and local organizations on account of the capital expenditure; or

. . . . .

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Agricultural Societies Amendment Act, 1953*.

Short title

BILL

An Act to amend The Agricultural  
Societies Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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Mr. THOMAS (Elgin)

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No. 69

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Agricultural Societies Act**

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MR. THOMAS (Elgin)

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Agricultural Societies Act

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

**1.** Subclause ii of clause *d* of subsection 1 of section 24 of *The Agricultural Societies Act* is amended by striking out the symbol and figures "\$800" in the second line and inserting in lieu thereof the symbol and figures "\$1,000", so that the subclause shall read as follows:

Rev. Stat.,  
c. 13, s. 24,  
subs. 1, cl. *d*,  
subcl. ii,  
amended

- (ii) no society shall in any year be entitled to receive a grant in excess of \$1,000.

**2.**—(1) Clause *a* of subsection 2 of section 26 of *The Agricultural Societies Act* is amended by striking out the word "one-third" and inserting in lieu thereof the word "one-quarter", so that the clause shall read as follows:

Rev. Stat.,  
c. 13, s. 26,  
subs. 2, cl. *a*,  
amended

- (a) one-quarter of the amount of the capital expenditure;  
or

. . . . .

(2) Clause *b* of subsection 2 of the said section 26 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 13, s. 26,  
subs. 2, cl. *b*,  
re-enacted

- (b) the total amount of the grants received from municipalities and local organizations on account of the capital expenditure; or

. . . . .

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Agricultural Societies Amendment Act, 1953*.

Short title

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BILL

An Act to amend The Agricultural Societies Act

---

*1st Reading*

February 25th, 1953

*2nd Reading*

March 17th, 1953

*3rd Reading*

March 30th, 1953

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MR. THOMAS (Elgin)

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No. 70

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Agricultural  
Associations Act

---

MR. THOMAS (Elgin)

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EXPLANATORY NOTE

The purpose of the amendment is to provide for ownership of land by an association that has been designated under section 2 of *The Agricultural Associations Act*.

No. 70

1953

# BILL

## An Act to amend The Agricultural Associations Act

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

**1.** *The Agricultural Associations Act* is amended by adding thereto the following section: Rev. Stat., c. 8, amended

19a.—(1) Any association, society, institute or organization mentioned in or designated under section 2 shall have power to acquire and hold land for such purposes as the Lieutenant-Governor in Council may approve and shall have power to sell, mortgage, lease or otherwise dispose of such land. Power of associations to acquire and hold land

(2) The Lieutenant-Governor in Council may regulate and govern the acquisition, holding or disposition of land by associations, societies, institutes or organizations, or by any one or more of them. Power of Lieutenant-Governor in Council to regulate

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Agricultural Associations Amendment Act, 1953*. Short title

BILL

An Act to amend The Agricultural  
Associations Act

---

*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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MR. THOMAS (Elgin)

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No. 70

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Agricultural  
Associations Act

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MR. THOMAS (Elgin)

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TORONTO  
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No. 70

1953

# BILL

## An Act to amend The Agricultural Associations Act

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

**1.** *The Agricultural Associations Act* is amended by adding thereto the following section: Rev. Stat., c. 8, amended

19a.—(1) Any association, society, institute or organization mentioned in or designated under section 2 shall have power to acquire and hold land for such purposes as the Lieutenant-Governor in Council may approve and shall have power to sell, mortgage, lease or otherwise dispose of such land. Power of associations to acquire and hold land

(2) The Lieutenant-Governor in Council may regulate and govern the acquisition, holding or disposition of land by associations, societies, institutes or organizations, or by any one or more of them. Power of Lieutenant-Governor in Council to regulate

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Agricultural Associations Amendment Act, 1953*. Short title

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---

BILL

An Act to amend The Agricultural  
Associations Act

---

*1st Reading*

February 25th, 1953

*2nd Reading*

March 17th, 1953

*3rd Reading*

March 30th, 1953

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MR. THOMAS (Elgin)

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Edible Oil Products**  
**Act, 1952**

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Mr. THOMAS (Elgin)

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EXPLANATORY NOTES

SECTION 1. Dairy product is redefined.

SECTION 2. The section is redrafted to add certain provisions to protect the public in respect of the sale of products to which *The Edible Oil Products Act, 1952* applies.

# BILL

## An Act to amend The Edible Oil Products Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Edible Oil Products Act, 1952* <sup>1952, c. 26, s. 1, cl. 5, re-enacted</sup> is repealed and the following substituted therefor:

(*b*) "dairy product" means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk, sherbet, or any other product manufactured wholly or mainly from milk, that contains no fat or oil other than that of milk.

2. Section 6 of *The Edible Oil Products Act, 1952* is repealed <sup>1952, c. 26, s. 6, re-enacted</sup> and the following substituted therefor:

6. The Lieutenant-Governor in Council may make <sup>Regulations</sup> regulations,

- (*a*) designating the edible oil products or classes of edible oil products to which this Act applies;
- (*b*) prescribing the standards of quality for and the composition of any edible oil product or class of edible oil product;
- (*c*) prohibiting the manufacture and sale of any edible oil product or class of edible oil product to which this Act applies;
- (*d*) exempting any edible oil product within any class of edible oil product to which this Act applies from the provisions of this Act and the regulations;
- (*e*) providing for the issue of licences to manufacturers and wholesalers of any edible oil

product and prescribing the form, terms and conditions thereof and the fees to be paid therefor, and providing for the renewal, suspension and cancellation thereof;

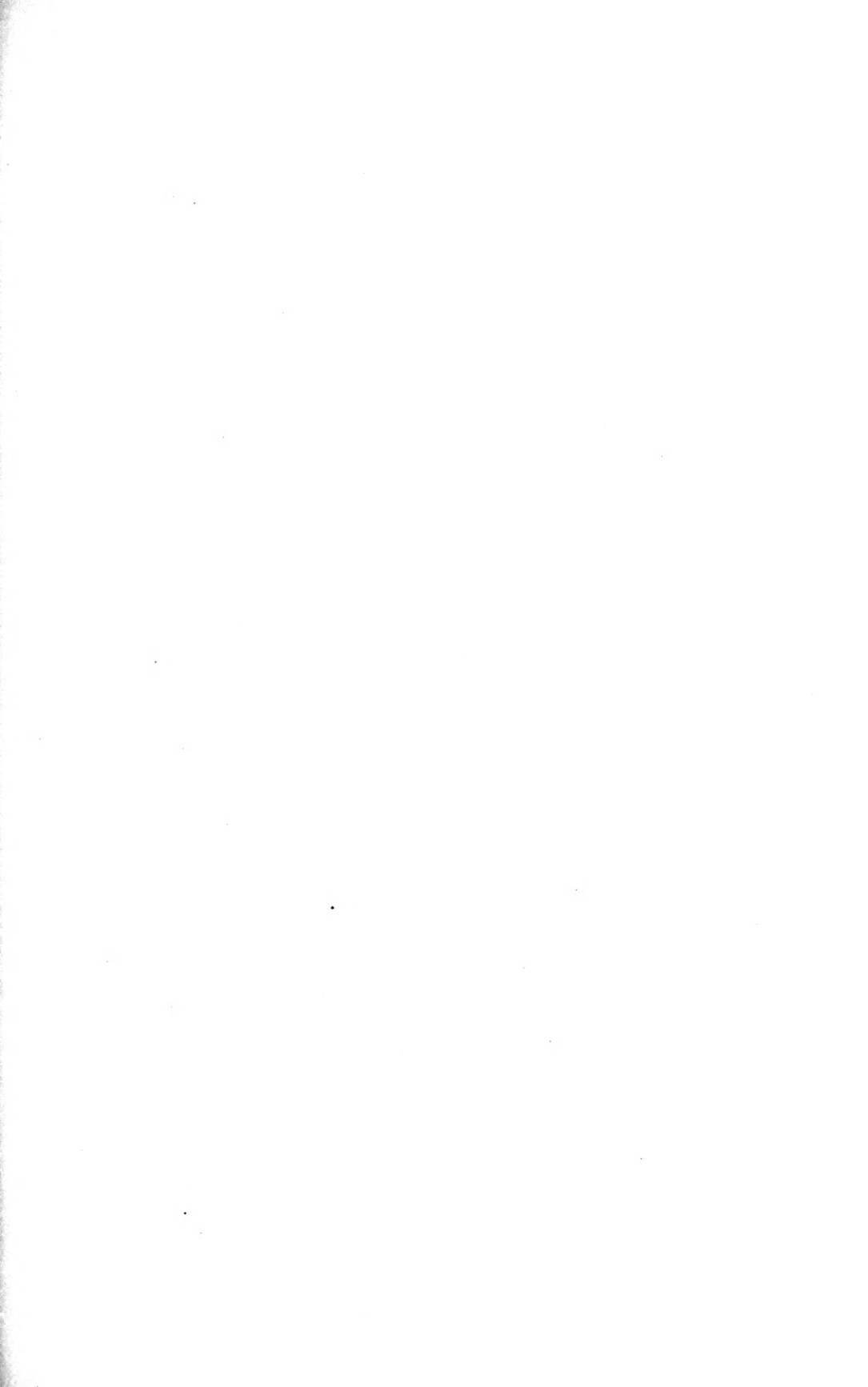
- (f) prescribing the records to be kept by manufacturers and wholesalers of any edible oil product;
- (g) prescribing the powers and duties of inspectors and analysts;
- (h) respecting the advertising and the labelling of containers of any edible oil product or class of edible oil product;
- (i) providing for the detention and confiscation of any edible oil product which does not comply with the provisions of this Act and the regulations;
- (j) exempting any manufacturer or wholesaler from the provisions of this Act and the regulations;
- (k) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**3.** This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

**4.** This Act may be cited as *The Edible Oil Products Amendment Act, 1953*.







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BILL

An Act to amend The Edible Oil  
Products Act, 1952

---

*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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MR. THOMAS (Elgin)

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Mining Tax Act**

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MR. KELLY

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The subsection as re-enacted contains these new features:

1. Mining locations and mining claims are sometimes divided and the parts owned by different persons. This fact is recognized by the insertion of the words "or part thereof" in the appropriate places.
2. Licences of occupation are deleted, thus exempting these licensees from the acreage tax. Henceforth they will be liable only for annual rental under *The Mining Act*.
3. The minimum tax, which is now \$1 in all cases, is increased to \$4 in the case of mining locations, etc., in territory without municipal organization.

# BILL

## An Act to amend The Mining Tax Act

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

**1.**—(1) Subsection 1 of section 14 of *The Mining Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 237, s. 14,  
subs. 1,  
re-enacted

(1) Except as hereinafter provided,

Acreage tax

- (a) every mining location or part thereof and every mining claim or part thereof in territory without municipal organization held either mediately or immediately under patent or lease acquired under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (b) all land in territory without municipal organization being held or used for mining purposes howsoever patented or alienated from the Crown;
- (c) all mining rights in, upon or under every mining location or part thereof and every mining claim or part thereof in a municipality and patented or leased under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (d) all mining rights in, upon or under land in a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
- (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,

shall be liable for, and the owner, holder and lessee thereof shall pay an acreage tax of 10 cents per acre in each year, provided that the minimum tax shall be \$1 per year in a municipality and \$4 per year in territory without municipal organization.

Rev. Stat.,  
c. 237, s. 11,  
amended (2) The said section 14 is further amended by adding thereto the following subsection:

Exemption (1a) No such tax shall be payable in respect of mining lands or mining rights granted by the Crown under lease or renewal lease issued on or after the 1st day of June, 1953.

Commence-  
ment **2.**—(1) This Act, except subsection 2 of section 1, comes into force on the 1st day of January, 1954.

Idem (2) Subsection 2 of section 1 comes into force on the day this Act receives Royal Assent.

Short title **3.** This Act may be cited as *The Mining Tax Amendment Act, 1953*.

Subsection 2. Lands leased under *The Mining Act* are subject to rental payments and also to the acreage tax. The proposal is to exempt these lands from acreage tax and to raise the rental payments to compensate therefor, thus simplifying the situation and lessening the accounting involved. This is effective on June 1st of this year.

SECTION 2. With the exception mentioned above the changes effected by the bill will apply in the year 1954 and thereafter.





BILL

An Act to amend The Mining Tax Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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MR. KELLY

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No. 72

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Mining Tax Act**

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MR. KELLY

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Mining Tax Act

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

1.—(1) Subsection 1 of section 14 of *The Mining Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 237, s. 14,  
subs. 1,  
re-enacted

(1) Except as hereinafter provided,

Acreage tax

- (a) every mining location or part thereof and every mining claim or part thereof in territory without municipal organization held either mediately or immediately under patent or lease acquired under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (b) all land in territory without municipal organization being held or used for mining purposes howsoever patented or alienated from the Crown;
- (c) all mining rights in, upon or under every mining location or part thereof and every mining claim or part thereof in a municipality and patented or leased under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (d) all mining rights in, upon or under land in a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
- (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,

shall be liable for, and the owner, holder and lessee thereof shall pay an acreage tax of 10 cents per acre in each year, provided that the minimum tax shall be \$1 per year in a municipality and \$4 per year in territory without municipal organization.

Rev. Stat.,  
c. 237, s. 14,  
amended

(2) The said section 14 is further amended by adding thereto the following subsection:

Exemption

(1a) No such tax shall be payable in respect of mining lands or mining rights granted by the Crown under lease or renewal lease issued on or after the 1st day of June, 1953.

Commence-  
ment

2.—(1) This Act, except subsection 2 of section 1, comes into force on the 1st day of January, 1954.

Idem

(2) Subsection 2 of section 1 comes into force on the day this Act receives Royal Assent.

Short title

3. This Act may be cited as *The Mining Tax Amendment Act, 1953*.







BILL

An Act to amend The Mining Tax Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 5th, 1953

*3rd Reading*

March 13th, 1953

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MR. KELLY

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Canada Company's  
Lands Act, 1922

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MR. KELLY

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#### EXPLANATORY NOTES

GENERAL. Large tracts of land were granted many years ago by the Crown to the Canada Company for colonization purposes. When the Company sold land to settlers it reserved to itself the mineral rights. Since 1919 the Company has released to the Crown the mineral rights in hundreds of thousands of acres of these lands in order to avoid acreage tax under *The Mining Tax Act*. *The Canada Company's Lands Act, 1922* provided for the sale of these mineral rights to the owners of the land upon proof of ownership.

SECTION 1. Self-explanatory.

SECTIONS 2 and 3. As many of the descriptions of the lands concerned cannot be followed on the ground, provision is made for surveys.

# BILL

## An Act to amend The Canada Company's Lands Act, 1922

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

1. Section 3 of *The Canada Company's Lands Act, 1922* is amended by striking out the words "twenty-five cents" in the second line and inserting in lieu thereof the symbol and figure "\$1" and by striking out the words "ten dollars" in the third line and inserting in lieu thereof the symbol and figures "\$25", so that the section shall read as follows:
  3. The price to be paid by the owner purchasing under section 2, shall be at the rate of \$1 per acre, but in no case less than \$25 for any such grant.
2. Section 4 of *The Canada Company's Lands Act, 1922* is amended by striking out the words "without survey and" in the first line and the words "*of Ontario*" in the third line, so that the section shall read as follows:
  4. A grant may issue without performance of any of the conditions or requirements of *The Mining Act*.
3. *The Canada Company's Lands Act, 1922* is amended by adding thereto the following section:
  - 4a. The Minister of Mines may require the lands to be surveyed by an Ontario land surveyor at the expense of the applicant.
4. This Act may be cited as *The Canada Company's Lands Amendment Act, 1953*.

BILL

An Act to amend The Canada  
Company's Lands Act, 1922

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*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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MR. KELLY

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No. 73

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

**An Act to amend The Canada Company's  
Lands Act, 1922**

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MR. KELLY

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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No. 73

1953

# BILL

## An Act to amend The Canada Company's Lands Act, 1922

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

1. Section 3 of *The Canada Company's Lands Act, 1922* is <sup>1922, c. 24, s. 3, amended</sup> amended by striking out the words "twenty-five cents" in the second line and inserting in lieu thereof the symbol and figure "\$1" and by striking out the words "ten dollars" in the third line and inserting in lieu thereof the symbol and figures "\$25", so that the section shall read as follows:

3. The price to be paid by the owner purchasing under <sup>Price</sup> section 2, shall be at the rate of \$1 per acre, but in no case less than \$25 for any such grant.

2. Section 4 of *The Canada Company's Lands Act, 1922* <sup>1922, c. 24, s. 4, amended</sup> is amended by striking out the words "without survey and" in the first line and the words "*of Ontario*" in the third line. so that the section shall read as follows:

4. A grant may issue without performance of any of the <sup>Conditions</sup> conditions or requirements of *The Mining Act*. <sup>Rev. Stat., c. 236</sup>

3. *The Canada Company's Lands Act, 1922* is amended by <sup>1922, c. 24, amended</sup> adding thereto the following section:

4a. The Minister of Mines may require the lands to be <sup>Survey of lands</sup> surveyed by an Ontario land surveyor at the expense of the applicant.

4. This Act may be cited as *The Canada Company's Lands <sup>Short title</sup> Amendment Act, 1953*.

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BILL

An Act to amend The Canada  
Company's Lands Act, 1922

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 5th, 1953

*3rd Reading*

March 13th, 1953

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Mr. KELLY

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

**An Act to amend The Workmen's Compensation Act**

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MR. DALEY

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. At present an employer is only assessed on the wages of workmen employed outside Ontario where such employment lasts less than six months and the workmen in case of accident are only entitled to compensation during that period. The amendment meets the request of many employers who desire coverage for their workmen beyond the period of six months.

Subsection 2. This amendment extends the scope of the section to include accidents happening on aircraft, trucks, buses, etc.

Subsection 3. At present an employer is liable for assessment on the wages of Ontario workmen employed out of the province for less than six months. He may also be liable for assessment on the wages of the same workmen in another province. This amendment authorizes the Board to make arrangements with the Workmen's Compensation Board or Commission of another province so that this duplication of assessment may be avoided.

# BILL

## An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 430, s. 6, amended

(1a) Where the place of business or chief place of business of the employer is situate in Ontario and the residence and usual place of employment of the workman are in Ontario and the employment of the workman out of Ontario lasts or is likely to last six or more months, the employer may apply to the Board to be assessed on the earnings of such workman and, if the application is accepted by the Board, the workman, if injured by accident happening out of Ontario, or his dependants, shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario. Accident while workman employed out of Ontario for 6 or more months

(2) Subsection 4 of the said section 6 is amended by inserting after the word "railway" in the second line the words "or on an aircraft, or on a truck, bus or other vehicle used in the transportation of passengers or any goods or substance", so that the subsection shall read as follows: Rev. Stat., c. 430, s. 6, subs. 4, amended

(4) Where an accident happens out of Ontario on a steamboat, ship or vessel, or on a railway, or on an aircraft, or on a truck, bus or other vehicle used in the transportation of passengers or any goods or substance and the residence of the workman is in Ontario and the work or service rendered by him is required to be performed both in and out of Ontario, the workman or his dependants shall be entitled to compensation under this Part as if the accident had happened in Ontario. Accidents on ships, railways, aircraft, etc.

(3) The said section 6 is further amended by adding thereto the following subsection: Rev. Stat., c. 430, s. 6, amended

Authority to avoid duplication of assessments

- (7) With a view to avoiding duplication of assessments to which an employer may be liable on the earnings of workmen who are employed part of the time in Ontario and part of the time in another province of Canada, the Board may make an agreement with the Workmen's Compensation Board or Commission of that province for such adjustment of assessments as is equitable and may reimburse such other Board or Commission for any payment of compensation, rehabilitation or medical aid made by it under such agreement.

Rev. Stat., c. 430, s. 9, amended

2. Section 9 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Where dependants are infants

- (4a) Where there are infant dependants, the election may be made on their behalf by a parent or guardian.

Rev. Stat., c. 430, s. 36, subs. 1, amended

- 3.—(1) Subsection 1 of section 36 of *The Workmen's Compensation Act* is amended by striking out the words "irrespective of the date of the accident" in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

Compensation in case of death

- (1) Where death results from an injury, the amount of the compensation shall be,

. . . . .

Rev. Stat., c. 430, s. 36, subs. 1, cls. c, d, e, re-enacted

- (2) Clauses c, d and e of subsection 1 of the said section 36 are repealed and the following substituted therefor:

- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$75;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$75, with an additional monthly payment of \$25 to be increased upon the death of the widow or invalid husband to \$35 for each child under the age of 16 years;
- (e) where the dependants are children, a monthly payment of \$35 to each child under the age of 16 years.

Rev. Stat., c. 430, s. 36, subs. 3, cls. a, b, c, re-enacted

- (3) Clauses a, b and c of subsection 3 of the said section 36 are repealed and the following substituted therefor:

- (a) where the widow or an invalid husband is the sole dependant, \$75;

SECTION 2. Section 9 of the Act provides that where an accident happens to a workman in the course of his employment under circumstances that entitle him or his dependants to an action against some person other than his employer, an election exists under which compensation may be claimed or the action brought.

The new subsection 4*a* covers the case where the person having the election is an infant.

SECTION 3—Subsection 1 and SECTION 4. The effect of these provisions is that the increases in compensation for dependants will apply only to accidents happening on or after the day this Act receives Royal Assent.

Subsection 2—Clause *c*—Where the widow or invalid husband is the sole dependant, the monthly payment is increased from \$50 to \$75. Clause *d*—The monthly compensation to a widow or invalid husband with one or more children is increased from \$50 to \$75; children's payments from \$12 to \$25 each, and the children's payments on death of the widow are increased from \$20 to \$35 each. Clause *e*—Where the dependants are children only, the monthly payment is increased from \$20 to \$35 each.

Subsection 3. Section 36(3) of the Act provides that the monthly compensation to dependants cannot in any case exceed the average monthly earnings of the deceased workman. However, it further provides that irrespective of the workman's earnings the compensation payable shall not fall below certain minimum monthly payments. This amendment increases these payments as follows: Clause *a*—The monthly payment to a widow or invalid husband is increased from \$50 to \$75. Clause *b*—The monthly compensation to a widow or invalid husband with one or more children is increased from \$50 to \$75; children's monthly payments from \$12 to \$25 each, and the children's monthly payments on death of the widow are increased from \$20 to \$35 each. Payments in the whole are increased from \$100 to \$150 a month. Clause *c*—Where the dependants are children only, payment to each child of \$20 a month is increased to \$35, and payment in the whole from \$100 to \$150 a month.

SECTION 4. Self explanatory.

- (b) where the dependants are a widow or an invalid husband and one or more children, \$75 for the widow or invalid husband with a further payment of \$25, to be increased on the death of the widow or invalid husband to \$35, for each child, not exceeding in the whole \$150; or
- (c) where the dependants are children, \$35 to each child, not exceeding in the whole \$150.

**4.** Section 3 applies only where the accident happens on or after the day this Act comes into force, and where the accident happened before that day the amount of the compensation shall be the same as if section 3 had not been passed.

**5.** This Act comes into force on the day it receives Royal Assent.

**6.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1953*.

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BILL

An Act to amend The Workmen's  
Compensation Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. DALEY

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No. 74

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Workmen's Compensation Act

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MR. DALEY

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*(Reprinted as amended by the Committee of the Whole House)*

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TORONTO  
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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. At present an employer is only assessed on the wages of workmen employed outside Ontario where such employment lasts less than six months and the workmen in case of accident are only entitled to compensation during that period. The amendment meets the request of many employers who desire coverage for their workmen beyond the period of six months.

Subsection 2. This amendment extends the scope of the section to include accidents happening on aircraft, trucks, buses, etc.

Subsection 3. At present an employer is liable for assessment on the wages of Ontario workmen employed out of the province for less than six months. He may also be liable for assessment on the wages of the same workmen in another province. This amendment authorizes the Board to make arrangements with the Workmen's Compensation Board or Commission of another province so that this duplication of assessment may be avoided.

# BILL

## An Act to amend The Workmen's Compensation Act

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

1.—(1) Section 6 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 430, s. 6, amended

(1a) Where the place of business or chief place of business of the employer is situate in Ontario and the residence and usual place of employment of the workman are in Ontario and the employment of the workman out of Ontario lasts or is likely to last six or more months, the employer may apply to the Board to be assessed on the earnings of such workman and, if the application is accepted by the Board, the workman, if injured by accident happening out of Ontario, or his dependants, shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario. Accident while workman employed out of Ontario for 6 or more months

(2) Subsection 4 of the said section 6 is amended by inserting after the word "railway" in the second line the words "or on an aircraft, or on a truck, bus or other vehicle used in the transportation of passengers or any goods or substance", so that the subsection shall read as follows: Rev. Stat., c. 430, s. 6, subs. 4, amended

(4) Where an accident happens out of Ontario on a steamboat, ship or vessel, or on a railway, or on an aircraft, or on a truck, bus or other vehicle used in the transportation of passengers or any goods or substance and the residence of the workman is in Ontario and the work or service rendered by him is required to be performed both in and out of Ontario, the workman or his dependants shall be entitled to compensation under this Part as if the accident had happened in Ontario. Accidents on ships, railways, aircraft, etc.

(3) The said section 6 is further amended by adding thereto the following subsection: Rev. Stat., c. 430, s. 6, amended

Authority to avoid duplication of assessments

(7) With a view to avoiding duplication of assessments to which an employer may be liable on the earnings of workmen who are employed part of the time in Ontario and part of the time in another province or territory of Canada, the Board may make an agreement with the workmen's compensation authority of that province or territory for such adjustment of assessments as is equitable and may reimburse such other authority for any payment of compensation, rehabilitation or medical aid made by it under such agreement, and may, in order to give effect to any such agreement, relieve any such employer from assessment or reduce the amount thereof.

Rev. Stat., c. 430, s. 9, amended

2. Section 9 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Where dependants are infants

(4a) Where there are infant dependants, the election may be made on their behalf by a parent or guardian.

Rev. Stat., c. 430, s. 36, subs. 1, amended

3.—(1) Subsection 1 of section 36 of *The Workmen's Compensation Act* is amended by striking out the words "irrespective of the date of the accident" in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

Compensation in case of death

(1) Where death results from an injury, the amount of the compensation shall be,

. . . . .

Rev. Stat., c. 430, s. 36, subs. 1, cls. c, d, e, re-enacted

(2) Clauses *c*, *d* and *e* of subsection 1 of the said section 36 are repealed and the following substituted therefor:

(c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$75;

(d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$75, with an additional monthly payment of \$25 to be increased upon the death of the widow or invalid husband to \$35 for each child under the age of 16 years;

(e) where the dependants are children, a monthly payment of \$35 to each child under the age of 16 years.

Rev. Stat., c. 430, s. 36, subs. 3, cls. a, b, c, re-enacted

(3) Clauses *a*, *b* and *c* of subsection 3 of the said section 36 are repealed and the following substituted therefor:

SECTION 2. Section 9 of the Act provides that where an accident happens to a workman in the course of his employment under circumstances that entitle him or his dependants to an action against some person other than his employer, an election exists under which compensation may be claimed or the action brought.

The new subsection 4*a* covers the case where the person having the election is an infant.

SECTION 3—Subsection 1 and SECTION 4. The effect of these provisions is that the increases in compensation for dependants will apply only to accidents happening on or after the day this Act receives Royal Assent.

Subsection 2—Clause *c*—Where the widow or invalid husband is the sole dependant, the monthly payment is increased from \$50 to \$75. Clause *d*—The monthly compensation to a widow or invalid husband with one or more children is increased from \$50 to \$75; children's payments from \$12 to \$25 each, and the children's payments on death of the widow are increased from \$20 to \$35 each. Clause *e*—Where the dependants are children only, the monthly payment is increased from \$20 to \$35 each.

Subsection 3. Section 36(3) of the Act provides that the monthly compensation to dependants cannot in any case exceed the average monthly earnings of the deceased workman. However, it further provides that irrespective of the workman's earnings the compensation payable shall not fall below certain minimum monthly payments. This amendment increases these payments as follows: Clause *a*—The monthly payment to a widow or invalid husband is increased from \$50 to \$75. Clause *b*—The monthly compensation to a widow or invalid husband with one or more children is increased from \$50 to \$75; children's monthly payments from \$12 to \$25 each, and the children's monthly payments on death of the widow are increased from \$20 to \$35 each. Payments in the whole are increased from \$100 to \$150 a month. Clause *c*—Where the dependants are children only, payment to each child of \$20 a month is increased to \$35, and payment in the whole from \$100 to \$150 a month.

SECTION 4. Self explanatory.

- (a) where the widow or an invalid husband is the sole dependant, \$75;
- (b) where the dependants are a widow or an invalid husband and one or more children, \$75 for the widow or invalid husband with a further payment of \$25, to be increased on the death of the widow or invalid husband to \$35, for each child, not exceeding in the whole \$150; or
- (c) where the dependants are children, \$35 to each child, not exceeding in the whole \$150.

**4.** Section 3 applies only where the accident happens on or after the day this Act comes into force, and where the accident happened before that day the amount of the compensation shall be the same as if section 3 had not been passed.

**5.** This Act comes into force on the day it receives Royal Assent.

**6.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1953*.

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BILL

An Act to amend The Workmen's  
Compensation Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

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MR. DALEY

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*(Reprinted as amended in Committee of the  
Whole House)*



No. 74

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

**An Act to amend The Workmen's Compensation Act**

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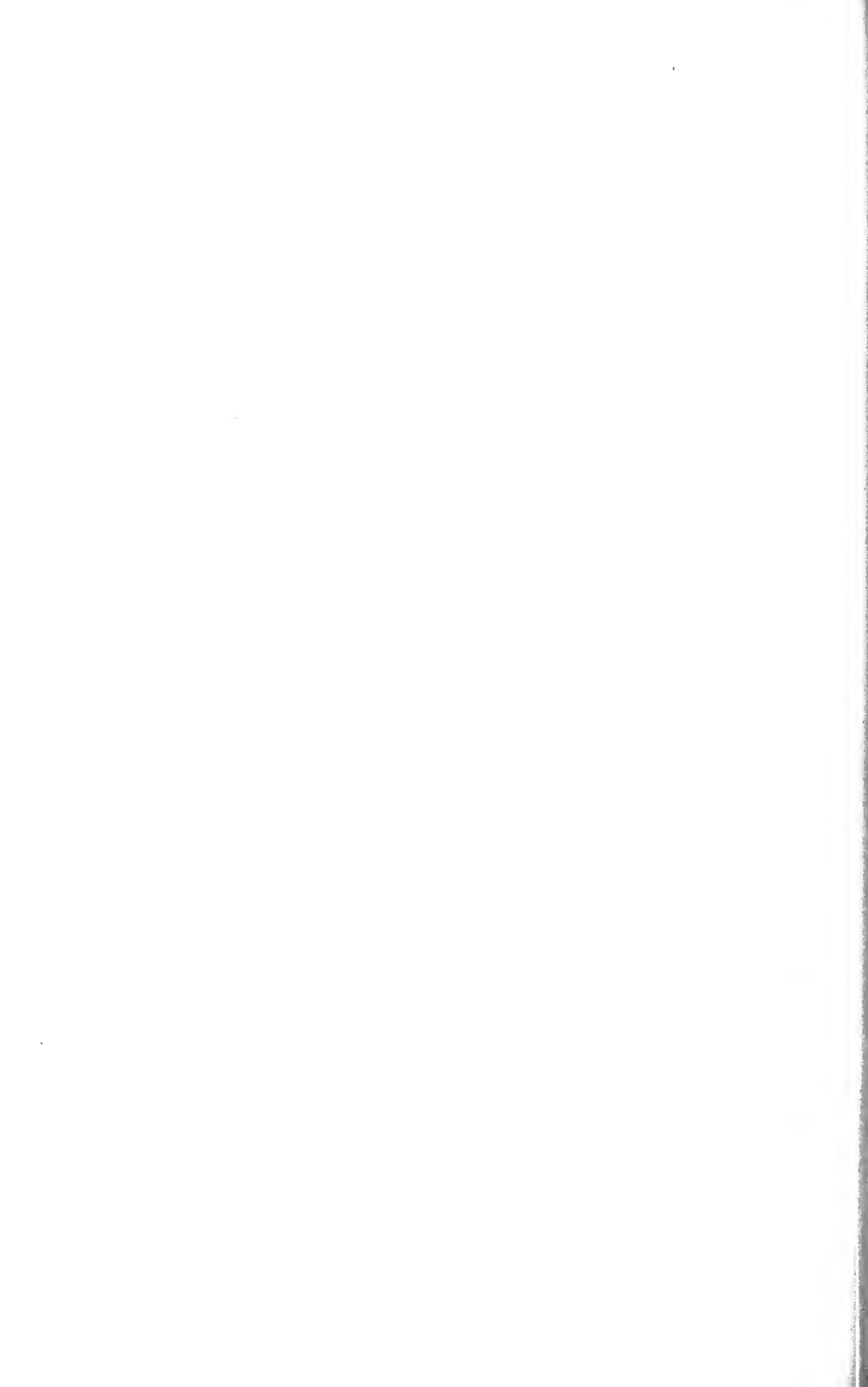
MR. DALEY

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TORONTO  
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# BILL

## An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 430, s. 6, amended

(1a) Where the place of business or chief place of business of the employer is situate in Ontario and the residence and usual place of employment of the workman are in Ontario and the employment of the workman out of Ontario lasts or is likely to last six or more months, the employer may apply to the Board to be assessed on the earnings of such workman and, if the application is accepted by the Board, the workman, if injured by accident happening out of Ontario, or his dependants, shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario. Accident while workman employed out of Ontario for 6 or more months

(2) Subsection 4 of the said section 6 is amended by inserting after the word "railway" in the second line the words "or on an aircraft, or on a truck, bus or other vehicle used in the transportation of passengers or any goods or substance", so that the subsection shall read as follows: Rev. Stat., c. 430, s. 6, subs. 4, amended

(4) Where an accident happens out of Ontario on a steamboat, ship or vessel, or on a railway, or on an aircraft, or on a truck, bus or other vehicle used in the transportation of passengers or any goods or substance and the residence of the workman is in Ontario and the work or service rendered by him is required to be performed both in and out of Ontario, the workman or his dependants shall be entitled to compensation under this Part as if the accident had happened in Ontario. Accidents on ships, railways, aircraft, etc.

(3) The said section 6 is further amended by adding thereto the following subsection: Rev. Stat., c. 430, s. 6, amended

Authority  
to avoid  
duplication  
of assess-  
ments

- (7) With a view to avoiding duplication of assessments to which an employer may be liable on the earnings of workmen who are employed part of the time in Ontario and part of the time in another province or territory of Canada, the Board may make an agreement with the workmen's compensation authority of that province or territory for such adjustment of assessments as is equitable and may reimburse such other authority for any payment of compensation, rehabilitation or medical aid made by it under such agreement, and may, in order to give effect to any such agreement, relieve any such employer from assessment or reduce the amount thereof.

Rev. Stat.,  
c. 430, s. 9,  
amended

2. Section 9 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Where  
dependants  
are infants

- (4a) Where there are infant dependants, the election may be made on their behalf by a parent or guardian.

Rev. Stat.,  
c. 430, s. 36,  
subs. 1,  
amended

- 3.—(1) Subsection 1 of section 36 of *The Workmen's Compensation Act* is amended by striking out the words "irrespective of the date of the accident" in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

Compensa-  
tion in case  
of death

- (1) Where death results from an injury, the amount of the compensation shall be,

. . . . .

Rev. Stat.,  
c. 430, s. 36,  
subs. 1,  
cls. c, d, e,  
re-enacted

- (2) Clauses *c*, *d* and *e* of subsection 1 of the said section 36 are repealed and the following substituted therefor:

- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$75;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$75, with an additional monthly payment of \$25 to be increased upon the death of the widow or invalid husband to \$35 for each child under the age of 16 years;
- (e) where the dependants are children, a monthly payment of \$35 to each child under the age of 16 years.

Rev. Stat.,  
c. 430, s. 36,  
subs. 3,  
cls. a, b, c,  
re-enacted

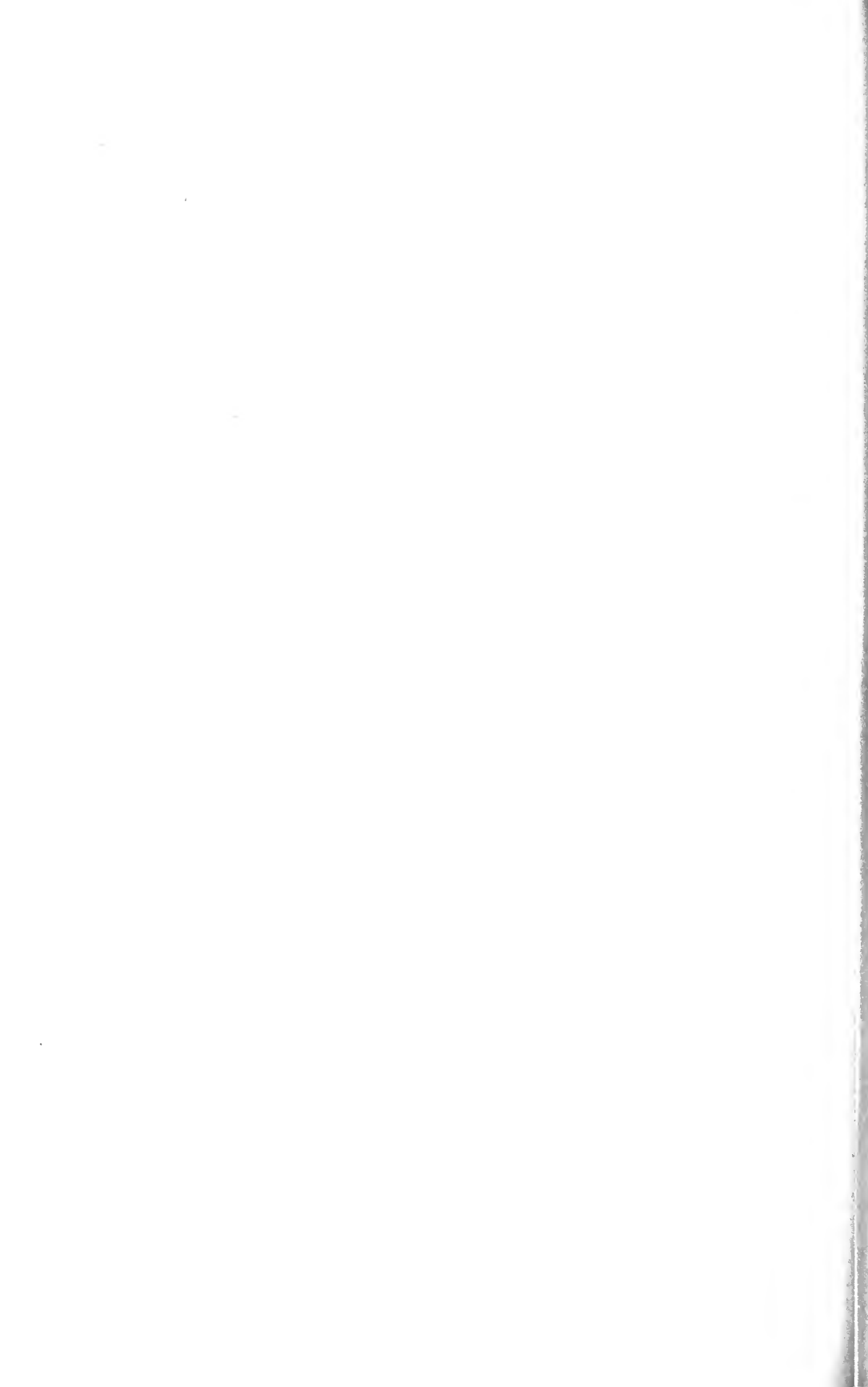
- (3) Clauses *a*, *b* and *c* of subsection 3 of the said section 36 are repealed and the following substituted therefor:

- (a) where the widow or an invalid husband is the sole dependant, \$75;
- (b) where the dependants are a widow or an invalid husband and one or more children, \$75 for the widow or invalid husband with a further payment of \$25, to be increased on the death of the widow or invalid husband to \$35, for each child, not exceeding in the whole \$150; or
- (c) where the dependants are children, \$35 to each child, not exceeding in the whole \$150.

**4.** Section 3 applies only where the accident happens on or <sup>Application</sup> after the day this Act comes into force, and where the accident <sub>of s. 3</sub> happened before that day the amount of the compensation shall be the same as if section 3 had not been passed.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sub>ment</sub>

**6.** This Act may be cited as *The Workmen's Compensation* <sup>Short title</sup> *Amendment Act, 1953.*





## BILL

An Act to amend The Workmen's  
Compensation Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

March 18th, 1953

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MR. DALEY

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No. 75

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Public Health Act

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MR. PHILLIPS

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TORONTO  
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#### EXPLANATORY NOTES

SECTIONS 1, 3, 6. The amendments provide that the Minister may exercise any powers conferred upon the Department under *The Public Health Act* and are designed to avoid conflict between regulations and municipal by-laws.

SECTIONS 2 and 5. At present the Act requires all persons doing fumigating or exterminating to be licensed. The amendment is designed to permit such persons as are exempted by the regulations to fumigate and exterminate without a licence where no serious hazards are involved.

SECTION 4. The amendment authorizes townships to increase the membership of local boards from 3 to 5 members.

# BILL

## An Act to amend The Public Health Act

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

**1.** *The Public Health Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 306,  
amended

1a. Where by this Act powers are conferred or duties imposed upon the Department, such powers may be exercised and duties discharged by the Minister. Powers of  
Minister

**2.** Section 5 of *The Public Health Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 306, s. 5,  
amended

(zdd) exempting any person or class of persons from the application of subsection 1 or 2, or both, of section 77 and prescribing the conditions under which such persons shall be exempt therefrom.

**3.** Section 7 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 306, s. 7,  
re-enacted

7. A regulation made by the Minister, with the approval of the Lieutenant-Governor in Council, shall supersede any municipal by-law, including the by-law in Schedule B, dealing with the same subject matter, and any such by-law shall be deemed to be revoked in so far as it is inconsistent with any such regulation. By-laws  
superseded  
by regu-  
lations

**4.** Subsection 4 of section 12 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 306, s. 12,  
subs. 4,  
re-enacted

(4) In a town having a population of less than 4,000 according to the enumeration of the assessors for the last preceding year and in every village, township and improvement district, the local board shall consist of the head of the municipality, the medical officer of health, and one resident ratepayer appointed annually by the council at its first meeting in every year. In towns of  
less than  
4,000,  
villages  
and town-  
ships, etc.

In townships  
of 4,000  
or over

- (4a) In a township having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide for the addition of two resident ratepayers to the local board to be appointed annually by the council at its first meeting in every year.

Rev. Stat.,  
c. 306, s. 77,  
amended

5. Section 77 of *The Public Health Act* is amended by adding thereto the following subsection:

Applica-  
tion of  
subs. 1 or 2

- (2a) Subsection 1 or 2 shall not apply to any person or class of persons exempt therefrom under the regulations.

Rev. Stat.,  
c. 306, s. 131,  
re-enacted

6. Section 131 of *The Public Health Act* is repealed and the following substituted therefor:

Application  
of Sched. B

- 131.—(1) Subject to section 7, the by-law in Schedule B shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality may pass by-laws with the approval of the Minister for making additional requirements in respect of any matters dealt with by the by-law in Schedule B.

Power of  
municipality  
to amend  
Sched. B

- (2) The council of any municipality may, with the approval of the Minister, amend the by-law in Schedule B for the purposes of such municipality, so as to conform to the requirements of the municipality or to meet such special circumstances as, in the opinion of the Minister, may warrant such amendment, and subject to section 7, every such amendment shall have the same force and authority as a regulation made by the Minister.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Public Health Amendment Act, 1953*.







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BILL

An Act to amend The Public Health Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. PHILLIPS



No. 75

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Public Health Act

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MR. PHILLIPS

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# BILL

## An Act to amend The Public Health Act

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

**1.** *The Public Health Act* is amended by adding thereto the following section: Rev. Stat., c. 306, amended

1a. Where by this Act powers are conferred or duties imposed upon the Department, such powers may be exercised and duties discharged by the Minister. Powers of Minister

**2.** Section 5 of *The Public Health Act* is amended by adding thereto the following clause: Rev. Stat., c. 306, s. 5, amended

(zdd) exempting any person or class of persons from the application of subsection 1 or 2, or both, of section 77 and prescribing the conditions under which such persons shall be exempt therefrom.

**3.** Section 7 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 7, re-enacted

7. A regulation made by the Minister, with the approval of the Lieutenant-Governor in Council, shall supersede any municipal by-law, including the by-law in Schedule B, dealing with the same subject matter, and any such by-law shall be deemed to be revoked in so far as it is inconsistent with any such regulation. By-laws superseded by regulations

**4.** Subsection 4 of section 12 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat., c. 306, s. 12, subs. 4, re-enacted

(4) In a town having a population of less than 4,000 according to the enumeration of the assessors for the last preceding year and in every village, township and improvement district, the local board shall consist of the head of the municipality, the medical officer of health, and one resident ratepayer appointed annually by the council at its first meeting in every year. In towns of less than 4,000, villages and townships, etc.

In townships  
of 4,000  
or over

(4a) In a township having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide for the addition of two resident ratepayers to the local board to be appointed annually by the council at its first meeting in every year.

Rev. Stat.,  
c. 306, s. 77,  
amended

5. Section 77 of *The Public Health Act* is amended by adding thereto the following subsection:

Applica-  
tion of  
subs. 1 or 2

(2a) Subsection 1 or 2 shall not apply to any person or class of persons exempt therefrom under the regulations.

Rev. Stat.,  
c. 306, s. 131,  
re-enacted

6. Section 131 of *The Public Health Act* is repealed and the following substituted therefor:

Application  
of Sched. B

131.—(1) Subject to section 7, the by-law in Schedule B shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality may pass by-laws with the approval of the Minister for making additional requirements in respect of any matters dealt with by the by-law in Schedule B.

Power of  
municipality  
to amend  
Sched. B

(2) The council of any municipality may, with the approval of the Minister, amend the by-law in Schedule B for the purposes of such municipality, so as to conform to the requirements of the municipality or to meet such special circumstances as, in the opinion of the Minister, may warrant such amendment, and subject to section 7, every such amendment shall have the same force and authority as a regulation made by the Minister.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Public Health Amendment Act, 1953*.







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BILL

An Act to amend The Public Health Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

April 1st, 1953

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MR. PHILLIPS

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No. 76

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Certified  
Public Accountants Act

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MR. PORTER

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#### EXPLANATORY NOTES

SECTION 1. This section will enable the Association to build and manage an office building.

SECTION 2. This section will remove any doubt that may otherwise arise as to the interpretation of certain of the sections of the Act incorporating the Association and ensure that the Association has been a corporation continuously since its incorporation in 1926.

# BILL

## An Act to amend The Certified Public Accountants Act

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

1. Section 2 of *The Certified Public Accountants Act* is repealed and the following substituted therefor: R.S.O. 1937, c. 236, s. 2, re-enacted

2. The Association may by resolution of the board, Powers as to land, etc.

- (a) purchase or otherwise acquire land;
- (b) erect on land held by it or acquire buildings, whether or not necessary for the use and occupation of the Association or for carrying on its undertakings, and lease any part of such buildings;
- (c) hold, mortgage, charge, lease, dispose of, sell, alienate or convey any property whether real or personal;
- (d) borrow money upon the credit of the Association, issue bonds, debentures and debenture stock or other securities and pledge or sell such bonds, debentures, debenture stock or other securities.

2. It is hereby declared that The Certified Public Accountants Association of Ontario is and has been since the 8th day of April, 1926, a body politic and corporate. Declaration re 1926, c. 124

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Certified Public Accountants Amendment Act, 1953*. Short title

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BILL

An Act to amend The Certified Public Accountants Act

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Certified  
Public Accountants Act

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MR. PORTER

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# BILL

## An Act to amend The Certified Public Accountants Act

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

**1.** Section 2 of *The Certified Public Accountants Act* is repealed and the following substituted therefor: R.S.O. 1937,  
c. 236, s. 2,  
re-enacted

**2.** The Association may by resolution of the board, Powers as to  
land, etc.

- (a) purchase or otherwise acquire land;
- (b) erect on land held by it or acquire buildings, whether or not necessary for the use and occupation of the Association or for carrying on its undertakings, and lease any part of such buildings;
- (c) hold, mortgage, charge, lease, dispose of, sell, alienate or convey any property whether real or personal;
- (d) borrow money upon the credit of the Association, issue bonds, debentures and debenture stock or other securities and pledge or sell such bonds, debentures, debenture stock or other securities.

**2.** It is hereby declared that The Certified Public Accountants Association of Ontario is and has been since the 8th day of April, 1926, a body politic and corporate. Declaration  
re 1926,  
c. 124

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Certified Public Accountants Amendment Act, 1953*. Short title

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BILL

An Act to amend The Certified Public Accountants Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

March 18th, 1953

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MR. PORTER

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No. 77

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Juvenile and Family Courts Act

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MR. PORTER

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#### EXPLANATORY NOTE

This new provision is similar in principle to that passed a year ago with respect to magistrates assigned to cities. It is self-explanatory.

# BILL

## An Act to amend The Juvenile and Family Courts Act

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

**1.** *The Juvenile and Family Courts Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 193,  
amended

**10b.** Notwithstanding anything in this Act, the salary of every full-time judge and deputy judge whose salary is fixed by the Lieutenant-Governor in Council shall be paid out of such moneys as may be voted therefor by the Legislature, and an amount equal to the salary, cost-of-living bonus, if any, superannuation credits, if any, and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this section, be responsible for the payment of such salaries. Payment by  
and reim-  
bursement of  
the Province,  
salaries, etc.,  
of full-time  
judges

**2.** This Act comes into force on the 1st day of May, 1953. Commence-  
ment

**3.** This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1953*. Short title

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BILL

An Act to amend The Juvenile and  
Family Courts Act

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 77

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Juvenile and Family Courts Act

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MR. PORTER

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No. 77

1953

# BILL

## An Act to amend The Juvenile and Family Courts Act

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

1. *The Juvenile and Family Courts Act* is amended by adding thereto the following section: Rev. Stat., c. 193, amended

10b. Notwithstanding anything in this Act, the salary of every full-time judge and deputy judge whose salary is fixed by the Lieutenant-Governor in Council shall be paid out of such moneys as may be voted therefor by the Legislature, and an amount equal to the salary, cost-of-living bonus, if any, superannuation credits, if any, and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this section, be responsible for the payment of such salaries. Payment by and reimbursement of the Province, salaries, etc., of full-time judges

2. This Act comes into force on the 1st day of May, 1953. Commencement

3. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1953*. Short title

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BILL

An Act to amend The Juvenile and  
Family Courts Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

March 18th, 1953

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Mr. PORTER

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No. 78

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Summary  
Convictions Act**

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MR. PORTER

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#### EXPLANATORY NOTE

At the present time summonses for offences under *The Highway Traffic Act* must be served within 10 days of the alleged offence and where a mailed summons for such an offence is not answered, the second summons, which is served personally, must be served within 10 days of the date on which the person was to have appeared under the original summons.

Frequently 10 days is insufficient to allow police officers to complete the necessary investigations in time, thus necessitating magisterial extensions of these periods.

In order to facilitate the administration of justice these periods are extended to 15 days.

# BILL

## An Act to amend The Summary Convictions Act

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

**1.**—(1) Subsection 5 of section 4 of *The Summary Convictions Act* is amended by striking out the figures “10” in the third line and inserting in lieu thereof the word “fifteen”,  
Rev. Stat., c. 379, s. 4, subs. 5, amended  
so that the subsection shall read as follows:

(5) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it by prepaid post or by personal service within fifteen days of the alleged violation.  
Time for service for violation of Rev. Stat., c. 167

(2) Subsection 9 of the said section 4 is amended by striking out the word “ten” in the third line and inserting in lieu thereof the word “fifteen”, so that the subsection shall read as follows:  
Rev. Stat., c. 379, s. 4, subs. 9, amended

(9) Where a summons issued under subsection 8 is for a violation of any of the provisions of *The Highway Traffic Act* it shall be served within fifteen days of the date on which the person is required to appear by the original summons.  
Time for service of second summons for violation of Rev. Stat., c. 167

**2.** This Act may be cited as *The Summary Convictions Amendment Act, 1953*.  
Short title

BILL

An Act to amend The Summary  
Convictions Act

---

*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 78

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Summary  
Convictions Act**

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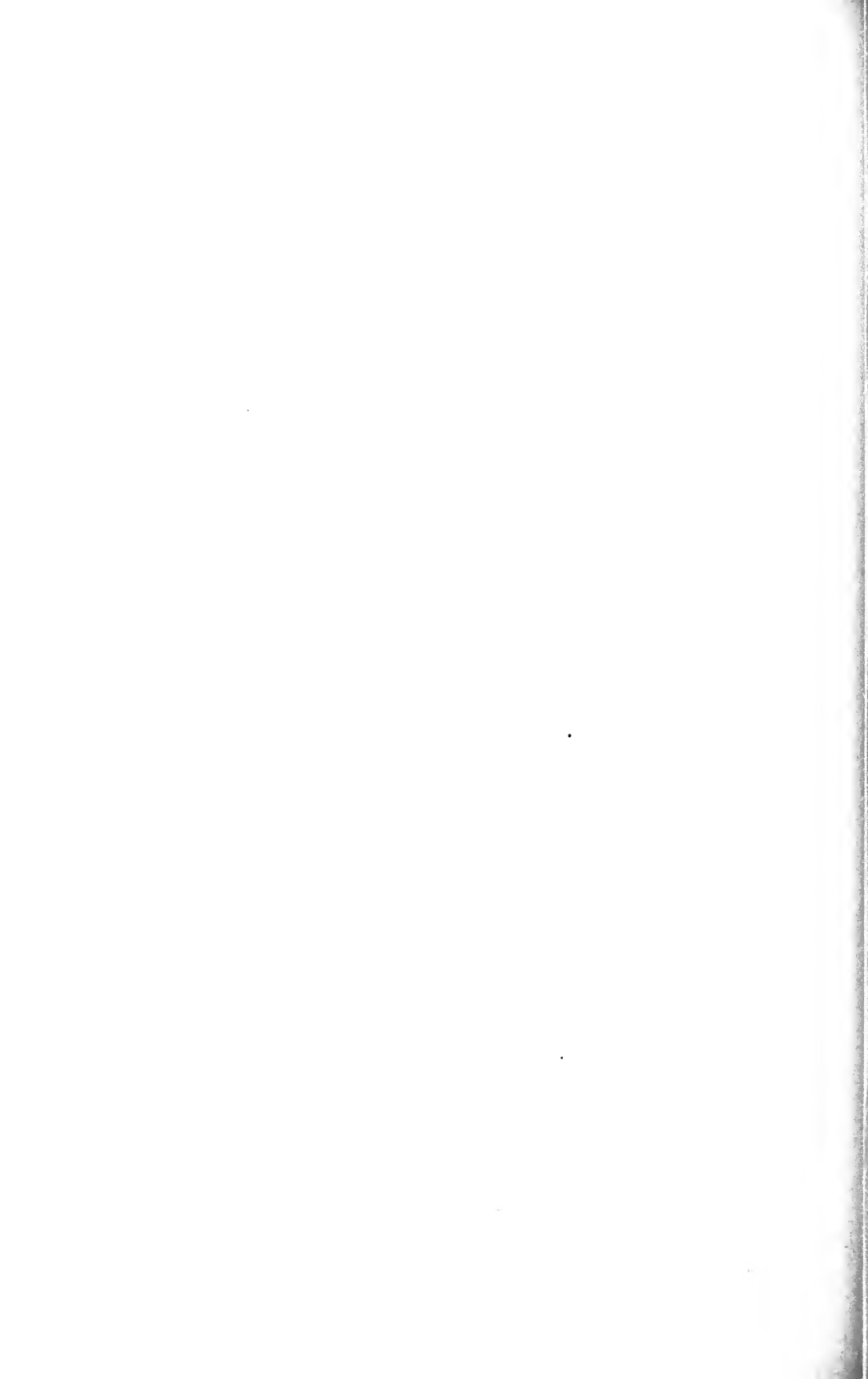
MR. PORTER

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# BILL

## An Act to amend The Summary Convictions Act

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

1.—(1) Subsection 5 of section 4 of *The Summary Convictions Act* is amended by striking out the figures "10" in the third line and inserting in lieu thereof the word "fifteen",  
Rev. Stat., c. 379, s. 4, subs. 5, amended  
 so that the subsection shall read as follows:

(5) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it by prepaid post or by personal service within fifteen days of the alleged violation.  
Time for service for violation of Rev. Stat., c. 167

(2) Subsection 9 of the said section 4 is amended by striking out the word "ten" in the third line and inserting in lieu thereof the word "fifteen", so that the subsection shall read as follows:  
Rev. Stat., c. 379, s. 4, subs. 9, amended

(9) Where a summons issued under subsection 8 is for a violation of any of the provisions of *The Highway Traffic Act* it shall be served within fifteen days of the date on which the person is required to appear by the original summons.  
Time for service of second summons for violation of Rev. Stat., c. 167

2. This Act may be cited as *The Summary Convictions Amendment Act, 1953*.  
Short title

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BILL

An Act to amend The Summary  
Convictions Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 13th, 1953

*3rd Reading*

March 30th, 1953

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MR. PORTER

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No. 79

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Liquor Control Act

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MR. WELSH

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#### EXPLANATORY NOTES

SECTION 1. The present definition of a Government store does not extend to a store operated by the Brewers' Warehousing Company Limited or to an Ontario wine store operated by an Ontario winery. For the purposes of greater clarity so far as the local option provisions of *The Liquor Licence Act* are concerned, it is desirable to include these two types of outlets in the definition of Government store.

SECTION 2. Clause *c* of section 9 of the Act gives power to the Board to determine the municipalities within which Government stores shall be established. As Government stores cannot be established in a dry municipality until a favourable vote is obtained, this amendment is made to bring this clause into line with the local option provisions of *The Liquor Licence Act*.

SECTION 3. Certain types of permits, such as banquet permits, are issued under *The Liquor Licence Act*. This amendment gives authorized officials power to administer and take affidavits, declarations, etc., in connection with these types of permits.

SECTION 4. This provision is intended to govern the sale of liquor under *The Liquor Control Act* only. Sales by licensees under *The Liquor Licence Act* are therefore excluded expressly.

# BILL

## An Act to amend The Liquor Control Act

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

**1.** Clause *e* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 210, s. 1, cl. *e*, re-enacted

(*e*) "Government store" means a store established or authorized under this Act by the Board for the sale of liquor, for the sale of Ontario wine only or for the sale of beer only, and includes a store of the Brewers' Warehousing Company Limited and a store of a producer of Ontario wine.

**2.** Clause *c* of section 9 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 210, s. 9, cl. *c*, re-enacted

(*c*) subject to *The Liquor Licence Act*, to determine the municipalities within which Government stores shall be established or authorized and the situation of such stores within such municipalities. location of stores

**3.** Section 26 of *The Liquor Control Act* is amended by inserting after the word "Act" in the second line the words "*The Liquor Licence Act*" and by inserting after the word "regulations" in the said second line the words "hereunder or thereunder", so that the section shall read as follows: Rev. Stat., c. 210, s. 26, amended

26. Every vendor and every official authorized by the Board to issue permits under this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder may administer any oath and take and receive any evidence or declaration required under this Act or the regulations. Administration of oaths Rev. Stat., c. 211

**4.** Subsection 1 of section 69 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "*The Liquor Licence Act*" and by inserting after the word "regulations" in the said first line the words "here- Rev. Stat., c. 210, s. 69, subs. 1, amended

under or thereunder", so that the subsection shall read as follows:

Unauthor-  
ized sale,  
etc., of liquor  
prohibited  
Rev. Stat.,  
c. 211

- (1) Except as provided by this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder, no person shall by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell liquor, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give liquor to any other person.

Commence-  
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Liquor Control Amendment Act, 1953*.







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BILL

An Act to amend The Liquor  
Control Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

*3rd Reading*

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MR. WELSH

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Liquor Control Act

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MR. WELSH

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*(Reprinted for consideration by the Committee of the  
Whole House)*

#### EXPLANATORY NOTES

SECTION 1. The present definition of a Government store does not extend to a store operated by the Brewers' Warehousing Company Limited or to an Ontario wine store operated by an Ontario winery. For the purposes of greater clarity so far as the local option provisions of *The Liquor Licence Act* are concerned, it is desirable to include these two types of outlets in the definition of Government store.

SECTION 2. Clause *c* of section 9 of the Act gives power to the Board to determine the municipalities within which Government stores shall be established. As Government stores cannot be established in a dry municipality until a favourable vote is obtained, this amendment is made to bring this clause into line with the local option provisions of *The Liquor Licence Act*.

SECTION 3. Certain types of permits, such as banquet permits, are issued under *The Liquor Licence Act*. This amendment gives authorized officials power to administer and take affidavits, declarations, etc., in connection with these types of permits.

SECTION 4. This provision is intended to govern the sale of liquor under *The Liquor Control Act* only. Sales by licensees under *The Liquor Licence Act* are therefore excluded expressly.

# BILL

## An Act to amend The Liquor Control Act

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

**1.** Clause *e* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 210, s. 1, cl. *e*, re-enacted

(*e*) "Government store" means a store established or authorized under this Act by the Board for the sale of liquor, for the sale of Ontario wine only or for the sale of beer only, and includes a store of the Brewers' Warehousing Company Limited and a store of a producer of Ontario wine.

**2.** Clause *c* of section 9 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 210, s. 9, cl. *c*, re-enacted

(*c*) subject to *The Liquor Licence Act*, to determine the municipalities within which Government stores shall be established or authorized and the situation of such stores within such municipalities. location of stores

**3.** Section 26 of *The Liquor Control Act* is amended by inserting after the word "Act" in the second line the words "*The Liquor Licence Act*" and by inserting after the word "regulations" in the said second line the words "hereunder or thereunder", so that the section shall read as follows: Rev. Stat., c. 210, s. 26, amended

26. Every vendor and every official authorized by the Board to issue permits under this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder may administer any oath and take and receive any evidence or declaration required under this Act or the regulations. Administration of oaths Rev. Stat., c. 211

**4.** Subsection 1 of section 69 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "*The Liquor Licence Act*" and by inserting after the word "regulations" in the said first line the words "here- Rev. Stat., c. 210, s. 69, subs. 1, amended

under or thereunder", so that the subsection shall read as follows:

Unauthorized sale,  
etc., of liquor  
prohibited  
Rev. Stat.,  
c. 211

- (1) Except as provided by this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder, no person shall by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell liquor, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give liquor to any other person.

Rev. Stat.,  
c. 210, s. 138,  
subs. 12,  
amended

5.—(1) Subsection 12 of section 138 of *The Liquor Control Act* is amended by striking out all the words after the word "from" in the eighth line, so that the subsection shall read as follows:

Appeal to  
be on  
evidence  
before  
justice

- (12) The appeal shall be heard and determined upon the evidence and proceedings had and taken before the justice to be called the record, and the judge may, upon such hearing, make such order as he may think fit affirming, reversing or amending the conviction appealed from, and the conviction so made shall have the same effect and be enforced in the same way as if made by the justice whose conviction is appealed from.

Rev. Stat.,  
c. 210, s. 138,  
subs. 14,  
amended

(2) Subsection 14 of the said section 138 is amended by striking out the words "may, with the consent of the Attorney-General procured within 15 days of the date of the order of dismissal, appeal" in the second, third and fourth lines and inserting in lieu thereof the words "may appeal on any ground that involves a question of law alone", so that the subsection shall read as follows:

Appeal  
from order  
of dismissal

- (14) Any informant or complainant dissatisfied with an order of dismissal made by a justice under this Act may appeal on any ground that involves a question of law alone to the judge of the county or district court in the county or district in which the order complained of was made, and the proceedings shall be the same as nearly as may be as in the case of an appeal by a person convicted under this Act, and the judge shall have and may exercise the same powers as in the case of an appeal against a conviction, and may make such order as he may think fit and the deposit of security in such case shall be dispensed with.

Rev. Stat.,  
c. 210, s. 139,  
re-enacted

6. Section 139 of *The Liquor Control Act* is repealed and the following substituted therefor:

SECTIONS 5 and 6. At the present time an appeal to the Court of Appeal or an appeal by an informant to the county court judge can be made only with leave of the Attorney-General. These amendments make the appeal procedures uniform with those under *The Summary Convictions Act*, that is, in the case of appeals to the Court of Appeal, leave of that court or of a judge thereof must be obtained, and in the case of an appeal by an informant to a county court judge, no leave is required.



139. An appeal to the Court of Appeal against any decision of the judge under section 138 may be taken with leave of the Court of Appeal or a judge thereof on any ground that involves a question of law alone and the provisions of *The Summary Convictions Act* relating to appeals to the Court of Appeal shall apply *mutatis mutandis*.

Appeal to  
Court of  
Appeal

Rev. Stat.,  
c. 379

7. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

8. This Act may be cited as *The Liquor Control Amendment Act, 1953*.

Short title

BILL

An Act to amend The Liquor  
Control Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 20th, 1953

*3rd Reading*

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MR. WELSH

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*(Reprinted for consideration by the Committee  
of the Whole House)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to amend The Liquor Control Act

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MR. WELSH

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# BILL

## An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 210, s. 1,  
cl. e,  
re-enacted

(e) "Government store" means a store established or authorized under this Act by the Board for the sale of liquor, for the sale of Ontario wine only or for the sale of beer only, and includes a store of the Brewers' Warehousing Company Limited and a store of a producer of Ontario wine.

2. Clause *c* of section 9 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 210, s. 9,  
cl. c,  
re-enacted

(c) subject to *The Liquor Licence Act*, to determine the municipalities within which Government stores shall be established or authorized and the situation of such stores within such municipalities. location  
of stores

3. Section 26 of *The Liquor Control Act* is amended by inserting after the word "Act" in the second line the words "*The Liquor Licence Act*" and by inserting after the word "regulations" in the said second line the words "hereunder or thereunder", so that the section shall read as follows: Rev. Stat.,  
c. 210, s. 26,  
amended

26. Every vendor and every official authorized by the Board to issue permits under this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder may administer any oath and take and receive any evidence or declaration required under this Act or the regulations. Administra-  
tion of oaths  
Rev. Stat.,  
c. 211

4. Subsection 1 of section 69 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "*The Liquor Licence Act*" and by inserting after the word "regulations" in the said first line the words "here- Rev. Stat.,  
c. 210, s. 69,  
subs. 1,  
amended

under or thereunder", so that the subsection shall read as follows:

Unauthor-  
ized sale,  
etc., of liquor  
prohibited  
Rev. Stat.,  
c. 211

- (1) Except as provided by this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder, no person shall by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell liquor, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give liquor to any other person.

Rev. Stat.,  
c. 210, s. 138,  
subs. 12,  
amended

5.—(1) Subsection 12 of section 138 of *The Liquor Control Act* is amended by striking out all the words after the word "from" in the eighth line, so that the subsection shall read as follows:

Appeal to  
be on  
evidence  
before  
justice

- (12) The appeal shall be heard and determined upon the evidence and proceedings had and taken before the justice to be called the record, and the judge may, upon such hearing, make such order as he may think fit affirming, reversing or amending the conviction appealed from, and the conviction so made shall have the same effect and be enforced in the same way as if made by the justice whose conviction is appealed from.

Rev. Stat.,  
c. 210, s. 138,  
subs. 14,  
amended

(2) Subsection 14 of the said section 138 is amended by striking out the words "may, with the consent of the Attorney-General procured within 15 days of the date of the order of dismissal, appeal" in the second, third and fourth lines and inserting in lieu thereof the words "may appeal on any ground that involves a question of law alone", so that the subsection shall read as follows:

Appeal  
from order  
of dismissal

- (14) Any informant or complainant dissatisfied with an order of dismissal made by a justice under this Act may appeal on any ground that involves a question of law alone to the judge of the county or district court in the county or district in which the order complained of was made, and the proceedings shall be the same as nearly as may be as in the case of an appeal by a person convicted under this Act, and the judge shall have and may exercise the same powers as in the case of an appeal against a conviction, and may make such order as he may think fit and the deposit of security in such case shall be dispensed with.

Rev. Stat.,  
c. 210, s. 139,  
re-enacted

6. Section 139 of *The Liquor Control Act* is repealed and the following substituted therefor:

139. An appeal to the Court of Appeal against any <sup>Appeal to Court of Appeal</sup> decision of the judge under section 138 may be taken with leave of the Court of Appeal or a judge thereof on any ground that involves a question of law alone and the provisions of *The Summary Convictions Act* <sup>Rev. Stat., c. 379</sup> relating to appeals to the Court of Appeal shall apply *mutatis mutandis*.
7. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>
8. This Act may be cited as *The Liquor Control Amend-* <sup>Short title</sup> *ment Act, 1953*.





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BILL

An Act to amend The Liquor  
Control Act

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*1st Reading*

March 3rd, 1953

*2nd Reading*

March 20th, 1953

*3rd Reading*

April 1st, 1953

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MR. WELSH

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*(Reprinted for consideration by the Committee  
of the Whole House)*



No. 80

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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## BILL

An Act to provide for the Federation of the  
Municipalities in the Toronto Metropolitan  
Area for Certain Financial and  
Other Purposes

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MR. FROST

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## EXPLANATORY NOTES

**GENERAL.** This Bill implements, in large measure, the recommendations appended to the decision of the Ontario Municipal Board dated January 20th, 1953, with respect to the application of the City of Toronto for the amalgamation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York, and the application of the Town of Mimico for the creation of an area for the joint administration of certain services in the same municipalities.

The Bill is divided into fifteen parts dealing with the various subject matters which are necessary to the functioning of the federation.

The Bill provides in substance for the federation for certain purposes of the thirteen municipalities in the Toronto area, but, except as provided in the Bill, all the powers of the local area municipalities are continued.

**PART I.** This Part provides for the incorporation of a new municipality to be known as The Municipality of Metropolitan Toronto, and provides for the establishment of its council which will be composed of the heads of the councils of all the area municipalities, two members of the board of control of the City of Toronto, and nine aldermen from the City of Toronto.

In the years 1953 and 1954 there will be an additional member appointed by the Lieutenant-Governor in Council who will be the chairman of the council. Thereafter the chairman will be elected by the Metropolitan Council at its first meeting in each year and the chairman may be either one of the members of the council or any other person.

Provision is made in this Part for the officers and the administrative machinery of the metropolitan municipality.

**PART II.** This Part provides for the transfer to the metropolitan municipality of all responsibility for the making of local assessments in the area on a uniform basis. This assessment will be the basis of taxation for both local and metropolitan purposes.

**PART III.** This Part authorizes and requires the metropolitan municipality to take over and operate all existing works in the area municipalities for the production and wholesale distribution of water to the area municipalities, and to assume all outstanding debt in respect of such works.

**PART IV.** This Part authorizes and requires the metropolitan municipality to establish a comprehensive sewage and drainage system for the entire Metropolitan Area, and to assume all outstanding debt of the area municipalities in respect of works assumed.

**PART V.** This Part authorizes the metropolitan municipality to establish a metropolitan road system substantially in the manner in which county systems are created.

It provides authority for new metropolitan highways as well as the assumption of existing major roads. Existing county and suburban roads within the limits of the Metropolitan Area are detached from the system operated by The Toronto and York Roads Commission, and all county roads in the remaining portion of the County are made suburban roads for the purposes of Part III of *The Highway Improvement Act*.

The present Toronto and York Roads Commission is continued, but provision is made for the appointment of new members by the County of York and the metropolitan municipality who will take office on January 1st, 1954.

**PART VI.** This Part dissolves the present Toronto Transportation Commission and creates a new Commission for the entire Metropolitan Area to be known as Toronto Transit Commission, to which are transferred all the powers and assets of the Toronto Transportation Commission.

The first members of the Commission will be the present three members of the Toronto Transportation Commission and two additional members appointed by the Metropolitan Council.

All debenture debt in connection with the Toronto Transportation Commission that is outstanding on January 1st, 1954, will become the responsibility of the new Commission and of the metropolitan municipality.

PART VII. This Part provides for the establishment of a Metropolitan School Board, on a basis similar to the establishment of the Metropolitan Council, composed of members of public and secondary school boards, with the usual separate school representation for secondary school purposes. Provision is made for the establishment of a single board of education in each of the Townships of Scarborough, North York and Etobicoke in the year 1954 and thereafter.

Separate school organization and separate school matters are not affected by the Bill.

The Metropolitan School Board is given authority to determine and pay maintenance assistance payments toward the cost of educating public elementary, academic secondary and vocational secondary school pupils. These payments will be provided from general legislative grants and from uniform levies against all the area municipalities. The amount of the maintenance assistance payment in respect of each class of pupil for the years 1954 and 1955 is fixed by the Bill and thereafter will be determined by the Metropolitan School Board.

The amount of the capital cost of new school accommodation which is eligible for legislative grants is required to be raised by metropolitan taxation. Local boards of education are given an ultimate right of appeal to the Municipal Board for permission to undertake capital projects.

Outstanding debenture indebtedness in the Metropolitan Area for public elementary and secondary school purposes will become the responsibility of the metropolitan municipality.

The Metropolitan School Board is given certain ancillary powers with respect to the transportation of pupils and the establishment of school attendance areas, etc.

PART VIII. This Part provides for the separation for municipal purposes of the twelve suburban municipalities from the County of York. The councils of these municipalities may continue to be composed as at present or may be changed by by-law in accordance with the Bill.

PART IX. The statutory obligations of the suburban municipalities with respect to homes for the aged, hospitalization of indigent patients, post-sanatorium care, maintenance of neglected children and similar matters is transferred from the County of York and the City of Toronto to the metropolitan municipality.

PART X. The metropolitan municipality is given the responsibility of a county for the establishment and maintenance of a court house and jail and the payment of the costs of administration of justice. The county of York is required to contribute its share of such expense, as determined by agreement or arbitration.

The metropolitan municipality is made one municipality for the purposes of *The Juvenile and Family Courts Act*.

The existing arrangements with respect to registry offices and land titles offices are continued and the suburban municipalities will contribute toward the cost of, and share in the revenues from, the Registry Office for the Registry Division of the East and West Riding of the County of York as if they were separated towns.

PART XI. The metropolitan municipality is given all the powers of a local municipality with respect to housing, redevelopment and joint arrangements with the Province and the Dominion for housing projects, but the area municipalities will continue to have their existing powers in respect of these matters.

PART XII. The Metropolitan Corporation is made a municipality for the purposes of *The Planning Act*, but the existing planning area and The Toronto and York Planning Board are continued, subject to the provisions of *The Planning Act*.

The official plan prepared by the area planning board will be submitted to the Metropolitan Council for its adoption and if adopted will be binding upon all the area municipalities in accordance with *The Planning Act*.

PART XIII. The metropolitan municipality is given power to establish a comprehensive metropolitan parks system.

PART XIV. The Metropolitan Corporation will be given responsibility for the financing by debentures of all the requirements of the area municipalities as well as those of the Metropolitan Corporation.

Area municipalities as at present will have the right to apply to the Municipal Board for approval of their undertakings and if approval is granted the Metropolitan Corporation will be required to issue debentures on their behalf.

The Metropolitan Council is given authority to make annual levies for its purposes against the area municipalities in a manner similar to that exercised by county councils.

The general provisions of *The Municipal Act* and other Acts relating to the issue of debentures and the making of temporary loans and other financial matters are incorporated in this Part.

PART XV. This Part contains miscellaneous powers and provisions necessary or incidental to the matters dealt with in the preceding parts of the Bill and provides for the making of necessary adjustments involved in the establishment of the new municipality.

The expenditures of the Metropolitan Corporation and the Metropolitan School Board during the year 1953 will be payable out of such moneys as are appropriated therefor by the Legislature.

# BILL

## An Act to provide for the Federation of the Municipalities in the Toronto Metropolitan Area for Certain Financial and Other Purposes

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

### INTERPRETATION

#### 1. In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston or the Township of York;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means chairman of the Metropolitan Council;
- (d) "Department" means Department of Municipal Affairs;
- (e) "highway" and "road" mean a common and public highway, and include a street, bridge, and any other structure incidental thereto;
- (f) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (g) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Metropolitan Corporation or of an area municipality or of two or more area municipalities or portions thereof;
- (h) "Metropolitan Area" means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York;
- (i) "Metropolitan Corporation" means The Municipality of Metropolitan Toronto;
- (j) "Metropolitan Council" means the council of the Metropolitan Corporation;
- (k) "metropolitan road" means a road forming part of the metropolitan road system established under Part V;
- (l) "Minister" means Minister of Municipal Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 192;
- (n) "Municipal Board" means Ontario Municipal Board;
- (o) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### INCORPORATION AND COUNCIL

Incorporation

2.—(1) On the 15th day of April, 1953, the inhabitants of the Metropolitan Area are hereby constituted a body corporate under the name of "The Municipality of Metropolitan Toronto".

(2) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act* and shall be a municipality in the County of York separated therefrom for municipal purposes. Deemed municipality under Rev. Stat., cc. 96, 262

**3.—**(1) The powers of the Metropolitan Corporation shall be exercised by the Metropolitan Council and, except where otherwise provided, the jurisdiction of the Metropolitan Council shall be confined to the Metropolitan Area. Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Metropolitan Council shall be exercised by by-law. By-laws

(3) A by-law passed by the Metropolitan Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

**4.—**(1) The Metropolitan Council shall be composed of the following persons: Composition of Metropolitan Council

- (a) The head of the council of each area municipality.
- (b) The two members of the board of control of the City of Toronto who at the municipal election next preceding the day the new Metropolitan Council is organized in any year received the highest number of votes.
- (c) The alderman in each ward of the City of Toronto who at the municipal election next preceding the day the new Metropolitan Council is organized in any year received the highest number of votes in such ward.

(2) If after any election, by reason of acclamation or an equality of votes, it cannot be determined which member or members of the board of control is or are entitled to be a member or members of the Metropolitan Council, the matter shall be determined by lot cast by the mayor of the City of Toronto at the organization meeting of the Metropolitan Council. Acclamation or equality of votes

(3) If after any election, by reason of acclamation or an equality of votes, it cannot be determined which alderman in any ward of the City of Toronto is entitled to be a member of the Metropolitan Council, the matter shall be determined by lot cast by the mayor of the City of Toronto at the organization meeting of the Metropolitan Council. Idem

**Chairman** (4) During the years 1953 and 1954 there shall be an additional member of the Metropolitan Council, who shall be the chairman thereof, and who shall be appointed by the Lieutenant-Governor in Council before the 15th day of April, 1953, to hold office during pleasure for the years 1953 and 1954 and until his successor as chairman is elected or appointed in accordance with this section.

**Remuneration** (5) The chairman appointed under subsection 4 shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant-Governor in Council may determine.

**Election of chairman** (6) At the first meeting of the Metropolitan Council in the year 1955, and in each year thereafter, at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and until his successor is elected or appointed in accordance with this section.

**Clerk to preside** (7) The clerk of the Metropolitan Corporation shall preside, or if there is no clerk, the members present shall select a member to preside and the person so selected may vote as a member.

**Adjournment** (8) If at the first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant-Governor in Council shall appoint the chairman to hold office for that year and until his successor is elected or appointed in accordance with this section.

**Composition** (9) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 1, the Metropolitan Council shall be composed of such chairman and the persons mentioned in subsection 1.

**First meeting, 1953** **5.—**(1) The first meeting of the Metropolitan Council shall be held on or after the 15th day of April, 1953, at such date, time and place as the chairman may determine and the chairman shall notify each person entitled to be a member of the Metropolitan Council of the date, time and place of the meeting and shall preside at the meeting.

**First meeting of area councils** (2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality, in the year 1954 and thereafter, shall be held not later than the 8th day of January.

**First meeting of Metropolitan Council** (3) The first meeting of the Metropolitan Council in the year 1954 and thereafter shall be held not later than the 15th



day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

(4) A person entitled to be a member of the Metropolitan Council under subsection 1 of section 4 shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the area municipality for which he was elected and under the seal of the area municipality certifying that he is entitled to be a member under the said subsection. Certificate of qualification

(5) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 1 of section 4, he shall, before taking his seat, take an oath of allegiance. Oath of allegiance

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 19 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office Rev. Stat., c. 243

(7) The Metropolitan Council shall be deemed to be organized when the declarations of office have been made by at least seven members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. When council deemed organized

6. Subject to section 5, all meetings of the Metropolitan Council shall be held at such place within the Metropolitan Area and at such times as the Metropolitan Council from time to time appoints. Place of meetings

7.—(1) Seven members of the Metropolitan Council shall be necessary to form a quorum and the concurring votes of a majority of members present shall be necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsections 3 and 4, each member of the Metropolitan Council shall have one vote only. One vote

(3) When in any year the chairman has not been elected from among the members of the Metropolitan Council, the chairman shall not have a vote except in the event of an equality of votes. Chairman's vote

(4) When in any year the chairman has been elected from among the members of the Metropolitan Council, the chairman shall have a second or casting vote in the event of an equality of votes. Idem

8. The members of the Metropolitan Council mentioned in subsection 1 of section 4 shall hold office while they hold the Term of office

offices mentioned in that subsection and until their successors take office and a new council is organized.

Vacancies,  
chairman

**9.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant-Governor in Council, some person shall be appointed by the Lieutenant-Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 of section 4, the Metropolitan Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman, who may be one of the members of the Metropolitan Council or any other person, to hold office for the remainder of the term of his predecessor.

Other  
members

(3) When a vacancy occurs in the office of a member other than the chairman, the council of the area municipality, of which he was a member, shall within fifteen days after the vacancy occurs appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

Resignation  
of chairman

(4) Where the chairman is a member of the council of an area municipality, he may resign his office as chairman without resigning from such council.

Remuneration,  
chairman

**10.**—(1) In the years 1955 and thereafter, the chairman may be paid such annual or other remuneration, not exceeding \$15,000 per annum, as the Metropolitan Council may determine.

members

(2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration, not exceeding \$1,800 per annum, as the Metropolitan Council may determine.

Committees  
of Council

**11.** The Metropolitan Council may from time to time establish such standing or other committees, and assign to them such duties, as it deems expedient.

Procedure  
by-laws

**12.** The Metropolitan Council may pass by-laws for governing the proceedings of the Metropolitan Council and any of its committees, the conduct of its members and the calling of meetings.

Who to be  
head of  
Council

**13.** The chairman shall be the head of the Metropolitan Council and the chief executive officer of the Metropolitan Corporation.

**14.** When the chairman is absent from the Metropolitan Area or absent through illness, or refuses to act, or when the office of chairman is vacant, the Metropolitan Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence, refusal to act or vacancy. Acting chairman

**15.** Sections 210, 212, 213, 215, 217, 218, 219, 261, 262, 269 and 291 to 296 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. Application of Rev. Stat., c. 243

**16.**—(1) The Metropolitan Council shall appoint a clerk, whose duty it shall be, Appointment of clerk, and his duties

- (a) to truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the Metropolitan Council;
- (b) to record the name and vote of every member voting on any matter or question;
- (c) to preserve and file all accounts acted upon by the Metropolitan Council;
- (d) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Metropolitan Council and its committees;
- (e) to perform such other duties as may be assigned to him by the Metropolitan Council.

(2) The Metropolitan Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Metropolitan Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. Acting clerk

**17.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in section 16 and the minutes and proceedings of any committee of the Metropolitan Council, whether the acts of the committee have been adopted or not, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the Metropolitan Corporation, to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Metropolitan Council may fix. Minutes, etc., to be open to inspection and copies to be furnished

Copies certified by clerk to be receivable in evidence

(2) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Metropolitan Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Treasurer

**18.**—(1) The Metropolitan Council shall appoint a treasurer who shall keep the books, records and accounts of the Metropolitan Corporation and who shall perform such other duties as may be assigned to him by the Metropolitan Council.

Deputy treasurer

(2) The Metropolitan Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Metropolitan Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

To receive and take care of and disburse money, etc.

**19.**—(1) The treasurer shall receive and safely keep all money of the Metropolitan Corporation, and shall pay out the same to such persons and in such manner as the law of Ontario and the by-laws or resolutions of the Metropolitan Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Metropolitan Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Alternative methods of signing cheques

(2) Notwithstanding subsection 1, the Metropolitan Council may by by-law provide that the signature of the treasurer on cheques may be stamped, lithographed or engraved, or may by by-law designate one or more persons to sign cheques in lieu of the treasurer.

When member of council may be paid for work

(3) Except where otherwise expressly provided by this Act, a member of the Metropolitan Council shall not receive any money from the treasurer for any work or service performed or to be performed.

Treasurer's liability limited

(4) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the Metropolitan Council, unless another disposition of it is expressly provided for by statute.

(5) The treasurer shall open an account or accounts in the name of the Metropolitan Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the Metropolitan Council and shall deposit therein all money received by him on account of the Metropolitan Corporation, and he shall keep the money of the Metropolitan Corporation entirely separate from his own money. <sup>Bank accounts</sup>

(6) The treasurer shall prepare and submit to the Metropolitan Council, monthly, a statement of the money at the credit of the Metropolitan Corporation. <sup>Monthly statement of assets</sup>

(7) Where the treasurer is removed from office or absconds, the Metropolitan Council shall forthwith give notice to his sureties. <sup>Notice to sureties</sup>

**20.**—(1) The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation. <sup>Appointment of auditors</sup>

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Metropolitan Corporation and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof. <sup>Cost of audit</sup>

(3) No person shall be appointed as an auditor of the Metropolitan Corporation who is or during the preceding year was a member of the Metropolitan Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Metropolitan Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. <sup>Disqualification of persons as auditors</sup>

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Metropolitan Council or any local board of the Metropolitan Corporation that do not conflict with the duties prescribed by the Department. <sup>Duties of auditor</sup>

Auditors may administer oaths

(5) An auditor may administer an oath to any person concerning any account or other matter to be audited.

Audit of accounts before payment

(6) The Metropolitan Council may provide that all accounts shall be audited before payment.

Employees

**21.**—(1) The Metropolitan Council may pass by-laws for appointing such officers and employees as it may deem necessary for the purposes of the Metropolitan Corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the Metropolitan Council, and for fixing their remuneration and prescribing their duties, and the security to be given for the performance of them.

Tenure of office and duties

(2) Except as otherwise provided in this Act, all officers and employees appointed by the Metropolitan Council shall hold office during the pleasure of the Metropolitan Council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the Metropolitan Council.

Application of Rev. Stat., c. 243

**22.** Sections 235, 251 and 253, subsections 4 and 5 of section 255 and paragraphs 48 and 49 of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

Commencement

**23.** This Part comes into force on the day this Act receives Royal Assent.

## PART II

### ASSESSMENT

Appointment of assessors

**24.**—(1) The Metropolitan Council shall appoint as many assessors as may be deemed necessary to carry out the duties of assessors in all the area municipalities.

Appointment need not be annual

(2) Every by-law appointing an assessor shall remain in force until repealed and it shall not be necessary to appoint the assessor annually.

Assessment commissioner, etc.

**25.**—(1) The Metropolitan Council shall appoint an assessment commissioner and may appoint as many deputy assessment commissioners as may be deemed necessary.

Idem

(2) The assessment commissioner shall, with respect to the deputy assessment commissioners and assessors, have control and charge over the exercise by them of their powers and over the performance by them of their duties in all the area municipalities.

(3) The assessment commissioner may assign to a deputy <sup>Jurisdiction</sup> assessment commissioner or an assessor the area municipality or area municipalities, or part or parts thereof, within which he is to act.

**26.**—(1) The assessment commissioner and every deputy <sup>Assessment officials deemed officials of each area municipality</sup> assessment commissioner and every assessor appointed by the Metropolitan Council shall be deemed for the purposes of this and every other Act to be respectively the assessment commissioner, a deputy assessment commissioner and an assessor of each area municipality.

(2) No area municipality shall, after the 31st day of <sup>No local assessors</sup> December, 1953, appoint or continue to employ an assessment commissioner or assessors or constitute or continue a board of assessors.

**27.** Subject to section 28, the Metropolitan Corporation <sup>Office supplies, etc.</sup> shall provide and pay for all office accommodation, supplies, stationery and equipment, and shall employ such staff, as may be necessary for the performance of the duties of assessors in the Metropolitan Area.

**28.** At the request of the Metropolitan Council, each <sup>Idem</sup> area municipality,

- (a) shall provide, at such rent as may be agreed upon, at least as much office accommodation for the assessment commissioner, deputy assessment commissioners, assessors and staff as was being provided by the municipality for its assessment department on the 1st day of March, 1953;
- (b) shall transfer to the assessment commissioner without compensation all office supplies and stationery in the possession of the municipality on the 31st day of December, 1953, that was provided for the exclusive use of the assessment department of the municipality;
- (c) shall transfer to the assessment commissioner without compensation all mechanical and other equipment used exclusively by the assessment department of the municipality on the 1st day of March, 1953;
- (d) shall make available to the assessment commissioner, at such rent as may be agreed upon, all mechanical and other equipment the use of which was shared by the assessment department and any other department or departments of the municipality on the 1st

day of March, 1953, on the same terms and to the same extent as the assessment department used the equipment before the 1st day of March, 1953.

Books, etc.

**29.** Every assessment commissioner, every assessor and every other officer or servant of an area municipality shall, at the request of the assessment commissioner of the Metropolitan Corporation, turn over to such assessment commissioner all books, records and documents relating to the work of the assessment department of the municipality.

Rev. Stat.,  
c. 24, s. 123,  
not to apply

**30.** Section 123 of *The Assessment Act* shall not apply in any area municipality after the 31st day of December, 1953.

Courts of  
revision

**31.—(1)** The Metropolitan Council shall constitute by by-law one or more courts of revision for each area municipality.

Members

(2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the Metropolitan Council.

Idem

(3) A member of a court of revision constituted under subsection 1 for one area municipality may also be appointed a member of a court of revision constituted for one or more other area municipalities.

Disqualifi-  
cation as  
members

(4) No person who is or during the preceding year was,

(a) a member of the council of an area municipality or of the Metropolitan Council; or

(b) an officer or employee (other than a member of a court of revision) of an area municipality or of the Metropolitan Corporation,

may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum

(5) Where a court of revision consists of three members, two shall form a quorum.

Compensa-  
tion

(6) Each member of a court of revision shall be paid such sum for his services as the Metropolitan Council may by by-law provide.

Courts  
deemed  
constituted  
under  
Rev. Stat.,  
c. 24

(7) A court or courts of revision constituted for an area municipality under this section shall be deemed for the purposes of this and every other Act to be a court or courts of



revision for the area municipality constituted in accordance with *The Assessment Act* and no area municipality shall constitute or continue a court or courts of revision under *The Assessment Act* after the 31st day of December, 1953.

(8) Notwithstanding subsection 7, the court or courts of <sup>1953</sup> revision of an area municipality, constituted under *The* <sup>assessment</sup> *Greater Toronto Assessment Board Act, 1951*, and in office on <sup>roll</sup> 1951, c. 31 the 31st day of December, 1953, shall, if the assessment roll of the area municipality prepared in 1953 has not been certified at that time, continue in office for the purpose only of concluding its work in connection with the revision and certification of that assessment roll.

**32.** Section 53 of *The Assessment Act* shall apply in each area municipality but for the purposes of that section the Metropolitan Council shall be deemed to be the council of each area municipality. <sup>Application of Rev. Stat. c. 24, s. 53</sup>

**33.** The provisions of clause *j* of subsection 1 of section 16 of *The Assessment Act* shall not apply to the townships of East York, Etobicoke, North York, Scarborough and York. <sup>Land of non-residents in townships</sup>

**34.** Except as otherwise provided in this Act, all the provisions of *The Assessment Act* shall apply in each area municipality. <sup>Application of Rev. Stat. c. 24, generally</sup>

**35.** This Part comes into force on the 1st day of January, 1954. <sup>Commencement</sup>

## PART III

### METROPOLITAN WATERWORKS SYSTEM

**36.** For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Metropolitan Corporation shall have all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof, respecting the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. <sup>Establishment of waterworks</sup>

**37.—**(1) The Metropolitan Council shall before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as part of the metropolitan waterworks system all works for the production, treatment and storage of water vested in each area municipality or any local board thereof and all trunk distribution <sup>Assumption of works and mains</sup>

mains connected therewith, and on the day any such by-law becomes effective the works and mains designated therein shall vest in the Metropolitan Corporation.

- Idem** (2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed.
- Interpre-  
tation** (3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.
- Extension  
of time** (4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law shall become effective on the date provided therein.
- Metropoli-  
tan liability** (5) Where the Metropolitan Corporation assumes a work or trunk distribution main vested in an area municipality or local board,
- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or main, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.
- Rev. Stat.,  
c. 215**
- Default** (6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.
- Settling  
of doubts** (7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.
- Existing  
agreements** **38.—**(1) Where an area municipality or a local board thereof has agreed with any other municipality to supply water to that other municipality, and the works and trunk

distribution mains used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable for the supply of water in accordance with the agreement and shall be bound by all the terms thereof and the area municipality or local board shall be relieved of all liability thereunder.

(2) Notwithstanding subsection 1 and notwithstanding <sup>Rates</sup> anything in the agreement, the Municipal Board, upon the application of the Metropolitan Council or the council of the municipality to which the water is supplied, shall have jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

**39.**—(1) Where all the works of an area municipality or <sup>Powers of area municipalities restricted</sup> any local board thereof for the production, treatment and storage of water are assumed by the Metropolitan Corporation, the area municipality or local board shall not thereafter establish, maintain or operate any such works.

(2) An area municipality that did not operate any such <sup>Idem</sup> works on the 31st day of December, 1953, shall not, after that date, establish, maintain or operate any such works.

(3) Nothing in this section shall limit the powers of an <sup>Proviso</sup> area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Metropolitan Corporation.

**40.** No municipality or local board which is supplied <sup>Supply beyond limits of local municipality</sup> with water by the Metropolitan Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Metropolitan Council.

**41.** The Metropolitan Council may pass by-laws for <sup>Regulation of supply, etc.</sup> regulating the time, manner, extent and nature of the supply of water from its waterworks system, and every other matter or thing related to or connected therewith which it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Metropolitan Corporation with regard to the water so supplied.

**42.** The Metropolitan Council may pass by-laws for the <sup>Maintenance, management, etc.</sup> maintenance and management of its waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes

of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality or local board.

Rates

**43.**—(1) The Metropolitan Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Idem

(2) In fixing the rates, the Metropolitan Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to the various area municipalities.

Self-sustaining

(3) The Metropolitan Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Metropolitan Council may think proper.

Rev. Stat.,  
c. 262, s. 56,  
subs. 1, cl. j,  
not  
applicable

(4) Clause *j* of subsection 1 of section 56 of *The Ontario Municipal Board Act* shall not apply with respect to water supplied by the Metropolitan Corporation to an area municipality.

Retail sale  
prohibited

**44.**—(1) The Metropolitan Corporation shall have power to and shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other  
municipalities

(2) The Metropolitan Corporation may enter into a contract for the supply of water to any local municipality outside the Metropolitan Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may with the like approval renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and  
accounts

**45.** The Metropolitan Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities of its waterworks system in such manner as may be prescribed by the Department.

Application  
of revenues  
Rev. Stat.,  
c. 320

**46.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues of the waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;

- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Metropolitan Council may deem proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Metropolitan Corporation.

(2) It shall not be necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or assumed by the Metropolitan Corporation for the purposes of the waterworks system except to the extent that the revenues of the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures. <sup>Where levy unnecessary</sup>

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. <sup>Reserve fund</sup> <sup>Rev. Stat., c. 400</sup>

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the waterworks system. <sup>Application of reserve fund</sup>

**47.—**(1) The Metropolitan Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the waterworks system which, in the opinion of the Metropolitan Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board. <sup>Disposal of property</sup>

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues of the waterworks system. <sup>Proceeds</sup>

**48.—**(1) The Metropolitan Corporation shall not be liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or <sup>Temporary shut-offs</sup>

extending the system, but the Metropolitan Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach  
of contract

(2) Where the supply of water by the Metropolitan Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract, or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards  
for local  
systems

**49.**—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of  
local exten-  
sions and  
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect or continue the connection of the same or any part thereof to any work or main of the Metropolitan Corporation without the approval of the Metropolitan Council.

Appeal

**50.** If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

- (a) to construct any extension of the metropolitan distribution system;
- (b) to maintain or increase the supply of water to the area municipality;
- (c) to approve the construction or extension of any local water distribution works by the area municipality; or
- (d) to permit the connection or the continuance of a connection to the metropolitan system,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board shall be final.

Payment  
of charges

**51.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of

this Part shall be a debt of the area municipality to the Metropolitan Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by by-law of the Metropolitan Council.

(2) The Metropolitan Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

**52.** The Metropolitan Corporation shall, in respect of all works and trunk distribution mains assumed as part of the metropolitan waterworks system, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

**53.** Any person authorized by the Metropolitan Council shall have free access from time to time, upon reasonable notice given and request made, to all works for the production and distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

**54.** Where distribution mains have been assumed by the Metropolitan Corporation under the authority of section 37 and, in the opinion of the Metropolitan Council, are no longer required for the purposes of the metropolitan waterworks system, the Metropolitan Council may by by-law remove such mains from the metropolitan waterworks system and the same shall thereupon revert or be transferred to the area municipality from which they were assumed.

**55.** The works and mains assumed by the Metropolitan Corporation under the authority of section 37, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of supplying and distributing water

to any or all of the area municipalities and, subject to subsection 2 of section 44, to any local municipality outside the Metropolitan Area.

Application  
of Rev. Stat.,  
c. 320

**56.** Sections 2, 3, 4, 5, 13, 28, 31, 32, 33, 52, 53, 54, 56 and 57 of *The Public Utilities Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

Commence-  
ment

**57.—(1)** This Part, except sections 37 and 53, comes into force on the 1st day of January, 1954.

Idem

(2) Sections 37 and 53 come into force on the day this Act receives the Royal Assent.

Passing of  
by-laws  
before  
Jan. 1, 1954

(3) Notwithstanding anything in this section, any authority to pass by-laws under this Part may be exercised before the 1st day of January, 1954, but no such by-law shall be effective until that date.

## PART IV

### METROPOLITAN SEWAGE WORKS

Interpre-  
tation

**58.—(1)** In this Part,

- (a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) "land drainage" means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes, or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like works;



- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part a sewer, sewer system or <sup>Idem</sup> sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Metropolitan Council.

**59.** For the purpose of collecting or receiving from the <sup>General powers</sup> area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Metropolitan Corporation shall have all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof.

**60.** The Metropolitan Council may pass by-laws for <sup>Construction, etc., of trunk, sewage works,</sup> constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

**61.**—(1) The Metropolitan Council shall, before the 1st <sup>Assumption of treatment works</sup> day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as metropolitan sewage works all treatment works vested in each area municipality or any local board thereof, and on the day any such by-law becomes effective the works designated therein shall vest in the Metropolitan Corporation.

(2) The Metropolitan Council may at any time <sup>Other works</sup> pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law shall become effective before the 1st day of January, 1954.

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

(4) Where the Metropolitan Corporation assumes a work <sup>Metropolitan liability</sup> or watercourse vested in an area municipality or local board,

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or watercourse, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Rev. Stat.,  
c. 215

Default

(5) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 4, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of  
doubts

(6) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Existing  
agreements

**62.**—(1) Where an area municipality or a local board thereof has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable to receive such sewage or land drainage in accordance with the agreement and the receiving municipality or local board shall be relieved of all liability thereunder.

Idem

(2) Where an area municipality or a local board thereof has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board shall be relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Metropolitan Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

**63.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Metropolitan Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Metropolitan Council. Powers of area municipalities, restricted

(2) No area municipality shall establish or enlarge any treatment works after the 1st day of December, 1953, without the approval of the Metropolitan Council. Idem

**64.** The Metropolitan Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith which it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area an adequate system of sewage and land drainage disposal. Regulation of supply, etc.

**65.**—(1) Where in the opinion of the Metropolitan Council an area municipality or a portion thereof will or may derive a special benefit from the construction and operation of a work or watercourse, the Metropolitan Council may, with the approval of the Municipal Board, in authorizing the construction, extension or improvement of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Metropolitan Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law shall be binding on the area municipality. Special benefit

(2) Where debentures are issued for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Metropolitan Corporation with respect to such debentures proportionate to its share of the capital cost as set out in the by-law in the same manner as if debentures for such share had been issued by the Metropolitan Corporation for the purposes of the area municipality. Debenture payments

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 389 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality  
Rev. Stat., c. 243

**66.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a metropolitan work or watercourse without the approval of the Metropolitan Council. Connecting to metropolitan works or water-courses

## Inspection

(2) Any engineer or other officer of the Metropolitan Corporation shall have power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the metropolitan work or watercourse.

## Standards for local systems

**67.**—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a metropolitan work or watercourse, and every area municipality and local board shall conform to such by-laws.

## Approval of local extensions, etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse which discharges into a metropolitan work or watercourse without the approval of the Metropolitan Council.

## Appeal

**68.** If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

- (a) to assume as a metropolitan work any local work;
- (b) to construct, extend or improve any metropolitan work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any metropolitan work,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board shall be final.

## Special sewage service rates

**69.**—(1) The Metropolitan Council may pass by-laws, subject to the approval of the Municipal Board, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any metropolitan work or works.

(2) All such charges shall constitute a debt of the area municipality to the Metropolitan Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Metropolitan Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 389 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality  
Rev. Stat., c. 243

**70.** The Metropolitan Corporation shall, in respect of all works assumed, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. Transfer of rights over works assumed

**71.** Any person authorized by the Metropolitan Council shall have free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. Inspection of local works

**72.** Any works assumed by the Metropolitan Corporation under the authority of section 61, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities. Use of metropolitan works

**73.—**(1) This Part, except sections 58, 61, 63 and 71, comes into force on the 1st day of January, 1954. Commencement

(2) Sections 58, 61, 63 and 71 come into force on the day this Act receives Royal Assent. Idem

(3) Notwithstanding anything in this section, any authority to pass by-laws under this Part may be exercised before the 1st day of January, 1954, but no such by-laws shall be effective until that date. Passing of by-laws before Jan. 1, 1954

## PART V

## METROPOLITAN ROAD SYSTEM

Interpre-  
tation**74.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "Department" means Department of Highways;
- (c) "Minister" means Minister of Highways.

Existing  
county  
roads in  
AreaRev. Stat.,  
c. 166

**75.** Unless assumed as a metropolitan road by the by-law mentioned in section 76, all roads within the Metropolitan Area or on the boundary between the Metropolitan Area and an adjoining county which, on the 31st day of December, 1953, form part of the county road system of the County of York established under *The Highway Improvement Act* shall, on the 1st day of January, 1954, revert or be transferred to the corporations of the local municipalities in which they are situate.

Establish-  
ment of  
metropolitan  
road system

**76.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council shall by by-law establish a metropolitan road system in the Metropolitan Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Metropolitan Area and an adjoining county as may be agreed upon between the Metropolitan Council and the council of such county, and the by-law shall designate the roads to be assumed as metropolitan roads and intended to form the metropolitan road system.

Time for  
passing:  
effective  
date

(2) The by-law shall be passed not later than the 31st day of October, 1953, and shall come into force on the 1st day of January, 1954.

Submission  
of by-law  
for approval

(3) The Metropolitan Corporation shall submit the by-law to the Minister for approval by the Lieutenant-Governor in Council on or before the 31st day of October, 1953, and upon receipt of the application for such approval the Minister may obtain such report thereon as he may deem necessary and may hear the council of any area municipality which may be dissatisfied therewith before presenting the application for consideration to the Lieutenant-Governor in Council.

Approval  
of  
amendment

(4) The Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only it shall be enforced and take effect so far as approved,

but it shall not be necessary for the Metropolitan Council to pass any further by-law amending the original by-law or repealing any portion thereof which has not been so approved.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council may amend the by-law from time to time by adding roads to or removing roads from the metropolitan road system or in any other manner. Amendment of by-law

(6) Where a road is removed from the metropolitan road system pursuant to subsection 5, the road shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate. Roads removed from system

(7) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Corporation may from time to time pass a by-law consolidating its by-law establishing the metropolitan road system and all by-laws amending such by-law. Consolidating by-law

**77.**—(1) The Metropolitan Corporation shall submit a by-law covering the estimated expenditure on metropolitan roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of January of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

(2) No subsidy shall be granted by the Department for work undertaken by the Metropolitan Corporation which has not been provided for by a by-law duly approved by the Minister. Subsidy

**78.**—(1) The Metropolitan Council shall annually and may with the consent of the Minister at any time during the progress of its work in connection with the metropolitan road system submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the Metropolitan Corporation who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the Metropolitan Corporation that the statement of receipts and expenditures is correct; and

- (d) a petition for the payment of the grant, authorized by resolution of the Metropolitan Council.

Payment  
to  
Corporation

(2) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the Metropolitan Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Certain ex-  
penditures  
not included  
in statement

**79.** No expenditure towards which a special contribution has been or may be made from any source shall be included in a statement submitted under section 78 except with the consent of the Minister.

Expenditures  
eligible for  
subsidy

**80.** Expenditures which shall be deemed to be properly chargeable to road improvement shall include those made for the purpose of,

- (a) opening a new metropolitan road and acquiring the necessary land therefor;
- (b) clearing a metropolitan road of obstructions;
- (c) widening, altering or diverting a metropolitan road;
- (d) subject to section 3 of *The Public Service Works on Highways Act*, defraying 50 per cent of the cost of labour only in taking up, removing or changing the location of appliances or works placed on or under a metropolitan road by an operating corporation;
- (e) constructing and maintaining bridges, culverts or other structures incidental to the construction of a metropolitan road excepting sanitary or storm sewers or drains;
- (f) grading a metropolitan road;
- (g) constructing and maintaining an approved base for the road surface on a metropolitan road including the installing and maintaining of approved under-drainage therefor other than sanitary or storm sewers or drains;
- (h) constructing and maintaining any approved type of road surface on a metropolitan road;

Rev. Stat.,  
c. 318



- (i) constructing and maintaining necessary curbs, gutters and catch basins on a metropolitan road;
- (j) clearing snow from and applying chemicals or abrasives to icy surfaces on a metropolitan road; and
- (k) such other work of road improvement as the Minister may approve.

**81.** Every road constructed or repaired as part of the metropolitan road system shall be so constructed and repaired in accordance with the requirements of the Minister. In accordance with the requirements of the Minister

**82.** The Metropolitan Corporation shall, in respect of the roads or streets included in the metropolitan road system, have all the rights, powers, benefits and advantages conferred either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they were assumed by the Metropolitan Corporation, and the Metropolitan Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities, as the case may be, might have done if the roads had not been assumed as metropolitan roads. Powers over roads assumed

**83.—(1)** The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof. Sidewalks excepted

(2) The council of an area municipality may construct or put down a sidewalk or other improvement or service on a metropolitan road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the written consent of the Metropolitan Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any sidewalk constructed on a metropolitan road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*. How cost provided  
Rev. Stat., c. 215

(4) An area municipality when constructing a sidewalk or other improvements or service on a metropolitan road under this section shall conform to any requirements or conditions imposed by the Metropolitan Council and shall be responsible for any injury or damage arising from the construction or presence of the sidewalk, improvements or service on the road. Area municipality to conform to requirements and be responsible for damages

Rev. Stat., c. 166, s. 100, subs. 4, not to apply (5) Subsection 4 of section 100 of *The Highway Improvement Act* shall not apply to a sidewalk constructed on a metropolitan road by the council of a township.

Intersection of other roads by metropolitan road

**84.** Where a metropolitan road intersects a road or street which is not a metropolitan road, the continuation of the metropolitan road to its full width across the road or street intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the metropolitan road system except in the case of an intersection by a metropolitan road of the King's Highway, and in that case the full width of the intersection shall be deemed to be part of the King's Highway.

New roads

**85.** Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 76 by assuming such new roads as part of the metropolitan road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities shall apply *mutatis mutandis*.

Rev. Stat., c. 243

Powers and liabilities of Corporation

**86.** For the purposes of the metropolitan roads, the Metropolitan Corporation shall have all the powers conferred, and be subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Rev. Stat., cc. 243, 167

Planting trees

**87.** The Metropolitan Council may plant trees on a metropolitan road and the cost of the work shall be deemed to be part of the cost of repairing and maintaining the road.

Procedure on expropriation of land

**88.—(1)** Where, in the exercise of its powers or in the performance of its obligations under this Act, the Metropolitan Corporation finds that it is necessary to expropriate land for the purpose of establishing, laying out, opening up, widening, improving, protecting from erosion, altering or diverting a metropolitan road, the Metropolitan Corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works as set out in *The Public Works Act* may be exercised and performed in the name of the Metropolitan Corporation.

Rev. Stat., cc. 243, 323

Plan and description, filing of

(2) The plan and description of the lands taken, required by section 17 of *The Public Works Act* to be deposited in

the registry office, shall be signed by the chairman and clerk of the Metropolitan Corporation and by an Ontario land surveyor, and upon the deposit of the plan and description the land shall become and be vested in the Metropolitan Corporation.

**89.**—(1) Sections 462 and 464 of *The Municipal Act* shall not apply to a bridge or highway crossing or forming a boundary between the Metropolitan Area and an adjoining county where such bridge or highway is included in the metropolitan road system and in the county road system of the county. Disputes as to maintenance, etc., of bridges and highways Rev. Stat., c. 243

(2) Whenever there is a difference between the Metropolitan Council and the council of a county in respect of any such bridge or highway as to the corporation upon which the obligation rests for the building, maintaining or keeping in repair of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Metropolitan Council and the council of the county are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Metropolitan Corporation or the corporation of the county. Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may deem just and proper, and may by the order fix and determine the amount or proportion which each municipality shall pay or contribute toward the building, maintaining and keeping in repair of such bridge or highway. Hearing by Municipal Board

(4) An order made by the Municipal Board under this section shall be and remain binding upon the municipalities for such period as the Municipal Board may determine, and shall be final and conclusive and not subject to any appeal. Term of order

**90.** Clause *b* of subsection 1 of section 430 of *The Municipal Act* shall not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities and the councils of the area municipalities on either side of such boundary line shall have joint jurisdiction over every such bridge which is not included in the metropolitan road system. Boundary bridges

Idem  
Rev. Stat.,  
c. 243

**91.** Section 445 of *The Municipal Act* shall not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Metropolitan Area and an adjoining county and the councils of the area municipality and the local municipality in the adjoining county on either side of such boundary line shall have joint jurisdiction over every such bridge which is not included in the metropolitan road system.

Restrictions

**92.**—(1) The Metropolitan Council shall have, with respect to land abutting on a metropolitan road for a distance of 150 feet from any limit of the road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.

Conflict  
with local  
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Metropolitan Council and a by-law passed under section 390 of *The Municipal Act* by the council of the area municipality in which the land is situate, the by-law passed by the Metropolitan Council shall prevail to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality shall remain in full force and effect.

Controlled-  
access roads

**93.**—(1) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law designate any new metropolitan road established under section 85, or any portion thereof, as a metropolitan controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law close any municipal road which intersects or runs into a metropolitan controlled-access road.

Notice of  
application  
for approval  
of closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Municipal Board and the Metropolitan Corporation within such time as the Municipal Board shall direct.

Claim,  
when not  
to be  
allowed

(4) No claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Municipal Board shall be allowed except by leave of the Municipal Board.

Order of  
Municipal  
Board

(5) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such

order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road which shall be closed;
- (b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,
  - (i) by the payment by the Metropolitan Corporation to any of such persons of such damages as may be fixed by the Municipal Board,
  - (ii) by the providing of another road for the use of any of such persons,
  - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding any other Act, and
  - (iv) in such other manner as the Municipal Board may deem proper;
- (c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (d) providing for the doing of such other acts as in the circumstances it deems proper.

(6) Upon the approval of the Municipal Board being so <sup>Closing</sup> obtained but subject to the provisions of the order of the <sup>road</sup> Municipal Board made on the application for such approval, the Metropolitan Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(7) Where, at any time after making application for the <sup>Idem</sup> approval of the Municipal Board of the closing of a road, the Metropolitan Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Municipal Board, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Metropolitan Corporation as it deems proper and may fix the amount of such costs.

Appeal

(8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Metropolitan Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Practice and procedure on appeal

(10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal shall be final.

Rev. Stat., c. 262, s. 98, not to apply

(11) Section 98 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section.

Prohibition re access

**94.**—(1) No person shall, except under the authority of and in accordance with a by-law of the Metropolitan Council, construct, use or allow the use of any private road, entrance-way or gate which, or any part of which, is connected with or opens upon a metropolitan controlled-access road.

Notice

(2) The Metropolitan Corporation may give notice to the owner or occupant of any land requiring him to close up any private road, entranceway or gate that does not comply with subsection 1 or with any by-law passed thereunder.

Idem

(3) The notice shall be in writing and sent by registered letter addressed to the owner or occupant of the land and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Failure to obey notice

(4) If the person to whom the notice is given fails to comply with it within thirty days after its receipt, the Metropolitan Council may by resolution direct any officer, employee or agent of the Metropolitan Corporation to enter upon the land and do or cause to be done whatever may be necessary to close up the private road, entranceway or gate.

Offence and penalties

(5) Every person who violates subsection 1 or fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.

(6) Where a person to whom a notice has been given under subsection 3 complies therewith, the owner of the land shall be entitled to such compensation as may be agreed upon between him and the Metropolitan Corporation or he may give notice to the clerk of the Metropolitan Corporation in writing that he requires the amount of the compensation to be determined by the Municipal Board.

(7) Upon receipt of the notice, the clerk of the Metropolitan Corporation shall send a copy of the notice to the secretary of the Municipal Board.

(8) Upon receipt of the notice, the secretary of the Municipal Board shall arrange a time and place for the determination of the matter and shall send notice thereof by registered letter to the owner of the land and to the clerk of the Metropolitan Corporation at least fourteen days before the hearing.

(9) Any increase in the value of the land due to the establishment of the metropolitan controlled-access road shall be disregarded in determining the amount of compensation.

(10) No compensation shall be allowed in respect of a private road, entranceway or gate constructed after the effective date of the by-law of the Metropolitan Council designating the road as a metropolitan controlled-access road.

(11) The decision of the Municipal Board shall be final and shall not be open to appeal except that an appeal shall lie to the Court of Appeal upon a question of jurisdiction or upon a question of law in the manner and under the conditions set out in section 98 of *The Ontario Municipal Board Act* and that section shall apply *mutatis mutandis*.

**95.** Sections 96, 98, 99, 102 and 105 of *The Highway Improvement Act* shall apply *mutatis mutandis* to any metropolitan road.

**96.** For the purposes of Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part.

**97.—(1)** The Toronto and York Roads Commission, established under Part III of *The Highway Improvement Act*, is

continued, but the term of office of its present members shall terminate on the 31st day of December, 1953.

New  
members

(2) On or before the 1st day of October, 1953, the council of the County of York and the Metropolitan Council shall each appoint two members of the commission who shall take office on the 1st day of January, 1954.

Idem

(3) The fifth member of the commission shall be agreed upon by the four members appointed under subsection 2 and in default of agreement the Lieutenant-Governor in Council may make the appointment.

County  
roads  
continued  
and made  
suburban  
roads

**98.** All roads forming part of the county road system of the County of York on the 31st day of December, 1953, except those vested in a local municipality under section 75 or assumed by by-law of the Metropolitan Council under section 76, shall continue to form part of the county road system of the County of York, and shall be suburban roads for all the purposes of Part III of *The Highway Improvement Act*, until changed in accordance with *The Highway Improvement Act*.

Rev. Stat.,  
c. 166

Metropolitan  
liability  
when road  
assumed

**99.—(1)** Where the Metropolitan Corporation assumes as a metropolitan road any road in an area municipality, other than a road mentioned in section 75,

(a) no compensation or damages shall be payable to the area municipality in which it was vested;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such road, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Rev. Stat.,  
c. 215

Default

(2) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling  
of doubts

(3) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.



**100.**—(1) This Part, except sections 76 and 97, comes into force on the 1st day of January, 1954. Commencement

(2) Sections 76 and 97 come into force on the day this Act receives Royal Assent. Idem

## PART VI

### METROPOLITAN TRANSPORTATION

**101.** In this Part,

- (a) "Commission" means Toronto Transit Commission established under this Part; Interpretation
- (b) "Former Commission" means The Toronto Transportation Commission.

**102.** On and after the 1st day of January, 1954, there shall be a commission to be known as Toronto Transit Commission, with the powers, rights, authorities and privileges vested in it by this Act. Commission established

**103.**—(1) The Commission shall be a body corporate and shall consist of five members appointed, except as provided in subsection 2, by by-law of the Metropolitan Council. Corporation, members

(2) The first members of the Commission shall be, First members

- (a) the three members of the Former Commission in office on the 31st day of December, 1953;
- (b) two members appointed by by-law of the Metropolitan Council before the 1st day of January, 1954, each of whom shall be a ratepayer and a resident of one of the area municipalities other than the City of Toronto.

(3) Of the three members of the Commission who take office under clause *a* of subsection 2, the Metropolitan Council shall by by-law passed before the 1st day of January, 1954, designate one who shall hold office until the 31st day of December, 1956, one who shall hold office until the 31st day of December, 1957, and one who shall hold office until the 31st day of December, 1958; of the two members appointed under clause *b* of subsection 2, the Metropolitan Council shall by by-law passed before the 1st day of January, 1954, designate one who shall hold office until the 31st day of December, 1954, and one who shall hold office until the 31st day of December, 1955. Term of office, first members

General (4) A member shall hold office until his successor is appointed and, except in the case of the first members or the filling of a vacancy occurring during a term of office, a member shall be appointed for a term of five years.

Qualification (5) No person shall be eligible to be appointed as a member of the Commission unless he is a resident and a ratepayer of an area municipality.

Councillors disqualified (6) No member of the Metropolitan Council or of the council of an area municipality shall be eligible to be appointed as a member of the Commission.

Two-thirds vote (7) No appointment of a member of the Commission shall be made except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting.

Re-appointment (8) A member of the Commission shall be eligible for re-appointment on the expiration of his term of office.

Vacancies (9) Where the office of a member of the Commission becomes vacant during his term of office, the Metropolitan Council shall immediately appoint a member who shall hold office for the remainder of the term for which his predecessor was appointed.

Quorum (10) Three members of the Commission shall constitute a quorum.

Remuneration (11) The members of the Commission shall be paid such salary or other remuneration as may be fixed by by-law of the Metropolitan Council.

Assets vested in Commission **104.**—(1) On the 1st day of January, 1954, there is hereby vested in the Commission,

- (a) all the undertaking, assets and real and personal property, wherever situate, owned by, vested in or held by the Former Commission, including the capital stock of Gray Coach Lines Limited held by it;
- (b) all real and personal property acquired or held by The Corporation of the City of Toronto for the purposes of or on behalf of the Former Commission;
- (c) all real and personal property acquired or held by any area municipality in respect of any service furnished by the Former Commission to such municipality or any portion thereof.

(2) The Commission, on the 1st day of January, 1954, shall assume all liabilities of the Former Commission, and shall assume all liabilities of any area municipality incurred in respect of any property vested in the Former Commission under subsection 1. Liabilities

(3) Subject to section 112, no compensation or damages shall be payable to the Former Commission or any area municipality in respect of any undertaking, assets and property vested in the Commission under this section. No compensation or damages

(4) In the event of any doubt as to whether any particular asset or liability is vested in the Commission by this section, the Municipal Board, upon application, shall determine the matter and its decision shall be final and not subject to appeal. Settling of doubts

(5) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting title to property, it shall be sufficient to cite this Act to show the transmission of title to the Commission and the vesting therein of any real or personal property or any interest therein, but if an order has been made by the Municipal Board under subsection 4, the order shall be cited as well. Transfer of title  
Rev. Stat.,  
cc. 336, 197,  
36

(6) The Former Commission is dissolved as of the 1st day of January, 1954. Former Commission dissolved

**105.**—(1) Where the Former Commission has agreed with any area municipality or other municipality or person, or any two or more of them, for services to be provided by the Former Commission, the Commission shall, on the 1st day of January, 1954, assume all liabilities and be entitled to all benefits of the Former Commission under such agreement and the Former Commission shall be relieved of any liability thereunder. Existing agreements

(2) Notwithstanding subsection 1 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Commission or of any municipality or person who is a party to such agreement, may by order terminate such agreement and adjust all rights and liabilities thereunder. Termination

**106.** On and after the 1st day of January, 1954, the Commission, Powers and duties of Commission

(a) shall consolidate and co-ordinate all forms of local passenger transportation within the Metropolitan Area, with the exception of steam railways and taxis, and shall plan for the future development of such

transportation so as to best serve the inhabitants of the Metropolitan Area;

- (b) shall have and may exercise, with respect to the entire Metropolitan Area, all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation which the Former Commission has with respect to any part of the Metropolitan Area on the 31st day of December, 1953;
- (c) shall have and may exercise all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation systems heretofore or hereafter conferred upon or exercisable by the council or corporation of any area municipality, and such powers, rights, authorities and privileges shall not be exercised by any area municipality or its council or by the Metropolitan Corporation or the Metropolitan Council.

Specific  
powers

**107.**—(1) The Commission shall, in particular, but not so as to restrict its general powers and duties, have the following powers and duties:

- (a) To construct, maintain, operate, extend, alter, repair, control and manage a local transportation system within the Metropolitan Area by means of surface, underground or over head railways, tramways or buses, or any other means of local transportation except steam.
- (b) To establish new local passenger transportation services in the Metropolitan Area as and when required and to alter, curtail or abolish any services if the Commission deems it desirable so to do.
- (c) To fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.
- (d) To purchase, lease, acquire and use any real or personal property for its purposes, but the Commis-

sion shall not acquire any property which is to be paid for by moneys raised on the issue of debentures of the Metropolitan Corporation unless the approval of the Metropolitan Council has first been obtained.

- (e) To make requisitions upon the Metropolitan Corporation for all sums of money necessary to carry out its powers and duties but nothing in this Act shall divest the Metropolitan Council of its authority with reference to providing the money required for such works, and when such money is provided by the Metropolitan Corporation the treasurer of the Metropolitan Corporation shall upon the certificate of the Commission pay out any money so provided.

(2) The power of the Commission to acquire real property <sup>Expropriation</sup> for its purposes includes the powers and liabilities as to expropriation given to municipal corporations by Part XV of *The Municipal Act*, except sections 350 and 350a of that Act, and for this purpose the Commission shall be deemed to be a municipal corporation and council, and the said Part XV shall apply *mutatis mutandis*. <sup>Rev. Stat., c. 243</sup>

**108.**—(1) The Commission may enter into an agreement <sup>Agreements</sup> with any person, or with one or more area municipalities, or with one or more other municipalities situated within twenty-five miles of the Metropolitan Area, under which the Commission will operate a local passenger transportation service upon such terms as may be agreed upon, but every such agreement shall provide that any deficit in operations shall be paid by the person or municipality or municipalities, and if the agreement is with one or more municipalities the agreement shall provide that any surplus in operations shall be credited to the municipality or municipalities.

(2) Where an agreement is entered into under subsection 1 <sup>1 Surplus or deficit</sup> with one or more municipalities, the council of any such municipality may pass by-laws,

- (a) providing that any deficit charged to the municipality shall be payable out of, and any surplus shall be credited to, the general funds of the municipality; or
- (b) with the approval of the Municipal Board, providing that any deficit shall be assessed against, and any surplus shall be credited to, the rateable property in any area or areas of the municipality defined in the by-law.

Application  
of  
Rev. Stat.,  
c. 322

**109.**—(1) For the purpose of *The Public Vehicles Act*, the Metropolitan Area shall be deemed to be one urban municipality.

Exclusive  
authority

(2) No person other than the Commission shall, after the 1st day of January, 1954, operate local passenger transportation within the Metropolitan Area with the exception of steam railways and taxis.

Compensa-  
tion

(3) The Commission shall offer to purchase the equipment and property of the local passenger transportation services legally operating within the Metropolitan Area before the 1st day of January, 1954, and necessarily used for such services, and shall make such compensation therefor as may be agreed upon or, failing agreement, as shall be fixed by the Municipal Board.

Idem

(4) In determining such compensation no allowance shall be made for franchise or permit rights or for business disturbance or goodwill, but such compensation shall be limited to the actual value of the equipment and property necessarily used for the service in question.

Idem

(5) Where the holder of an operating licence under *The Public Vehicles Act* is adversely affected by subsection 2, the Commission shall pay to the holder of the licence, in respect of such adverse effect, such compensation as may be agreed upon or, failing agreement, as shall be fixed by the Municipal Board.

Annual  
report

**110.** Immediately after the close of each calendar year the Commission shall prepare, deliver to the Metropolitan Council, and publish,

- (a) a complete audited and certified financial statement of its affairs, including revenue and expense account, balance sheet and profit and loss statement;
- (b) a general report of its operations during that calendar year.

Actions,  
etc.,  
against  
Commission

**111.**—(1) All claims, actions and demands arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the Commission's transportation system and property, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Metropolitan Corporation or any area municipality.

Idem

(2) The Commission may sue and be sued in its own name.

**112.**—(1) On and after the 1st day of January, 1954, <sup>Existing</sup> the Metropolitan Corporation shall pay to each area municipality <sup>debenture</sup> before the due date all amounts of principal and <sup>liability</sup> interest becoming due upon any outstanding debentures issued by that area municipality in respect of any property vested in the Commission under subsection 1 of section 104.

(2) The Commission shall pay to the Metropolitan Corporation, before the date mentioned in subsection 1, the amount which the Metropolitan Corporation is liable to pay <sup>Payments</sup> on that date under subsection 1. <sup>by</sup> <sup>Commission</sup>

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 1, or if the Commission fails to make any payment as required by subsection 2, the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. <sup>Default</sup>

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under subsection 1 of section 104, the Municipal Board, upon application, may determine the matter and its decision shall be final. <sup>Settling</sup> <sup>of doubts</sup>

**113.** This Part comes into force on the day this Act <sup>Commence-</sup> receives Royal Assent. <sup>ment</sup>

## PART VII

### EDUCATION

**114.** In this Part,

<sup>Inter-</sup>  
<sup>pretation</sup>

- (a) "Department" means Department of Education;
- (b) "Minister" means Minister of Education;
- (c) "public school division" means the area in which a board of education or a public school board has jurisdiction for public school purposes;
- (d) "regulations" means regulations made under *The Department of Education Act*; <sup>Rev. Stat.,</sup> <sup>c. 94</sup>
- (e) "resident pupils" means pupils,
  - (i) who reside with their parents or guardians, or

- (ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district for secondary school purposes, or a public school division for public school purposes, within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for secondary school purposes or public school purposes, respectively, in the high school district or public school division;

- (f) "School Board" means The Metropolitan School Board constituted under this Part.

**115.**—(1) On the 1st day of January, 1954, School Section No. 9 of the Township of Etobicoke,

School Section No. 9, Etobicoke, detached from union section

- (a) is detached from Union School Section 5, 9 and 22 of the Townships of Toronto Gore, Etobicoke and Vaughan, subject to the adjustment by arbitration of all rights and claims pursuant to section 32 of *The Public Schools Act*; and

- (b) is added to the township school area of the Township of Etobicoke and its assets are vested in The Board of Education for the Township of Etobicoke established under *The Township of Etobicoke Act, 1949*, subject to its liabilities.

added to township school area 1949, c. 122

1949, c. 122, s. 10, repealed

(2) Section 10 of *The Township of Etobicoke Act, 1949* is repealed as of the 1st day of January, 1954.

Township of North York a township school area

**116.**—(1) On and after the 1st day of January, 1954, the whole of the Township of North York is created a township school area.

Board of education for North York

(2) In the year 1954 and thereafter there shall be a board of education for the Township of North York, to be known as The Board of Education for the Township of North York, and the elective members of the board of education shall be elected at the first annual municipal election in the Township after the day this Act receives Royal Assent and the members to be appointed shall be appointed and the board shall be organized, in accordance with *The Boards of Education Act*, except that the qualifications of elective members shall be those of urban school trustees as provided in *The Public Schools Act*.

Rev. Stat., c. 38, 316



(3) On the day on which the said board of education holds its first meeting, Dissolution of existing boards, etc.

- (a) The Collegiate Institute Board of the Township of North York and all public school boards of the Township of North York are dissolved;
- (b) all the powers and duties of such boards shall be carried on by the said board of education which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board or a board of education;
- (c) all the property theretofore vested in such boards shall become vested in the board of education; and
- (d) all debts, contracts and agreements for which such boards were liable shall become obligations of the board of education.

**117.**—(1) On and after the 1st day of January, 1954,

- (a) the present high school district in the Township of Scarborough is enlarged to include the whole of the Township of Scarborough; Township of Scarborough a high school district and township school area
- (b) the continuation school district of School Section No. 14 of the Township of Scarborough is dissolved;
- (c) the whole of the Township of Scarborough is created a township school area;
- (d) Union School Section No. 9 and 17 of the Townships of Markham and Scarborough and Union School Section No. 11 and 4 of the Townships of Scarborough and Pickering are dissolved, subject to the adjustment by arbitration of all rights and claims pursuant to section 32 of *The Public Schools Act*.

Rev. Stat.,  
c. 316

(2) In the year 1954 and thereafter there shall be a board of education for the Township of Scarborough, to be known as the Board of Education for the Township of Scarborough, and the elective members of the board of education shall be elected at the first annual municipal election in the Township after the day this Act receives Royal Assent and the members to be appointed shall be appointed and the board shall be organized, in accordance with *The Boards of Education Act*, except that the qualifications of elective members shall be those of urban school trustees as provided in *The Public Schools Act*. Board of education for Scarborough

Dissolution  
of existing  
boards, etc.

(3) On the day on which the said board of education holds its first meeting,

- (a) The Collegiate Institute Board of the Township of Scarborough, The Board of Trustees of the Continuation School of Agincourt, and all public school boards of the Township of Scarborough are dissolved;
- (b) all the powers and duties of such boards shall be carried on by the said board of education which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board or a board of education;
- (c) all the property theretofore vested in such boards shall become vested in the board of education; and
- (d) all debts, contracts and agreements for which such boards were liable shall become obligations of the board of education.

Application  
of Rev. Stat.,  
c. 38

**118.** All the provisions of *The Boards of Education Act* which are not inconsistent with this Act shall apply to the boards of education created by sections 116 and 117 in the same manner and to the same extent as if such boards of education had been created by by-laws pursuant to *The Boards of Education Act*.

Metropo-  
litan  
School Board  
established

**119.**—(1) In the year 1953 and thereafter there shall be a board to be known as The Metropolitan School Board, which shall be a corporation with the powers and duties and for the purposes set out in this Act.

Composition  
of School  
Board

(2) Subject to subsection 5, the School Board shall be composed of the following persons:

- (a) The chairman of The Board of Education for the City of Toronto.
- (b) The chairman of The Board of Education for the Township of York.
- (c) The chairman of The Board of Education for the Township of East York.
- (d) The chairman of The Board of Education for the Township of Etobicoke.
- (e) The chairman of The Board of Education for the Town of Leaside.

- (f) The chairman of The Board of Education for the Town of Weston.
- (g) The chairman of The Lakeshore District Board of Education.
- (h) The chairman of The Board of Education for the Village of Forest Hill.
- (i) The chairman of The Board of Education for the Village of Swansea.
- (j) The chairman of The Board of Education for the Township of Scarborough.
- (k) The chairman of The Board of Education for the Township of North York.
- (l) The member, in each ward, of The Board of Education of the City of Toronto who at the municipal election next preceding the day the new School Board is organized in any year received the highest number of votes in such ward.
- (m) Two representatives to be appointed by the Toronto and Suburban Separate School Board, as if the School Board were a municipal board of education established under *The Boards of Education Act*, Rev. Stat., but one of such representatives shall be a resident of the City of Toronto and the other a resident of one of the other area municipalities. <sup>c. 38</sup>

(3) If after any election, by reason of an acclamation or an equality of votes, it cannot be determined which member of The Board of Education of the City of Toronto from any ward is entitled to be a member of the School Board, the matter shall be determined by lot drawn by the secretary of that board of education. <sup>Acclamation or equality of votes</sup>

(4) If the chairman of The Board of Education of the City of Toronto is also the person entitled to be a member under clause *l* of subsection 2, the other member of that board representing the same ward shall also be a member of the School Board. <sup>where chairman of Toronto Board also member</sup>

(5) In the year 1953, in lieu of the members designated in clauses *j* and *k* of subsection 2, the chairman of the board of school trustees of Township School Area No. 1 in the Township of Scarborough and the chairman of the board of school trustees of Township School Area No. 1 in the Township of <sup>Composition of School Board in 1953</sup>

North York shall be deemed to be the chairmen mentioned in those clauses.

Election of  
chairman

(6) At the first meeting of the School Board in the year 1953 and in each year thereafter, at which a quorum is present, the School Board shall organize as a board and elect as chairman one of their members or any other person, to hold office for that year and until his successor is elected or appointed in accordance with this section.

Presiding  
member

(7) The members present at the first meeting shall select a member to preside and the person so selected may vote as a member.

Adjourn-  
ment

(8) If at the first meeting for any reason a chairman is not elected, the presiding member may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant-Governor in Council shall appoint the chairman to hold office for that year and until his successor is elected or appointed in accordance with this section.

Composition

(9) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 2, the School Board shall be composed of such chairman and the persons mentioned in subsection 2.

First  
meeting,  
1953

**120.**—(1) The first meeting of the School Board shall be held on or after the 15th day of April, 1953, at such date, time and place as the Minister may determine and the Minister shall notify each person entitled to be a member of the School Board of the date, time and place of the meeting.

First  
meeting,  
1954

(2) The first meeting of the School Board in the year 1954 and thereafter shall be held not later than the third Wednesday in January on such date and at such time and place as may be fixed by resolution of the School Board.

Certificate  
of qualifi-  
cation

(3) A person entitled to be a member of the School Board under subsection 2 of section 119 shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the secretary of the public school board or board of education for which he was elected, or of the Toronto and Suburban Separate School Board, as the case may be, and under the seal of such board certifying that he is entitled to be a member under subsection 2 of section 119.

Oath of  
allegiance

(4) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 2 of section 119, he shall, before taking his seat, take an oath of allegiance.

(5) No business shall be proceeded with at the first meeting until after the certificates mentioned in subsection 3 have been filed by all the members who present themselves for that purpose. Declaration of office

(6) The School Board shall be deemed to be organized when the certificates have been filed by at least seven members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to file such certificate. When School Board deemed organized

**121.** Subject to section 120, all meetings of the School Board shall be held at such places within the Metropolitan Area and at such times as the School Board from time to time appoints. Place of meetings

**122.**—(1) Seven members of the School Board shall be necessary to form a quorum and the concurring votes of a majority of members present shall be necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsections 3 and 4, each member of the School Board shall have one vote only. One vote

(3) When in any year the chairman has not been selected from among the members of the School Board, the chairman shall not have a vote except in the event of an equality of votes. Chairman vote

(4) When in any year the chairman has been selected from among the members of the School Board, the chairman shall have a second or casting vote in the event of an equality of votes. Idem

(5) A member of the School Board appointed under clause *m* of subsection 2 of section 119 shall not vote or otherwise take part in any of the proceedings of the School Board exclusively affecting the public schools. Voting by separate school representatives

**123.**—(1) The members of the School Board, other than those mentioned in clause *m* of subsection 2 of section 119, shall hold office while they hold the offices mentioned in that subsection and until their successors take office and a new School Board is organized. Term of office, generally

(2) The first appointments of the members of the School Board mentioned in clause *m* of subsection 2 of section 119 shall be made at the first meeting of the Toronto and Suburban Separate School Board after the day this Act receives Royal Assent or as soon thereafter as possible, and such members Separate school representatives

Rev. Stat.,  
c. 38

shall hold office until the end of the year 1954 and until their successors are appointed in accordance with *The Boards of Education Act*, and the appointment and tenure of office of such members in the year 1955 and thereafter shall be in accordance with subsections 18, 19 and 20 of section 7 of *The Boards of Education Act*.

Vacancies,  
chairman

**124.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant-Governor in Council, some person shall be appointed by the Lieutenant-Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 of section 119, the School Board shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman, who may be one of the members of the School Board or any other person, to hold office for the remainder of the term of his predecessor.

Other  
members

(3) When a vacancy occurs in the office of a member, other than the chairman or a member referred to in clause *m* of subsection 2 of section 119, the board of education of which he was a member shall within fifteen days after the vacancy occurs appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

Idem

(4) When a vacancy occurs in the office of a member referred to in clause *m* of subsection 2 of section 119, the Toronto and Suburban Separate School Board shall, within fifteen days after the vacancy occurs, appoint his successor to hold office for the remainder of the term of his predecessor.

Resignation  
of chairman

(5) Where the chairman of the School Board is a member of a board of education, he may resign his office as chairman without resigning from such board of education.

Maintenance  
assistance  
payments

**125.**—(1) The School Board shall, in the year 1954 and in each year thereafter, pay to each board of education within the Metropolitan Area, in monthly instalments, a maintenance assistance payment in respect of,

- (a) each resident pupil, of a public school division within the Metropolitan Area, of average daily attendance during the preceding year in the public elementary schools under the jurisdiction of that board;
- (b) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance

during the preceding year in the academic secondary schools under the jurisdiction of that board; and

- (c) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the preceding year in the vocational secondary schools under the jurisdiction of that board.

(2) The amounts per pupil which shall be payable by the School Board in the years 1954 and 1955 shall be as follows: Amounts, in 1954 and 1955

- (a) \$150 in respect of each pupil referred to in clause *a* of subsection 1;
- (b) \$250 in respect of each pupil referred to in clause *b* of subsection 1; and
- (c) \$300 in respect of each pupil referred to in clause *c* of subsection 1.

(3) The amounts per pupil which shall be payable by the School Board in the year 1956 and in each year thereafter shall be determined by the School Board in each such year prior to the adoption of its estimates and separate amounts shall be determined in respect of the pupils in the public elementary schools, academic secondary schools and vocational secondary schools within the Metropolitan Area and such separate amounts per pupil shall be uniform for each board of education within the Metropolitan Area.

(4) The School Board shall annually, forthwith after the determination of the amounts referred to in subsection 3, notify each board of education within the Metropolitan Area of the amount of the maintenance assistance payment payable for such year in respect of each pupil within the classes referred to in clauses *a*, *b* and *c* of subsection 1. Notice

(5) The number of pupils of average daily attendance during the year 1953 in respect of which the boards of education for the Townships of Etobicoke, North York and Scarborough are entitled to payment in the year 1954 shall be determined by the Department. 1953 attendance

**126.** It shall be the duty of the School Board and it shall have power, Powers and duties of School Board

- (a) to require each board of education within the Metropolitan Area to prepare and submit to the School Board, from time to time as the School Board may prescribe, its proposals and recommendations with respect to the provision of adequate public elementary

and secondary school accommodation within its jurisdiction, and the estimated cost thereof;

- (b) to review and consolidate all such proposals, in consultation with the boards of education, the Department, the councils of the area municipalities and the Metropolitan Council and their respective officials, and to prepare and revise from time to time a composite proposal and the recommendations of the School Board for the provision of adequate public elementary, academic secondary and vocational secondary school accommodation for the Metropolitan Area as a whole;
- (c) to submit to the Metropolitan Council from time to time the composite proposal referred to in clause *b*, together with all relevant information with respect thereto, including any tentative approvals of the Department for legislative grant purposes relating thereto;
- (d) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective boards of education, the boundaries of the attendance areas for those public elementary and secondary schools in the Metropolitan Area which are to be attended by resident pupils from more than one public school division or high school district;
- (e) notwithstanding the provisions of this or any other Act, to determine the basis upon which and the conditions under which fees, if any, on behalf of resident pupils of one public school division or high school district in the Metropolitan Area attending a school in another public school division or high school district in the Metropolitan Area shall be paid by the sending board to the receiving board, and the net amount of such fees after allowance has been made for the maintenance assistance payments paid to the receiving board in respect of such pupils;
- (f) notwithstanding the provisions of this or any other Act, to determine the basis upon which the cost of transportation, if any, of the resident pupils of one public school division or high school district in the Metropolitan Area attending a school in another public school division or high school district in the Metropolitan Area shall be paid, and the respective responsibilities therefor of the sending board, the receiving board and the School Board;



- (g) notwithstanding the provisions of this or any other Act, to make provision, if deemed expedient, for the payment to any board of education of any part or the whole of the cost of the education of pupils attending classes established under *The Auxiliary Classes Act* <sup>Rev. Stat., c. 29</sup> and other special classes authorized by the Minister, to the extent that such cost or part thereof exceeds the maintenance assistance payments paid in respect of such pupils;
- (h) to appoint a treasurer, who shall be the treasurer of the Metropolitan Corporation, a secretary and such other officers and staff as may be deemed expedient for the purposes of the School Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers of the School Board, if authorized by the School Board;
- (i) if deemed expedient, to pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the School Board from his home and in returning to his home, and to pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year;
- (j) to prepare, adopt and submit each year to the Metropolitan Council, on or before such date and in such form as the Metropolitan Council may prescribe, the estimates of the School Board for the current year, separately for public elementary and for secondary school purposes, of all sums required to meet its expenditures and obligations under section 125 and this section, and such estimates shall include and make due allowance for,
- (i) the amount of any surplus or deficit remaining at the end of the preceding year,
  - (ii) the revenue estimated to be derived from the legislative grants specified in subsection 3 of section 128 and from all other sources,
  - (iii) the amounts of principal and interest payable during the current year in respect of all outstanding debentures issued for school purposes.

Payment by Metropolitan Corporation

**127.** The Metropolitan Corporation shall pay to the School Board, in monthly instalments, the moneys required by the School Board as shown in its estimates submitted under clause *j* of section 126, except the moneys required for the purposes of subclause iii of the said clause.

Legislative grants shall not be reduced

**128.—(1)** Nothing in this Act shall reduce the total amount of special and general legislative grants payable to or on behalf of any board having jurisdiction over a public school division, high school district or continuation school district in the Metropolitan Area below the amount which would have been paid had this Act not been passed.

Applications for legislative grants

(2) Notwithstanding subsections 3 and 4, each board of education in the Metropolitan Area shall in each year apply to the Minister for all special and general legislative grants as if this Act had not been passed.

General legislative grants payable to School Board

(3) Notwithstanding any other Act or any regulations made thereunder, during the year 1954 and thereafter the general legislative grants, except those payable in respect of milk for consumption by pupils, night schools, text books and reference books, payable to or on behalf of any board having jurisdiction over a public school division, high school district or continuation school district in the Metropolitan Area shall be paid to the School Board.

Certain legislative grants payable to boards of education

(4) The general legislative grants in respect of milk for consumption by pupils, night schools, text books and reference books referred to in subsection 3, together with any special legislative grants to which the board of a public school division, high school district or continuation school district in the Metropolitan Area may be entitled, shall continue to be paid to that board or, if such board has been dissolved by this Act, to the board of education to which its powers and duties have been assigned.

Estimates of boards of education

**129.—(1)** Each board of education in the Metropolitan Area when preparing and submitting to the municipal council or councils its annual estimates as provided by law shall, in addition to all other requirements, include and make due allowance for the maintenance assistance payments and other revenues to be received during the year from the School Board, and such estimates may, notwithstanding any other Act, include an additional sum to be obtained from current revenue for permanent improvements to be made during the year.

Powers and duties

(2) Each board of education in the Metropolitan Area shall continue to have all the powers, duties and responsibilities conferred and imposed upon it by any general or special Act and regulations made thereunder that are not inconsistent

with the provisions of this Act, and shall comply with all the requirements of this Act that apply to them.

**130.**—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality for public or secondary school purposes. School debenture liability

(2) If the Metropolitan Corporation fails to make any payment as required by subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(3) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for public or secondary school purposes, the Municipal Board, upon application, may determine the matter, and its decision shall be final. Settling of doubts

**131.**—(1) Notwithstanding any of the provisions of this or any other Act, no board of education in the Metropolitan Area, Discontinuation and sale of schools, etc.

(a) shall discontinue the operation and maintenance of any school under its jurisdiction without the approval of the School Board;

(b) shall sell, lease or otherwise dispose of any school site, school building, school equipment or other item of school property, the cost of which was financed in whole or in part by the issue of debentures, without the approval of the School Board.

(2) Where a board of education sells, leases or otherwise disposes of any school property in accordance with clause *b* of subsection 1, the board of education shall pay to the School Board that share of the proceeds of such disposal that bears the same ratio to the total proceeds as the portion of the total cost of such property borne by the Metropolitan Corporation bears to the total cost of such property. Application of proceeds

(3) In the event of any doubt as to the apportionment of the proceeds in accordance with subsection 2, the Municipal Board, upon application, may determine the matter, and its decision shall be final. Settling of doubts

**132.**—(1) Where a board of education in the Metropolitan Area desires that the sums required for permanent improvements as defined in clause *m* of subsection 1 of section 1 of *The High* Application for debentures for school purposes

Rev. Stat.,  
c.c. 165, 316

*Schools Act* or for any of the purposes mentioned in subsection 1 of section 56 of *The Public Schools Act* shall be raised by the issue and sale of debentures, it may apply to the council or councils of the area municipality or municipalities in which it has jurisdiction and it shall at the same time deliver a copy of such application to the secretary of the School Board and the clerk of the Metropolitan Corporation.

Idem

(2) The application shall state the purpose of the proposed borrowing, the nature and estimated cost of the proposed work or project, the estimated amount of general legislative grants payable in respect thereof and the proposed term of years of the debentures to be issued.

Disposition  
of appli-  
cation by  
area council

(3) Each council applied to shall, at its first meeting after receiving the application or as soon thereafter as possible, consider and approve or disapprove the application and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Duty of  
municipal  
clerk

(4) The clerk of each such area municipality shall forward a certified copy of the resolution of the council approving or disapproving the application to the secretary of the applicant board of education, the secretary of the School Board and the clerk of the Metropolitan Corporation.

Disposition  
of appli-  
cation by  
School  
Board

(5) The School Board, at its first meeting after receiving its copy of the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and the secretary of the School Board shall forward a certified copy of its resolution in respect of the application to the secretary of the applicant board of education, the clerk of each area municipality concerned and the clerk of the Metropolitan Corporation.

Disposition  
of appli-  
cation by  
Metro-  
politan  
Council

**133.**—(1) The Metropolitan Council, after the application referred to in section 132 has been dealt with by the council of each area municipality concerned and by the School Board, shall consider and approve or disapprove the application, and the clerk of the Metropolitan Corporation shall thereupon give notice of the decision of the Metropolitan Council to the secretary of the applicant board of education, the clerk of each area municipality concerned and the secretary of the School Board.

Application  
to Municipal  
Board

Rev. Stat.,  
c. 262

(2) If the Metropolitan Council approves the application, it shall apply to the Municipal Board for its approval under section 67 of *The Ontario Municipal Board Act*, and if the Municipal Board approves, the Metropolitan Council shall pass a by-law authorizing the borrowing of money by the issue

and sale of debentures of the Metropolitan Corporation for the purposes stated in the application.

(3) Where the Metropolitan Council disapproves the appli-<sup>Appeal</sup> cation, the applicant board of education or the council of any area municipality concerned or the School Board may appeal to the Municipal Board for an order requiring the Metropolitan Council to pass a by-law for borrowing money by the issue and sale of debentures for the purpose or purposes stated in the application.

(4) The Municipal Board shall conduct a public hearing of<sup>Public hearing</sup> every such appeal upon such notice as it may deem proper, and may dismiss the appeal or may by order require the Metropolitan Council to pass the by-law mentioned in subsection 3, and the decision of the Municipal Board on such appeal shall be final.

(5) Every order of the Municipal Board granting approval<sup>Levy</sup> of an application under subsection 2 or requiring the issue of debentures under subsection 4 shall state what amount of the debentures to be issued shall be levied against all the area municipalities and what amount shall be levied only against the area municipality or area municipalities in which the applicant board of education has jurisdiction.

(6) The amount directed in the order to be levied against all<sup>Idem</sup> the area municipalities shall be the amount of the proposed expenditures that has been approved by the Minister for general legislative grant purposes.

**134.** Nothing in this Act affects any public school board or<sup>Certain school boards and districts</sup> public school section within the Metropolitan Area heretofore<sup>exempted</sup> or hereafter established by the Minister under section 66 of *The Public Schools Act* or any high school board or high<sup>Rev. Stat., cc. 316, 165</sup> school district within the Metropolitan Area hereafter established by the Minister under subsection 6 of section 5 of *The High Schools Act*.

**135.**—(1) This Part, except section 125, clauses *d, e, f, g*<sup>Commencement</sup> and *j* of section 126 and sections 127 to 133, comes into force on the day this Act receives Royal Assent.

(2) Section 125, clauses *d, e, f, g* and *j* of section 126 and<sup>Idem</sup> sections 127 to 133, come into force on the 1st day of January, 1954.

## PART VIII

## SEPARATION FROM COUNTY OF YORK

Separation  
from  
County  
of York

**136.** On and after the 1st day of January, 1954, the following area municipalities are hereby withdrawn and for municipal purposes shall be separated from the County of York:

The Township of East York  
 The Township of Etobicoke  
 The Village of Forest Hill  
 The Town of Leaside  
 The Village of Long Branch  
 The Town of Mimico  
 The Town of New Toronto  
 The Township of North York  
 The Township of Scarborough  
 The Village of Swansea  
 The Town of Weston  
 The Township of York.

Composition  
of councils

**137.** Subject to section 138, the council of each area municipality mentioned in section 136 shall continue to be composed as if this Act had not been passed.

By-laws re  
composition  
of councils

**138.**—(1) The council of any town mentioned in section 136 may pass by-laws providing that the council shall be composed of a mayor to be elected by general vote, and not more than eight councillors, and the by-law may provide that the councillors shall be elected by general vote or, if the town is divided into wards, by wards or partly by wards and partly by general vote.

Idem

(2) The council of any village or township mentioned in section 136 may pass by-laws providing that the council shall be composed of a reeve to be elected by general vote, and not more than eight councillors, and the by-law may provide that the councillors shall be elected by general vote or, if the village or township is divided into wards, by wards or partly by wards and partly by general vote.

Repeal

(3) A by-law under this section shall not be repealed until two annual elections have been held under it.

Time for  
passing;  
assent of  
electors

(4) A by-law under this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors.

(5) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after its passing. Effective date

(6) Notwithstanding subsection 4, a by-law may be passed in the year 1953 under this section, not later than the 1st day of November, without the assent of the municipal electors. 1953 by-laws

**139.** Notwithstanding section 87 of *The Assessment Act*, the council of the County of York shall not examine, consider or include the assessment rolls of or the valuations of real property in the area municipalities mentioned in section 136 in the preparation of its equalization by-law in the year 1953. 1953 County equalization Rev. Stat., c. 24

**140.** This Part comes into force on the day this Act receives Royal Assent. Commencement

## PART IX

### HEALTH AND WELFARE SERVICES

**141.**—(1) The Metropolitan Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality shall have any liability under the said provisions. Liability for hospitalization of indigents Rev. Stat., c. 307

(2) Where the superintendent of a hospital notifies the clerk of the Metropolitan Corporation in accordance with subsection 1 or 2 of section 20 of *The Public Hospitals Act*, he shall at the same time and in the same manner notify the clerk of the area municipality in which the indigent person is or is represented to be a resident. Notice to area municipality

(3) The clerk of an area municipality shall, at the request of the clerk of the Metropolitan Corporation, furnish forthwith such particulars as may be ascertainable in respect of the residence or indigence of any person whose case has been brought to the attention of the clerk of the Metropolitan Corporation under section 20 of *The Public Hospitals Act*. Particulars to be sent to Metropolitan clerk

(4) The clerk of an area municipality, within ten days of receiving a notice sent to him under subsection 3, shall send by registered letter, or deliver, the particulars to the clerk of the Metropolitan Corporation. Idem

(5) Upon the failure of the clerk of an area municipality to comply with subsections 3 and 4, the area municipality Liability of area municipality

shall be liable to the Metropolitan Corporation for the charges for treatment of the patient in respect of whom the information is requested.

Existing liabilities transferred

**142.**—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for the hospitalization or burial, after the 31st day of December, 1953, of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the County was liable because the indigent person was a resident of an area municipality.

Idem

(2) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, for the hospitalization or burial, after the 31st day of December, 1953, of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the City was liable because the indigent person was a resident of the City.

Proviso

(3) Nothing in subsection 1 or 2 shall relieve the County or the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

Aid to hospitals

**143.** The Metropolitan Council may pass by-laws for granting aid for the erection, establishment, maintenance or equipment of public hospitals, including municipal hospitals, public sanatoria or municipal isolation hospitals in the Metropolitan Area and may issue debentures therefor.

Post-sanatorium care

**144.**—(1) The Metropolitan Corporation shall repay to the local board of health of each area municipality the expenses necessarily incurred by the local board for post-sanatorium care furnished after the 31st day of December, 1953, in discharge of its liability under subsection 2 of section 37 of *The Sanatoria for Consumptives Act*.

Rev. Stat., c. 346

Repayment by Metropolitan Corporation

(2) Where an area municipality repays to another local municipality expenses incurred by that other local municipality for post-sanatorium care furnished after the 31st day of December, 1953, under subsection 5 of section 37 of *The Sanatoria for Consumptives Act*, the Metropolitan Corporation shall repay such expenses to the area municipality.

Burial of indigents dying in sanatorium

(3) The Metropolitan Corporation shall repay to each area municipality any expenses incurred by the area municipality for burials after the 31st day of December, 1953, under section 38 of *The Sanatoria for Consumptives Act*, subject to the limitations set out in the said section 38.



(4) Payment under subsections 1 to 3 shall be made quarterly by the Metropolitan Corporation upon receipt from the area municipality of detailed accounts in respect of the quarter, together with such information as the Metropolitan Council may require. Time for payment

(5) Where the Metropolitan Corporation has repaid to an area municipality the expenses of the burial of a deceased patient under subsection 3, the Metropolitan Corporation, in lieu of the area municipality, shall have the rights of recourse provided for in sections 40 and 41 of *The Sanatoria for Consumptives Act*. Rights of recourse

**145.**—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged Act*, and no area municipality shall have any liability as to the establishment, erection and maintenance of a home for the aged under that Act. Liability respecting home for aged  
Rev. Stat.,  
c. 168

(2) Subsection 4 of section 9 of *The Homes for the Aged Act* shall apply in respect of applicants for admission to a home for the aged of the Metropolitan Corporation except that, Admission to home for aged

- (a) the authorization in the prescribed form referred to in clause *a* of that subsection shall be signed by the chairman or by such other member of the Metropolitan Council as is designated by resolution of the Metropolitan Council;
- (b) the statement in the prescribed form referred to in clause *c* of that subsection shall be signed by the welfare officer of the area municipality in which the applicant resides at the time of his application.

**146.** A home for the aged of the Metropolitan Corporation may be established, erected and maintained either within or outside the Metropolitan Area. Location of home for aged.

**147.**—(1) The home for the aged established, erected or maintained under *The Homes for the Aged Act* by The Corporation of the City of Toronto, and all real and personal property used for the purposes of such home, is hereby vested in the Metropolitan Corporation and, subject to subsection 2, no compensation or damages shall be payable to the City in respect thereof. Toronto home for aged vested in Metropolitan Corporation

(2) The Metropolitan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City for the purposes of the said home for the aged. Existing debenture liability

Default (3) If the Metropolitan Corporation fails to make any payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts (4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for the purposes of the said home for the aged, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Residents of County home for aged **148.**—(1) The Metropolitan Corporation shall pay to The Corporation of the County of York the cost of maintenance in the County home for the aged, after the 31st day of December, 1953, of every resident of that home who was admitted thereto due to residence in an area municipality.

Amount of maintenance payment (2) The amount payable by the Metropolitan Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Liability for neglected children Rev. Stat., c. 53 **149.**—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of the provisions of *The Children's Protection Act* imposing liability on municipalities with respect to neglected children, and no area municipality shall have any liability under the said provisions.

Rev. Stat., c. 53, s. 4; s. 17, subss. 2, 3; s. 21, subs. 2, not to apply (2) Section 4, subsections 2 and 3 of section 17 and subsection 2 of section 21 of *The Children's Protection Act* shall not apply to the Metropolitan Council or the Metropolitan Corporation, and each area municipality shall be deemed to be a city for the purposes of section 4 of the said Act.

By-laws in aid (3) The Metropolitan Council shall have the powers given to the council of every municipality under section 29 of *The Children's Protection Act*.

Proviso (4) Nothing in this Act alters or affects the area in which a children's aid society approved under *The Children's Protection Act* has jurisdiction.

Existing liabilities transferred **150.**—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the County on the 31st day of December, 1953, where the order was made because the child belonged to the County due to residence in an area municipality.

(2) The Corporation of the City of Toronto shall not be <sup>Idem</sup> liable, and the Metropolitan Corporation shall be liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the City on the 31st day of December, 1953.

(3) Nothing in subsection 1 and 2 shall relieve the County <sup>Proviso</sup> or City from any liability in respect of maintenance provided before the 1st day of January, 1954.

**151.** The Metropolitan Corporation shall be deemed to be a municipality for the purposes of subsection 6 of section 9 of *The Female Refuges Act* and for the purposes of the regulations under that Act, and no area municipality shall have any liability under the said subsection or regulations. <sup>Liability under Rev. Stat., c. 134</sup>

**152.**—(1) An area municipality shall not be liable, and the Metropolitan Corporation shall be liable, for the maintenance of any person who was in a female refuge on the 31st day of December, 1953, and in respect of whom the area municipality was liable because the person was a resident thereof. <sup>Existing liabilities transferred</sup>

(2) Nothing in subsection 1 shall relieve any area municipality from any liability in respect of maintenance provided before the 1st day of January, 1954. <sup>Proviso</sup>

**153.** The Metropolitan Corporation shall be deemed to be a city for the purposes of subsection 1 of section 13 and sections 14 to 18 and 22 of *The Training Schools Act*, and no area municipality shall have any liability under the said provisions. <sup>Liability under Rev. Stat., c. 396</sup>

**154.**—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the County was liable on the 31st day of December, 1953, due to residence in an area municipality. <sup>Existing liabilities transferred</sup>

(2) The Corporation of the City of Toronto shall not be <sup>Idem</sup> liable, and the Metropolitan Corporation shall be liable, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City was liable on the 31st day of December, 1953, due to residence in the City.

(3) Nothing in subsections 1 and 2 shall relieve the County <sup>Proviso</sup> or the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954.

Information **155.** Every area municipality and every officer or employee thereof shall, at the request of the clerk of the Metropolitan Corporation, furnish forthwith to such clerk any information he may require for the purposes of *The Homes for the Aged Act*, *The Children's Protection Act*, *The Female Refugees Act* and *The Training Schools Act*.

Rev. Stat.,  
cc. 168, 53,  
134, 396

Adjustments **156.** In the event of any doubt as to whether any liability is transferred under section 142, 150, 152 or 154 or as to whether the Metropolitan Corporation is liable under subsection 1 of section 148 in respect of any particular resident of the County home for the aged, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Commencement **157.** This Part comes into force on the 1st day of January, 1954.

## PART X

### ADMINISTRATION OF JUSTICE, ETC.

Court house and jail **158.**—(1) The Metropolitan Corporation shall provide and maintain a court house and a jail.

Sufficient for county (2) The court house and jail shall be sufficient for the purposes of the County of York as well as for the purposes of the Metropolitan Area.

Maintenance of jail **(3)** The jail shall be provided and maintained in accordance with *The Jails Act* and to the satisfaction of the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 188

Erection, etc., of court house and jail **159.**—(1) The Metropolitan Council may pass by-laws for erecting, enlarging or improving a court house or jail, and shall keep the same in repair and provide the food, fuel and other supplies necessary therefor.

County buildings (2) The County of York may acquire land for, and may erect and maintain, either in the Metropolitan Area or elsewhere in the county, buildings for use as a county hall and for offices for the county officials.

Metropolitan jail (3) The Metropolitan Corporation may erect and maintain its jail either within the Metropolitan Area, the County of York, or any county adjoining the County of York.

Use of court house and jail by county **160.** The court house and the jail provided by the Metropolitan Corporation shall be the court house and jail of the

County of York, and the sheriff of the county and the jailer shall receive and safely keep, until duly discharged, all persons committed to the jail by any competent authority of the county.

**161.** The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, other than the Crown attorney of the City of Toronto, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

Metropolitan Council to provide accommodation, etc.

**162.** The care of the court house and jail of the Metropolitan Corporation shall be regulated by by-law of the Metropolitan Council.

By-laws

**163.**—(1) The County of York shall bear and pay its just share or proportion of all charges and expenses from time to time incurred in erecting, enlarging, improving, repairing or maintaining the court house and jail of the Metropolitan Corporation, and of their proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in section 161, and of all other charges relating to the administration of justice except such as the Metropolitan Corporation is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements.

Liability of county to share costs of court house, etc.

(2) The use of the court house for the sittings of a division court of a division which comprises part of the county may be taken into account in determining the amount to be paid by the county for the maintenance of the court house.

Allowance for use of court house for division courts

(3) If the Metropolitan Corporation and the county are unable to agree as to the amount to be paid by the county, the amount shall be determined by arbitration under *The Municipal Act*.

Arbitration  
Rev. Stat.,  
c. 243

Insurable  
interests

**164.** The county and the Metropolitan Corporation shall have from time to time insurable interests in the court house and jail in the proportions of the aggregate amounts which they have respectively contributed to the costs, charges and expenses of erecting, enlarging, improving and repairing such buildings, and in the contents and furniture of the court house and jail in the proportions of the aggregate amounts which they have respectively contributed to the costs, charges and expenses of providing the contents and furniture.

Care of  
prisoners,  
etc.

**165.**—(1) The county shall pay to the Metropolitan Corporation in respect of its use of the court house and jail and for the care and maintenance of prisoners such compensation as may be mutually agreed upon or determined by arbitration under *The Municipal Act*.

Rev. Stat.,  
c. 243

Compensa-  
tion

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrator shall, so far as he deems just and reasonable, take into consideration the original cost of the site and erection of the jail and jail buildings and of repairs and insurance, so far as they have been borne by one or other of the two municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith.

Reconsidera-  
tion of  
compensa-  
tion

**166.** After five years from the time when the amount of the compensation is agreed upon or determined by arbitration under sections 163 and 165 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council upon the application of the county or the Metropolitan Corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or determined by arbitration.

Use of  
jail as  
lock-up

**167.** The jail may be used for the purposes of a lock-up house for any area municipality or any local municipality in the county, and if so used the area municipality or local municipality shall pay yearly to the treasurer of the Metropolitan Corporation a reasonable sum for such use and for the expenses incurred by such use, and in case of disagreement the amount to be paid to the Metropolitan Corporation shall be determined by arbitration under *The Municipal Act*.

Rev. Stat.,  
c. 243

Custody  
of jails;  
employees

**168.** Sections 369 and 370 of *The Municipal Act* apply to the jail, the Metropolitan Corporation and the jailers and jail employees, and the Metropolitan Corporation shall be deemed to be a city for the purposes of those sections.

Rev. Stat.,  
c. 243  
ss. 366-380  
not to apply

**169.** Sections 366 to 380 of *The Municipal Act* do not apply to the County of York or any area municipality.

**170.**—(1) The jail maintained by The Corporation of the City of Toronto, and all real and personal property used for the purposes of such jail, is vested in the Metropolitan Corporation and, subject to subsection 2, no compensation or damages shall be payable to the City. Toronto jail vested in Metropolitan Corporation

(2) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due on any outstanding debentures issued by the City in respect of such jail. Metropolitan liability

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(4) In the event of any doubt as to whether any debenture or portion thereof was issued in respect of the jail, the Municipal Board, upon application, may determine the matter and its decision shall be final. Settling of doubts

**171.**—(1) Until the Metropolitan Corporation has provided, established or erected a court house and is ready to provide and pay for all matters mentioned in section 161, The Corporation of the City of Toronto shall in the first instance provide and pay for all such matters. Accommodation, etc., to be provided by City of Toronto

(2) The Metropolitan Corporation shall repay to The Corporation of the City of Toronto, in such manner as may be agreed upon, the costs incurred by the City under subsection 1. Compensation

**172.** The agreement between The Corporation of the City of Toronto and The Corporation of the County of York, confirmed by section 1 of *An Act respecting the City of Toronto*, 1885, being chapter 73 of the Statutes of Ontario, 1885, is terminated as of the 1st day of January, 1954. Agreement terminated 1885, c. 73

**173.** The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Juvenile and Family Courts Act*, but if a juvenile court is established for the Metropolitan Corporation the limitations on the expenses of such court provided for in subsection 2 of section 10 of that Act shall not apply. Juvenile courts Rev. Stat., c. 193

**174.**—(1) Nothing in this Act alters or affects the boundaries of any registry division, but for the purposes of *The Land Titles Act* and *The Registry Act* the area municipalities, except the City of Toronto, shall be deemed to be separated towns. Registry and land titles offices Rev. Stat., cc. 197, 336

Registry  
office  
expendi-  
tures

(2) Each area municipality, except the City of Toronto, shall bear, and shall pay to the treasurer of the County of York, such equitable proportion of the expenses incurred by the said treasurer under section 21 of *The Registry Act* with respect to the Registry Office for the Registry Division of the East and West Riding of the County of York, as the Inspector of Legal Offices directs.

Commence-  
ment

**175.** This Part comes into force on the 1st day of January, 1954.

## PART XI

### HOUSING AND REDEVELOPMENT

Housing and  
redevelop-  
ment

Rev. Stat.,  
cc. 174, 277

**176.**—(1) The Metropolitan Corporation and the Metropolitan Council shall have all the powers conferred on the corporation or council of a municipality under *The Housing Development Act*, and under *The Planning Act* or any other Act with respect to housing or building development, housing projects, temporary housing accommodation and redevelopment areas and with respect to any other matter concerned with the provision or improvement of housing accommodation.

Powers of  
are muni-  
cipalities

(2) Nothing in subsection 1 shall be deemed to limit or interfere with the powers of the area municipalities with respect to the matters mentioned in subsection 1.

Agreements  
with muni-  
cipalities

**177.** Without limiting its powers under subsection 1 of section 176, the Metropolitan Corporation,

- (a) shall be deemed to be a governmental authority within the meaning of sections 22 and 23 of *The Planning Act*; and
- (b) may enter into agreements with any area municipality for sharing or contributing to the costs incurred by the area municipality in exercising any of its powers with respect to the matters mentioned in subsection 1 of section 176.

Commence-  
ment

**178.** This Part comes into force on the 1st day of January, 1954.

## PART XII

### PLANNING

Planning  
area  
continued  
Rev. Stat.,  
c. 277

**179.**—(1) The planning area constituted under *The Planning Act* and consisting of the whole of the County of York is continued.



(2) The Toronto and York Planning Board constituted under *The Planning Act* for the said planning area is continued.

Planning board continued

(3) The Metropolitan Corporation shall be the designated municipality within the meaning of *The Planning Act* for the purposes of the said planning area.

Designated municipality

(4) The Minister of Planning and Development shall vary the constitution of the planning board of any planning area which includes the Metropolitan Area so as to provide for membership on the board of two persons recommended by The Metropolitan School Board and approved by the said Minister.

Representation of Metropolitan School Board on planning board

**180.** The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 14, 16, 18 to 20, 28 and 29 of *The Planning Act*.

Application of Rev. Stat., c. 277 to Corporation

**181.** The scope and general purpose of the official plan for the planning area shall continue to include,

Scope and purposes of official plan

- (a) land uses and consideration generally of industrial, agricultural, residential and commercial areas;
- (b) ways of communication;
- (c) sanitation;
- (d) green belts and park areas;
- (e) public transportation.

and such other matters as the Minister of Planning and Development may from time to time define under *The Planning Act*.

**182.** All the provisions of *The Planning Act* shall, notwithstanding anything in this Part, continue to apply.

Application of Rev. Stat., c. 277

**183.** This Part comes into force on the day this Act receives Royal Assent.

Commencement

## PART XIII

### PARKS, RECREATION AREAS, ETC.

**184.** The Metropolitan Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, recreation areas, squares,

Acquiring land for parks, etc.

avenues, boulevards and drives in the Metropolitan Area or in any adjoining local municipality, and for exercising all or any of the powers which are conferred on boards of park management by *The Public Parks Act*.

Rev. Stat.,  
c. 314

Payments  
in lieu of  
taxes

**185.**—(1) Where the Metropolitan Corporation has acquired land under section 184, the Metropolitan Council may agree to pay annually to the area municipality or other local municipality in which the land is situate a sum not exceeding the amount that would have been payable to the municipality as taxes in the year of acquisition if the land were not exempt from taxation.

Proviso

(2) Subsection 1 does not apply where the land acquired by the Metropolitan Corporation was acquired from the municipality in which the land was situate or from a local board thereof and at the time of acquisition was used as a public park, recreation area, square, avenue, boulevard or drive.

Assumption  
of existing  
parks, etc.

**186.**—(1) For the purposes of section 184, the Metropolitan Council may by by-law assume any existing public park, recreation area, square, avenue, boulevard or drive vested in any area municipality or in any local board thereof, and upon the passing of the by-law the public park, recreation area, square, avenue, boulevard or drive shall vest in the Metropolitan Corporation.

Existing  
debenture  
liability

(2) Where the Metropolitan Corporation assumes any existing public park, recreation area, square, avenue, boulevard or drive vested in any area municipality or local board thereof,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of the property assumed.

Default

(3) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 2, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of  
doubts

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the property assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Commence-  
ment

**187.** This Part comes into force on the 1st day of January, 1954.

## PART XIV

## FINANCES

**188.** In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*. Interpretation Rev. Stat., c. 24

## YEARLY RATES AND ESTIMATES

**189.**—(1) The Metropolitan Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Metropolitan Corporation, including the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe. Yearly estimates

(2) In preparing the estimates the Metropolitan Council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

**190.**—(1) The Metropolitan Council shall in each year levy against the area municipalities a sum sufficient, Levy on area municipalities

- (a) for payment of the estimated current annual expenditures as adopted;
- (b) for payment of all debts of the Metropolitan Corporation, whether of principal or interest, falling due within the year.

(2) The Metropolitan Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. Apportionment

(3) The amount levied under subsection 1 for public school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for public school purposes in each of the area municipalities bears to the whole rateable property rateable for public school purposes in the Metropolitan Area, according to the last revised assessment rolls. Public school purposes

(4) The amount levied under subsection 1 for secondary school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property Secondary school purposes

rateable for secondary school purposes in each of the area municipalities bears to the whole rateable property rateable for secondary school purposes in the Metropolitan Area, according to the last revised assessment rolls.

Other purposes

(5) All other amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Metropolitan Area, according to the last revised assessment rolls.

Fixed assessments, etc., not to apply

(6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*.

Rev. Stat., c. 24

Rating by-laws

(7) One by-law or several by-laws for levying the rates may be passed as the Metropolitan Council may deem expedient.

Certificate of levy

(8) The clerk of the Metropolitan Corporation shall forthwith after the metropolitan rates have been apportioned certify to the clerk of each area municipality the amount which has been so directed to be levied therein for the then current year for metropolitan purposes showing separately the amounts required for public school purposes, secondary school purposes and general purposes.

Local levies for metropolitan purposes

(9) In each area municipality, the metropolitan levy,

- (a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;
- (b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and
- (c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

Payment

(10) All moneys levied against an area municipality under the authority of this section shall be a debt of the area municipality to the Metropolitan Corporation and the treasurer of

every area municipality shall pay the moneys so levied to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by the by-law of the Metropolitan Council mentioned in subsection 2.

(11) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

#### RESERVE FUNDS

**191.**—(1) The Metropolitan Council may in each year, if authorized by a two-thirds vote of the members present at a meeting, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall form part of the reserve fund. Investments and income  
Rev. Stat., c. 400

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department. Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. Auditor to report on reserve funds

#### TEMPORARY LOANS

**192.**—(1) The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council may deem necessary to meet, until the levies are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation, and the sums required by law be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation. Current borrowings

(2) The amount which may be borrowed in any year for the purposes mentioned in subsection 1 shall not, except with the approval of the Municipal Board, exceed 70 per cent of the Limit upon borrowings

total amount of the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the next preceding year, but in the year 1954, until the estimates for that year are adopted, the amount that may be borrowed for the purposes mentioned in subsection 1 shall be determined by the Department.

Exclusion from estimated revenues

(4) For the purposes of subsections 2 and 3, estimated revenues shall not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of levies and proceeds from the sale of assets.

Protection of lender

(5) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(6) Any promissory note made under the authority of this section shall be sealed with the seal of the Metropolitan Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(7) The Metropolitan Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Metropolitan Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge shall not defeat or affect and shall be subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty for excess borrowings

(9) If the Metropolitan Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor shall be disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by Metropolitan Council

(10) If the Metropolitan Council authorizes the application of any revenues of the Metropolitan Corporation charged

under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) If any member of the Metropolitan Council or officer of the Metropolitan Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(12) Subsections 9, 10 and 11 shall not apply to the Metropolitan Council or any member of the Metropolitan Council or officer of the Metropolitan Corporation acting under an order or direction issued or made under the authority of Part III of *The Department of Municipal Affairs Act*, nor shall they apply in any case where application of the revenues of the Metropolitan Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties  
Rev. Stat., c. 96

#### DEBENTURES

**193.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Metropolitan Council may borrow money for the purposes of,

Debentures  
Rev. Stat., c. 262

- (a) the Metropolitan Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities;
- (d) any board of education in the Metropolitan Area,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Metropolitan Corporation.

(2) All debentures issued pursuant to a by-law passed by the Metropolitan Council under the authority of this Act shall be a direct and general obligation of the Metropolitan Corporation and all the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities.

Liability

(3) Notwithstanding any general or special Act, no area municipality shall, after the 31st day of December, 1953, have power to issue debentures.

Limitation

Uncompleted works (4) When an area municipality, prior to the 31st day of December, 1953,

Rev. Stat.,  
c. 262

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 67 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Metropolitan Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Metropolitan Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 196, and no further approval of the Municipal Board shall be required.

Assent of  
electors, etc.

**194.**—(1) Notwithstanding any general or special Act, the Metropolitan Corporation may by by-law incur a debt or issue debentures for the purposes of the Metropolitan Corporation or for the purposes of an area municipality or board of education, without the assent of the electors of the Metropolitan Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Metropolitan Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence has been obtained.

Proviso

(3) Nothing in subsection 2 shall require the assent of any electors where such assent has been dispensed with under section 66 of *The Ontario Municipal Board Act*.

Rev. Stat.,  
c. 262

Hearing

**195.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 67 of *The Ontario Municipal Board Act* on the application of the Metropolitan Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.



(2) Notice of the hearing shall be given to the clerk of the Metropolitan Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct. Notice

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. Dispensation  
with hearing

**196.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advance from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing  
pending  
issue and  
sale of  
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education. Idem

(3) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality or board of education, the balance, subject to section 207, shall be transferred to the area municipality or board of education. Application  
of proceeds  
of loan

(4) Subject to subsection 3, the redemption of a debenture hypothecated shall not prevent the subsequent sale thereof. Hypotheca-  
tion not  
to prevent  
subsequent  
sale of  
debentures

Recitals  
in money  
by-law

197.—(1) A money by-law shall recite,

- (a) the amount of the debt intended to be created, and in brief and general terms, the object for which it is to be created;
- (b) the amount of the whole rateable property of the area municipalities according to their last revised assessment rolls;
- (c) the amount of the debenture debt of the Metropolitan Corporation including debenture debt of area municipalities for the repayment of which the Metropolitan Corporation is liable under this Act, and how much, if any, of the principal or interest is in arrear;
- (d) the total amount of the debenture debt of all the area municipalities excluding debenture debt for the repayment of which the Metropolitan Corporation is liable, and how much, if any, of the principal or interest is in arrear;
- (e) the approval of the Department of Health as required by subsection 2 of section 107 of *The Public Health Act*, if the by-law is for raising money for any of the purposes mentioned in section 101 or 106 of that Act;

Rev. Stat.,  
c. 306

- (f) the approval of the Municipal Board as required by section 67 of *The Ontario Municipal Board Act*.

Rev. Stat.,  
c. 262

Principal  
and interest  
payments

(2) The by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Levy on  
specific  
area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year.

General  
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of

principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality, for the same purpose, for the portion of the debt levied against it under subsection 4. Levy by area municipalities

(7) All levies imposed by the by-law against an area municipality shall be a debt of the area municipality to the Metropolitan Corporation. Levies a debt

(8) The Metropolitan Council may by by-law authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Metropolitan Council, upon again acquiring them, or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. By-law to change mode of issuing debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Metropolitan Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years after the passing of the by-law. Debentures, when to be dated and issued

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date. Date of debentures

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9. Idem

- Extension of time for issue (12) The Municipal Board, on the application of the Metropolitan Council, the council of any area municipality, a board of education or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.
- Application after time expired (13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.
- Effective date (14) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing.
- Consolidation (15) Notwithstanding any general or special Act, the Metropolitan Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.
- Redemption before maturity (16) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Metropolitan Corporation on any date prior to maturity subject to the following provisions:
- (a) The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
  - (b) The principal of every debenture that is so redeemable shall become due and payable on the date set for the redemption thereof, and from and after such date interest shall cease to accrue thereon where provision is duly made for the payment of the amount thereof.
  - (c) Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
  - (d) At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in such other manner as, subject to the approval of the Municipal Board, the by-law provides.
  - (e) Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest

maturity dates, and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.

- (f) Where a debenture is redeemed on a date prior to maturity, such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council in respect of the debenture so redeemed.

(17) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable in lawful money of Canada or of the United States of America or of Great Britain for such principal amount as the Metropolitan Council may deem necessary to realize the sum required for such purpose, and may be made payable in Canada or in the United States of America or in Great Britain.

Debentures expressed in foreign currency

(18) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Metropolitan Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary.

Annual rates

**198.**—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any debentures which remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Metropolitan Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in the said by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

(d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-  
tion not a  
sale under  
this section

(2) For the purposes of this section, the hypothecation of debentures under section 196 shall not constitute a sale or other disposal thereof.

Consolida-  
tion of  
debentures

(3) The Metropolitan Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special  
assessments  
and levies

(4) A by-law passed under this section shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council.

Repeal of  
by-law when  
part only  
of money to  
be raised

**199.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Metropolitan Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to  
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt  
paid certain  
by-laws  
cannot be  
repealed

**200.** Subject to section 199, after a debt has been contracted under a by-law, the Metropolitan Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Metropolitan Corporation which has been directed to be applied to such payment.

Penalty for  
neglect of  
officer to  
carry out  
by-law

**201.** Any officer of the Metropolitan Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Metropolitan Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting

to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100.

**202.**—(1) Within four weeks after the passing of a money by-law, the clerk of the Metropolitan Corporation shall register a duplicate original or a copy of it, certified under his hand and the seal of the Metropolitan Corporation, in the Registry Office for the Registry Division of the City of Toronto.

Money by-laws to be registered

(2) A clerk who neglects to perform within the prescribed period the duty imposed upon him by subsection 1 shall incur a penalty of \$200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period, not exceeding twelve months, as the court may direct.

Penalty

(3) It shall not be obligatory to register a by-law for the issue of debentures passed under *The Municipal Drainage Act* or under *The Local Improvement Act*.

Exception as to certain by-laws  
Rev. Stat.,  
cc. 246, 215

(4) Subject to section 64 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 3 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

Application to quash registered by-law, when to be made  
Rev. Stat.,  
c. 262

(5) After the expiration of the period prescribed by subsection 4, if no application or action to quash the by-law is made or brought, the by-law shall be valid and binding according to its terms.

Time when by-law to be valid and binding

(6) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 4, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, shall after the expiration of that period be valid and binding according to its terms.

Quashing part of by-law

(7) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after

Dismissal of application

such dismissal and the expiration of the period prescribed by subsection 4, if it has not already expired, the by-law, or so much of it as is not quashed shall be valid and binding according to its terms.

Illegal by-laws not validated

(8) Nothing in this section shall make valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 194, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 197 have not been substantially complied with.

Failure to register

(9) Failure to register a by-law as prescribed by this section shall not invalidate it.

Debentures, how to be executed

**203.**—(1) Subject to subsection 3, a debenture or other like instrument shall be sealed with the seal of the Metropolitan Corporation, and signed by the chairman of the Metropolitan Council or by some other person authorized by by-law to sign it, and by the treasurer.

Execution of coupons

(2) A debenture may have attached to it interest coupons which shall be signed by the treasurer and his signature to them may be written, stamped, lithographed or engraved.

Execution of debentures

(3) The signature of the chairman of the Metropolitan Council to all debentures or other like instruments issued by the Metropolitan Corporation may be written, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be stamped, lithographed or engraved.

Full amount of debentures sold at a discount recoverable

(4) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the Metropolitan Corporation at a discount.

Signature to debentures

(5) Any debenture shall be sufficiently signed if it bears the signatures of persons provided in this section if such persons had authority to sign as provided in this section either on the date the debenture bears or at the time it was issued.

Debentures on which payment has been made for one year to be valid

**204.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture which has matured has been paid by the Metropolitan Corporation, the by-law and the debentures issued under it shall be valid and binding upon the Metropolitan Corporation.



**205.**—(1) Where a debenture contains or has endorsed upon it a provision to the following effect: Mode of transfer may be prescribed

This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation, be transferable, except by entry by the treasurer in the Debenture Registry Book of the Corporation at the.....of.....

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer. Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture shall be transferable only by entry by the treasurer in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney. Transfer by entry in registry book

**206.** Where a debenture is defaced, lost or destroyed, the Metropolitan Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. Replacement of lost debentures

**207.**—(1) Money received by the Metropolitan Corporation from the sale or hypothecation of any debentures, including any premium derived therefrom, shall be kept in a separate account and shall be used only for the purposes for which it was raised and shall not be applied towards payment of the current or other expenditure of the Metropolitan Corporation. Application of proceeds of debentures

(2) When the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows: Application of surplus funds raised on debentures

(a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable.

- (b) Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption, as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.

Where debentures sold at discount

(3) Where on the sale of the whole or any part of an issue of debentures a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of debenture issue, the amount of the deficit or the part so required shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be increased accordingly.

Tenders for debentures

**208.** When the Metropolitan Corporation intends to borrow money on debentures under this or any other Act, the Metropolitan Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts, how to be kept

**209.**—(1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it.

Consolidated interest account

(2) The Metropolitan Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application of surplus money

**210.** If in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

**211.**—(1) If the Metropolitan Council applies any money raised for a special purpose in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. <sup>Liability of members</sup>

(2) If the Metropolitan Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Metropolitan Area. <sup>Action by ratepayer</sup>

(3) The members who vote for such application shall be disqualified from holding any municipal office for two years. <sup>Disqualification</sup>

**212.** When, by or under the authority of this Act, the Metropolitan Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Metropolitan Corporation may, with the approval of the Municipal Board, <sup>Refinancing of debentures</sup>

- (a) cancel all such debentures which have not been sold and issue new debentures of the Metropolitan Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Metropolitan Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Metropolitan Corporation to raise the money required to complete such purchase.

**213.** This Part comes into force on the 1st day of January, 1954. <sup>Commencement</sup>

## PART XV

## GENERAL

**214.**—(1) Section 5, Parts XV, XVI, XVII and XXI and paragraphs 3, 17 and 18 of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

Application of Rev. Stat., c. 243

(2) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, section 20 of *The Municipal Act*.

Annexations and amalgamations

**215.**—(1) Where the Metropolitan Council passes a resolution requesting a judge of the county court of the County of York, or a judge of the county court of a county adjoining the County of York, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Metropolitan Council, or an officer or employee of the Metropolitan Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Metropolitan Corporation, or to inquire into or concerning any matter connected with the good government of the Metropolitan Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Metropolitan Corporation, the judge shall make the inquiry and shall for that purpose have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Metropolitan Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

Rev. Stat., c. 308

Fees payable to judge

Rev. Stat., c. 190

Engaging counsel

Commission of financial inquiry

(2) The judge shall be paid by the Metropolitan Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

(3) The Metropolitan Council may engage and pay counsel to represent the Metropolitan Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Metropolitan Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

**216.**—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into the financial affairs of the Metropolitan Corporation or a local board thereof, and any matter connected therewith, and the commissioner shall have all the powers of a commissioner under *The Public Inquiries Act*.

(2) A commission may be recommended at the instance of the Department, or upon the request in writing of not less than one-third of the members of the Metropolitan Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and forthwith be paid by the Metropolitan Corporation. Expenses of commission

**217.** The Metropolitan Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways, etc.

**218.** The Metropolitan Corporation and any area municipality may enter into agreements for the use within any part of the Metropolitan Area of the services of their respective officers, employees and equipment. Agreements re services

**219.** For the purposes of paragraph 9 of section 4 and section 39 of *The Assessment Act*, the Metropolitan Corporation shall be deemed to be a municipality. Application of Rev. Stat., c. 24

**220.—(1)** An execution against the Metropolitan Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Executions against Metropolitan Corporation

- (a) The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Metropolitan Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
- (b) If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall in like manner as the levies of the Metropolitan Council for general purposes are apportioned among the area municipalities, deter-

mine the portion of the amount mentioned in the statement which shall be levied against and in each area municipality.

- (c) The sheriff shall then in like manner as rates are struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
- (d) The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the Metropolitan Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
- (e) If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Municipality of Metropolitan Toronto" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
- (f) The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of  
clerk, assess-  
sors and  
collectors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

**221.** Except as provided in this Act, the Municipal Board, upon the application of any area municipality, the Corporation of the County of York or the Metropolitan Corporation, may exercise any of the powers conferred on it by clauses *a* and *d* of subsection 9 of section 20 of *The Municipal Act*. Adjustment of assets, etc.  
Rev. Stat., c.243

**222.** The Lieutenant-Governor in Council, upon the recommendation of the Municipal Board, may authorize the Metropolitan Corporation to do all such acts or things not specifically provided for in this Act which are deemed necessary or advisable to carry out effectively the intent and purposes of this Act. Conditional powers

**223.**—(1) Notwithstanding anything in this Act, the Municipal Board may, before the 1st day of January, 1954, determine whether any outstanding debentures of an area municipality were issued in respect of any work or asset to be vested in or assumed by the Metropolitan Corporation on that date. Effective dates

(2) Notwithstanding the times fixed by this Act for the coming into force on the various parts and sections thereof, the Metropolitan Corporation and the Metropolitan School Board may employ officers and staff, obtain office accommodation and equipment and do all such other things, before the 1st day of January, 1954, as may be necessary to prepare for and permit the said Corporation and School Board to function for all purposes on the 1st day of January, 1954. Idem

**224.** The provisions of this Act shall apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail. Conflict with other Acts

**225.** The expenditures of the Metropolitan Corporation and the Metropolitan School Board, as approved by the Department, during the year 1953 shall be payable out of such moneys as may be appropriated therefor by the Legislature. 1953 expenditures

**226.**—(1) This Part, except sections 217 and 221, comes into force on the day this Act receives Royal Assent. Commencement

(2) Sections 217 and 221 come into force on the 1st day of January, 1954. Idem

(3) Section 1 comes into force on the day this Act receives Royal Assent. Idem

**227.** This Act may be cited as *The Municipality of Metropolitan Toronto Act, 1953*. Short title

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BILL

An Act to provide for the Federation of  
the Municipalities in the Toronto  
Metropolitan Area for Certain Financial  
and Other Purposes

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*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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MR. FROST

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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## BILL

An Act to provide for the Federation of the  
Municipalities in the Toronto Metropolitan  
Area for Certain Financial and  
Other Purposes

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MR. FROST

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*(Reprinted as amended by the Committee of the Whole House)*

## EXPLANATORY NOTES

GENERAL. This Bill implements, in large measure, the recommendations appended to the decision of the Ontario Municipal Board dated January 20th, 1953, with respect to the application of the City of Toronto for the amalgamation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York, and the application of the Town of Mimico for the creation of an area for the joint administration of certain services in the same municipalities.

The Bill is divided into fifteen parts dealing with the various subject matters which are necessary to the functioning of the federation.

The Bill provides in substance for the federation for certain purposes of the thirteen municipalities in the Toronto area, but, except as provided in the Bill, all the powers of the local area municipalities are continued.

PART I. This Part provides for the incorporation of a new municipality to be known as The Municipality of Metropolitan Toronto, and provides for the establishment of its council which will be composed of the heads of the councils of all the area municipalities, two members of the board of control of the City of Toronto, and nine aldermen from the City of Toronto.

In the years 1953 and 1954 there will be an additional member appointed by the Lieutenant-Governor in Council who will be the chairman of the council. Thereafter the chairman will be elected by the Metropolitan Council at its first meeting in each year and the chairman may be either one of the members of the council or any other person.

Provision is made in this Part for the officers and the administrative machinery of the metropolitan municipality.

PART II. This Part provides for the transfer to the metropolitan municipality of all responsibility for the making of local assessments in the area on a uniform basis. This assessment will be the basis of taxation for both local and metropolitan purposes.

PART III. This Part authorizes and requires the metropolitan municipality to take over and operate all existing works in the area municipalities for the production and wholesale distribution of water to the area municipalities, and to assume all outstanding debt in respect of such works.

PART IV. This Part authorizes and requires the metropolitan municipality to establish a comprehensive sewage and drainage system for the entire Metropolitan Area, and to assume all outstanding debt of the area municipalities in respect of works assumed.

PART V. This Part authorizes the metropolitan municipality to establish a metropolitan road system substantially in the manner in which county systems are created.

It provides authority for new metropolitan highways as well as the assumption of existing major roads. Existing county and suburban roads within the limits of the Metropolitan Area are detached from the system operated by The Toronto and York Roads Commission, and all county roads in the remaining portion of the County are made suburban roads for the purposes of Part III of *The Highway Improvement Act*.

The present Toronto and York Roads Commission is continued, but provision is made for the appointment of new members by the County of York and the metropolitan municipality who will take office on January 1st, 1954.

PART VI. This Part dissolves the present Toronto Transportation Commission and creates a new Commission for the entire Metropolitan Area to be known as Toronto Transit Commission, to which are transferred all the powers and assets of the Toronto Transportation Commission.

The first members of the Commission will be the present three members of the Toronto Transportation Commission and two additional members appointed by the Metropolitan Council.

All debenture debt in connection with the Toronto Transportation Commission that is outstanding on January 1st, 1954, will become the responsibility of the new Commission and of the metropolitan municipality.

PART VII. This Part provides for the establishment of a Metropolitan School Board, on a basis similar to the establishment of the Metropolitan Council, composed of members of public and secondary school boards, with the usual separate school representation for secondary school purposes. Provision is made for the establishment of a single board of education in each of the Townships of Scarborough, North York and Etobicoke in the year 1954 and thereafter.

Separate school organization and separate school matters are not affected by the Bill.

The Metropolitan School Board is given authority to determine and pay maintenance assistance payments toward the cost of educating public elementary, academic secondary and vocational secondary school pupils. These payments will be provided from general legislative grants and from uniform levies against all the area municipalities. The amount of the maintenance assistance payment in respect of each class of pupil for the years 1954 and 1955 is fixed by the Bill and thereafter will be determined by the Metropolitan School Board.

The amount of the capital cost of new school accommodation which is eligible for legislative grants is required to be raised by metropolitan taxation. Local boards of education are given an ultimate right of appeal to the Municipal Board for permission to undertake capital projects.

Outstanding debenture indebtedness in the Metropolitan Area for public elementary and secondary school purposes will become the responsibility of the metropolitan municipality.

The Metropolitan School Board is given certain ancillary powers with respect to the transportation of pupils and the establishment of school attendance areas, etc.

PART VIII. This Part provides for the separation for municipal purposes of the twelve suburban municipalities from the County of York. The councils of these municipalities may continue to be composed as at present or may be changed by by-law in accordance with the Bill.

PART IX. The statutory obligations of the area municipalities with respect to homes for the aged, hospitalization of indigent patients, post-sanatorium care, maintenance of neglected children and similar matters is transferred from the County of York and the City of Toronto to the metropolitan municipality.

PART X. The metropolitan municipality is given the responsibility of a county for the establishment and maintenance of a court house and jail and the payment of the costs of administration of justice. The county of York is required to contribute its share of such expense, as determined by agreement or arbitration.

The metropolitan municipality is made one municipality for the purposes of *The Juvenile and Family Courts Act*.

The existing arrangements with respect to registry offices and land titles offices are continued and the suburban municipalities will contribute toward the cost of, and share in the revenues from, the Registry Office for the Registry Division of the East and West Riding of the County of York as if they were separated towns.

PART XI. The metropolitan municipality is given all the powers of a local municipality with respect to housing, redevelopment and joint arrangements with the Province and the Dominion for housing projects, but the area municipalities will continue to have their existing powers in respect of these matters.

PART XII. The Metropolitan Corporation is made a municipality for the purposes of *The Planning Act*, but the existing planning area and The Toronto and York Planning Board are continued, subject to the provisions of *The Planning Act*.

The official plan prepared by the area planning board will be submitted to the Metropolitan Council for its adoption and if adopted will be binding upon all the area municipalities in accordance with *The Planning Act*.

PART XIII. The metropolitan municipality is given power to establish a comprehensive metropolitan parks system.

PART XIV. The Metropolitan Corporation will be given responsibility for the financing by debentures of all the requirements of the area municipalities as well as those of the Metropolitan Corporation.

Area municipalities as at present will have the right to apply to the Municipal Board for approval of their undertakings and if approval is granted the Metropolitan Corporation will be required to issue debentures on their behalf.

The Metropolitan Council is given authority to make annual levies for its purposes against the area municipalities in a manner similar to that exercised by county councils.

The general provisions of *The Municipal Act* and other Acts relating to the issue of debentures and the making of temporary loans and other financial matters are incorporated in this Part.

PART XV. This Part contains miscellaneous powers and provisions necessary or incidental to the matters dealt with in the preceding parts of the Bill and provides for the making of necessary adjustments involved in the establishment of the new municipality.

The expenditures of the Metropolitan Corporation and the Metropolitan School Board during the year 1953 will be payable out of such moneys as are appropriated therefor by the Legislature.

# BILL

## An Act to provide for the Federation of the Municipalities in the Toronto Metropolitan Area for Certain Financial and Other Purposes

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

### INTERPRETATION

**1.** In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston or the Township of York;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means chairman of the Metropolitan Council;
- (d) "Department" means Department of Municipal Affairs;
- (e) "highway" and "road" mean a common and public highway, and include a street, bridge, and any other structure incidental thereto;
- (f) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (g) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Metropolitan Corporation or of an area municipality or of two or more area municipalities or portions thereof;
- (h) "Metropolitan Area" means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York;
- (i) "Metropolitan Corporation" means The Municipality of Metropolitan Toronto;
- (j) "Metropolitan Council" means the council of the Metropolitan Corporation;
- (k) "metropolitan road" means a road forming part of the metropolitan road system established under Part V;
- (l) "Minister" means Minister of Municipal Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 192;
- (n) "Municipal Board" means Ontario Municipal Board;
- (o) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### INCORPORATION AND COUNCIL

Incorporation

**2.**—(1) On the 15th day of April, 1953, the inhabitants of the Metropolitan Area are hereby constituted a body corporate under the name of "The Municipality of Metropolitan Toronto".

(2) The Metropolitan Corporation shall be deemed to be a <sup>Deemed municipality under Rev. Stat., cc. 96, 262</sup> municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act* and shall be a municipality in the County of York separated therefrom for municipal purposes.

**3.—**(1) The powers of the Metropolitan Corporation shall be exercised by the Metropolitan Council and, except where otherwise provided, the jurisdiction of the Metropolitan Council shall be confined to the Metropolitan Area. <sup>Council to exercise corporate powers</sup>

(2) Except where otherwise provided, the powers of the Metropolitan Council shall be exercised by by-law. <sup>By-laws</sup>

(3) A by-law passed by the Metropolitan Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. <sup>Not to be quashed as unreasonable</sup>

**4.—**(1) The Metropolitan Council shall be composed of the following persons: <sup>Composition of Metropolitan Council</sup>

- (a) The head of the council of each area municipality.
- (b) The two members of the board of control of the City of Toronto who at the municipal election next preceding the day the new Metropolitan Council is organized in any year received the highest number of votes.
- (c) The alderman in each ward of the City of Toronto who at the municipal election next preceding the day the new Metropolitan Council is organized in any year received the highest number of votes in such ward.

(2) If after any election, by reason of acclamation or an equality of votes, it cannot be determined which member or members of the board of control is or are entitled to be a member or members of the Metropolitan Council, the matter shall be determined by resolution of the council of the City of Toronto passed before the organization meeting of the Metropolitan Council. <sup>Acclamation or equality of votes</sup>

(3) If after any election, by reason of acclamation or an equality of votes, it cannot be determined which alderman in any ward of the City of Toronto is entitled to be a member of the Metropolitan Council, the matter shall be determined by resolution of the council of the City of Toronto passed before the organization meeting of the Metropolitan Council. <sup>Idem</sup>

**Chairman** (4) During the years 1953 and 1954 there shall be an additional member of the Metropolitan Council, who shall be the chairman thereof, and who shall be appointed by the Lieutenant-Governor in Council before the 15th day of April, 1953, to hold office during pleasure for the years 1953 and 1954 and until his successor as chairman is elected or appointed in accordance with this section.

**Remuneration** (5) The chairman appointed under subsection 4 shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant-Governor in Council may determine.

**Election of chairman** (6) At the first meeting of the Metropolitan Council in the year 1955, and in each year thereafter, at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and until his successor is elected or appointed in accordance with this section.

**Clerk to preside** (7) The clerk of the Metropolitan Corporation shall preside at each such first meeting, or if there is no clerk, the members present shall select a member to preside and the person so selected may vote as a member.

**Adjournment** (8) If at the first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant-Governor in Council shall appoint the chairman to hold office for that year and until his successor is elected or appointed in accordance with this section.

**Composition** (9) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 1, the Metropolitan Council shall be composed of such chairman and the persons mentioned in subsection 1.

**First meeting, 1953** **5.—**(1) The first meeting of the Metropolitan Council shall be held on or after the 15th day of April, 1953, at such date, time and place as the chairman may determine and the chairman shall give to each person entitled to be a member of the Metropolitan Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

**First meeting of area councils** (2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality, in the year 1954 and thereafter, shall be held not later than the 8th day of January.

**First meeting of Metropolitan Council** (3) The first meeting of the Metropolitan Council in the year 1954 and thereafter shall be held after the councils of all



the area municipalities have held their first meetings in the year but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

(4) A person entitled to be a member of the Metropolitan Council under subsection 1 of section 4 shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the area municipality for which he was elected and under the seal of the area municipality certifying that he is entitled to be a member under the said subsection. Certificate of qualification

(5) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 1 of section 4, he shall, before taking his seat, take an oath of allegiance (Form 1) and, in the years 1955 and thereafter, a declaration of qualification (Form 2). Oath of allegiance

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 19 of *The Municipal Act* have been made by all members who present themselves for that purpose, and each such declaration shall include a declaration that the member has not by himself or a partner, directly or indirectly, any interest in any contract with or on behalf of the Metropolitan Corporation or any local board thereof. Declaration of office Rev. Stat., c. 243

(7) The Metropolitan Council shall be deemed to be organized when the declarations of office have been made by at least nine members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. When Council deemed organized

6. Subject to section 5, all meetings of the Metropolitan Council shall be held at such place within the Metropolitan Area and at such times as the Metropolitan Council from time to time appoints. Place of meetings

7.—(1) Nine members of the Metropolitan Council shall be necessary to form a quorum and the concurring votes of a majority of members present shall be necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsections 3 and 4, each member of the Metropolitan Council shall have one vote only. One vote

(3) When in any year the chairman has not been elected from among the members of the Metropolitan Council, the Chairman's vote

chairman shall not have a vote except in the event of an equality of votes.

Idem

(4) When in any year the chairman has been elected from among the members of the Metropolitan Council, the chairman shall have a second or casting vote in the event of an equality of votes.

Term of office

8. The members of the Metropolitan Council mentioned in subsection 1 of section 4 shall hold office while they hold the offices mentioned in that subsection and until their successors take office and a new council is organized.

Vacancies, chairman

9.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant-Governor in Council, some person shall be appointed by the Lieutenant-Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 of section 4, the Metropolitan Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman, who may be one of the members of the Metropolitan Council or any other person, to hold office for the remainder of the term of his predecessor.

Other members

(3) When a vacancy occurs in the office of a member other than the chairman, the council of the area municipality, of which he was a member, shall within fifteen days after the vacancy occurs appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

Resignation of chairman

(4) Where the chairman is a member of the council of an area municipality, he may resign his office as chairman without resigning from such council.

Vacancy due to absence from meetings

(5) The seat of a member of the Metropolitan Council shall become vacant if he absents himself continuously from the meetings of the Metropolitan Council during a period of one month without being authorized so to do by a resolution of the Metropolitan Council entered upon its minutes, and the Metropolitan Council shall forthwith declare the seat to be vacant.

Remuneration, chairman

10.—(1) In the years 1955 and thereafter, the chairman may be paid such annual or other remuneration, not exceeding \$15,000 per annum, as the Metropolitan Council may determine.

members

(2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration,

not exceeding \$1,800 per annum, as the Metropolitan Council may determine.

**11.**—(1) The Metropolitan Council may from time to time establish such standing or other committees, and assign to them such duties, as it deems expedient. Committees of Council

(2) The Metropolitan Council may by by-law provide for paying an annual allowance not exceeding \$100 to each chairman of a standing committee, except where such chairman is the chairman of the Metropolitan Council. Remuneration of chairmen of committees

**12.** The Metropolitan Council may pass by-laws for governing the proceedings of the Metropolitan Council and any of its committees, the conduct of its members and the calling of meetings. Procedure by-laws

**13.** The chairman shall be the head of the Metropolitan Council and the chief executive officer of the Metropolitan Corporation. Who to be head of Council

**14.** When the chairman is absent from the Metropolitan Area or absent through illness, or refuses to act, or when the office of chairman is vacant, the Metropolitan Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence, refusal to act or vacancy. Acting chairman

**15.** Sections 210, 212, 213, 215, 217, 218, 219, 261, 262, 269 and 291 to 296 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. Application of Rev. Stat., c. 243

**16.**—(1) The Metropolitan Council shall appoint a clerk, whose duty it shall be, Appointment of clerk, and his duties

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Metropolitan Council;
- (b) to record the name and vote of every member voting on any matter or question;
- (c) to preserve and file all accounts acted upon by the Metropolitan Council;
- (d) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Metropolitan Council and its committees;
- (e) to perform such other duties as may be assigned to him by the Metropolitan Council.

Deputy  
clerk

(2) The Metropolitan Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting  
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Metropolitan Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

First clerk

(4) The chairman appointed under subsection 4 of section 4 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Metropolitan Council in the year 1953 and thereafter until the Metropolitan Council appoints a clerk or an acting clerk under this section.

Minutes,  
etc., to be  
open to  
inspection  
and copies  
to be  
furnished

**17.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in section 16 and the minutes and proceedings of any committee of the Metropolitan Council, whether the acts of the committee have been adopted or not, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the Metropolitan Corporation, to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Metropolitan Council may fix.

Copies  
certified  
by clerk  
to be  
receivable  
in evidence

(2) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Metropolitan Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Treasurer

**18.**—(1) The Metropolitan Council shall appoint a treasurer who shall keep the books, records and accounts of the Metropolitan Corporation and who shall perform such other duties as may be assigned to him by the Metropolitan Council.

Deputy  
treasurer

(2) The Metropolitan Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting  
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Metropolitan Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

**19.**—(1) The treasurer shall receive and safely keep all money of the Metropolitan Corporation, and shall pay out the same to such persons and in such manner as the law of Ontario and the by-laws or resolutions of the Metropolitan Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Metropolitan Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

To receive and take care of and disburse money, etc.

(2) Notwithstanding subsection 1, the Metropolitan Council may by by-law provide that the signature of the treasurer on cheques may be stamped, lithographed or engraved, or may by by-law designate one or more persons to sign cheques in lieu of the treasurer.

Alternative methods of signing cheques

(3) Except where otherwise expressly provided by this Act, a member of the Metropolitan Council shall not receive any money from the treasurer for any work or service performed or to be performed.

When member of Council may be paid for work

(4) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the Metropolitan Council, unless another disposition of it is expressly provided for by statute.

Treasurer's liability limited

(5) The treasurer shall open an account or accounts in the name of the Metropolitan Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the Metropolitan Council and shall deposit therein all money received by him on account of the Metropolitan Corporation, and he shall keep the money of the Metropolitan Corporation entirely separate from his own money.

Bank accounts

(6) The treasurer shall prepare and submit to the Metropolitan Council, monthly, a statement of the money at the credit of the Metropolitan Corporation.

Monthly statement of assets

(7) Where the treasurer is removed from office or absconds, the Metropolitan Council shall forthwith give notice to his sureties.

Notice to sureties

**20.**—(1) The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation.

Appointment of auditors

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Metropolitan Corporation and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof.

Disqualifi-  
cation of  
persons as  
auditors

(3) No person shall be appointed as an auditor of the Metropolitan Corporation who is or during the preceding year was a member of the Metropolitan Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Metropolitan Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of  
auditor

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Metropolitan Council or any local board of the Metropolitan Corporation that do not conflict with the duties prescribed by the Department.

Auditors  
may  
administer  
oaths

(5) An auditor may administer an oath to any person concerning any account or other matter to be audited.

Audit of  
accounts  
before  
payment

(6) The Metropolitan Council may provide that all accounts shall be audited before payment.

Employees

**21.**—(1) The Metropolitan Council may pass by-laws for appointing such officers and employees as it may deem necessary for the purposes of the Metropolitan Corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the Metropolitan Council, and for fixing their remuneration and prescribing their duties, and the security to be given for the performance of them.

Tenure  
of office  
and duties

(2) Except as otherwise provided in this Act, all officers and employees appointed by the Metropolitan Council shall hold office during the pleasure of the Metropolitan Council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the Metropolitan Council.

Application  
of  
Rev. Stat.,  
c. 243

**22.**—(1) Sections 235, 251 and 253, subsections 4 and 5 of section 255 and paragraphs 48 and 49 of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

Pension  
and sick  
leave plans

(2) The Metropolitan Corporation shall pass by-laws under paragraphs 48 and 49 of section 386 of *The Municipal Act* before the 1st day of January, 1954.

(3) Where the Metropolitan Corporation employs a person <sup>Pensions</sup> theretofore employed by an area municipality or a local board thereof, the employee shall be deemed to remain an employee of the area municipality or local board for the purposes of any pension plan of such area municipality or local board, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

(4) Until such election the Metropolitan Corporation shall <sup>Idem</sup> deduct by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board and the Metropolitan Corporation shall pay to the area municipality or local board in instalments,

(a) the amounts so deducted;

(b) the future service contributions payable under the plan by the area municipality or local board.

(5) Where the Metropolitan Corporation employs a person <sup>Sick leave credits</sup> theretofore employed by an area municipality or a local board thereof, the employee shall be deemed to remain an employee of the area municipality or local board for the purposes of any sick leave credit plan of the area municipality or local board until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board.

(6) Where the Metropolitan Corporation employs a person <sup>Holidays</sup> theretofore employed by an area municipality or a local board thereof, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board.

(7) The Metropolitan Council shall offer to employ every <sup>Existing local staff</sup> person who, on the 1st day of April, 1953,

(a) is employed as an assessment commissioner or assessor, or is otherwise employed in the assessment department of an area municipality; or

(b) is employed in any undertaking of an area municipality or local board which is assumed by the Metropolitan Corporation under this Act.

Commence-  
ment

**23.** This Part comes into force on the day this Act receives Royal Assent.

## PART II

### ASSESSMENT

Appointment  
of assessors

**24.—(1)** The Metropolitan Council shall appoint as many assessors as may be deemed necessary to carry out the duties of assessors in all the area municipalities.

Appointment  
need not  
be annual

(2) Every by-law appointing an assessor shall remain in force until repealed and it shall not be necessary to appoint the assessor annually.

Assessment  
commis-  
sioner, etc.

**25.—(1)** The Metropolitan Council shall appoint an assessment commissioner and may appoint as many deputy assessment commissioners as may be deemed necessary.

Idem

(2) The assessment commissioner shall, with respect to the deputy assessment commissioners and assessors, have control and charge over the exercise by them of their powers and over the performance by them of their duties in all the area municipalities.

Jurisdiction

(3) The assessment commissioner may assign to a deputy assessment commissioner or an assessor the area municipality or area municipalities, or part or parts thereof, within which he is to act.

Assessment  
officials  
deemed  
officials of  
each area  
municipality

**26.—(1)** The assessment commissioner and every deputy assessment commissioner and every assessor appointed by the Metropolitan Council shall be deemed for the purposes of this and every other Act to be respectively the assessment commissioner, a deputy assessment commissioner and an assessor of each area municipality.

No local  
assessors

(2) No area municipality shall, after the 31st day of December, 1953, appoint or continue to employ an assessment commissioner or assessors or constitute or continue a board of assessors.

Office sup-  
plies, etc.

**27.** Subject to section 28, the Metropolitan Corporation shall provide and pay for all office accommodation, supplies, stationery and equipment, and shall employ such staff, as may be necessary for the performance of the duties of assessors in the Metropolitan Area.

Idem

**28.** At the request of the Metropolitan Council, each area municipality,



- (a) shall provide, at such rent as may be agreed upon, at least as much office accommodation for the assessment commissioner, deputy assessment commissioners, assessors and staff as was being provided by the municipality for its assessment department on the 1st day of March, 1953;
- (b) shall transfer to the assessment commissioner without compensation all office supplies and stationery in the possession of the municipality on the 31st day of December, 1953, that was provided for the exclusive use of the assessment department of the municipality;
- (c) shall transfer to the assessment commissioner without compensation all mechanical and other equipment used exclusively by the assessment department of the municipality on the 1st day of March, 1953;
- (d) shall make available to the assessment commissioner, at such rent as may be agreed upon, all mechanical and other equipment the use of which was shared by the assessment department and any other department or departments of the municipality on the 1st day of March, 1953, on the same terms and to the same extent as the assessment department used the equipment before the 1st day of March, 1953.

**29.** Every assessment commissioner, every assessor and every other officer or servant of an area municipality shall, at the request of the assessment commissioner of the Metropolitan Corporation, turn over to such assessment commissioner all books, records and documents relating to the work of the assessment department of the municipality. Books, etc.

**30.** Section 123 of *The Assessment Act* shall not apply in any area municipality after the 31st day of December, 1953. Rev. Stat., c. 24, s. 123, not to apply

**31.—(1)** The Metropolitan Council shall constitute by by-law one or more courts of revision for each area municipality. Courts of revision

(2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the Metropolitan Council. Members

(3) A member of a court of revision constituted under subsection 1 for one area municipality may also be appointed a member of a court of revision constituted for one or more other area municipalities. Idem

Disqualifi-  
cation as  
members

- (4) No person who is or during the preceding year was,
- (a) a member of the council of an area municipality or of the Metropolitan Council; or
  - (b) an officer or employee (other than a member of a court of revision) of an area municipality or of the Metropolitan Corporation,

may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum

- (5) Where a court of revision consists of three members, two shall form a quorum.

Compensa-  
tion

- (6) Each member of a court of revision shall be paid such sum for his services as the Metropolitan Council may by by-law provide.

Courts  
deemed  
constituted  
under  
Rev. Stat.,  
c. 24

- (7) A court or courts of revision constituted for an area municipality under this section shall be deemed for the purposes of this and every other Act to be a court or courts of revision for the area municipality constituted in accordance with *The Assessment Act* and no area municipality shall constitute or continue a court or courts of revision under *The Assessment Act* or any special Act after the 31st day of December, 1953.

1953  
assessment  
roll  
1951, c. 31

- (8) Notwithstanding subsection 7, the court or courts of revision of an area municipality, constituted under *The Greater Toronto Assessment Board Act, 1951*, and in office on the 31st day of December, 1953, shall, if the assessment roll of the area municipality prepared in 1953 has not been certified at that time, continue in office for the purpose only of concluding its work in connection with the revision and certification of that assessment roll.

Appeals in  
other area  
muni-  
cipalities

Rev. Stat.,  
c. 24

- (9) All rights of appeal conferred by *The Assessment Act* upon a person assessed in an area municipality may be exercised by such area municipality, or by a person designated by resolution of the council of such area municipality, with respect to an assessment in any other area municipality and with respect to the decision of a court of revision, county judge or the Municipal Board on any appeal with respect to such assessment and, notwithstanding anything in *The Assessment Act*, notice of appeal to the court of revision may be given by such area municipality or by such designated person within twenty-one days after the day upon which the assessment roll with respect to such assessment is returned.

Application  
of Rev. Stat.  
c. 24, s. 53

- 32.** Section 53 of *The Assessment Act* shall apply in each area municipality but for the purposes of that section the

Metropolitan Council shall be deemed to be the council of each area municipality.

**33.** The provisions of clause *j* of subsection 1 of section 16 of *The Assessment Act* shall not apply to the townships of East York, Etobicoke, North York, Scarborough and York. Land of non-residents in townships

**34.** Except as otherwise provided in this Act, all the provisions of *The Assessment Act* shall apply in each area municipality. Application of Rev. Stat. c. 24, generally

**35.** This Part comes into force on the 1st day of January, 1954. Commencement

### PART III

#### METROPOLITAN WATERWORKS SYSTEM

**36.** For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Metropolitan Corporation shall have all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof, respecting the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. Establishment of waterworks

**37.**—(1) The Metropolitan Council shall before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as part of the metropolitan waterworks system all works for the production, treatment and storage of water vested in each area municipality or any local board thereof and all trunk distribution mains connected therewith, and on the day any such by-law becomes effective the works and mains designated therein shall vest in the Metropolitan Corporation. Assumption of works and mains

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. idem

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. Interpretation

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law shall become effective on the date provided therein. Extension of time

Metropolit-  
tan liability

(5) Where the Metropolitan Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or main, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Rev. Stat.,  
c. 215

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of  
doubts

(7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Existing  
agreements

**38.**—(1) Where an area municipality or a local board thereof has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable for the supply of water in accordance with the agreement and shall be bound by all the terms thereof and the area municipality or local board shall be relieved of all liability thereunder.

Rates

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Metropolitan Council or the council of the municipality to which the water is supplied, shall have jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

Powers of  
area municipi-  
palities  
restricted

**39.**—(1) Where all the works of an area municipality or any local board thereof for the production, treatment and storage of water are assumed by the Metropolitan Corpora-

tion, the area municipality or local board shall not thereafter establish, maintain or operate any such works.

(2) An area municipality that did not operate any such <sup>Idem</sup> works on the 31st day of December, 1953, shall not, after that date, establish, maintain or operate any such works.

(3) Nothing in this section shall limit the powers of an <sup>Proviso</sup> area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Metropolitan Corporation.

**40.**—(1) No municipality or local board which is supplied <sup>Supply beyond limits of local municipality</sup> with water by the Metropolitan Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Metropolitan Council.

(2) Nothing in subsection 1 shall prohibit an area municipi- <sup>Proviso</sup> pality or local board from supplying water to another municipality where the area municipality or local board has agreed to supply such water before the 1st day of April, 1953, and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Metropolitan Corporation.

**41.** The Metropolitan Council may pass by-laws for <sup>Regulation of supply, etc.</sup> regulating the time, manner, extent and nature of the supply of water from its waterworks system, and every other matter or thing related to or connected therewith which it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Metropolitan Corporation with regard to the water so supplied.

**42.** The Metropolitan Council may pass by-laws for the <sup>Main-tenance, management, etc.</sup> maintenance and management of its waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality or local board.

**43.**—(1) The Metropolitan Council may pass by-laws <sup>Rates</sup> fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

(2) In fixing the rates, the Metropolitan Council may use <sup>Idem</sup> its discretion as to the rate or rates to be charged to any area

municipality, and may charge different rates to the various area municipalities.

Self-sus-  
taining

(3) The Metropolitan Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Metropolitan Council may think proper.

Rev. Stat.,  
c. 262, s. 56,  
subs. 1, cl. j,  
not  
applicable

(4) Clause *j* of subsection 1 of section 56 of *The Ontario Municipal Board Act* shall not apply with respect to water supplied by the Metropolitan Corporation to an area municipality.

Retail sale  
prohibited

**44.**—(1) The Metropolitan Corporation shall have power to and shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other  
municipalities

(2) The Metropolitan Corporation may enter into a contract for the supply of water to any local municipality outside the Metropolitan Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and  
accounts

**45.** The Metropolitan Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities of its waterworks system in such manner as may be prescribed by the Department.

Application  
of revenues  
Rev. Stat.,  
c. 320

**46.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues of the waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Metropolitan Council may deem proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Metropolitan Corporation.

(2) It shall not be necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or assumed by the Metropolitan Corporation for the purposes of the waterworks system except to the extent that the revenues of the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures. <sup>Where levy unnecessary</sup>

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. <sup>Reserve fund</sup> <sup>Rev. Stat., c. 400</sup>

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the waterworks system. <sup>Application of reserve fund</sup>

**47.**—(1) Subject to section 54, the Metropolitan Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the waterworks system which, in the opinion of the Metropolitan Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board. <sup>Disposal of property</sup>

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues of the waterworks system. <sup>Proceeds</sup>

**48.**—(1) The Metropolitan Corporation shall not be liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Metropolitan Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. <sup>Temporary shut-offs</sup>

(2) Where the supply of water by the Metropolitan Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract, or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. <sup>No breach of contract</sup>

Standards  
for local  
systems

**49.**—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of  
local exten-  
sions and  
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect or continue the connection of the same or any part thereof to any work or main of the Metropolitan Corporation without the approval of the Metropolitan Council.

Appeal

**50.** If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

- (a) to assume as a metropolitan work any local work;
- (b) to construct any extension of the metropolitan distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the metropolitan system,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board shall be final.

Payment  
of charges

**51.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part shall be a debt of the area municipality to the Metropolitan Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by by-law of the Metropolitan Council.

Discounts  
and  
penalties

(2) The Metropolitan Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.



**52.** The Metropolitan Corporation shall, in respect of all works and trunk distribution mains assumed as part of the metropolitan waterworks system, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Transfer  
of rights  
over works  
assumed

**53.** Any person authorized by the Metropolitan Council shall have free access from time to time, upon reasonable notice given and request made, to all works for the production and distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Inspection  
of local  
works

**54.** Where a distribution main has been assumed by the Metropolitan Corporation under section 37 and, in the opinion of the Metropolitan Council, is no longer required for the purposes of the metropolitan waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Metropolitan Council shall by by-law remove the main from the metropolitan waterworks system and transfer it to the area municipality.

Reversion  
where mains  
no longer  
required

**55.** The works and mains assumed by the Metropolitan Corporation under the authority of section 37, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 44, to any local municipality outside the Metropolitan Area.

Use of  
metropolitan  
works

**56.** Sections 2, 3, 4, 5, 13, 28, 31, 32, 33, 52, 53, 54, 56 and 57 of *The Public Utilities Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

Application  
of Rev. Stat.,  
c. 320

**57.**—(1) This Part, except sections 37 and 53, comes into force on the 1st day of January, 1954.

Commence-  
ment

(2) Sections 37 and 53 come into force on the day this Act receives the Royal Assent.

Idem

Passing of  
by-laws  
before  
Jan. 1, 1954

(3) Notwithstanding anything in this section, any authority to pass by-laws under this Part may be exercised before the 1st day of January, 1954, but no such by-law shall be effective until that date.

## PART IV

### METROPOLITAN SEWAGE WORKS

Interpre-  
tation

**58.**—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like works;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Metropolitan Council.

**59.** For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Metropolitan Corporation shall have all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof.

**60.** The Metropolitan Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

**61.**—(1) The Metropolitan Council shall, before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as metropolitan sewage works all treatment works vested in each area municipality or any local board thereof, and on the day any such by-law becomes effective the works designated therein shall vest in the Metropolitan Corporation.

(2) The Metropolitan Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law shall become effective before the 1st day of January, 1954.

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law shall become effective on the date provided therein.

(5) Where the Metropolitan Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or watercourse, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

General powers

Construction, etc., of trunk, sewage works

Assumption of treatment works

Other works

Extension of time

Metropolitan liability

Rev. Stat., c. 215

Default (6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts (7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Existing agreements **62.**—(1) Where an area municipality or a local board thereof has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable to receive such sewage or land drainage in accordance with the agreement and the receiving municipality or local board shall be relieved of all liability thereunder.

Idem (2) Where an area municipality or a local board thereof has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board shall be relieved of all liability thereunder.

Termination (3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Metropolitan Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

Powers of area municipalities, restricted **63.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Metropolitan Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Metropolitan Council.

Idem (2) No area municipality shall establish or enlarge any treatment works after the 1st day of December, 1953, without the approval of the Metropolitan Council.

Regulation of supply, etc. **64.** The Metropolitan Council may pass by-laws for the maintenance and management of its sewers, sewer system,

sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith which it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area an adequate system of sewage and land drainage disposal.

**65.**—(1) Where in the opinion of the Metropolitan Council an area municipality or a portion thereof will or may derive a special benefit from the construction and operation of a work or watercourse, the Metropolitan Council may, with the approval of the Municipal Board, in authorizing the construction, extension or improvement of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Metropolitan Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law shall be binding on the area municipality.

(2) Where debentures are issued for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Metropolitan Corporation with respect to such debentures proportionate to its share of the capital cost as set out in the by-law in the same manner as if debentures for such share had been issued by the Metropolitan Corporation for the purposes of the area municipality.

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 389 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality.

**66.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a metropolitan work or watercourse without the approval of the Metropolitan Council.

(2) The Metropolitan Corporation may enter into a contract with any local municipality outside the Metropolitan Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection (3) Any engineer or other officer of the Metropolitan Corporation shall have power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the metropolitan work or watercourse.

Standards for local systems **67.**—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a metropolitan work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval of local extensions, etc. (2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse which discharges into a metropolitan work or watercourse without the approval of the Metropolitan Council.

Appeal **68.** If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

- (a) to assume as a metropolitan work any local work;
- (b) to construct, extend or improve any metropolitan work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any metropolitan work,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board shall be final.

Special sewage service rates **69.**—(1) The Metropolitan Council may pass by-laws, subject to the approval of the Municipal Board, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any metropolitan work or works.

(2) All such charges shall constitute a debt of the area <sup>Idem</sup> municipality to the Metropolitan Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Metropolitan Council.

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 389 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. <sup>Raising of money by area municipality Rev. Stat., c. 243</sup>

**70.** The Metropolitan Corporation shall, in respect of all works assumed, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. <sup>Transfer of rights over works assumed</sup>

**71.** Any person authorized by the Metropolitan Council shall have free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. <sup>Inspection of local works</sup>

**72.** Any works assumed by the Metropolitan Corporation under the authority of section 61, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 66, from any local municipality outside the Metropolitan Area. <sup>Use of metropolitan works</sup>

**73.—(1)** This Part, except sections 58, 61, 63 and 71, comes into force on the 1st day of January, 1954. <sup>Commencement</sup>

(2) Sections 58, 61, 63 and 71 come into force on the day this Act receives Royal Assent. <sup>Idem</sup>

(3) Notwithstanding anything in this section, any authority to pass by-laws under this Part may be exercised before the 1st day of January, 1954, but no such by-laws shall be effective until that date. <sup>Passing of by-laws before Jan. 1, 1954</sup>

## PART V

## METROPOLITAN ROAD SYSTEM

Interpre-  
tation**74.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "Department" means Department of Highways;
- (c) "Minister" means Minister of Highways.

Existing  
county  
roads in  
AreaRev. Stat.,  
c. 166

**75.** Unless assumed as a metropolitan road by the by-law mentioned in section 76, all roads within the Metropolitan Area or on the boundary between the Metropolitan Area and an adjoining county which, on the 31st day of December, 1953, form part of the county road system of the County of York established under *The Highway Improvement Act* shall, on the 1st day of January, 1954, revert or be transferred to the corporations of the local municipalities in which they are situate.

Establish-  
ment of  
metropolitan  
road system

**76.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council shall by by-law establish a metropolitan road system in the Metropolitan Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Metropolitan Area and an adjoining county as may be agreed upon between the Metropolitan Council and the council of such county, and the by-law shall designate the roads to be assumed as metropolitan roads and intended to form the metropolitan road system.

Time for  
passing:  
effective  
date

(2) The by-law shall be passed not later than the 31st day of October, 1953, and shall come into force on the 1st day of January, 1954.

Submission  
of by-law  
for approval

(3) The Metropolitan Corporation shall submit the by-law to the Minister for approval by the Lieutenant-Governor in Council on or before the 31st day of October, 1953, and upon receipt of the application for such approval the Minister may obtain such report thereon as he may deem necessary and may hear the council of any area municipality which may be dissatisfied therewith before presenting the application for consideration to the Lieutenant-Governor in Council.

Approval  
or  
amendment

(4) The Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only it shall be enforced and take effect so far as approved,



but it shall not be necessary for the Metropolitan Council to pass any further by-law amending the original by-law or repealing any portion thereof which has not been so approved.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council may amend the by-law from time to time by adding roads to or removing roads from the metropolitan road system or in any other manner. <sup>Amendment of by-law</sup>

(6) Where a road is removed from the metropolitan road system pursuant to subsection 5, the road shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate. <sup>Roads removed from system</sup>

(7) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Corporation may from time to time pass a by-law consolidating its by-law establishing the metropolitan road system and all by-laws amending such by-law. <sup>Consolidating by-law</sup>

**77.**—(1) The Metropolitan Corporation shall submit a by-law covering the estimated expenditure on metropolitan roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of January of the year in which the expenditure is to be made. <sup>Submission of by-law covering estimated expenditure</sup>

(2) No subsidy shall be granted by the Department for work undertaken by the Metropolitan Corporation which has not been provided for by a by-law duly approved by the Minister. <sup>Subsidy</sup>

**78.**—(1) The Metropolitan Council shall annually and may with the consent of the Minister at any time during the progress of its work in connection with the metropolitan road system submit to the Minister, <sup>Annual statement to Minister</sup>

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the Metropolitan Corporation who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the Metropolitan Corporation that the statement of receipts and expenditures is correct; and

- (d) a petition for the payment of the grant, authorized by resolution of the Metropolitan Council.

Payment  
to  
Corporation

(2) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the Metropolitan Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Certain ex-  
penditures  
not included  
in statement

**79.** No expenditure towards which a special contribution has been or may be made from any source shall be included in a statement submitted under section 78 except with the consent of the Minister.

Expenditures  
eligible for  
subsidy

**80.** Expenditures which shall be deemed to be properly chargeable to road improvement shall include those made for the purpose of,

- (a) opening a new metropolitan road and acquiring the necessary land therefor;
- (b) clearing a metropolitan road of obstructions;
- (c) widening, altering or diverting a metropolitan road;
- (d) subject to section 3 of *The Public Service Works on Highways Act*, defraying 50 per cent of the cost of labour only in taking up, removing or changing the location of appliances or works placed on or under a metropolitan road by an operating corporation;
- (e) constructing and maintaining bridges, culverts or other structures incidental to the construction of a metropolitan road excepting sanitary or storm sewers or drains;
- (f) grading a metropolitan road;
- (g) constructing and maintaining an approved base for the road surface on a metropolitan road including the installing and maintaining of approved under-drainage therefor other than sanitary or storm sewers or drains;
- (h) constructing and maintaining any approved type of road surface on a metropolitan road;

Rev. Stat.,  
c. 318

- (i) constructing and maintaining necessary curbs, gutters and catch basins on a metropolitan road;
- (j) clearing snow from and applying chemicals or abrasives to icy surfaces on a metropolitan road; and
- (k) such other work of road improvement as the Minister may approve.

**81.** Every road constructed or repaired as part of the metropolitan road system shall be so constructed and repaired in accordance with the requirements of the Minister. In accordance with the requirements of the Minister

**82.** The Metropolitan Corporation shall, in respect of the roads or streets included in the metropolitan road system, have all the rights, powers, benefits and advantages conferred, and be subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they were assumed by the Metropolitan Corporation, and the Metropolitan Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities, as the case may be, might have done if the roads had not been assumed as metropolitan roads. Powers over roads assumed

**83.—(1)** The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof. Sidewalks excepted

(2) The council of an area municipality may construct or put down a sidewalk or other improvement or service on a metropolitan road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the written consent of the Metropolitan Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any sidewalk constructed on a metropolitan road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*. How cost provided

Rev. Stat.,  
c. 215

(4) An area municipality when constructing a sidewalk or other improvements or service on a metropolitan road under this section shall conform to any requirements or conditions imposed by the Metropolitan Council and shall be responsible for any injury or damage arising from the construction or presence of the sidewalk, improvements or service on the road. Area municipality to conform to requirements and be responsible for damages

Rev. Stat.,  
c. 166, s. 100,  
subs. 4, not  
to apply

(5) Subsection 4 of section 100 of *The Highway Improvement Act* shall not apply to a sidewalk constructed on a metropolitan road by the council of a township.

Intersection  
of other  
roads by  
metropoli-  
tan road

**84.** Where a metropolitan road intersects a road or street which is not a metropolitan road, the continuation of the metropolitan road to its full width across the road or street intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the metropolitan road system except in the case of an intersection by a metropolitan road of the King's Highway, and in that case the full width of the intersection shall be deemed to be part of the King's Highway.

New roads

**85.** Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 76 by assuming such new roads as part of the metropolitan road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities shall apply *mutatis mutandis*.

Rev. Stat.,  
c. 243

Powers and  
liabilities  
of  
Corporation

**86.** For the purposes of the metropolitan roads, the Metropolitan Corporation shall have all the powers conferred, and be subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Rev. Stat.,  
cc. 243,  
167

Planting  
trees

**87.** The Metropolitan Council may plant trees on a metropolitan road and the cost of the work shall be deemed to be part of the cost of repairing and maintaining the road.

Procedure  
on exprop-  
riation  
of land

**88.—(1)** Where, in the exercise of its powers or in the performance of its obligations under this Act, the Metropolitan Corporation finds that it is necessary to expropriate land for the purpose of establishing, laying out, opening up, widening, improving, protecting from erosion, altering or diverting a metropolitan road, the Metropolitan Corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works as set out in *The Public Works Act* may be exercised and performed in the name of the Metropolitan Corporation.

Rev. Stat.,  
cc. 243, 323

Plan and  
description,  
filing of

(2) The plan and description of the lands taken, required by section 17 of *The Public Works Act* to be deposited in

the registry office, shall be signed by the chairman and clerk of the Metropolitan Corporation and by an Ontario land surveyor, and upon the deposit of the plan and description the land shall become and be vested in the Metropolitan Corporation.

**89.**—(1) Sections 462 and 464 of *The Municipal Act* shall not apply to a bridge or highway crossing or forming a boundary between the Metropolitan Area and an adjoining county where such bridge or highway is included in the metropolitan road system and in the county road system of the county. Disputes as to maintenance, etc., of bridges and highways  
Rev. Stat., c. 243

(2) Whenever there is a difference between the Metropolitan Council and the council of a county in respect of any such bridge or highway as to the corporation upon which the obligation rests for the building, maintaining or keeping in repair of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Metropolitan Council and the council of the county are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Metropolitan Corporation or the corporation of the county. Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may deem just and proper, and may by the order fix and determine the amount or proportion which each municipality shall pay or contribute toward the building, maintaining and keeping in repair of such bridge or highway. Hearing by Municipal Board

(4) An order made by the Municipal Board under this section shall be and remain binding upon the municipalities for such period as the Municipal Board may determine, and shall be final and conclusive and not subject to any appeal. Term of order

**90.** Clause *b* of subsection 1 of section 430 of *The Municipal Act* shall not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities and the councils of the area municipalities on either side of such boundary line shall have joint jurisdiction over every such bridge which is not included in the metropolitan road system. Boundary bridges

Idem  
Rev. Stat.,  
c. 243

**91.** Section 445 of *The Municipal Act* shall not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Metropolitan Area and an adjoining county and the councils of the area municipality and the local municipality in the adjoining county on either side of such boundary line shall have joint jurisdiction over every such bridge which is not included in the metropolitan road system.

Restrictions

**92.**—(1) The Metropolitan Council shall have, with respect to land abutting on a metropolitan road for a distance of 150 feet from any limit of the road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.

Conflict  
with local  
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Metropolitan Council and a by-law passed under section 390 of *The Municipal Act* by the council of the area municipality in which the land is situate, the by-law passed by the Metropolitan Council shall prevail to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality shall remain in full force and effect.

Controlled-  
access roads

**93.**—(1) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law designate any new metropolitan road established under section 85, or any portion thereof, as a metropolitan controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law close any municipal road which intersects or runs into a metropolitan controlled-access road.

Notice of  
application  
for approval  
of closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Municipal Board and the Metropolitan Corporation within such time as the Municipal Board shall direct.

Claim,  
when not  
to be  
allowed

(4) No claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Municipal Board shall be allowed except by leave of the Municipal Board.

Order of  
Municipal  
Board

(5) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such

order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road which shall be closed;
- (b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,
  - (i) by the payment by the Metropolitan Corporation to any of such persons of such damages as may be fixed by the Municipal Board,
  - (ii) by the providing of another road for the use of any of such persons,
  - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding any other Act, and
  - (iv) in such other manner as the Municipal Board may deem proper;
- (c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (d) providing for the doing of such other acts as in the circumstances it deems proper.

(6) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Metropolitan Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(7) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Metropolitan Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Municipal Board, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Metropolitan Corporation as it deems proper and may fix the amount of such costs.

Appeal

(8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Metropolitan Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Practice and procedure on appeal

(10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal shall be final.

Rev. Stat., c. 262, s. 98, not to apply

(11) Section 98 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section.

Prohibition re access

**94.**—(1) No person shall, except under the authority of and in accordance with a by-law of the Metropolitan Council, construct, use or allow the use of any private road, entranceway or gate which, or any part of which, is connected with or opens upon a metropolitan controlled-access road.

Notice

(2) The Metropolitan Corporation may give notice to the owner or occupant of any land requiring him to close up any private road, entranceway or gate that does not comply with subsection 1 or with any by-law passed thereunder.

Idem

(3) The notice shall be in writing and sent by registered letter addressed to the owner or occupant of the land and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Failure to obey notice

(4) If the person to whom the notice is given fails to comply with it within thirty days after its receipt, the Metropolitan Council may by resolution direct any officer, employee or agent of the Metropolitan Corporation to enter upon the land and do or cause to be done whatever may be necessary to close up the private road, entranceway or gate.

Offence and penalties

(5) Every person who violates subsection 1 or fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.



(6) Where a person to whom a notice has been given under subsection 3 complies therewith, the owner of the land shall be entitled to such compensation as may be agreed upon between him and the Metropolitan Corporation or he may give notice to the clerk of the Metropolitan Corporation in writing that he requires the amount of the compensation to be determined by the Municipal Board. <sup>Compensation</sup>

(7) Upon receipt of the notice, the clerk of the Metropolitan Corporation shall send a copy of the notice to the secretary of the Municipal Board. <sup>Notice to Municipal Board</sup>

(8) Upon receipt of the notice, the secretary of the Municipal Board shall arrange a time and place for the determination of the matter and shall send notice thereof by registered letter to the owner of the land and to the clerk of the Metropolitan Corporation at least fourteen days before the hearing. <sup>Notice of hearing</sup>

(9) Any increase in the value of the land due to the establishment of the metropolitan controlled-access road shall be disregarded in determining the amount of compensation. <sup>Compensation</sup>

(10) No compensation shall be allowed in respect of a private road, entranceway or gate constructed after the effective date of the by-law of the Metropolitan Council designating the road as a metropolitan controlled-access road. <sup>Idem</sup>

(11) The decision of the Municipal Board shall be final and shall not be open to appeal except that an appeal shall lie to the Court of Appeal upon a question of jurisdiction or upon a question of law in the manner and under the conditions set out in section 98 of *The Ontario Municipal Board Act* and that section shall apply *mutatis mutandis*. <sup>Municipal Board's decision final</sup> <sup>Rev. Stat., c. 262</sup>

**95.** Sections 96, 98, 99, 102 and 105 of *The Highway Improvement Act* shall apply *mutatis mutandis* to any metropolitan road. <sup>Application of Rev. Stat., c. 166</sup>

**96.** For the purposes of Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part. <sup>Suburban roads</sup>

**97.—(1)** The Toronto and York Roads Commission, established under Part III of *The Highway Improvement Act*, is <sup>Commission continued</sup> <sup>Rev. Stat., c. 166</sup>

continued, but the term of office of its present members shall terminate on the 31st day of December, 1953.

New  
members

(2) On or before the 1st day of October, 1953, the council of the County of York and the Metropolitan Council shall each appoint two members of the commission who shall take office on the 1st day of January, 1954.

Idem

(3) The fifth member of the commission shall be agreed upon by the four members appointed under subsection 2 and in default of agreement the Lieutenant-Governor in Council may make the appointment.

County  
roads  
continued  
and made  
suburban  
roads

**98.** All roads forming part of the county road system of the County of York on the 31st day of December, 1953, except those vested in a local municipality under section 75 or assumed by by-law of the Metropolitan Council under section 76, shall continue to form part of the county road system of the County of York, and shall be suburban roads for all the purposes of Part III of *The Highway Improvement Act*, until changed in accordance with *The Highway Improvement Act*.

Rev. Stat.,  
c. 166

Metropolitan  
liability  
when road  
assumed

**99.—(1)** Where the Metropolitan Corporation assumes as a metropolitan road any road in an area municipality, other than a road mentioned in section 75,

(a) no compensation or damages shall be payable to the area municipality in which it was vested;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such road, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Rev. Stat.,  
c. 215

Default

(2) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling  
of doubts

(3) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

**100.**—(1) This Part, except sections 76 and 97, comes into <sup>Commence-</sup>force on the 1st day of January, 1954. <sub>ment</sub>

(2) Sections 76 and 97 come into force on the day this Act <sup>Idem</sup>receives Royal Assent.

## PART VI

### METROPOLITAN TRANSPORTATION

**101.** In this Part,

- (a) “Commission” means Toronto Transit Commission <sup>Interpre-</sup>established under this Part; <sub>tation</sub>
- (b) “Former Commission” means The Toronto Transportation Commission.

**102.** On and after the 1st day of January, 1954, there shall <sup>Commission</sup>be a commission to be known as Toronto Transit Commission, <sub>established</sub> with the powers, rights, authorities and privileges vested in it by this Act.

**103.**—(1) The Commission shall be a body corporate and <sup>Corporation,</sup>shall consist of five members appointed, except as provided <sub>members</sub> in subsection 2, by by-law of the Metropolitan Council.

- (2) The first members of the Commission shall be, <sup>First</sup><sub>members</sub>
- (a) the three members of the Former Commission in office on the 31st day of December, 1953;
- (b) two members appointed by by-law of the Metropolitan Council before the 1st day of January, 1954, each of whom shall be a ratepayer and a resident of one of the area municipalities other than the City of Toronto.

(3) Of the three members of the Commission who take <sup>Term of</sup>office under clause *a* of subsection 2, the Metropolitan Council <sub>office,</sub> shall by by-law passed before the 1st day of January, 1954, <sub>first</sub> designate one who shall hold office until the 31st day of December, 1956, one who shall hold office until the 31st day of December, 1957, and one who shall hold office until the 31st day of December, 1958; of the two members appointed under clause *b* of subsection 2, the Metropolitan Council shall by by-law passed before the 1st day of January, 1954, designate one who shall hold office until the 31st day of December, 1954, and one who shall hold office until the 31st day of December, 1955. <sub>members</sub>

- General (4) A member shall hold office until his successor is appointed and, except in the case of the first members or the filling of a vacancy occurring during a term of office, a member shall be appointed for a term of five years.
- Qualification (5) No person shall be eligible to be appointed as a member of the Commission unless he is a resident and a ratepayer of an area municipality.
- Councillors disqualified (6) No member of the Metropolitan Council or of the council of an area municipality shall be eligible to be appointed as a member of the Commission.
- Two-thirds vote (7) No appointment of a member of the Commission shall be made except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting.
- Re-appointment (8) A member of the Commission shall be eligible for re-appointment on the expiration of his term of office.
- Vacancies (9) Where the office of a member of the Commission becomes vacant during his term of office, the Metropolitan Council shall immediately appoint a member who shall hold office for the remainder of the term for which his predecessor was appointed.
- Quorum (10) Three members of the Commission shall constitute a quorum.
- Remuneration (11) The members of the Commission shall be paid such salary or other remuneration as may be fixed by by-law of the Metropolitan Council.
- Assets vested in Commission **104.**—(1) On the 1st day of January, 1954, there is hereby vested in the Commission,
- (a) all the undertaking, assets and real and personal property, wherever situate, owned by, vested in or held by the Former Commission, including the capital stock of Gray Coach Lines Limited held by it;
  - (b) all real and personal property acquired or held by The Corporation of the City of Toronto for the purposes of or on behalf of the Former Commission;
  - (c) all real and personal property acquired or held by any area municipality in respect of any service furnished by the Former Commission to such municipality or any portion thereof.

(2) The Commission, on the 1st day of January, 1954, shall assume all liabilities of the Former Commission, and shall assume all liabilities of any area municipality incurred in respect of any property vested in the Former Commission under subsection 1. Liabilities

(3) Subject to section 112, no compensation or damages shall be payable to the Former Commission or any area municipality in respect of any undertaking, assets and property vested in the Commission under this section. No compensation or damages

(4) In the event of any doubt as to whether any particular asset or liability is vested in the Commission by this section, the Municipal Board, upon application, shall determine the matter and its decision shall be final and not subject to appeal. Settling of doubts

(5) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting title to property, it shall be sufficient to cite this Act to show the transmission of title to the Commission and the vesting therein of any real or personal property or any interest therein, but if an order has been made by the Municipal Board under subsection 4, the order shall be cited as well. Transfer of title  
Rev. Stat.,  
cc. 336, 197,  
36

(6) The Former Commission is dissolved as of the 1st day of January, 1954. Former Commission dissolved

(7) On and after the 1st day of January, 1954, the Commission in relation to the Toronto Transportation Commission Pension Fund Society, a corporation subject to Part XVI of *The Companies Act* and incorporated by letters patent dated the 3rd day of January, 1940, shall stand in the place and stead of the Former Commission. Pension fund society  
Rev. Stat.,  
c. 59

(8) The name of the said Toronto Transportation Commission Pension Fund Society is changed to "Toronto Transit Commission Pension Fund Society". Idem

**105.**—(1) Where the Former Commission has agreed with any area municipality or other municipality or person, or any two or more of them, for services to be provided by the Former Commission, the Commission shall, on the 1st day of January, 1954, assume all liabilities and be entitled to all benefits of the Former Commission under such agreement and the Former Commission shall be relieved of any liability thereunder. Existing agreements

(2) Notwithstanding subsection 1 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Commission or of any municipality or person who is a party to such agreement, may by order terminate or vary such agreement and adjust all rights and liabilities thereunder. Termination

**106.** On and after the 1st day of January, 1954, the Commission,

- (a) shall consolidate and co-ordinate all forms of local passenger transportation within the Metropolitan Area, with the exception of steam railways and taxis, and shall plan for the future development of such transportation so as to serve best the inhabitants of the Metropolitan Area;
- (b) shall have and may exercise, with respect to the entire Metropolitan Area, all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation which the Former Commission has with respect to any part of the Metropolitan Area on the 31st day of December, 1953;
- (c) shall have and may exercise all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation systems heretofore or hereafter conferred upon or exercisable by the council or corporation of any area municipality, and such powers, rights, authorities and privileges shall not be exercised by any area municipality or its council or by the Metropolitan Corporation or the Metropolitan Council.

**107.**—(1) The Commission shall, in particular, but not so as to restrict its general powers and duties, have the following powers and duties:

- (a) To construct, maintain, operate, extend, alter, repair, control and manage a local transportation system within the Metropolitan Area by means of surface, underground or over head railways, tramways or buses, or any other means of local transportation except steam railways and taxis.
- (b) To establish new local passenger transportation services in the Metropolitan Area as and when required and to alter, curtail or abolish any services if the Commission deems it desirable so to do.
- (c) To fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining,

after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

- (d) To purchase, lease, acquire and use any real or personal property for its purposes, but the Commission shall not acquire any property which is to be paid for by moneys raised on the issue of debentures of the Metropolitan Corporation unless the approval of the Metropolitan Council has first been obtained.
- (e) To make requisitions upon the Metropolitan Corporation for all sums of money necessary to carry out its powers and duties but nothing in this Act shall divest the Metropolitan Council of its authority with reference to providing the money required for such works, and when such money is provided by the Metropolitan Corporation the treasurer of the Metropolitan Corporation shall upon the certificate of the Commission pay out any money so provided.

(2) The power of the Metropolitan Council to acquire land <sup>Expropriation</sup> for the purposes of the Metropolitan Corporation includes the power to acquire land for the purposes of the Commission.

**108.**—(1) The Commission may enter into an agreement <sup>Agreements</sup> with any person, or with one or more area municipalities, or with one or more other municipalities situated within twenty-five miles of the Metropolitan Area, under which the Commission will operate a local passenger transportation service upon such terms as may be agreed upon, but every such agreement shall provide that any deficit in operations shall be paid by the person or municipality or municipalities, and if the agreement is with one or more municipalities the agreement shall provide that any surplus in operations shall be credited to the municipality or municipalities.

(2) Where an agreement is entered into under subsection 1 <sup>Surplus or deficit</sup> with one or more municipalities, the council of any such municipality may pass by-laws,

- (a) providing that any deficit charged to the municipality shall be payable out of, and any surplus shall be credited to, the general funds of the municipality; or
- (b) with the approval of the Municipal Board, providing that any deficit shall be assessed against, and any surplus shall be credited to, the rateable property in any area or areas of the municipality defined in the by-law.

Application  
of  
Rev. Stat.,  
c. 322

**109.**—(1) For the purpose of *The Public Vehicles Act*, the Metropolitan Area shall be deemed to be one urban municipality.

Exclusive  
authority

(2) Except in accordance with an agreement made under subsection 3, no person other than the Commission shall, after the 1st day of July, 1954, operate a local public passenger transportation service within the Metropolitan Area, with the exception of steam railways and taxis.

Agreements

(3) An agreement may be entered into between the Commission and any person legally operating a local public passenger transportation service wholly within or partly within and partly without the Metropolitan Area on the 1st day of January, 1954, under which such person may continue to operate such service or any part thereof for such time and upon such terms and conditions as such agreement provides.

Existing  
services

(4) Where a local passenger transportation service is legally operating wholly within the Metropolitan Area on the 1st day of April, 1953, and continues in operation such service, and will be required by subsection 2 to cease to operate within the Metropolitan Area on the 1st day of July, 1954, or upon the termination of an agreement made under subsection 3,

- (a) the Commission may agree with the owner of the service, not later than one month before the date upon which the service will be required to cease to operate, to purchase the service as a going concern; and
- (b) if no agreement is entered into under clause *a*, the undertaking and assets of the service not disposed of by the owner thereof before the date upon which the service is required to cease to operate, shall vest in the Commission on that date, and the Commission shall pay due compensation therefor.

Idem

(5) Where a local public passenger transportation service is legally operating partly within and partly without the Metropolitan Area on the 1st day of April, 1953, and continues in operation, and will be required by subsection 2 to cease to operate within the Metropolitan Area on the 1st day of July, 1954, or upon the termination of an agreement made under subsection 3,

- (a) the Commission may agree with the owner of the service, not later than one month before the date upon which the service will be required to cease to



operate, to purchase the entire undertaking as a going concern or to purchase the portion thereof used in or attributable to the service within the Metropolitan Area; and

- (b) if no agreement is entered into under clause *a*, the portion of the said undertaking and assets used in or attributable to the service within the Metropolitan Area not disposed of by the owner thereof before the date upon which the service is required to cease to operate shall vest in the Commission on that date, and the Commission shall pay due compensation to the owner, and in the event of any doubt as to the extent of the portion of such undertaking and assets so vested in the Commission, the Municipal Board, upon application, may determine the matter and its decision shall be final.

(6) The amount of any compensation payable under this section, if not mutually agreed upon, shall be determined by the Municipal Board. <sup>Compensation</sup>

(7) The Commission shall be deemed to be a street railway company for the purposes of *The Railways Act*. <sup>Application of Rev. Stat., c. 331</sup>

(8) Where a local public passenger transportation service operating partly within and partly without the Metropolitan Area is required to cease to operate within the Metropolitan Area under subsection 2 and thereupon discontinues the portion of its service beyond the Metropolitan Area, the Municipal Board may, on the application of any municipality, order the Commission to furnish a similar service upon such terms and conditions as may be fixed by the Municipal Board. <sup>Idem</sup>

**110.** Immediately after the close of each calendar year the Commission shall prepare, deliver to the Metropolitan Council, and publish, <sup>Annual report</sup>

- (a) a complete audited and certified financial statement of its affairs, including revenue and expense account, balance sheet and profit and loss statement;
- (b) a general report of its operations during that calendar year.

**111.**—(1) All claims, actions and demands arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the Commission's transportation system and property, or arising from the exercise of any of the powers of the Commission, <sup>Actions, etc., against Commission</sup>

shall be made upon and brought against the Commission and not upon or against the Metropolitan Corporation or any area municipality.

Idem (2) The Commission may sue and be sued in its own name.

Existing  
debenture  
liability

**112.**—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by that area municipality in respect of any property vested in the Commission under subsection 1 of section 104 or issued by that area municipality for or on behalf of the Former Commission.

Payments  
by  
Commission

(2) The Commission shall pay to the Metropolitan Corporation, before the date mentioned in subsection 1, the amount which the Metropolitan Corporation is liable to pay on that date under subsection 1.

Default

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 1, or if the Commission fails to make any payment as required by subsection 2, the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling  
of doubts

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under subsection 1 of section 104 or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Commence-  
ment

**113.** This Part comes into force on the day this Act receives Royal Assent.

## PART VII

### EDUCATION

Interpre-  
tation

**114.** In this Part,

(a) "Department" means Department of Education;

- (b) "Minister" means Minister of Education;
- (c) "public school division" means the area in which a board of education or a public school board has jurisdiction for public school purposes;
- (d) "regulations" means regulations made under *The Department of Education Act*; Rev. Stat., c. 94
- (e) "resident pupils" means pupils,
- (i) who reside with their parents or guardians, or
  - (ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district for secondary school purposes, or a public school division for public school purposes, within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for secondary school purposes or public school purposes, respectively, in the high school district or public school division;

- (f) "School Board" means The Metropolitan School Board constituted under this Part.

**115.**—(1) On the 1st day of January, 1954, School Section No. 9 of the Township of Etobicoke, School Section No. 9, Etobicoke,

- (a) is detached from Union School Section 5, 9 and 22 of the Townships of Toronto Gore, Etobicoke and Vaughan, subject to the adjustment by arbitration of all rights and claims pursuant to section 32 of *The Public Schools Act*; and detached from union section
- (b) is added to the township school area of the Township of Etobicoke and its assets are vested in The Board of Education for the Township of Etobicoke established under *The Township of Etobicoke Act, 1949*, subject to its liabilities. added to township school area 1949, c. 122

(2) Section 10 of *The Township of Etobicoke Act, 1949* is repealed as of the 1st day of January, 1954. 1949, c. 122, s. 10, repealed

**116.**—(1) On and after the 1st day of January, 1954, the whole of the Township of North York is created a township school area. Township of North York a township school area

Board of education for North York

(2) In the year 1954 and thereafter there shall be a board of education for the Township of North York, to be known as The Board of Education for the Township of North York, and the elective members of the board of education shall be elected at the first annual municipal election in the Township after the day this Act receives Royal Assent and the members to be appointed shall be appointed and the board shall be organized, in accordance with *The Boards of Education Act*, except that the qualifications of elective members shall be those of urban school trustees as provided in *The Public Schools Act*.

Rev. Stat., c. 38, 316

Election by wards

(3) The elective members of the said board of education shall consist of two members to be elected in each ward of the Township, and subsections 4 and 5 of section 9 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Rev. Stat., c. 38

Dissolution of existing boards, etc.

(4) On the day on which the said board of education holds its first meeting,

- (a) The Collegiate Institute Board of the Township of North York and all public school boards of the Township of North York are dissolved;
- (b) all the powers and duties of such boards shall be carried on by the said board of education which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board or a board of education;
- (c) all the property theretofore vested in such boards shall become vested in the board of education; and
- (d) all debts, contracts and agreements for which such boards were liable shall become obligations of the board of education.

Township of Scarborough a high school district and township school area

**117.**—(1) On and after the 1st day of January, 1954,

- (a) the present high school district in the Township of Scarborough is enlarged to include the whole of the Township of Scarborough;
- (b) the continuation school district of School Section No. 14 of the Township of Scarborough is dissolved;
- (c) the whole of the Township of Scarborough is created a township school area;
- (d) Union School Section No. 9 and 17 of the Townships of Markham and Scarborough and Union School Section No. 11 and 4 of the Townships of Scarborough

and Pickering are dissolved, subject to the adjustment by arbitration of all rights and claims pursuant to section 32 of *The Public Schools Act*.

Rev. Stat.,  
c. 316

(2) In the year 1954 and thereafter there shall be a board of education for the Township of Scarborough, to be known as the Board of Education for the Township of Scarborough, and the elective members of the board of education shall be elected at the first annual municipal election in the Township after the day this Act receives Royal Assent and the members to be appointed shall be appointed and the board shall be organized, in accordance with *The Boards of Education Act*, except that the qualifications of elective members shall be those of urban school trustees as provided in *The Public Schools Act*.

Board of  
education  
for  
Scarborough

(3) The elective members of the said board of education shall consist of three members to be elected in each ward of the Township, and of the members first elected in each ward the two members who receive the highest number of votes shall continue in office for two years and until their successors are elected and a new board is organized and the third member shall hold office for one year and until his successor is elected and a new board is organized and subsections 15, 16 and 17 of section 8 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Election  
by wards

Rev. Stat.,  
c. 38

(4) If the number of wards in the Township is increased, the members of the said board of education shall cease to hold office on the 31st day of December of the year before the increase in the number of wards becomes effective and thereafter the elective members of the board shall consist of two members to be elected in each ward of the Township and subsections 4 and 5 of section 9 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Increase  
in number  
of wards

Rev. Stat.,  
c. 38

(5) On the day on which the said board of education holds its first meeting,

Dissolution  
of existing  
boards, etc.

- (a) The Collegiate Institute Board of the Township of Scarborough, The Board of Trustees of the Continuation School of Agincourt, and all public school boards of the Township of Scarborough are dissolved;
- (b) all the powers and duties of such boards shall be carried on by the said board of education which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board or a board of education;

- (c) all the property theretofore vested in such boards shall become vested in the board of education; and
- (d) all debts, contracts and agreements for which such boards were liable shall become obligations of the board of education.

Application  
of Rev. Stat.,  
c. 38

**118.** All the provisions of *The Boards of Education Act* which are not inconsistent with this Act shall apply to the boards of education created by sections 116 and 117 in the same manner and to the same extent as if such boards of education had been created by by-laws pursuant to *The Boards of Education Act*.

Metro-  
politan  
School Board  
established

**119.**—(1) In the year 1953 and thereafter there shall be a board to be known as The Metropolitan School Board, which shall be a corporation with the powers and duties and for the purposes set out in this Act.

Composition  
of School  
Board

(2) Subject to subsection 5, the School Board shall be composed of the following persons:

- (a) The chairman of The Board of Education for the City of Toronto.
- (b) The chairman of The Board of Education for the Township of York.
- (c) The chairman of The Board of Education for the Township of East York.
- (d) The chairman of The Board of Education for the Township of Etobicoke.
- (e) The chairman of The Board of Education for the Town of Leaside.
- (f) The chairman of The Board of Education for the Town of Weston.
- (g) The chairman of The Lakeshore District Board of Education.
- (h) The chairman of The Board of Education for the Village of Forest Hill.
- (i) The chairman of The Board of Education for the Village of Swansea.
- (j) The chairman of The Board of Education for the Township of Scarborough.

(k) The chairman of The Board of Education for the Township of North York.

(l) The member, in each ward, of The Board of Education of the City of Toronto who at the municipal election next preceding the day the new School Board is organized in any year received the highest number of votes in such ward.

(m) Two representatives to be appointed by the Toronto and Suburban Separate School Board, as if the School Board were a municipal board of education established under *The Boards of Education Act*,<sup>Rev. Stat., c. 38</sup> but one of such representatives shall be a resident of the City of Toronto and the other a resident of one of the other area municipalities.

(3) If after any election, by reason of an acclamation or an equality of votes,<sup>Acclamation or equality of votes</sup> it cannot be determined which member of The Board of Education of the City of Toronto from any ward is entitled to be a member of the School Board, the matter shall be determined by resolution of that board of education passed before the organization meeting of the School Board.

(4) If the chairman of The Board of Education of the City of Toronto is also the person entitled to be a member under clause l of subsection 2, the other member of that board representing the same ward shall also be a member of the School Board.<sup>Where chairman of Toronto board also member</sup>

(5) In the year 1953, in lieu of the members designated in clauses j and k of subsection 2, the chairman of the board of school trustees of Township School Area No. 1 in the Township of Scarborough and the chairman of the board of school trustees of Township School Area No. 1 in the Township of North York shall be deemed to be the chairmen mentioned in those clauses.<sup>Composition of School Board in 1953</sup>

(6) At the first meeting of the School Board in the year 1953<sup>Election of chairman</sup> and in each year thereafter, at which a quorum is present, the School Board shall organize as a board and elect as chairman one of their members or any other person, to hold office for that year and until his successor is elected or appointed in accordance with this section.

(7) The members present at the first meeting shall select a member to preside and the person so selected may vote as a member.<sup>Presiding member</sup>

(8) If at the first meeting for any reason a chairman is not elected, the presiding member may adjourn the meeting from<sup>Adjournment</sup>

time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant-Governor in Council shall appoint the chairman to hold office for that year and until his successor is elected or appointed in accordance with this section.

**Composition** (9) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 2, the School Board shall be composed of such chairman and the persons mentioned in subsection 2.

**First meeting, 1953** **120.**—(1) The first meeting of the School Board shall be held on or after the 15th day of April, 1953, at such date, time and place as the Minister may determine and the Minister shall notify each person entitled to be a member of the School Board of the date, time and place of the meeting.

**First meeting, 1954** (2) The first meeting of the School Board in the year 1954 and thereafter shall be held not later than the third Wednesday in January on such date and at such time and place as may be fixed by resolution of the School Board.

**Certificate of qualification** (3) A person entitled to be a member of the School Board under subsection 2 of section 119 shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the secretary of the public school board or board of education for which he was elected, or of the Toronto and Suburban Separate School Board, as the case may be, and under the seal of such board certifying that he is entitled to be a member under subsection 2 of section 119.

**Oath of allegiance** (4) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 2 of section 119, he shall, before taking his seat, take an oath of allegiance.

**Declaration of office** (5) No business shall be proceeded with at the first meeting until after the certificates mentioned in subsection 3 have been filed by all the members who present themselves for that purpose.

**When School Board deemed organized** (6) The School Board shall be deemed to be organized when the certificates have been filed by at least nine members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to file such certificate.

**Place of meetings** **121.** Subject to section 120, all meetings of the School Board shall be held at such places within the Metropolitan Area and at such times as the School Board from time to time appoints.



**122.**—(1) Nine members of the School Board shall be necessary to form a quorum and the concurring votes of a majority of members present shall be necessary to carry any resolution or other measure. <sup>Quorum, voting</sup>

(2) Subject to subsections 3 and 4, each member of the School Board shall have one vote only. <sup>One vote</sup>

(3) When in any year the chairman has not been selected from among the members of the School Board, the chairman shall not have a vote except in the event of an equality of votes. <sup>Chairman vote</sup>

(4) When in any year the chairman has been selected from among the members of the School Board, the chairman shall have a second or casting vote in the event of an equality of votes. <sup>Idem</sup>

(5) A member of the School Board appointed under clause *m* of subsection 2 of section 119 shall not vote or otherwise take part in any of the proceedings of the School Board exclusively affecting the public schools. <sup>Voting by separate school representatives</sup>

**123.**—(1) The members of the School Board, other than those mentioned in clause *m* of subsection 2 of section 119, shall hold office while they hold the offices mentioned in that subsection and until their successors take office and a new School Board is organized. <sup>Term of office, generally</sup>

(2) The first appointments of the members of the School Board mentioned in clause *m* of subsection 2 of section 119 shall be made at the first meeting of the Toronto and Suburban Separate School Board after the day this Act receives Royal Assent or as soon thereafter as possible, and such members shall hold office until the end of the year 1954 and until their successors are appointed in accordance with *The Boards of Education Act*, and the appointment and tenure of office of such members in the year 1955 and thereafter shall be in accordance with subsections 18, 19 and 20 of section 7 of *The Boards of Education Act*. <sup>Separate school representatives</sup> <sup>Rev. Stat., c. 38</sup>

**124.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant-Governor in Council, some person shall be appointed by the Lieutenant-Governor in Council to hold office as chairman for the remainder of the term of his predecessor. <sup>Vacancies, chairman</sup>

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 of section 119, the School twenty days after the vacancy occurs, elect a chairman, who <sup>Idem</sup>

may be one of the members of the School Board or any other person, to hold office for the remainder of the term of his predecessor.

Other members

(3) When a vacancy occurs in the office of a member, other than the chairman or a member referred to in clause *m* of subsection 2 of section 119, the board of education of which he was a member shall within fifteen days after the vacancy occurs appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

Idem

(4) When a vacancy occurs in the office of a member referred to in clause *m* of subsection 2 of section 119, the Toronto and Suburban Separate School Board shall, within fifteen days after the vacancy occurs, appoint his successor to hold office for the remainder of the term of his predecessor.

Resignation of chairman

(5) Where the chairman of the School Board is a member of a board of education, he may resign his office as chairman without resigning from such board of education.

Vacancy due to absence from meetings

(6) The seat of a member of the School Board shall become vacant if he absents himself from the meetings of the School Board for three consecutive months without being authorized so to do by a resolution of the School Board entered upon its minutes, and the School Board shall forthwith declare the seat to be vacant.

Maintenance assistance payments

**125.**—(1) The School Board shall, in the year 1954 and in each year thereafter, pay to each board of education within the Metropolitan Area, in monthly instalments, a maintenance assistance payment in respect of,

- (a) each resident pupil, of a public school division within the Metropolitan Area, of average daily attendance during the preceding year in the public elementary schools under the jurisdiction of that board;
- (b) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the preceding year in the academic secondary schools under the jurisdiction of that board; and
- (c) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the preceding year in the vocational secondary schools under the jurisdiction of that board.

Amounts, in 1954 and 1955

(2) The amounts per pupil which shall be payable by the School Board in the years 1954 and 1955 shall be as follows:

- (a) \$150 in respect of each pupil referred to in clause *a* of subsection 1;

- (b) \$250 in respect of each pupil referred to in clause *b* of subsection 1; and
- (c) \$300 in respect of each pupil referred to in clause *c* of subsection 1.

(3) The amounts per pupil which shall be payable by the School Board in the year 1956 and in each year thereafter shall be determined by the School Board in each such year prior to the adoption of its estimates and separate amounts shall be determined in respect of the pupils in the public elementary schools, academic secondary schools and vocational secondary schools within the Metropolitan Area and such separate amounts per pupil shall be uniform for each board of education within the Metropolitan Area.

(4) The School Board shall annually, forthwith after the determination of the amounts referred to in subsection 3, notify each board of education within the Metropolitan Area of the amount of the maintenance assistance payment payable for such year in respect of each pupil within the classes referred to in clauses *a*, *b* and *c* of subsection 1.

(5) The number of pupils of average daily attendance during the year 1953 in respect of which the boards of education for the Townships of Etobicoke, North York and Scarborough are entitled to payment in the year 1954 shall be determined by the Department.

**126.**—(1) It shall be the duty of the School Board and it shall have power,

- (a) to require each board of education within the Metropolitan Area to prepare and submit to the School Board, from time to time as the School Board may prescribe, its proposals and recommendations with respect to the provision of adequate public elementary and secondary school accommodation within its jurisdiction, and the estimated cost thereof;
- (b) to review and consolidate all such proposals, in consultation with the boards of education, the Department, the councils of the area municipalities and the Metropolitan Council and their respective officials, and to prepare and revise from time to time a composite proposal and the recommendations of the School Board for the provision of adequate public elementary, academic secondary and vocational secondary school accommodation for the Metropolitan Area as a whole;

- (c) to submit to the Metropolitan Council from time to time the composite proposal referred to in clause *b*, together with all relevant information with respect thereto, including any tentative approvals of the Department for legislative grant purposes relating thereto;
- (d) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective boards of education, the boundaries of the attendance areas for those public elementary and secondary schools in the Metropolitan Area which are to be attended by resident pupils from more than one public school division or high school district;
- (e) notwithstanding the provisions of this or any other Act, to determine the basis upon which and the conditions under which fees, if any, on behalf of resident pupils of one public school division or high school district in the Metropolitan Area attending a school in another public school division or high school district in the Metropolitan Area shall be paid by the sending board to the receiving board, and the net amount of such fees after allowance has been made for the maintenance assistance payments paid to the receiving board in respect of such pupils;
- (f) notwithstanding the provisions of this or any other Act, to determine the basis upon which the cost of transportation, if any, of the resident pupils of one public school division or high school district in the Metropolitan Area attending a school in another public school division or high school district in the Metropolitan Area shall be paid, and the respective responsibilities therefor of the sending board, the receiving board and the School Board;
- (g) notwithstanding the provisions of this or any other Act, to make provision, if deemed expedient, for the payment to any board of education of any part or the whole of the cost of the education of pupils attending classes established under *The Auxiliary Classes Act* and other special classes authorized by the Minister, to the extent that such cost or part thereof exceeds the maintenance assistance payments paid in respect of such pupils;
- (h) to appoint a treasurer, who shall be the treasurer of the Metropolitan Corporation, a secretary and such other officers and staff as may be deemed expedient

for the purposes of the School Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers of the School Board, if authorized by the School Board;

- (i) if deemed expedient; to pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the School Board from his home and in returning to his home, and to pay to each member an expense allowance not exceeding \$300 per annum;
- (j) to prepare, adopt and submit each year to the Metropolitan Council, on or before such date and in such form as the Metropolitan Council may prescribe, the estimates of the School Board for the current year, separately for public elementary and for secondary school purposes, of all sums required to meet its expenditures and obligations under section 125 and this section, and such estimates shall include and make due allowance for,
  - (i) the amount of any surplus or deficit remaining at the end of the preceding year,
  - (ii) the revenue estimated to be derived from the legislative grants specified in subsection 3 of section 128 and from all other sources,
  - (iii) the amounts of principal and interest payable during the current year in respect of all outstanding debentures issued for school purposes.

(2) The Minister may appoint an acting secretary of the School Board who shall have all the powers and duties of the secretary of the School Board for the purposes of the first meeting of the School Board in the year 1953 and thereafter until the School Board appoints a secretary under subsection 1, and the acting secretary shall preside at the first meeting of the School Board in the year 1953 until the Board is organized.

**127.** The Metropolitan Corporation shall pay to the School Board, in monthly instalments, the moneys required by the School Board as shown in its estimates submitted under clause *j* of section 126, except the moneys required for the purposes of subclause iii of the said clause.

Legislative grants shall not be reduced

**128.**—(1) Nothing in this Act shall reduce the total amount of special and general legislative grants payable to or on behalf of any board having jurisdiction over a public school division, high school district or continuation school district in the Metropolitan Area below the amount which would have been paid had this Act not been passed.

Applications for legislative grants

(2) Notwithstanding subsections 3 and 4, each board of education in the Metropolitan Area shall in each year apply to the Minister for all special and general legislative grants as if this Act had not been passed.

General legislative grants payable to School Board

(3) Notwithstanding any other Act or any regulations made thereunder, during the year 1954 and thereafter the general legislative grants, except those payable in respect of milk for consumption by pupils, night schools, text books and reference books, payable to or on behalf of any board having jurisdiction over a public school division, high school district or continuation school district in the Metropolitan Area shall be paid to the School Board.

Certain legislative grants payable to boards of education

(4) The general legislative grants in respect of milk for consumption by pupils, night schools, text books and reference books referred to in subsection 3, together with any special legislative grants to which the board of a public school division, high school district or continuation school district in the Metropolitan Area may be entitled, shall continue to be paid to that board or, if such board has been dissolved by this Act, to the board of education to which its powers and duties have been assigned.

Estimates of boards of education

**129.**—(1) Each board of education in the Metropolitan Area when preparing and submitting to the municipal council or councils its annual estimates as provided by law shall, in addition to all other requirements, include and make due allowance for the maintenance assistance payments and other revenues to be received during the year from the School Board, and such estimates may, notwithstanding any other Act, include an additional sum to be obtained from current revenue for permanent improvements to be made during the year.

Powers and duties

(2) Each board of education in the Metropolitan Area shall continue to have all the powers, duties and responsibilities conferred and imposed upon it by any general or special Act and regulations made thereunder that are not inconsistent with the provisions of this Act, and shall comply with all the requirements of this Act that apply to them.

School debenture liability

**130.**—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area municipality before the due date all amounts of principal and interest

becoming due upon any outstanding debentures issued by the area municipality for public or secondary school purposes.

(2) If the Metropolitan Corporation fails to make any payment as required by subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(3) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for public or secondary school purposes, the Municipal Board, upon application, may determine the matter, and its decision shall be final. Settling of doubts

**131.**—(1) Notwithstanding any of the provisions of this or any other Act, no board of education in the Metropolitan Area, Discontin-  
uance  
and sale  
of schools,  
etc.

(a) shall discontinue the operation and maintenance of any school under its jurisdiction without the approval of the School Board;

(b) shall sell, lease or otherwise dispose of any school site, school building, school equipment or other item of school property, the cost of which was financed in whole or in part by the issue of debentures, without the approval of the School Board.

(2) Where a board of education sells, leases or otherwise disposes of any school property in accordance with clause *b* of subsection 1, the board of education shall pay to the School Board that share of the proceeds of such disposal that bears the same ratio to the total proceeds as the portion of the total cost of such property borne by the Metropolitan Corporation bears to the total cost of such property. Application  
of proceeds

(3) In the event of any doubt as to the apportionment of the proceeds in accordance with subsection 2, the Municipal Board, upon application, may determine the matter, and its decision shall be final. Settling  
of doubts

**132.**—(1) Where a board of education in the Metropolitan Area desires that the sums required for permanent improvements as defined in clause *m* of subsection 1 of section 1 of *The High Schools Act* or for any of the purposes mentioned in subsection 1 of section 56 of *The Public Schools Act* shall be raised by the issue and sale of debentures, it may apply to the council or councils of the area municipality or municipalities in which it has jurisdiction and it shall at the same time deliver a copy of such application to the secretary of the School Board and the clerk of the Metropolitan Corporation. Application  
for  
debentures  
for school  
purposes  
Rev. Stat.,  
cc. 165, 316

Idem

(2) The application shall state the purpose of the proposed borrowing, the nature and estimated cost of the proposed work or project, the estimated amount of general legislative grants payable in respect thereof and the proposed term of years of the debentures to be issued.

Disposition of application by area council

(3) Each council applied to shall, at its first meeting after receiving the application or as soon thereafter as possible, consider and approve or disapprove the application and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Duty of municipal clerk

(4) The clerk of each such area municipality shall forward a certified copy of the resolution of the council approving or disapproving the application to the secretary of the applicant board of education, the secretary of the School Board and the clerk of the Metropolitan Corporation.

Disposition of application by School Board

(5) The School Board, at its first meeting after receiving its copy of the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and the secretary of the School Board shall forward a certified copy of its resolution in respect of the application to the secretary of the applicant board of education, the clerk of each area municipality concerned and the clerk of the Metropolitan Corporation.

Disposition of application by Metropolitan Council

**133.**—(1) The Metropolitan Council, after the application referred to in section 132 has been dealt with by the council of each area municipality concerned and by the School Board, shall consider and approve or disapprove the application, and the clerk of the Metropolitan Corporation shall thereupon give notice of the decision of the Metropolitan Council to the secretary of the applicant board of education, the clerk of each area municipality concerned and the secretary of the School Board.

Application to Municipal Board

Rev. Stat., c. 262

(2) If the Metropolitan Council approves the application, it shall apply to the Municipal Board for its approval under section 67 of *The Ontario Municipal Board Act*, and if the Municipal Board approves, the Metropolitan Council shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures of the Metropolitan Corporation for the purposes stated in the application.

Appeal

(3) Where the Metropolitan Council disapproves the application, the applicant board of education or the council of any area municipality concerned or the School Board may appeal to the Municipal Board for an order requiring the Metropolitan Council to pass a by-law for borrowing money by the issue and sale of debentures for the purpose or purposes stated in the application.



(4) The Municipal Board shall conduct a public hearing of every such appeal upon such notice as it may deem proper, and may dismiss the appeal or may by order require the Metropolitan Council to pass the by-law mentioned in subsection 3, and the decision of the Municipal Board on such appeal shall be final.

(5) Every order of the Municipal Board granting approval of an application under subsection 2 or requiring the issuing of debentures under subsection 4 shall direct,

(a) that the amount of the debt to be created for the portion of the proposed expenditure approved by the Minister for legislative grant purposes shall be repaid by levies against all the area municipalities; and

(b) that the balance of the said debt shall be repaid by levies only against the area municipality or area municipalities in which the applicant board of education has jurisdiction.

**134.**—(1) Nothing in this Act affects any public school board or public school section within the Metropolitan Area heretofore or hereafter established by the Minister under section 66 of *The Public Schools Act* or any high school board or high school district within the Metropolitan Area hereafter established by the Minister under subsection 6 of section 5 of *The High Schools Act*.

(2) The School Board shall be deemed to be a board within the meaning of *The Teachers' Superannuation Act*.

**135.**—(1) This Part, except section 125, clauses *d, e, f, g* and *j* of section 126 and sections 127 to 133, comes into force on the day this Act receives Royal Assent.

(2) Section 125, clauses *d, e, f, g* and *j* of section 126 and sections 127 to 133, come into force on the 1st day of January, 1954.

## PART VIII

## SEPARATION FROM COUNTY OF YORK

Separation  
from  
County  
of York

**136.** On and after the 1st day of January, 1954, the following area municipalities are hereby withdrawn and for municipal purposes shall be separated from the County of York:

The Township of East York  
 The Township of Etobicoke  
 The Village of Forest Hill  
 The Town of Leaside  
 The Village of Long Branch  
 The Town of Mimico  
 The Town of New Toronto  
 The Township of North York  
 The Township of Scarborough  
 The Village of Swansea  
 The Town of Weston  
 The Township of York.

Composition  
of councils

**137.** Subject to section 138, the council of each area municipality mentioned in section 136 shall continue to be composed as if this Act had not been passed.

By-laws re  
composition  
of councils

**138.**—(1) The council of any town mentioned in section 136 may pass by-laws providing that the council shall be composed of a mayor to be elected by general vote, and not more than eight councillors, and the by-law may provide that the councillors shall be elected by general vote or, if the town is divided into wards, by wards or partly by wards and partly by general vote.

Idem

(2) The council of any village or township mentioned in section 136 may pass by-laws providing that the council shall be composed of a reeve to be elected by general vote, and not more than eight councillors, and the by-law may provide that the councillors shall be elected by general vote or, if the village or township is divided into wards, by wards or partly by wards and partly by general vote.

Repeal

(3) A by-law under this section shall not be repealed until two annual elections have been held under it.

Time for  
passing;  
assent of  
electors

(4) A by-law under this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors.

(5) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after its passing. <sup>Effective date</sup>

(6) Notwithstanding subsection 4, a by-law may be passed in the year 1953 under this section, not later than the 1st day of November, without the assent of the municipal electors. <sup>1953 by-laws</sup>

**139.** Notwithstanding section 87 of *The Assessment Act*, the council of the County of York shall not examine, consider or include the assessment rolls of or the valuations of real property in the area municipalities mentioned in section 136 in the preparation of its equalization by-law in the year 1953. <sup>1953 County equalization Rev. Stat., c. 24</sup>

**140.** This Part comes into force on the day this Act receives Royal Assent. <sup>Commencement</sup>

## PART IX

### HEALTH AND WELFARE SERVICES

**141.**—(1) The Metropolitan Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality shall have any liability under the said provisions. <sup>Liability for hospitalization of indigents Rev. Stat., c. 307</sup>

(2) Where the superintendent of a hospital notifies the clerk of the Metropolitan Corporation in accordance with subsection 1 or 2 of section 20 of *The Public Hospitals Act*, he shall at the same time and in the same manner notify the clerk of the area municipality in which the indigent person is or is represented to be a resident. <sup>Notice to area municipality</sup>

(3) The clerk of an area municipality shall, at the request of the clerk of the Metropolitan Corporation, furnish forthwith such particulars as may be ascertainable in respect of the residence or indigence of any person whose case has been brought to the attention of the clerk of the Metropolitan Corporation under section 20 of *The Public Hospitals Act*. <sup>Particulars to be sent to Metropolitan clerk</sup>

(4) The clerk of an area municipality, within ten days of receiving a notice sent to him under subsection 3, shall send by registered letter, or deliver, the particulars to the clerk of the Metropolitan Corporation. <sup>Idem</sup>

(5) Upon the failure of the clerk of an area municipality to comply with subsections 3 and 4, the area municipality <sup>Liability of area municipality</sup>

shall be liable to the Metropolitan Corporation for the charges for treatment of the patient in respect of whom the information is requested.

Existing liabilities transferred

**142.**—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for the hospitalization or burial, after the 31st day of December, 1953, of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the County was liable because the indigent person was a resident of an area municipality.

Idem

(2) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, for the hospitalization or burial, after the 31st day of December, 1953, of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the City was liable because the indigent person was a resident of the City.

Proviso

(3) Nothing in subsection 1 or 2 shall relieve the County or the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

Aid to hospitals

**143.** The Metropolitan Council may pass by-laws for granting aid for the erection, establishment, maintenance or equipment of public hospitals, including municipal hospitals, public sanatoria or municipal isolation hospitals in the Metropolitan Area and may issue debentures therefor.

Post-sanatorium care

**144.**—(1) The Metropolitan Corporation shall repay to the local board of health of each area municipality the expenses necessarily incurred by the local board for post-sanatorium care furnished after the 31st day of December, 1953, in discharge of its liability under subsection 2 of section 37 of *The Sanatoria for Consumptives Act*.

Rev. Stat., c. 346

Repayment by Metropolitan Corporation

(2) Where an area municipality repays to another local municipality expenses incurred by that other local municipality for post-sanatorium care furnished after the 31st day of December, 1953, under subsection 5 of section 37 of *The Sanatoria for Consumptives Act*, the Metropolitan Corporation shall repay such expenses to the area municipality.

Burial of indigents dying in sanatorium

(3) The Metropolitan Corporation shall repay to each area municipality any expenses incurred by the area municipality for burials after the 31st day of December, 1953, under section 38 of *The Sanatoria for Consumptives Act*, subject to the limitations set out in the said section 38.

(4) Payment under subsections 1 to 3 shall be made quarterly by the Metropolitan Corporation upon receipt from the area municipality of detailed accounts in respect of the quarter, together with such information as the Metropolitan Council may require. Time for payment

(5) Where the Metropolitan Corporation has repaid to an area municipality the expenses of the burial of a deceased patient under subsection 3, the Metropolitan Corporation, in lieu of the area municipality, shall have the rights of recourse provided for in sections 40 and 41 of *The Sanatoria for Consumptives Act*. Rights of recourse

**145.**—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged Act*, and no area municipality shall have any liability as to the establishment, erection and maintenance of a home for the aged under that Act. Liability respecting home for aged Rev. Stat., c. 168

(2) Subsection 4 of section 9 of *The Homes for the Aged Act* shall apply in respect of applicants for admission to a home for the aged of the Metropolitan Corporation except that, Admission to home for aged

- (a) the authorization in the prescribed form referred to in clause *a* of that subsection shall be signed by the chairman or by such other member of the Metropolitan Council as is designated by resolution of the Metropolitan Council;
- (b) the statement in the prescribed form referred to in clause *c* of that subsection shall be signed by the welfare officer of the area municipality in which the applicant resides at the time of his application.

**146.** A home for the aged of the Metropolitan Corporation may be established, erected and maintained either within or outside the Metropolitan Area. Location of home for aged.

**147.**—(1) The home for the aged established, erected or maintained under *The Homes for the Aged Act* by The Corporation of the City of Toronto, and all real and personal property used for the purposes of such home, is hereby vested in the Metropolitan Corporation and, subject to subsection 2, no compensation or damages shall be payable to the City in respect thereof. Toronto home for aged vested in Metropolitan Corporation

(2) The Metropolitan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City for the purposes of the said home for the aged. Existing debenture liability

Default (3) If the Metropolitan Corporation fails to make any payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts (4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for the purposes of the said home for the aged, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Residents of County home for aged **148.**—(1) The Metropolitan Corporation shall pay to The Corporation of the County of York the cost of maintenance in the County home for the aged, after the 31st day of December, 1953, of every resident of that home who was admitted thereto due to residence in an area municipality.

Amount of maintenance payment (2) The amount payable by the Metropolitan Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Liability for neglected children **149.**—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of the provisions of *The Children's Protection Act* imposing liability on municipalities with respect to neglected children, and no area municipality shall have any liability under the said provisions.

Rev. Stat., c. 53, s. 4; s. 17, subss. 2, 3; s. 21, subs. 2, not to apply (2) Section 4, subsections 2 and 3 of section 17 and subsection 2 of section 21 of *The Children's Protection Act* shall not apply to the Metropolitan Council or the Metropolitan Corporation, and each area municipality shall be deemed to be a city for the purposes of section 4 of the said Act.

By-laws in aid (3) The Metropolitan Council shall have the powers given to the council of every municipality under section 29 of *The Children's Protection Act*.

Proviso (4) Nothing in this Act alters or affects the area in which a children's aid society approved under *The Children's Protection Act* has jurisdiction.

Existing liabilities transferred **150.**—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the County on the 31st day of December, 1953, where the order was made because the child belonged to the County due to residence in an area municipality.

(2) The Corporation of the City of Toronto shall not be <sup>Idem</sup> liable, and the Metropolitan Corporation shall be liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the City on the 31st day of December, 1953.

(3) Nothing in subsection 1 and 2 shall relieve the County <sup>Proviso</sup> or City from any liability in respect of maintenance provided before the 1st day of January, 1954.

**151.** The Metropolitan Corporation shall be deemed to <sup>Liability under Rev. Stat., c. 134</sup> be a municipality for the purposes of subsection 6 of section 9 of *The Female Refuges Act* and for the purposes of the regulations under that Act, and no area municipality shall have any liability under the said subsection or regulations.

**152.**—(1) An area municipality shall not be liable, and <sup>Existing liabilities transferred</sup> the Metropolitan Corporation shall be liable, for the maintenance of any person who was in a female refuge on the 31st day of December, 1953, and in respect of whom the area municipality was liable because the person was a resident thereof.

(2) Nothing in subsection 1 shall relieve any area <sup>Proviso</sup> municipality from any liability in respect of maintenance provided before the 1st day of January, 1954.

**153.** The Metropolitan Corporation shall be deemed to <sup>Liability under Rev. Stat., c. 396</sup> be a city for the purposes of subsection 1 of section 13 and sections 14 to 18 and 22 of *The Training Schools Act*, and no area municipality shall have any liability under the said provisions.

**154.**—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be <sup>Existing liabilities transferred</sup> liable, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the County was liable on the 31st day of December, 1953, due to residence in an area municipality.

(2) The Corporation of the City of Toronto shall not be <sup>Idem</sup> liable, and the Metropolitan Corporation shall be liable, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City was liable on the 31st day of December, 1953, due to residence in the City.

(3) Nothing in subsections 1 and 2 shall relieve the County <sup>Proviso</sup> or the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954.

Information **155.** Every area municipality and every officer or employee thereof shall, at the request of the clerk of the Metropolitan Corporation, furnish forthwith to such clerk any information he may require for the purposes of *The Homes for the Aged Act*, *The Children's Protection Act*, *The Female Refuges Act* and *The Training Schools Act*.

Rev. Stat.,  
cc. 168, 53,  
134, 396

Adjustments **156.** In the event of any doubt as to whether any liability is transferred under section 142, 150, 152 or 154 or as to whether the Metropolitan Corporation is liable under subsection 1 of section 148 in respect of any particular resident of the County home for the aged, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Commence-  
ment **157.** This Part comes into force on the 1st day of January, 1954.

## PART X

### ADMINISTRATION OF JUSTICE, ETC.

Court house  
and jail **158.**—(1) The Metropolitan Corporation shall provide and maintain a court house and a jail.

Sufficient  
for county (2) The court house and jail shall be sufficient for the purposes of the County of York as well as for the purposes of the Metropolitan Area.

Maintenance  
of jail (3) The jail shall be provided and maintained in accordance with *The Jails Act* and to the satisfaction of the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 188

Erection,  
etc., of  
court house  
and jail **159.**—(1) The Metropolitan Council may pass by-laws for erecting, enlarging or improving a court house or jail, and shall keep the same in repair and provide the food, fuel and other supplies necessary therefor.

County  
buildings (2) The County of York may acquire land for, and may erect and maintain, either in the Metropolitan Area or elsewhere in the county, buildings for use as a county hall and for offices for the county officials.

Metropolitan  
jail (3) The Metropolitan Corporation may erect and maintain its jail either within the Metropolitan Area, the County of York, or any county adjoining the County of York.

Use of  
court house  
and jail  
by county **160.** The court house and the jail provided by the Metropolitan Corporation shall be the court house and jail of the



County of York, and the sheriff of the county and the jailer shall receive and safely keep, until duly discharged, all persons committed to the jail by any competent authority of the county.

**161.** The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, other than the Crown attorney of the City of Toronto, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

Metropolitan Council to provide accommodation, etc.

**162.** The care of the court house and jail of the Metropolitan Corporation shall be regulated by by-law of the Metropolitan Council.

By-laws

**163.**—(1) The County of York shall bear and pay its just share or proportion of all charges and expenses from time to time incurred in erecting, enlarging, improving, repairing or maintaining the court house and jail of the Metropolitan Corporation, and of their proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in section 161, and of all other charges relating to the administration of justice except such as the Metropolitan Corporation is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements.

Liability of county to share costs of court house, etc.

(2) The use of the court house for the sittings of a division court of a division which comprises part of the county may be taken into account in determining the amount to be paid by the county for the maintenance of the court house.

Allowance for use of court house for division courts

(3) If the Metropolitan Corporation and the county are unable to agree as to the amount to be paid by the county, the amount shall be determined by arbitration under *The Municipal Act*.

Arbitration  
Rev. Stat.,  
c. 243

Insurable interests

**164.** The county and the Metropolitan Corporation shall have from time to time insurable interests in the court house and jail in the proportions of the aggregate amounts which they have respectively contributed to the costs, charges and expenses of erecting, enlarging, improving and repairing such buildings, and in the contents and furniture of the court house and jail in the proportions of the aggregate amounts which they have respectively contributed to the costs, charges and expenses of providing the contents and furniture.

Care of prisoners, etc.

**165.**—(1) The county shall pay to the Metropolitan Corporation in respect of its use of the court house and jail and for the care and maintenance of prisoners such compensation as may be mutually agreed upon or determined by arbitration under *The Municipal Act*.

Rev. Stat., c. 243

Compensation

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrator shall, so far as he deems just and reasonable, take into consideration the original cost of the site and erection of the jail and jail buildings and of repairs and insurance, so far as they have been borne by one or other of the two municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith.

Reconsideration of compensation

**166.** After five years from the time when the amount of the compensation is agreed upon or determined by arbitration under sections 163 and 165 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council upon the application of the county or the Metropolitan Corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or determined by arbitration.

Use of jail as lock-up

**167.** The jail may be used for the purposes of a lock-up house for any area municipality or any local municipality in the county, and if so used the area municipality or local municipality shall pay yearly to the treasurer of the Metropolitan Corporation a reasonable sum for such use and for the expenses incurred by such use, and in case of disagreement the amount to be paid to the Metropolitan Corporation shall be determined by arbitration under *The Municipal Act*.

Rev. Stat., c. 243

Custody of jails; employees

**168.** Sections 369 and 370 of *The Municipal Act* apply to the jail, the Metropolitan Corporation and the jailers and jail employees, and the Metropolitan Corporation shall be deemed to be a city for the purposes of those sections.

Rev. Stat., c. 243, ss. 366-380, not to apply

**169.** Sections 366 to 380 of *The Municipal Act* do not apply to the County of York or any area municipality.

**170.**—(1) The jail maintained by The Corporation of Toronto jail vested in Metropolitan Corporation the City of Toronto, and all real and personal property used for the purposes of such jail, is vested in the Metropolitan Corporation and, subject to subsection 2, no compensation or damages shall be payable to the City.

(2) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due on any outstanding debentures issued by the City in respect of such jail. Metropolitan liability

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(4) In the event of any doubt as to whether any debenture or portion thereof was issued in respect of the jail, the Municipal Board, upon application, may determine the matter and its decision shall be final. Settling of doubts

**171.**—(1) Until the Metropolitan Corporation has provided, established or erected a court house and is ready to provide and pay for all matters mentioned in section 161, The Corporation of the City of Toronto shall in the first instance provide and pay for all such matters. Accommodation, etc., to be provided by City of Toronto

(2) The Metropolitan Corporation shall repay to The Corporation of the City of Toronto, in such manner as may be agreed upon, the costs incurred by the City under subsection 1. Compensation

**172.** The agreement between The Corporation of the City of Toronto and The Corporation of the County of York, confirmed by section 1 of *An Act respecting the City of Toronto*, 1885, being chapter 73 of the Statutes of Ontario, 1885, is terminated as of the 1st day of January, 1954. Agreement terminated c. 73

**173.** The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Juvenile and Family Courts Act*, but if a juvenile court is established for the Metropolitan Corporation the limitations on the expenses of such court provided for in subsection 2 of section 10 of that Act shall not apply. Juvenile courts Rev. Stat., c. 193

**174.**—(1) Nothing in this Act alters or affects the boundaries of any registry division, but for the purposes of *The Land Titles Act* and *The Registry Act* the area municipalities, except the City of Toronto, shall be deemed to be separated towns. Registry and land titles offices Rev. Stat., c. 197, 336

Registry  
office  
expendi-  
tures

(2) Each area municipality, except the City of Toronto, shall bear, and shall pay to the treasurer of the County of York, such equitable proportion of the expenses incurred by the said treasurer under section 21 of *The Registry Act* with respect to the Registry Office for the Registry Division of the East and West Riding of the County of York, as the Inspector of Legal Offices directs.

Commence-  
ment

**175.** This Part comes into force on the 1st day of January, 1954.

## PART XI

### HOUSING AND REDEVELOPMENT

Housing and  
redevelop-  
ment

Rev. Stat.,  
cc. 174, 277

**176.**—(1) The Metropolitan Corporation and the Metropolitan Council shall have all the powers conferred on the corporation or council of a municipality under *The Housing Development Act*, and under *The Planning Act* or any other Act with respect to housing or building development, housing projects, temporary housing accommodation and redevelopment areas and with respect to any other matter concerned with the provision or improvement of housing accommodation.

Powers of  
area muni-  
cipalities

(2) Nothing in subsection 1 shall be deemed to limit or interfere with the powers of the area municipalities with respect to the matters mentioned in subsection 1.

Agreements  
with muni-  
cipalities

**177.** Without limiting its powers under subsection 1 of section 176, the Metropolitan Corporation,

- (a) shall be deemed to be a governmental authority within the meaning of sections 22 and 23 of *The Planning Act*; and
- (b) may enter into agreements with any area municipality for sharing or contributing to the costs incurred by the area municipality in exercising any of its powers with respect to the matters mentioned in subsection 1 of section 176.

Commence-  
ment

**178.** This Part comes into force on the 1st day of January, 1954.

## PART XII

### PLANNING

Planning  
areas

Rev. Stat.,  
c. 277

**179.**—(1) The Minister of Planning and Development shall define a planning area under *The Planning Act*, which shall include the Metropolitan Area and such other municipalities

or parts of municipalities as in his opinion constitute a complete planning unit, and the name of the planning area shall be The Metropolitan Toronto Planning Area.

(2) The Metropolitan Corporation shall be the designated municipality within the meaning of *The Planning Act* for the purposes of the said planning area. Designated municipality

(3) The planning board for the planning area shall be constituted as provided in *The Planning Act* except that the membership of the board shall at all times include two persons recommended by the Metropolitan School Board and approved by the Minister of Planning and Development. Planning board

(4) Subject to subsection 5, all planning areas and subsidiary planning areas heretofore established, which are included in The Metropolitan Toronto Planning Area, shall be subsidiary planning areas within the said planning area. Subsidiary planning areas

(5) On the day The Metropolitan Toronto Planning Area is defined, the planning area constituted under *The Planning Act* and consisting of the whole of the County of York, and the Toronto and York Planning Board, are hereby dissolved. Dissolution of Toronto and York Planning Area

(6) Nothing in subsection 4 shall affect any official plan in effect in any subsidiary planning area. Proviso

(7) When the Minister has approved an official plan adopted by the Metropolitan Council, Subsidiary plans

- (a) any official plan then in effect in a subsidiary planning area affected thereby shall be amended to conform therewith;
- (b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith;
- (c) no public work, as defined in *The Planning Act*, shall be undertaken, and no by-law shall be passed, by any municipality or local board within The Metropolitan Toronto Planning Area, that does not conform therewith.

**180.** The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 16, 18 to 20, 28 and 29 of *The Planning Act*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area. Application of Rev. Stat., c. 277, to Metropolitan Corporation

Scope and purposes of official plan

**181.** The scope and general purpose of the official plan for The Metropolitan Toronto Planning Area shall include,

- (a) land uses and consideration generally of industrial, agricultural, residential and commercial areas;
- (b) ways of communication;
- (c) sanitation;
- (d) green belts and park areas;
- (e) public transportation,

and such other matters as the Minister of Planning and Development may from time to time define under *The Planning Act*.

Application of Rev. Stat., c. 277

**182.** Except as provided in this Part, the provisions of *The Planning Act* shall continue to apply.

Commencement

**183.** This Part comes into force on the day this Act receives Royal Assent.

## PART XIII

### PARKS, RECREATION AREAS, ETC.

Acquiring land for parks, etc.

**184.** The Metropolitan Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, recreation areas, squares, avenues, boulevards and drives in the Metropolitan Area or in any adjoining local municipality in the County of Ontario or the County of Peel or in any local municipality in the County of York, and for exercising all or any of the powers which are conferred on boards of park management by *The Public Parks Act*.

Rev. Stat., c. 314

Payments in lieu of taxes

**185.—(1)** Where the Metropolitan Corporation has acquired land under section 184, the Metropolitan Council may agree to pay annually to the area municipality or other local municipality in which the land is situate a sum not exceeding the amount that would have been payable to the municipality as taxes in the year of acquisition if the land were not exempt from taxation.

Proviso

(2) Subsection 1 does not apply where the land acquired by the Metropolitan Corporation was acquired from the municipality in which the land was situate or from a local board thereof and at the time of acquisition was used as a public park, recreation area, square, avenue, boulevard or drive.

**186.**—(1) For the purposes of section 184, the Metropolitan Council may with the approval of the Municipal Board by by-law assume any existing public park, recreation area, square, avenue, boulevard or drive vested in any area municipality or in any local board thereof, and upon the passing of the by-law the public park, recreation area, square, avenue, boulevard or drive shall vest in the Metropolitan Corporation. Assumption of existing parks, etc.

(2) Where the Metropolitan Corporation assumes any existing public park, recreation area, square, avenue, boulevard or drive vested in any area municipality or local board thereof, Existing debenture liability

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of the property assumed.

(3) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 2, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the property assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final. Settling of doubts

(5) Nothing in this section authorizes the Metropolitan Council to assume any of the lands in the City of Toronto from time to time made available to the Canadian National Exhibition Association. C.N.E. lands exempt

**187.** This Part comes into force on the 1st day of January, 1954. Commencement

## PART XIV

### FINANCES

**188.** In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*. Interpretation Rev. Stat., c. 24

#### YEARLY LEVIES AND ESTIMATES

**189.**—(1) The Metropolitan Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Metropolitan Corporation, Yearly estimates

including the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance  
to be  
made in  
estimates

(2) In preparing the estimates the Metropolitan Council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year.

Levy on  
area muni-  
cipalities

**190.**—(1) The Metropolitan Council shall in each year levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted;
- (b) for payment of all debts of the Metropolitan Corporation, whether of principal or interest, falling due within the year, including principal and interest payments in respect of debenture debt of area municipalities for the payment of which the Metropolitan Corporation is liable under this Act.

Apportion-  
ment

(2) The Metropolitan Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Public  
school  
purposes

(3) The amount levied under subsection 1 for public school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for public school purposes in each of the area municipalities bears to the whole rateable property rateable for public school purposes in the Metropolitan Area, according to the last revised assessment rolls.

Secondary  
school  
purposes

(4) The amount levied under subsection 1 for secondary school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for secondary school purposes in each of the area municipalities bears to the whole rateable property rateable for secondary school purposes in the Metropolitan Area, according to the last revised assessment rolls.

Other  
purposes

(5) All other amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Metropolitan Area, according to the last revised assessment rolls.



(6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*. Fixed assessments, etc., not to apply  
Rev. Stat., c. 24

(7) One by-law or several by-laws for making the levies may be passed as the Metropolitan Council may deem expedient. Levy by-laws

(8) The clerk of the Metropolitan Corporation shall forthwith after the metropolitan levies have been apportioned certify to the clerk of each area municipality the amount which has been so directed to be levied therein for the then current year for metropolitan purposes showing separately the amounts required for public school purposes, secondary school purposes and general purposes. Certificate of levy

- (9) In each area municipality, the metropolitan levy, Local levies for metropolitan purposes
- (a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;
  - (b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and
  - (c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

(10) All moneys levied against an area municipality under the authority of this section shall be a debt of the area municipality to the Metropolitan Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by the by-law of the Metropolitan Council mentioned in subsection 2. Payment

(11) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

#### RESERVE FUNDS

**191.**—(1) The Metropolitan Council may in each year, if authorized by a two-thirds vote of the members present at a Reserve funds

meeting, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments  
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Rev. Stat.,  
c. 400

Expenditure  
of reserve  
fund  
moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to  
report on  
reserve  
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

#### TEMPORARY LOANS

Current  
borrowings

**192.**—(1) The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council may deem necessary to meet, until the levies are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation, and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation.

Limit upon  
borrowings

(2) The amount which may be borrowed in any year for the purposes mentioned in subsection 1 shall not, except with the approval of the Municipal Board, exceed 70 per cent of the total amount of the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the next preceding year, but in the year 1954, until the estimates for that year are adopted, the amount that may be borrowed for the purposes mentioned in subsection 1 shall be determined by the Department.

Exclusion  
from  
estimated  
revenues

(4) For the purposes of subsections 2 and 3, estimated revenues shall not include revenues derivable or derived from

the sale of assets, borrowings or issues of debentures or from a surplus including arrears of levies and proceeds from the sale of assets.

(5) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(6) Any promissory note made under the authority of this section shall be sealed with the seal of the Metropolitan Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(7) The Metropolitan Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Metropolitan Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge shall not defeat or affect and shall be subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Metropolitan Council authorizes the borrowing or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor shall be disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Metropolitan Council authorizes the application of any revenues of the Metropolitan Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by Metropolitan Council

(11) If any member of the Metropolitan Council or officer of the Metropolitan Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(12) Subsections 9, 10 and 11 shall not apply to the Metropolitan Council or any member of the Metropolitan Council or officer of the Metropolitan Corporation acting under an order Saving as to penalties

Rev. Stat.,  
c. 96

or direction issued or made under the authority of Part III of *The Department of Municipal Affairs Act*, nor shall they apply in any case where application of the revenues of the Metropolitan Corporation is made with the consent of the lender in whose favour a charge exists.

#### DEBENTURES

Debentures

Rev. Stat.,  
c. 262

**193.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Metropolitan Council may borrow money for the purposes of,

- (a) the Metropolitan Corporation, including the purposes of the Toronto Transit Commission;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities;
- (d) any board of education in the Metropolitan Area,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Metropolitan Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Metropolitan Council under the authority of this Act shall be direct, joint and several obligations of the Metropolitan Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection shall affect the rights of the Metropolitan Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality shall, after the 31st day of December, 1953, have power to issue debentures.

Uncompleted  
works

(4) When an area municipality, prior to the 31st day of December, 1953,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 67 of *The Ontario Municipal Board Act*; and

Rev. Stat.,  
c. 262

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Metropolitan Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Metropolitan Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 196, and no further approval of the Municipal Board shall be required.

(5) Debentures issued by the Metropolitan Corporation shall be deemed to be debentures of a municipal corporation for the purposes of *The Trustee Act*. Debentures trustee investments  
Rev. Stat., c. 400

**194.**—(1) Notwithstanding any general or special Act, the Metropolitan Corporation may by by-law incur a debt or issue debentures for the purposes of the Metropolitan Corporation or for the purposes of an area municipality or board of education, without the assent of the electors of the Metropolitan Area. Assent of electors, etc.

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Metropolitan Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Metropolitan Council has been obtained. Idem

(3) Nothing in subsection 2 shall require the assent of any electors where such assent has been dispensed with under section 66 of *The Ontario Municipal Board Act*. Proviso  
Rev. Stat., c. 262

**195.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 67 of *The Ontario Municipal Board Act* on the application of the Metropolitan Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter. Hearing

(2) Notice of the hearing shall be given to the clerk of the Metropolitan Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct. Notice

Dispensation  
with hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Borrowing  
pending  
issue and  
sale of  
debentures

**196.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advance from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education.

Application  
of proceeds  
of loan

(3) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality or board of education, the balance, subject to section 207, shall be transferred to the area municipality or board of education.

Hypotheca-  
tion not  
to prevent  
subsequent  
sale of  
debentures

(4) Subject to subsection 3, the redemption of a debenture hypothecated shall not prevent the subsequent sale thereof.

Recitals  
in money  
by-law

**197.**—(1) A money by-law shall recite,

- (a) the amount of the debt intended to be created, and in brief and general terms, the object for which it is to be created;

- (b) the total amount of the whole rateable property of all the area municipalities according to their last revised assessment rolls;
- (c) the amount of the debenture debt of the Metropolitan Corporation including debenture debt of area municipalities for the repayment of which the Metropolitan Corporation is liable under this Act, and how much, if any, of the principal or interest is in arrear;
- (d) the total amount of the debenture debt of all the area municipalities excluding debenture debt for the repayment of which the Metropolitan Corporation is liable, and how much, if any, of the principal or interest is in arrear;
- (e) the approval of the Department of Health as required by subsection 2 of section 107 of *The Public Health Act*, if the by-law is for raising money for any of the purposes mentioned in section 101 or 106 of that Act; Rev. Stat., c. 306
- (f) the approval of the Municipal Board as required by section 67 of *The Ontario Municipal Board Act*. Rev. Stat., c. 262

(2) The by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each such area municipality shall pay to the Metropolitan Corporation such sums at the times and in the amounts specified in the by-law. Levy on specific area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

Levy by  
area muni-  
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality, for the same purpose, for the portion of the debt levied against it under subsection 4.

Levies  
a debt

(7) All levies imposed by the by-law against an area municipality shall be a debt of the area municipality to the Metropolitan Corporation.

By-law to  
change mode  
of issuing  
debentures

(8) The Metropolitan Council may by by-law authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Metropolitan Council, upon again acquiring them, or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,  
when to be  
dated and  
issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Metropolitan Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years after the passing of the by-law.

Date of  
debentures

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9.

Extension  
of time  
for issue

(12) The Municipal Board, on the application of the Metropolitan Council, the council of any area municipality, a board of education or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at



any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. <sup>Application after time expired</sup>

(14) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing. <sup>Effective date</sup>

(15) Notwithstanding any general or special Act, the Metropolitan Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. <sup>Consolidation</sup>

(16) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Metropolitan Corporation on any date prior to maturity subject to the following provisions: <sup>Redemption before maturity</sup>

- (a) The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
- (b) The principal of every debenture that is so redeemable shall become due and payable on the date set for the redemption thereof, and from and after such date interest shall cease to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
- (c) Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
- (d) At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the City of Toronto and in such other manner as the by-law may provide.
- (e) Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest

maturity dates, and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.

- (f) Where a debenture is redeemed on a date prior to maturity, such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council in respect of the debenture so redeemed.

Currency

(17) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

Annual rates

(18) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Metropolitan Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary.

When rate of interest may be varied

**198.**—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any debentures which remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Metropolitan Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;

- (c) such other changes in the said by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 196 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Metropolitan Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council. Special assessments and levies

**199.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Metropolitan Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

**200.**—(1) Subject to section 199, after a debt has been contracted under a by-law, the Metropolitan Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Metropolitan Corporation which has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Metropolitan Corporation, by or under the authority of this Act, pays to an area municipality any Application of payments

amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Penalty for neglect of officer to carry out by-law

**201.** Any officer of the Metropolitan Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Metropolitan Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100.

Money by-laws to be registered

**202.**—(1) Within four weeks after the passing of a money by-law, the clerk of the Metropolitan Corporation shall register a duplicate original or a copy of it, certified under his hand and the seal of the Metropolitan Corporation, in the Registry Office for the Registry Division of the City of Toronto.

Penalty

(2) A clerk who neglects to perform within the prescribed period the duty imposed upon him by subsection 1 shall incur a penalty of \$200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period, not exceeding twelve months, as the court may direct.

Exception as to certain by-laws  
Rev. Stat.,  
cc. 246, 215

(3) It shall not be obligatory to register a by-law for the issue of debentures passed for the purposes of *The Municipal Drainage Act* or for the purposes of *The Local Improvement Act*.

Application to quash registered by-law, when to be made  
Rev. Stat.,  
c. 262

(4) Subject to section 64 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 3 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

Time when by-law to be valid and binding

(5) After the expiration of the period prescribed by subsection 4, if no application or action to quash the by-law is

made or brought, the by-law shall be valid and binding according to its terms.

(6) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 4, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, shall after the expiration of that period be valid and binding according to its terms. Quashing part of by-law

(7) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 4, if it has not already expired, the by-law, or so much of it as is not quashed shall be valid and binding according to its terms. Dismissal of application

(8) Nothing in this section shall make valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 194, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 197 have not been substantially complied with. Illegal by-laws not validated

(9) Failure to register a by-law as prescribed by this section shall not invalidate it. Failure to register

**203.**—(1) Subject to subsection 3, a debenture or other like instrument shall be sealed with the seal of the Metropolitan Corporation, and signed by the chairman of the Metropolitan Council or by some other person authorized by by-law to sign it, and by the treasurer. Debentures, how to be executed

(2) A debenture may have attached to it interest coupons which shall be signed by the treasurer and his signature to them may be written, printed, stamped, lithographed or engraved. Execution of coupons

(3) The signature of the chairman of the Metropolitan Council to all debentures or other like instruments issued by the Metropolitan Corporation may be written, printed, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be printed, stamped, lithographed or engraved. Execution of debentures

(4) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the Metropolitan Corporation at a discount. Full amount of debentures sold at a discount recoverable

Signature to debentures

(5) Any debenture shall be sufficiently signed if it bears the signatures of persons provided in this section if such persons had authority to sign as provided in this section either on the date the debenture bears or at the time it was issued.

Debentures on which payment has been made for one year to be valid

**204.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture which has matured has been paid by the Metropolitan Corporation, the by-law and the debentures issued under it shall be valid and binding upon the Metropolitan Corporation.

Mode of transfer may be prescribed

**205.—**(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation, be transferable, except by entry by the treasurer in the Debenture Registry Book of the Corporation at the.....of.....

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

Transfer by entry in registry book

(3) After a certificate of ownership has been endorsed, the debenture shall be transferable only by entry by the treasurer in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney.

Replacement of lost debentures

**206.** Where a debenture is defaced, lost or destroyed, the Metropolitan Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Application of proceeds of debentures

**207.—**(1) Money received by the Metropolitan Corporation from the sale or hypothecation of any debentures, including any premium derived therefrom, shall be kept in a

separate account and shall be used only for the purposes for which it was raised and shall not be applied towards payment of the current or other expenditure of the Metropolitan Corporation.

(2) When the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows: Application of surplus funds raised on debentures

- (a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable.
- (b) Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption, as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.

(3) Where on the sale of the whole or any part of an issue of debentures a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of debenture issue, the amount of the deficit or the part so required shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be increased accordingly. Where debentures sold at discount

**208.** When the Metropolitan Corporation intends to borrow money on debentures under this or any other Act, the Metropolitan Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. Tenders for debentures

**209.**—(1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it. Accounts, how to be kept

(2) The Metropolitan Council may by by-law provide and direct that instead of a separate account of the interest Consolidated interest account

upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**210.** If in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of  
members

**211.**—(1) If the Metropolitan Council applies any money raised for a special purpose in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer

(2) If the Metropolitan Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Metropolitan Area.

Disqualifi-  
cation

(3) The members who vote for such application shall be disqualified from holding any municipal office for two years.

Refinancing  
of debentures

**212.** When, by or under the authority of this Act, the Metropolitan Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Metropolitan Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures which have not been sold and issue new debentures of the Metropolitan Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Metropolitan Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the



area municipality, and issue new debentures of the Metropolitan Corporation to raise the money required to complete such purchase.

**213.** This Part comes into force on the 1st day of January, 1954. Commencement

## PART XV

### GENERAL

**214.**—(1) Section 5, Parts XV, XVI, XVII and XXI and paragraphs 3, 17 and 18 of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. Application of Rev. Stat., c. 243

(2) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, section 20 of *The Municipal Act*. Annexations and amalgamations

(3) The Metropolitan Corporation and each local board thereof shall be deemed to be a municipality for the purpose of section 78 of *The Labour Relations Act*. Application of Rev. Stat., c. 194

(4) Within each area municipality, the members of the police force of such area municipality shall be charged with the same duties with respect to by-laws of the Metropolitan Corporation as with respect to by-laws of the area municipality. Enforcement of by-laws

(5) Nothing in this Act alters or affects the powers of the Toronto Harbour Commissioners. The Harbour commission

**215.**—(1) Where the Metropolitan Council passes a resolution requesting a judge of the county court of the County of York, or a judge of the county court of a county adjoining the County of York, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Metropolitan Council, or an officer or employee of the Metropolitan Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Metropolitan Corporation, or to inquire into or concerning any matter connected with the good government of the Metropolitan Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Metropolitan Corporation, the judge shall make the inquiry and shall for that purpose have all the powers Investigation by county judge of charges of malfeasance

Rev. Stat.,  
c. 308

which may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Metropolitan Council the result of the inquiry and the evidence taken.

Fees payable  
to judge

(2) The judge shall be paid by the Metropolitan Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Rev. Stat.,  
c. 190

Engaging  
counsel

(3) The Metropolitan Council may engage and pay counsel to represent the Metropolitan Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Metropolitan Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Commission  
of financial  
inquiry

**216.**—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into the financial affairs of the Metropolitan Corporation or a local board thereof, and any matter connected therewith, and the commissioner shall have all the powers of a commissioner under *The Public Inquiries Act*.

When com-  
mission may  
issue

(2) A commission may be recommended at the instance of the Department, or upon the request in writing of not less than one-third of the members of the Metropolitan Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of  
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and forthwith be paid by the Metropolitan Corporation.

Entry on  
highways,  
etc.

**217.** The Metropolitan Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**218.** The Metropolitan Corporation and any area municipality may enter into agreements for the use within any part of the Metropolitan Area of the services of their respective officers, employees and equipment.

Application  
of Rev. Stat.,  
c. 24

**219.** For the purposes of paragraph 9 of section 4 and section 39 of *The Assessment Act*, the Metropolitan Corporation shall be deemed to be a municipality.

**220.**—(1) An execution against the Metropolitan Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Executions  
against  
Metro-  
politan Cor-  
poration

- (a) The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Metropolitan Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
- (b) If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall in like manner as the levies of the Metropolitan Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement which shall be levied against and in each area municipality.
- (c) The sheriff shall then in like manner as rates are struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
- (d) The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the Metropolitan Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
- (e) If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Municipality of Metropolitan Toronto" (adding a similar column for each execution if more than one), and shall insert therein the

amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

- (f) The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Functions of clerk, assessors and collectors

**221.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality, the Corporation of the County of York or the Metropolitan Corporation, may exercise any of the powers conferred on it by clauses *a* and *d* of subsection 9 of section 20 of *The Municipal Act*.

Adjustment of assets, etc.  
Rev. Stat., c.243

(2) In addition to its powers under subsection 1, the Municipal Board shall have power to direct the Metropolitan Corporation to pay to the Corporation of the County of York, in a lump sum or in its discretion over a period of years from the 1st day of January, 1954, on a progressively reduced basis, such amount as it deems just and equitable to relieve the County from any undue burden caused by the separation from the County of the municipalities mentioned in section 136.

Idem

**222.** The Lieutenant-Governor in Council, upon the recommendation of the Municipal Board, may authorize the Metropolitan Corporation to do all such acts or things not specifically provided for in this Act which are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conditional powers

**223.**—(1) Notwithstanding anything in this Act, the Municipal Board may, before the 1st day of January, 1954, determine whether any outstanding debentures of an area municipality were issued in respect of any work or asset to be vested in or assumed by the Metropolitan Corporation on that date.

Effective dates

(2) Notwithstanding the times fixed by this Act for the <sup>Idem</sup> coming into force on the various parts and sections thereof, the Metropolitan Corporation and the Metropolitan School Board may employ officers and staff, obtain office accommodation and equipment and do all such other things, before the 1st day of January, 1954, as may be necessary to prepare for and permit the said Corporation and School Board to function for all purposes on the 1st day of January, 1954.

**224.** The provisions of this Act shall apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail. <sup>Conflict with other Acts</sup>

**225.**—(1) Notwithstanding anything in *The Power Commission Act* or in *The Public Utilities Act* or in any other special or general Act, the whole of the Township of Scarborough, the whole of the Township of North York and the whole of the Township of Etobicoke shall each be deemed to be an area established under subsection 1 of section 66 of *The Power Commission Act*, and The Public Utilities Commission of the Township of Scarborough, The Hydro-Electric Commission of the Township of North York and The Hydro-Electric Commission of the Township of Etobicoke shall each be deemed to have been established for the whole of the said respective areas and the members duly elected. <sup>Township areas re hydro Rev. Stat., c. 281, 320</sup>

(2) If any of the said corporations desire to enter into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy for the use of the municipality and inhabitants thereof, the assent of the municipal electors shall not be necessary. <sup>Assent of electors</sup>

(3) Subject to this section and where not inconsistent therewith, Part II of *The Power Commission Act* shall be deemed to apply to each of the said commissions and areas. <sup>Application of Rev. Stat., c. 281, Pt. II</sup>

**226.** The expenditures of the Metropolitan Corporation and the Metropolitan School Board, as approved by the Department, during the year 1953 shall be payable out of such moneys as may be appropriated therefor by the Legislature. <sup>1953 expenditures</sup>

**227.**—(1) This Part, except sections 217, 221 and 225, comes into force on the day this Act receives Royal Assent. <sup>Commencement</sup>

(2) Sections 217, 221 and 225 come into force on the 1st day of January, 1954. <sup>Idem</sup>

(3) Section 1 comes into force on the day this Act receives Royal Assent. <sup>Idem</sup>

**228.** This Act may be cited as *The Municipality of Metropolitan Toronto Act, 1953*. <sup>Short title</sup>

## FORM 1

(Section 5 (5) )

## OATH OF ALLEGIANCE

I, A. B., having been elected (*or appointed*) as chairman of the council of The Municipality of Metropolitan Toronto, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

## FORM 2

(Section 5 (5) )

## DECLARATION OF QUALIFICATION BY CHAIRMAN

I, A. B., having been elected (*or appointed*) as chairman of the council of The Municipality of Metropolitan Toronto, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Municipality of Metropolitan Toronto or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.



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BILL

An Act to provide for the Federation of  
the Municipalities in the Toronto  
Metropolitan Area for Certain Financial  
and Other Purposes

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 12th, 1953

*3rd Reading*

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MR. FROST

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*(Reprinted as amended by the Committee  
of the Whole House)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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## BILL

An Act to provide for the Federation of the  
Municipalities in the Toronto Metropolitan  
Area for Certain Financial and  
Other Purposes

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MR. FROST

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# BILL

## An Act to provide for the Federation of the Municipalities in the Toronto Metropolitan Area for Certain Financial and Other Purposes

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

### INTERPRETATION

**1.** In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston or the Township of York;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means chairman of the Metropolitan Council;
- (d) "Department" means Department of Municipal Affairs;
- (e) "highway" and "road" mean a common and public highway, and include a street, bridge, and any other structure incidental thereto;
- (f) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (g) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Metropolitan Corporation or of an area municipality or of two or more area municipalities or portions thereof;
- (h) "Metropolitan Area" means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York;
- (i) "Metropolitan Corporation" means The Municipality of Metropolitan Toronto;
- (j) "Metropolitan Council" means the council of the Metropolitan Corporation;
- (k) "metropolitan road" means a road forming part of the metropolitan road system established under Part V;
- (l) "Minister" means Minister of Municipal Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 192;
- (n) "Municipal Board" means Ontario Municipal Board;
- (o) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### INCORPORATION AND COUNCIL

Incorporation

**2.**—(1) On the 15th day of April, 1953, the inhabitants of the Metropolitan Area are hereby constituted a body corporate under the name of "The Municipality of Metropolitan Toronto".

(2) The Metropolitan Corporation shall be deemed to be a <sup>Deemed municipality under Rev. Stat., c. 96, 262</sup> municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act* and shall be a municipality in the County of York separated therefrom for municipal purposes.

**3.—**(1) The powers of the Metropolitan Corporation shall be exercised by the Metropolitan Council and, except where otherwise provided, the jurisdiction of the Metropolitan Council shall be confined to the Metropolitan Area. <sup>Council to exercise corporate powers</sup>

(2) Except where otherwise provided, the powers of the Metropolitan Council shall be exercised by by-law. <sup>By-laws</sup>

(3) A by-law passed by the Metropolitan Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. <sup>Not to be quashed as unreasonable</sup>

**4.—**(1) The Metropolitan Council shall be composed of the following persons: <sup>Composition of Metropolitan Council</sup>

- (a) The head of the council of each area municipality.
- (b) The two members of the board of control of the City of Toronto who at the municipal election next preceding the day the new Metropolitan Council is organized in any year received the highest number of votes.
- (c) The alderman in each ward of the City of Toronto who at the municipal election next preceding the day the new Metropolitan Council is organized in any year received the highest number of votes in such ward.

(2) If after any election, by reason of acclamation or an equality of votes, it cannot be determined which member or members of the board of control is or are entitled to be a member or members of the Metropolitan Council, the matter shall be determined by resolution of the council of the City of Toronto passed before the organization meeting of the Metropolitan Council. <sup>Acclamation or equality of votes</sup>

(3) If after any election, by reason of acclamation or an equality of votes, it cannot be determined which alderman in any ward of the City of Toronto is entitled to be a member of the Metropolitan Council, the matter shall be determined by resolution of the council of the City of Toronto passed before the organization meeting of the Metropolitan Council. <sup>Idem</sup>

Chairman (4) During the years 1953 and 1954 there shall be an additional member of the Metropolitan Council, who shall be the chairman thereof, and who shall be appointed by the Lieutenant-Governor in Council before the 15th day of April, 1953, to hold office during pleasure for the years 1953 and 1954 and until his successor as chairman is elected or appointed in accordance with this section.

Remuneration (5) The chairman appointed under subsection 4 shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant-Governor in Council may determine.

Election of chairman (6) At the first meeting of the Metropolitan Council in the year 1955, and in each year thereafter, at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and until his successor is elected or appointed in accordance with this section.

Clerk to preside (7) The clerk of the Metropolitan Corporation shall preside at each such first meeting, or if there is no clerk, the members present shall select a member to preside and the person so selected may vote as a member.

Adjournment (8) If at the first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant-Governor in Council shall appoint the chairman to hold office for that year and until his successor is elected or appointed in accordance with this section.

Composition (9) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 1, the Metropolitan Council shall be composed of such chairman and the persons mentioned in subsection 1.

First meeting, 1953 5.—(1) The first meeting of the Metropolitan Council shall be held on or after the 15th day of April, 1953, at such date, time and place as the chairman may determine and the chairman shall give to each person entitled to be a member of the Metropolitan Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First meeting of area councils (2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality, in the year 1954 and thereafter, shall be held not later than the 8th day of January.

First meeting of Metropolitan Council (3) The first meeting of the Metropolitan Council in the year 1954 and thereafter shall be held after the councils of all

the area municipalities have held their first meetings in the year but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

(4) A person entitled to be a member of the Metropolitan Council under subsection 1 of section 4 shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the area municipality for which he was elected and under the seal of the area municipality certifying that he is entitled to be a member under the said subsection. Certificate of qualification

(5) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 1 of section 4, he shall, before taking his seat, take an oath of allegiance (Form 1) and, in the years 1955 and thereafter, a declaration of qualification (Form 2). Oath of allegiance

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 19 of *The Municipal Act* have been made by all members who present themselves for that purpose, and each such declaration shall include a declaration that the member has not by himself or a partner, directly or indirectly, any interest in any contract with or on behalf of the Metropolitan Corporation or any local board thereof. Declaration of office Rev. Stat., c. 243

(7) The Metropolitan Council shall be deemed to be organized when the declarations of office have been made by at least nine members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. When Council deemed organized

6. Subject to section 5, all meetings of the Metropolitan Council shall be held at such place within the Metropolitan Area and at such times as the Metropolitan Council from time to time appoints. Place of meetings

7.—(1) Nine members of the Metropolitan Council shall be necessary to form a quorum and the concurring votes of a majority of members present shall be necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsections 3 and 4, each member of the Metropolitan Council shall have one vote only. One vote

(3) When in any year the chairman has not been elected from among the members of the Metropolitan Council, the Chairman's vote

chairman shall not have a vote except in the event of an equality of votes.

Idem

(4) When in any year the chairman has been elected from among the members of the Metropolitan Council, the chairman shall have a second or casting vote in the event of an equality of votes.

Term of office

**8.** The members of the Metropolitan Council mentioned in subsection 1 of section 4 shall hold office while they hold the offices mentioned in that subsection and until their successors take office and a new council is organized.

Vacancies, chairman

**9.—(1)** When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant-Governor in Council, some person shall be appointed by the Lieutenant-Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 of section 4, the Metropolitan Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman, who may be one of the members of the Metropolitan Council or any other person, to hold office for the remainder of the term of his predecessor.

Other members

(3) When a vacancy occurs in the office of a member other than the chairman, the council of the area municipality, of which he was a member, shall within fifteen days after the vacancy occurs appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

Resignation of chairman

(4) Where the chairman is a member of the council of an area municipality, he may resign his office as chairman without resigning from such council.

Vacancy due to absence from meetings

(5) The seat of a member of the Metropolitan Council shall become vacant if he absents himself continuously from the meetings of the Metropolitan Council during a period of one month without being authorized so to do by a resolution of the Metropolitan Council entered upon its minutes, and the Metropolitan Council shall forthwith declare the seat to be vacant.

Remuneration, chairman

**10.—(1)** In the years 1955 and thereafter, the chairman may be paid such annual or other remuneration, not exceeding \$15,000 per annum, as the Metropolitan Council may determine.

members

(2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration,



not exceeding \$1,800 per annum, as the Metropolitan Council may determine.

**11.**—(1) The Metropolitan Council may from time to time establish such standing or other committees, and assign to them such duties, as it deems expedient. Committees of Council

(2) The Metropolitan Council may by by-law provide for paying an annual allowance not exceeding \$100 to each chairman of a standing committee, except where such chairman is the chairman of the Metropolitan Council. Remuneration of chairmen of committees

**12.** The Metropolitan Council may pass by-laws for governing the proceedings of the Metropolitan Council and any of its committees, the conduct of its members and the calling of meetings. Procedure by-laws

**13.** The chairman shall be the head of the Metropolitan Council and the chief executive officer of the Metropolitan Corporation. Who to be head of Council

**14.** When the chairman is absent from the Metropolitan Area or absent through illness, or refuses to act, or when the office of chairman is vacant, the Metropolitan Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence, refusal to act or vacancy. Acting chairman

**15.** Sections 210, 212, 213, 215, 217, 218, 219, 261, 262, 269 and 291 to 296 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. Application of Rev. Stat., c. 243

**16.**—(1) The Metropolitan Council shall appoint a clerk, whose duty it shall be, Appointment of clerk, and his duties

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Metropolitan Council;
- (b) to record the name and vote of every member voting on any matter or question;
- (c) to preserve and file all accounts acted upon by the Metropolitan Council;
- (d) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Metropolitan Council and its committees;
- (e) to perform such other duties as may be assigned to him by the Metropolitan Council.

Deputy  
clerk

(2) The Metropolitan Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting  
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Metropolitan Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

First clerk

(4) The chairman appointed under subsection 4 of section 4 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Metropolitan Council in the year 1953 and thereafter until the Metropolitan Council appoints a clerk or an acting clerk under this section.

Minutes,  
etc., to be  
open to  
inspection  
and copies  
to be  
furnished

**17.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in section 16 and the minutes and proceedings of any committee of the Metropolitan Council, whether the acts of the committee have been adopted or not, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the Metropolitan Corporation, to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Metropolitan Council may fix.

Copies  
certified  
by clerk  
to be  
receivable  
in evidence

(2) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Metropolitan Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Treasurer

**18.**—(1) The Metropolitan Council shall appoint a treasurer who shall keep the books, records and accounts of the Metropolitan Corporation and who shall perform such other duties as may be assigned to him by the Metropolitan Council.

Deputy  
treasurer

(2) The Metropolitan Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting  
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Metropolitan Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

**19.**—(1) The treasurer shall receive and safely keep all money of the Metropolitan Corporation, and shall pay out the same to such persons and in such manner as the law of Ontario and the by-laws or resolutions of the Metropolitan Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Metropolitan Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

To receive and take care of and disburse money, etc.

(2) Notwithstanding subsection 1, the Metropolitan Council may by by-law provide that the signature of the treasurer on cheques may be stamped, lithographed or engraved, or may by by-law designate one or more persons to sign cheques in lieu of the treasurer.

Alternative methods of signing cheques

(3) Except where otherwise expressly provided by this Act, a member of the Metropolitan Council shall not receive any money from the treasurer for any work or service performed or to be performed.

When member of Council may be paid for work

(4) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the Metropolitan Council, unless another disposition of it is expressly provided for by statute.

Treasurer's liability limited

(5) The treasurer shall open an account or accounts in the name of the Metropolitan Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the Metropolitan Council and shall deposit therein all money received by him on account of the Metropolitan Corporation, and he shall keep the money of the Metropolitan Corporation entirely separate from his own money.

Bank accounts

(6) The treasurer shall prepare and submit to the Metropolitan Council, monthly, a statement of the money at the credit of the Metropolitan Corporation.

Monthly statement of assets

(7) Where the treasurer is removed from office or absconds, the Metropolitan Council shall forthwith give notice to his sureties.

Notice to sureties

**20.**—(1) The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation.

Appointment of auditors

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Metropolitan Corporation and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof.

Disqualifi-  
cation of  
persons as  
auditors

(3) No person shall be appointed as an auditor of the Metropolitan Corporation who is or during the preceding year was a member of the Metropolitan Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Metropolitan Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of  
auditor

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Metropolitan Council or any local board of the Metropolitan Corporation that do not conflict with the duties prescribed by the Department.

Auditors  
may  
administer  
oaths

(5) An auditor may administer an oath to any person concerning any account or other matter to be audited.

Audit of  
accounts  
before  
payment

(6) The Metropolitan Council may provide that all accounts shall be audited before payment.

Employees

**21.**—(1) The Metropolitan Council may pass by-laws for appointing such officers and employees as it may deem necessary for the purposes of the Metropolitan Corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the Metropolitan Council, and for fixing their remuneration and prescribing their duties, and the security to be given for the performance of them.

Tenure  
of office  
and duties

(2) Except as otherwise provided in this Act, all officers and employees appointed by the Metropolitan Council shall hold office during the pleasure of the Metropolitan Council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the Metropolitan Council.

Application  
of  
Rev. Stat.,  
c. 243

**22.**—(1) Sections 235, 251 and 253, subsections 4 and 5 of section 255 and paragraphs 48 and 49 of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

Pension  
and sick  
leave plans

(2) The Metropolitan Corporation shall pass by-laws under paragraphs 48 and 49 of section 386 of *The Municipal Act* before the 1st day of January, 1954.

(3) Where the Metropolitan Corporation employs a person <sup>Pensions</sup> theretofore employed by an area municipality or a local board thereof, the employee shall be deemed to remain an employee of the area municipality or local board for the purposes of any pension plan of such area municipality or local board, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

(4) Until such election the Metropolitan Corporation shall <sup>Idem</sup> deduct by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board and the Metropolitan Corporation shall pay to the area municipality or local board in instalments,

- (a) the amounts so deducted;
- (b) the future service contributions payable under the plan by the area municipality or local board.

(5) Where the Metropolitan Corporation employs a person <sup>Sick leave credits</sup> theretofore employed by an area municipality or a local board thereof, the employee shall be deemed to remain an employee of the area municipality or local board for the purposes of any sick leave credit plan of the area municipality or local board until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board.

(6) Where the Metropolitan Corporation employs a person <sup>Holidays</sup> theretofore employed by an area municipality or a local board thereof, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board.

(7) The Metropolitan Council shall offer to employ every <sup>Existing local staff</sup> person who, on the 1st day of April, 1953,

- (a) is employed as an assessment commissioner or assessor, or is otherwise employed in the assessment department of an area municipality; or
- (b) is employed in any undertaking of an area municipality or local board which is assumed by the Metropolitan Corporation under this Act.

Commence-  
ment

**23.** This Part comes into force on the day this Act receives Royal Assent.

PART II

ASSESSMENT

Appointment  
of assessors

**24.—**(1) The Metropolitan Council shall appoint as many assessors as may be deemed necessary to carry out the duties of assessors in all the area municipalities.

Appointment  
need not  
be annual

(2) Every by-law appointing an assessor shall remain in force until repealed and it shall not be necessary to appoint the assessor annually.

Assessment  
commis-  
sioner, etc.

**25.—**(1) The Metropolitan Council shall appoint an assessment commissioner and may appoint as many deputy assessment commissioners as may be deemed necessary.

Idem

(2) The assessment commissioner shall, with respect to the deputy assessment commissioners and assessors, have control and charge over the exercise by them of their powers and over the performance by them of their duties in all the area municipalities.

Jurisdiction

(3) The assessment commissioner may assign to a deputy assessment commissioner or an assessor the area municipality or area municipalities, or part or parts thereof, within which he is to act.

Assessment  
officials  
deemed  
officials of  
each area  
municipality

**26.—**(1) The assessment commissioner and every deputy assessment commissioner and every assessor appointed by the Metropolitan Council shall be deemed for the purposes of this and every other Act to be respectively the assessment commissioner, a deputy assessment commissioner and an assessor of each area municipality.

No local  
assessors

(2) No area municipality shall, after the 31st day of December, 1953, appoint or continue to employ an assessment commissioner or assessors or constitute or continue a board of assessors.

Office sup-  
plies, etc.

**27.** Subject to section 28, the Metropolitan Corporation shall provide and pay for all office accommodation, supplies, stationery and equipment, and shall employ such staff, as may be necessary for the performance of the duties of assessors in the Metropolitan Area.

Idem

**28.** At the request of the Metropolitan Council, each area municipality,

- (a) shall provide, at such rent as may be agreed upon, at least as much office accommodation for the assessment commissioner, deputy assessment commissioners, assessors and staff as was being provided by the municipality for its assessment department on the 1st day of March, 1953;
- (b) shall transfer to the assessment commissioner without compensation all office supplies and stationery in the possession of the municipality on the 31st day of December, 1953, that was provided for the exclusive use of the assessment department of the municipality;
- (c) shall transfer to the assessment commissioner without compensation all mechanical and other equipment used exclusively by the assessment department of the municipality on the 1st day of March, 1953;
- (d) shall make available to the assessment commissioner, at such rent as may be agreed upon, all mechanical and other equipment the use of which was shared by the assessment department and any other department or departments of the municipality on the 1st day of March, 1953, on the same terms and to the same extent as the assessment department used the equipment before the 1st day of March, 1953.

**29.** Every assessment commissioner, every assessor and every other officer or servant of an area municipality shall, at the request of the assessment commissioner of the Metropolitan Corporation, turn over to such assessment commissioner all books, records and documents relating to the work of the assessment department of the municipality. Books, etc.

**30.** Section 123 of *The Assessment Act* shall not apply in any area municipality after the 31st day of December, 1953. Rev. Stat., c. 24, s. 123, not to apply

**31.—(1)** The Metropolitan Council shall constitute by by-law one or more courts of revision for each area municipality. Courts of revision

(2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the Metropolitan Council. Members

(3) A member of a court of revision constituted under subsection 1 for one area municipality may also be appointed a member of a court of revision constituted for one or more other area municipalities. Idem

Disqualifi-  
cation as  
members

- (4) No person who is or during the preceding year was,
- (a) a member of the council of an area municipality or of the Metropolitan Council; or
  - (b) an officer or employee (other than a member of a court of revision) of an area municipality or of the Metropolitan Corporation,

may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum

- (5) Where a court of revision consists of three members, two shall form a quorum.

Compensa-  
tion

- (6) Each member of a court of revision shall be paid such sum for his services as the Metropolitan Council may by by-law provide.

Courts  
deemed  
constituted  
under  
Rev. Stat.,  
c. 24

- (7) A court or courts of revision constituted for an area municipality under this section shall be deemed for the purposes of this and every other Act to be a court or courts of revision for the area municipality constituted in accordance with *The Assessment Act* and no area municipality shall constitute or continue a court or courts of revision under *The Assessment Act* or any special Act after the 31st day of December, 1953.

1953  
assessment  
roll

1951, c. 31

- (8) Notwithstanding subsection 7, the court or courts of revision of an area municipality, constituted under *The Greater Toronto Assessment Board Act, 1951*, and in office on the 31st day of December, 1953, shall, if the assessment roll of the area municipality prepared in 1953 has not been certified at that time, continue in office for the purpose only of concluding its work in connection with the revision and certification of that assessment roll.

Appeals in  
other area  
municipalities

Rev. Stat.,  
c. 24

- (9) All rights of appeal conferred by *The Assessment Act* upon a person assessed in an area municipality may be exercised by such area municipality, or by a person designated by resolution of the council of such area municipality, with respect to an assessment in any other area municipality and with respect to the decision of a court of revision, county judge or the Municipal Board on any appeal with respect to such assessment and, notwithstanding anything in *The Assessment Act*, notice of appeal to the court of revision may be given by such area municipality or by such designated person within twenty-one days after the day upon which the assessment roll with respect to such assessment is returned.

Application  
of Rev. Stat.  
c. 24, s. 53

- 32.** Section 53 of *The Assessment Act* shall apply in each area municipality but for the purposes of that section the



Metropolitan Council shall be deemed to be the council of each area municipality.

**33.** The provisions of clause *j* of subsection 1 of section 16 of *The Assessment Act* shall not apply to the townships of East York, Etobicoke, North York, Scarborough and York. Land of non-residents in townships

**34.** Except as otherwise provided in this Act, all the provisions of *The Assessment Act* shall apply in each area municipality. Application of Rev. Stat. c. 24, generally

**35.** This Part comes into force on the 1st day of January, 1954. Commencement

### PART III

#### METROPOLITAN WATERWORKS SYSTEM

**36.** For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Metropolitan Corporation shall have all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof, respecting the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. Establishment of waterworks

**37.—(1)** The Metropolitan Council shall before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as part of the metropolitan waterworks system all works for the production, treatment and storage of water vested in each area municipality or any local board thereof and all trunk distribution mains connected therewith, and on the day any such by-law becomes effective the works and mains designated therein shall vest in the Metropolitan Corporation. Assumption of works and mains

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. Idem

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. Interpretation

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law shall become effective on the date provided therein. Extension of time

Metropolitan liability

(5) Where the Metropolitan Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or main, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Rev. Stat.,  
c. 215

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling  
of doubts

(7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Existing  
agreements

**38.**—(1) Where an area municipality or a local board thereof has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable for the supply of water in accordance with the agreement and shall be bound by all the terms thereof and the area municipality or local board shall be relieved of all liability thereunder.

Rates

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Metropolitan Council or the council of the municipality to which the water is supplied, shall have jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

Powers of  
area municipalities  
restricted

**39.**—(1) Where all the works of an area municipality or any local board thereof for the production, treatment and storage of water are assumed by the Metropolitan Corpora-

tion, the area municipality or local board shall not thereafter establish, maintain or operate any such works.

(2) An area municipality that did not operate any such <sup>Idem</sup> works on the 31st day of December, 1953, shall not, after that date, establish, maintain or operate any such works.

(3) Nothing in this section shall limit the powers of an <sup>Proviso</sup> area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Metropolitan Corporation.

**40.**—(1) No municipality or local board which is supplied <sup>Supply beyond limits of local municipality</sup> with water by the Metropolitan Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Metropolitan Council.

(2) Nothing in subsection 1 shall prohibit an area municipi- <sup>Proviso</sup> pality or local board from supplying water to another municipality where the area municipality or local board has agreed to supply such water before the 1st day of April, 1953, and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Metropolitan Corporation.

**41.** The Metropolitan Council may pass by-laws for <sup>Regulation of supply, etc.</sup> regulating the time, manner, extent and nature of the supply of water from its waterworks system, and every other matter or thing related to or connected therewith which it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Metropolitan Corporation with regard to the water so supplied.

**42.** The Metropolitan Council may pass by-laws for the <sup>Main-tenance, management, etc.</sup> maintenance and management of its waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality or local board.

**43.**—(1) The Metropolitan Council may pass by-laws <sup>Rates</sup> fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

(2) In fixing the rates, the Metropolitan Council may use <sup>Idem</sup> its discretion as to the rate or rates to be charged to any area

municipality, and may charge different rates to the various area municipalities.

Self-sustaining

(3) The Metropolitan Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Metropolitan Council may think proper.

Rev. Stat.,  
c. 262, s. 56,  
subs. 1, cl. j.  
not  
applicable

(4) Clause *j* of subsection 1 of section 56 of *The Ontario Municipal Board Act* shall not apply with respect to water supplied by the Metropolitan Corporation to an area municipality.

Retail sale  
prohibited

**44.**—(1) The Metropolitan Corporation shall have power to and shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other  
municipalities

(2) The Metropolitan Corporation may enter into a contract for the supply of water to any local municipality outside the Metropolitan Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and  
accounts

**45.** The Metropolitan Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities of its waterworks system in such manner as may be prescribed by the Department.

Application  
of revenues  
Rev. Stat.,  
c. 320

**46.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues of the waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Metropolitan Council may deem proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Metropolitan Corporation.

(2) It shall not be necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or assumed by the Metropolitan Corporation for the purposes of the waterworks system except to the extent that the revenues of the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures. <sup>Where levy unnecessary</sup>

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. <sup>Reserve fund</sup> <sup>Rev. Stat., c. 400</sup>

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the waterworks system. <sup>Application of reserve fund</sup>

**47.**—(1) Subject to section 54, the Metropolitan Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the waterworks system which, in the opinion of the Metropolitan Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board. <sup>Disposal of property</sup>

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues of the waterworks system. <sup>Proceeds</sup>

**48.**—(1) The Metropolitan Corporation shall not be liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Metropolitan Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. <sup>Temporary shut-offs</sup>

(2) Where the supply of water by the Metropolitan Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract, or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. <sup>No breach of contract</sup>

Standards  
for local  
systems

**49.**—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of  
local exten-  
sions and  
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect or continue the connection of the same or any part thereof to any work or main of the Metropolitan Corporation without the approval of the Metropolitan Council.

Appeal

**50.** If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

- (a) to assume as a metropolitan work any local work;
- (b) to construct any extension of the metropolitan distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the metropolitan system,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board shall be final.

Payment  
of charges

**51.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part shall be a debt of the area municipality to the Metropolitan Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by by-law of the Metropolitan Council.

Discounts  
and  
penalties

(2) The Metropolitan Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

**52.** The Metropolitan Corporation shall, in respect of all works and trunk distribution mains assumed as part of the metropolitan waterworks system, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

**53.** Any person authorized by the Metropolitan Council shall have free access from time to time, upon reasonable notice given and request made, to all works for the production and distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

**54.** Where a distribution main has been assumed by the Metropolitan Corporation under section 37 and, in the opinion of the Metropolitan Council, is no longer required for the purposes of the metropolitan waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Metropolitan Council shall by by-law remove the main from the metropolitan waterworks system and transfer it to the area municipality.

**55.** The works and mains assumed by the Metropolitan Corporation under the authority of section 37, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 44, to any local municipality outside the Metropolitan Area.

**56.** Sections 2, 3, 4, 5, 13, 28, 31, 32, 33, 52, 53, 54, 56 and 57 of *The Public Utilities Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

**57.**—(1) This Part, except sections 37 and 53, comes into force on the 1st day of January, 1954.

(2) Sections 37 and 53 come into force on the day this Act receives the Royal Assent.

Passing of  
by-laws  
before  
Jan. 1, 1954

(3) Notwithstanding anything in this section, any authority to pass by-laws under this Part may be exercised before the 1st day of January, 1954, but no such by-law shall be effective until that date.

## PART IV

### METROPOLITAN SEWAGE WORKS

Interpre-  
tation

**58.**—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like works;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Metropolitan Council.



**59.** For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Metropolitan Corporation shall have all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof.

**60.** The Metropolitan Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

**61.**—(1) The Metropolitan Council shall, before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as metropolitan sewage works all treatment works vested in each area municipality or any local board thereof, and on the day any such by-law becomes effective the works designated therein shall vest in the Metropolitan Corporation.

(2) The Metropolitan Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law shall become effective before the 1st day of January, 1954.

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law shall become effective on the date provided therein.

(5) Where the Metropolitan Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or watercourse, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

- Default** (6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.
- Settling of doubts** (7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.
- Existing agreements** **62.**—(1) Where an area municipality or a local board thereof has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable to receive such sewage or land drainage in accordance with the agreement and the receiving municipality or local board shall be relieved of all liability thereunder.
- Idem** (2) Where an area municipality or a local board thereof has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board shall be relieved of all liability thereunder.
- Termination** (3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Metropolitan Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.
- Powers of area municipalities, restricted** **63.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Metropolitan Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Metropolitan Council.
- Idem** (2) No area municipality shall establish or enlarge any treatment works after the 1st day of December, 1953, without the approval of the Metropolitan Council.
- Regulation of supply, etc.** **64.** The Metropolitan Council may pass by-laws for the maintenance and management of its sewers, sewer system,

sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith which it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area an adequate system of sewage and land drainage disposal.

**65.**—(1) Where in the opinion of the Metropolitan Council an area municipality or a portion thereof will or may derive a special benefit from the construction and operation of a work or watercourse, the Metropolitan Council may, with the approval of the Municipal Board, in authorizing the construction, extension or improvement of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Metropolitan Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law shall be binding on the area municipality.

Special benefit

(2) Where debentures are issued for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Metropolitan Corporation with respect to such debentures proportionate to its share of the capital cost as set out in the by-law in the same manner as if debentures for such share had been issued by the Metropolitan Corporation for the purposes of the area municipality.

Debenture payments

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 389 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality.

Raising of money by area municipality

Rev. Stat., c. 243

**66.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a metropolitan work or watercourse without the approval of the Metropolitan Council.

Connecting to metropolitan works or water-courses

(2) The Metropolitan Corporation may enter into a contract with any local municipality outside the Metropolitan Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Agreements with other municipalities

**Inspection** (3) Any engineer or other officer of the Metropolitan Corporation shall have power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the metropolitan work or watercourse.

**Standards for local systems** **67.**—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a metropolitan work or watercourse, and every area municipality and local board shall conform to such by-laws.

**Approval of local extensions, etc.** (2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse which discharges into a metropolitan work or watercourse without the approval of the Metropolitan Council.

**Appeal** **68.** If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

- (a) to assume as a metropolitan work any local work;
- (b) to construct, extend or improve any metropolitan work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any metropolitan work,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board shall be final.

**Special sewage service rates** **69.**—(1) The Metropolitan Council may pass by-laws, subject to the approval of the Municipal Board, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any metropolitan work or works.

(2) All such charges shall constitute a debt of the area <sup>idem</sup> municipality to the Metropolitan Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Metropolitan Council.

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 389 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. <sup>Raising of money by area municipality  
Rev. Stat., c. 243</sup>

**70.** The Metropolitan Corporation shall, in respect of <sup>Transfer of rights over works assumed</sup> all works assumed, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

**71.** Any person authorized by the Metropolitan Council <sup>Inspection of local works</sup> shall have free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

**72.** Any works assumed by the Metropolitan Corporation <sup>Use of metropolitan works</sup> under the authority of section 61, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 66, from any local municipality outside the Metropolitan Area.

**73.—**(1) This Part, except sections 58, 61, 63 and 71, <sup>Commencement</sup> comes into force on the 1st day of January, 1954.

(2) Sections 58, 61, 63 and 71 come into force on the day <sup>idem</sup> this Act receives Royal Assent.

(3) Notwithstanding anything in this section, any authority to pass by-laws under this Part may be exercised before the 1st day of January, 1954, but no such by-laws shall be effective until that date. <sup>Passing of by-laws before Jan. 1, 1954</sup>

## PART V

## METROPOLITAN ROAD SYSTEM

Interpre-  
tation**74.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "Department" means Department of Highways;
- (c) "Minister" means Minister of Highways.

Existing  
county  
roads in  
AreaRev. Stat.,  
c. 166

**75.** Unless assumed as a metropolitan road by the by-law mentioned in section 76, all roads within the Metropolitan Area or on the boundary between the Metropolitan Area and an adjoining county which, on the 31st day of December, 1953, form part of the county road system of the County of York established under *The Highway Improvement Act* shall, on the 1st day of January, 1954, revert or be transferred to the corporations of the local municipalities in which they are situate.

Establish-  
ment of  
metropolitan  
road system

**76.—**(1) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council shall by by-law establish a metropolitan road system in the Metropolitan Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Metropolitan Area and an adjoining county as may be agreed upon between the Metropolitan Council and the council of such county, and the by-law shall designate the roads to be assumed as metropolitan roads and intended to form the metropolitan road system.

Time for  
passing:  
effective  
date

(2) The by-law shall be passed not later than the 31st day of October, 1953, and shall come into force on the 1st day of January, 1954.

Submission  
of by-law  
for approval

(3) The Metropolitan Corporation shall submit the by-law to the Minister for approval by the Lieutenant-Governor in Council on or before the 31st day of October, 1953, and upon receipt of the application for such approval the Minister may obtain such report thereon as he may deem necessary and may hear the council of any area municipality which may be dissatisfied therewith before presenting the application for consideration to the Lieutenant-Governor in Council.

Approval  
or  
amendment

(4) The Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only it shall be enforced and take effect so far as approved,

but it shall not be necessary for the Metropolitan Council to pass any further by-law amending the original by-law or repealing any portion thereof which has not been so approved.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council may amend the by-law from time to time by adding roads to or removing roads from the metropolitan road system or in any other manner. Amendment of by-law

(6) Where a road is removed from the metropolitan road system pursuant to subsection 5, the road shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate. Roads removed from system

(7) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Corporation may from time to time pass a by-law consolidating its by-law establishing the metropolitan road system and all by-laws amending such by-law. Consolidating by-law

**77.**—(1) The Metropolitan Corporation shall submit a by-law covering the estimated expenditure on metropolitan roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of January of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

(2) No subsidy shall be granted by the Department for work undertaken by the Metropolitan Corporation which has not been provided for by a by-law duly approved by the Minister. Subsidy

**78.**—(1) The Metropolitan Council shall annually and may with the consent of the Minister at any time during the progress of its work in connection with the metropolitan road system submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the Metropolitan Corporation who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the Metropolitan Corporation that the statement of receipts and expenditures is correct; and

- (d) a petition for the payment of the grant, authorized by resolution of the Metropolitan Council.

Payment  
to  
Corporation

(2) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the Metropolitan Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Certain ex-  
penditures  
not included  
in statement

**79.** No expenditure towards which a special contribution has been or may be made from any source shall be included in a statement submitted under section 78 except with the consent of the Minister.

Expenditures  
eligible for  
subsidy

**80.** Expenditures which shall be deemed to be properly chargeable to road improvement shall include those made for the purpose of,

- (a) opening a new metropolitan road and acquiring the necessary land therefor;
- (b) clearing a metropolitan road of obstructions;
- (c) widening, altering or diverting a metropolitan road;
- (d) subject to section 3 of *The Public Service Works on Highways Act*, defraying 50 per cent of the cost of labour only in taking up, removing or changing the location of appliances or works placed on or under a metropolitan road by an operating corporation;
- (e) constructing and maintaining bridges, culverts or other structures incidental to the construction of a metropolitan road excepting sanitary or storm sewers or drains;
- (f) grading a metropolitan road;
- (g) constructing and maintaining an approved base for the road surface on a metropolitan road including the installing and maintaining of approved under-drainage therefor other than sanitary or storm sewers or drains;
- (h) constructing and maintaining any approved type of road surface on a metropolitan road;

Rev. Stat.,  
c. 318



- (i) constructing and maintaining necessary curbs, gutters and catch basins on a metropolitan road;
- (j) clearing snow from and applying chemicals or abrasives to icy surfaces on a metropolitan road; and
- (k) such other work of road improvement as the Minister may approve.

**81.** Every road constructed or repaired as part of the metropolitan road system shall be so constructed and repaired in accordance with the requirements of the Minister. In accordance with the requirements of the Minister

**82.** The Metropolitan Corporation shall, in respect of the roads or streets included in the metropolitan road system, have all the rights, powers, benefits and advantages conferred, and be subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they were assumed by the Metropolitan Corporation, and the Metropolitan Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities, as the case may be, might have done if the roads had not been assumed as metropolitan roads. Powers over roads assumed

**83.—(1)** The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof. Sidewalks excepted

(2) The council of an area municipality may construct or put down a sidewalk or other improvement or service on a metropolitan road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the written consent of the Metropolitan Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any sidewalk constructed on a metropolitan road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*. How cost provided

(4) An area municipality when constructing a sidewalk or other improvements or service on a metropolitan road under this section shall conform to any requirements or conditions imposed by the Metropolitan Council and shall be responsible for any injury or damage arising from the construction or presence of the sidewalk, improvements or service on the road. Area municipality to conform to requirements and be responsible for damages

Rev. Stat.,  
c. 166, s. 100,  
subs. 4, not  
to apply

(5) Subsection 4 of section 100 of *The Highway Improvement Act* shall not apply to a sidewalk constructed on a metropolitan road by the council of a township.

Intersection  
of other  
roads by  
metropoli-  
tan road

**84.** Where a metropolitan road intersects a road or street which is not a metropolitan road, the continuation of the metropolitan road to its full width across the road or street intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the metropolitan road system except in the case of an intersection by a metropolitan road of the King's Highway, and in that case the full width of the intersection shall be deemed to be part of the King's Highway.

New roads

**85.** Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 76 by assuming such new roads as part of the metropolitan road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities shall apply *mutatis mutandis*.

Rev. Stat.,  
c. 243

Powers and  
liabilities  
of  
Corporation

**86.** For the purposes of the metropolitan roads, the Metropolitan Corporation shall have all the powers conferred, and be subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Rev. Stat.,  
cc. 243,  
167

Planting  
trees

**87.** The Metropolitan Council may plant trees on a metropolitan road and the cost of the work shall be deemed to be part of the cost of repairing and maintaining the road.

Procedure  
on expro-  
priation  
of land

**88.—**(1) Where, in the exercise of its powers or in the performance of its obligations under this Act, the Metropolitan Corporation finds that it is necessary to expropriate land for the purpose of establishing, laying out, opening up, widening, improving, protecting from erosion, altering or diverting a metropolitan road, the Metropolitan Corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works as set out in *The Public Works Act* may be exercised and performed in the name of the Metropolitan Corporation.

Rev. Stat.,  
cc. 243, 323

Plan and  
description,  
filing of

(2) The plan and description of the lands taken, required by section 17 of *The Public Works Act* to be deposited in

the registry office, shall be signed by the chairman and clerk of the Metropolitan Corporation and by an Ontario land surveyor, and upon the deposit of the plan and description the land shall become and be vested in the Metropolitan Corporation.

**89.**—(1) Sections 462 and 464 of *The Municipal Act* shall not apply to a bridge or highway crossing or forming a boundary between the Metropolitan Area and an adjoining county where such bridge or highway is included in the metropolitan road system and in the county road system of the county. Disputes as to maintenance, etc., of bridges and highways  
Rev. Stat., c. 243

(2) Whenever there is a difference between the Metropolitan Council and the council of a county in respect of any such bridge or highway as to the corporation upon which the obligation rests for the building, maintaining or keeping in repair of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Metropolitan Council and the council of the county are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Metropolitan Corporation or the corporation of the county. Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may deem just and proper, and may by the order fix and determine the amount or proportion which each municipality shall pay or contribute toward the building, maintaining and keeping in repair of such bridge or highway. Hearing by Municipal Board

(4) An order made by the Municipal Board under this section shall be and remain binding upon the municipalities for such period as the Municipal Board may determine, and shall be final and conclusive and not subject to any appeal. Term of order

**90.** Clause *b* of subsection 1 of section 430 of *The Municipal Act* shall not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities and the councils of the area municipalities on either side of such boundary line shall have joint jurisdiction over every such bridge which is not included in the metropolitan road system. Boundary bridges

Idem  
Rev. Stat.,  
c. 243

**91.** Section 445 of *The Municipal Act* shall not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Metropolitan Area and an adjoining county and the councils of the area municipality and the local municipality in the adjoining county on either side of such boundary line shall have joint jurisdiction over every such bridge which is not included in the metropolitan road system.

Restrictions

**92.**—(1) The Metropolitan Council shall have, with respect to land abutting on a metropolitan road for a distance of 150 feet from any limit of the road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.

Conflict  
with local  
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Metropolitan Council and a by-law passed under section 390 of *The Municipal Act* by the council of the area municipality in which the land is situate, the by-law passed by the Metropolitan Council shall prevail to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality shall remain in full force and effect.

Controlled-  
access roads

**93.**—(1) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law designate any new metropolitan road established under section 85, or any portion thereof, as a metropolitan controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law close any municipal road which intersects or runs into a metropolitan controlled-access road.

Notice of  
application  
for approval  
of closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Municipal Board and the Metropolitan Corporation within such time as the Municipal Board shall direct.

Claim,  
when not  
to be  
allowed

(4) No claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Municipal Board shall be allowed except by leave of the Municipal Board.

Order of  
Municipal  
Board

(5) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such

order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road which shall be closed;
  - (b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,
    - (i) by the payment by the Metropolitan Corporation to any of such persons of such damages as may be fixed by the Municipal Board,
    - (ii) by the providing of another road for the use of any of such persons,
    - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding any other Act, and
    - (iv) in such other manner as the Municipal Board may deem proper;
  - (c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
  - (d) providing for the doing of such other acts as in the circumstances it deems proper.
- (6) Upon the approval of the Municipal Board being so <sup>Closing</sup> <sup>road</sup> obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Metropolitan Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(7) Where, at any time after making application for the <sup>Idem</sup> approval of the Municipal Board of the closing of a road, the Metropolitan Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Municipal Board, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Metropolitan Corporation as it deems proper and may fix the amount of such costs.

- Appeal (8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Metropolitan Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.
- Leave to appeal (9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.
- Practice and procedure on appeal (10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal shall be final.
- Rev. Stat., c. 262, s. 98, not to apply (11) Section 98 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section.
- Prohibition re access **94.**—(1) No person shall, except under the authority of and in accordance with a by-law of the Metropolitan Council, construct, use or allow the use of any private road, entrance-way or gate which, or any part of which, is connected with or opens upon a metropolitan controlled-access road.
- Notice (2) The Metropolitan Corporation may give notice to the owner or occupant of any land requiring him to close up any private road, entranceway or gate that does not comply with subsection 1 or with any by-law passed thereunder.
- Idem (3) The notice shall be in writing and sent by registered letter addressed to the owner or occupant of the land and it shall be deemed conclusively to have been received on the second day following the mailing thereof.
- Failure to obey notice (4) If the person to whom the notice is given fails to comply with it within thirty days after its receipt, the Metropolitan Council may by resolution direct any officer, employee or agent of the Metropolitan Corporation to enter upon the land and do or cause to be done whatever may be necessary to close up the private road, entranceway or gate.
- Offence and penalties (5) Every person who violates subsection 1 or fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.

(6) Where a person to whom a notice has been given under subsection 3 complies therewith, the owner of the land shall be entitled to such compensation as may be agreed upon between him and the Metropolitan Corporation or he may give notice to the clerk of the Metropolitan Corporation in writing that he requires the amount of the compensation to be determined by the Municipal Board.

(7) Upon receipt of the notice, the clerk of the Metropolitan Corporation shall send a copy of the notice to the secretary of the Municipal Board.

(8) Upon receipt of the notice, the secretary of the Municipal Board shall arrange a time and place for the determination of the matter and shall send notice thereof by registered letter to the owner of the land and to the clerk of the Metropolitan Corporation at least fourteen days before the hearing.

(9) Any increase in the value of the land due to the establishment of the metropolitan controlled-access road shall be disregarded in determining the amount of compensation.

(10) No compensation shall be allowed in respect of a private road, entranceway or gate constructed after the effective date of the by-law of the Metropolitan Council designating the road as a metropolitan controlled-access road.

(11) The decision of the Municipal Board shall be final and shall not be open to appeal except that an appeal shall lie to the Court of Appeal upon a question of jurisdiction or upon a question of law in the manner and under the conditions set out in section 98 of *The Ontario Municipal Board Act* and that section shall apply *mutatis mutandis*.

**95.** Sections 96, 98, 99, 102 and 105 of *The Highway Improvement Act* shall apply *mutatis mutandis* to any metropolitan road.

**96.** For the purposes of Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part.

**97.—**(1) The Toronto and York Roads Commission, established under Part III of *The Highway Improvement Act*, is

continued, but the term of office of its present members shall terminate on the 31st day of December, 1953.

New members

(2) On or before the 1st day of October, 1953, the council of the County of York and the Metropolitan Council shall each appoint two members of the commission who shall take office on the 1st day of January, 1954.

Idem

(3) The fifth member of the commission shall be agreed upon by the four members appointed under subsection 2 and in default of agreement the Lieutenant-Governor in Council may make the appointment.

County roads continued and made suburban roads

**98.** All roads forming part of the county road system of the County of York on the 31st day of December, 1953, except those vested in a local municipality under section 75 or assumed by by-law of the Metropolitan Council under section 76, shall continue to form part of the county road system of the County of York, and shall be suburban roads for all the purposes of Part III of *The Highway Improvement Act*, until changed in accordance with *The Highway Improvement Act*.

Rev. Stat., c. 166

Metropolitan liability when road assumed

**99.**—(1) Where the Metropolitan Corporation assumes as a metropolitan road any road in an area municipality, other than a road mentioned in section 75,

(a) no compensation or damages shall be payable to the area municipality in which it was vested;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such road, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Rev. Stat., c. 215

Default

(2) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts

(3) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.



**100.**—(1) This Part, except sections 76 and 97, comes into force on the 1st day of January, 1954. Commencement

(2) Sections 76 and 97 come into force on the day this Act receives Royal Assent. Idem

## PART VI

### METROPOLITAN TRANSPORTATION

**101.** In this Part,

- (a) “Commission” means Toronto Transit Commission established under this Part; Interpretation
- (b) “Former Commission” means The Toronto Transportation Commission.

**102.** On and after the 1st day of January, 1954, there shall be a commission to be known as Toronto Transit Commission, with the powers, rights, authorities and privileges vested in it by this Act. Commission established

**103.**—(1) The Commission shall be a body corporate and shall consist of five members appointed, except as provided in subsection 2, by by-law of the Metropolitan Council. Corporation, members

(2) The first members of the Commission shall be, First members

- (a) the three members of the Former Commission in office on the 31st day of December, 1953;
- (b) two members appointed by by-law of the Metropolitan Council before the 1st day of January, 1954, each of whom shall be a ratepayer and a resident of one of the area municipalities other than the City of Toronto.

(3) Of the three members of the Commission who take office under clause *a* of subsection 2, the Metropolitan Council shall by by-law passed before the 1st day of January, 1954, designate one who shall hold office until the 31st day of December, 1956, one who shall hold office until the 31st day of December, 1957, and one who shall hold office until the 31st day of December, 1958; of the two members appointed under clause *b* of subsection 2, the Metropolitan Council shall by by-law passed before the 1st day of January, 1954, designate one who shall hold office until the 31st day of December, 1954, and one who shall hold office until the 31st day of December, 1955. Term of office, first members

- General (4) A member shall hold office until his successor is appointed and, except in the case of the first members or the filling of a vacancy occurring during a term of office, a member shall be appointed for a term of five years.
- Qualification (5) No person shall be eligible to be appointed as a member of the Commission unless he is a resident and a ratepayer of an area municipality.
- Councillors disqualified (6) No member of the Metropolitan Council or of the council of an area municipality shall be eligible to be appointed as a member of the Commission.
- Two-thirds vote (7) No appointment of a member of the Commission shall be made except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting.
- Re-appointment (8) A member of the Commission shall be eligible for re-appointment on the expiration of his term of office.
- Vacancies (9) Where the office of a member of the Commission becomes vacant during his term of office, the Metropolitan Council shall immediately appoint a member who shall hold office for the remainder of the term for which his predecessor was appointed.
- Quorum (10) Three members of the Commission shall constitute a quorum.
- Remuneration (11) The members of the Commission shall be paid such salary or other remuneration as may be fixed by by-law of the Metropolitan Council.
- Assets vested in Commission **104.**—(1) On the 1st day of January, 1954, there is hereby vested in the Commission,
- (a) all the undertaking, assets and real and personal property, wherever situate, owned by, vested in or held by the Former Commission, including the capital stock of Gray Coach Lines Limited held by it;
  - (b) all real and personal property acquired or held by The Corporation of the City of Toronto for the purposes of or on behalf of the Former Commission;
  - (c) all real and personal property acquired or held by any area municipality in respect of any service furnished by the Former Commission to such municipality or any portion thereof.

(2) The Commission, on the 1st day of January, 1954, shall assume all liabilities of the Former Commission, and shall assume all liabilities of any area municipality incurred in respect of any property vested in the Former Commission under subsection 1. Liabilities

(3) Subject to section 112, no compensation or damages shall be payable to the Former Commission or any area municipality in respect of any undertaking, assets and property vested in the Commission under this section. No compensation or damages

(4) In the event of any doubt as to whether any particular asset or liability is vested in the Commission by this section, the Municipal Board, upon application, shall determine the matter and its decision shall be final and not subject to appeal. Settling of doubts

(5) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting title to property, it shall be sufficient to cite this Act to show the transmission of title to the Commission and the vesting therein of any real or personal property or any interest therein, but if an order has been made by the Municipal Board under subsection 4, the order shall be cited as well. Transfer of title Rev. Stat., c. 336, 197. 36

(6) The Former Commission is dissolved as of the 1st day of January, 1954. Former Commission dissolved

(7) On and after the 1st day of January, 1954, the Commission in relation to the Toronto Transportation Commission Pension Fund Society, a corporation subject to Part XVI of *The Companies Act* and incorporated by letters patent dated the 3rd day of January, 1940, shall stand in the place and stead of the Former Commission. Pension fund society Rev. Stat., c. 59

(8) The name of the said Toronto Transportation Commission Pension Fund Society is changed to "Toronto Transit Commission Pension Fund Society". Idem

**105.**—(1) Where the Former Commission has agreed with any area municipality or other municipality or person, or any two or more of them, for services to be provided by the Former Commission, the Commission shall, on the 1st day of January, 1954, assume all liabilities and be entitled to all benefits of the Former Commission under such agreement and the Former Commission shall be relieved of any liability thereunder. Existing agreements

(2) Notwithstanding subsection 1 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Commission or of any municipality or person who is a party to such agreement, may by order terminate or vary such agreement and adjust all rights and liabilities thereunder. Termination

Powers and  
duties of  
Commission

**106.** On and after the 1st day of January, 1954, the Commission,

- (a) shall consolidate and co-ordinate all forms of local passenger transportation within the Metropolitan Area, with the exception of steam railways and taxis, and shall plan for the future development of such transportation so as to serve best the inhabitants of the Metropolitan Area;
- (b) shall have and may exercise, with respect to the entire Metropolitan Area, all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation which the Former Commission has with respect to any part of the Metropolitan Area on the 31st day of December, 1953;
- (c) shall have and may exercise all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation systems heretofore or hereafter conferred upon or exercisable by the council or corporation of any area municipality, and such powers, rights, authorities and privileges shall not be exercised by any area municipality or its council or by the Metropolitan Corporation or the Metropolitan Council.

Specific  
powers

**107.**—(1) The Commission shall, in particular, but not so as to restrict its general powers and duties, have the following powers and duties:

- (a) To construct, maintain, operate, extend, alter, repair, control and manage a local transportation system within the Metropolitan Area by means of surface, underground or over head railways, tramways or buses, or any other means of local transportation except steam railways and taxis.
- (b) To establish new local passenger transportation services in the Metropolitan Area as and when required and to alter, curtail or abolish any services if the Commission deems it desirable so to do.
- (c) To fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining,

after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

- (d) To purchase, lease, acquire and use any real or personal property for its purposes, but the Commission shall not acquire any property which is to be paid for by moneys raised on the issue of debentures of the Metropolitan Corporation unless the approval of the Metropolitan Council has first been obtained.
- (e) To make requisitions upon the Metropolitan Corporation for all sums of money necessary to carry out its powers and duties but nothing in this Act shall divest the Metropolitan Council of its authority with reference to providing the money required for such works, and when such money is provided by the Metropolitan Corporation the treasurer of the Metropolitan Corporation shall upon the certificate of the Commission pay out any money so provided.

(2) The power of the Metropolitan Council to acquire land <sup>Expropriation</sup> for the purposes of the Metropolitan Corporation includes the power to acquire land for the purposes of the Commission.

**108.**—(1) The Commission may enter into an agreement <sup>Agreements</sup> with any person, or with one or more area municipalities, or with one or more other municipalities situated within twenty-five miles of the Metropolitan Area, under which the Commission will operate a local passenger transportation service upon such terms as may be agreed upon, but every such agreement shall provide that any deficit in operations shall be paid by the person or municipality or municipalities, and if the agreement is with one or more municipalities the agreement shall provide that any surplus in operations shall be credited to the municipality or municipalities.

(2) Where an agreement is entered into under subsection 1 <sup>Surplus or deficit</sup> with one or more municipalities, the council of any such municipality may pass by-laws,

- (a) providing that any deficit charged to the municipality shall be payable out of, and any surplus shall be credited to, the general funds of the municipality; or
- (b) with the approval of the Municipal Board, providing that any deficit shall be assessed against, and any surplus shall be credited to, the rateable property in any area or areas of the municipality defined in the by-law.

Application  
of  
Rev. Stat.,  
c. 322

**109.**—(1) For the purpose of *The Public Vehicles Act*, the Metropolitan Area shall be deemed to be one urban municipality.

Exclusive  
authority

(2) Except in accordance with an agreement made under subsection 3, no person other than the Commission shall, after the 1st day of July, 1954, operate a local public passenger transportation service within the Metropolitan Area, with the exception of steam railways and taxis.

Agreements

(3) An agreement may be entered into between the Commission and any person legally operating a local public passenger transportation service wholly within or partly within and partly without the Metropolitan Area on the 1st day of January, 1954, under which such person may continue to operate such service or any part thereof for such time and upon such terms and conditions as such agreement provides.

Existing  
services

(4) Where a local public passenger transportation service is legally operating wholly within the Metropolitan Area on the 1st day of April, 1953, and continues in operation, and will be required by subsection 2 to cease to operate within the Metropolitan Area on the 1st day of July, 1954, or upon the termination of an agreement made under subsection 3,

- (a) the Commission may agree with the owner of the service, not later than one month before the date upon which the service will be required to cease to operate, to purchase the assets and undertaking used in providing the service; and
- (b) if no agreement is entered into under clause *a*, the assets and undertaking used in providing the service, not disposed of by the owner thereof before the date upon which the service is required to cease to operate, shall vest in the Commission on that date.

Idem

(5) Where a local public passenger transportation service is legally operating partly within and partly without the Metropolitan Area on the 1st day of April, 1953, and continues in operation, and will be required by subsection 2 to cease to operate within the Metropolitan Area on the 1st day of July, 1954, or upon the termination of an agreement made under subsection 3,

- (a) the Commission may agree with the owner of the service, not later than one month before the date upon which the service will be required to cease to operate within the Metropolitan Area, to purchase the assets and undertaking used in providing the entire service or to purchase the portion thereof that is allocated to the provision of the service within the Metropolitan Area; and

- (b) if no agreement is entered into under clause *a*, the portion of the assets and undertaking that is allocated to the provision of the service within the Metropolitan Area, not disposed of by the owner thereof before the date upon which the service is required to cease to operate, shall vest in the Commission on that date.

(6) Where the whole or a portion of the assets and undertaking used in or allocated to the provision of a local public passenger transportation service vests in the Commission, the Commission shall pay due compensation therefor to the owner thereof, based upon the value to the owner of the assets and undertaking used in providing the service where the service was operated wholly within the Metropolitan Area, and based upon the proportion of such value that is allocated to the provision of the service within the Metropolitan Area where the service was operated partly within and partly without the Metropolitan Area. Compensation

(7) The amount of any compensation payable under this section or any question of allocation, if not mutually agreed upon, shall be determined by the Municipal Board, and the decision of the Municipal Board on any question of allocation shall be final. Compensation

(8) The Commission shall be deemed to be a street railway company for the purposes of *The Railways Act*. Application of Rev. Stat., c. 331

(9) Where a local public passenger transportation service operating partly within and partly without the Metropolitan Area is required by subsection 2 to cease to operate within the Metropolitan Area and thereupon discontinues the portion of its service beyond the Metropolitan Area, the Municipal Board may, on the application of any municipality, order the Commission to furnish a similar service upon such terms and conditions and to such extent as may be fixed by the Municipal Board. Outside service

(10) Where the Municipal Board orders the Commission to furnish a service under subsection 9, the Commission shall be deemed to have applied for an operating licence under *The Public Vehicles Act*, and the Municipal Board shall issue a certificate of public necessity and convenience, with respect thereto. Certificate of public necessity and convenience Rev. Stat., c. 322

**110.** Immediately after the close of each calendar year the Commission shall prepare, deliver to the Metropolitan Council, and publish, Annual report

- (a) a complete audited and certified financial statement of its affairs, including revenue and expense account, balance sheet and profit and loss statement;

(b) a general report of its operations during that calendar year.

Actions,  
etc.,  
against  
Commission

**111.**—(1) All claims, actions and demands arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the Commission's transportation system and property, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Metropolitan Corporation or any area municipality.

Idem

(2) The Commission may sue and be sued in its own name.

Existing  
debenture  
liability

**112.**—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by that area municipality in respect of any property vested in the Commission under subsection 1 of section 104 or issued by that area municipality for or on behalf of the Former Commission.

Payments  
by  
Commission

(2) The Commission shall pay to the Metropolitan Corporation, before the date mentioned in subsection 1, the amount which the Metropolitan Corporation is liable to pay on that date under subsection 1.

Default

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 1, or if the Commission fails to make any payment as required by subsection 2, the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling  
of doubts

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under subsection 1 of section 104 or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Commence-  
ment

**113.** This Part comes into force on the day this Act receives Royal Assent.

## PART VII

### EDUCATION

Interpre-  
tation

**114.** In this Part,

(a) "Department" means Department of Education;



- (b) "Minister" means Minister of Education;
- (c) "public school division" means the area in which a board of education or a public school board has jurisdiction for public school purposes;
- (d) "regulations" means regulations made under *The Department of Education Act*; Rev. Stat., c. 94
- (e) "resident pupils" means pupils,
- (i) who reside with their parents or guardians, or
  - (ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district for secondary school purposes, or a public school division for public school purposes, within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for secondary school purposes or public school purposes, respectively, in the high school district or public school division;

- (f) "School Board" means The Metropolitan School Board constituted under this Part.

**115.**—(1) On the 1st day of January, 1954, School Section No. 9 of the Township of Etobicoke, School Section No. 9, Etobicoke,

- (a) is detached from Union School Section 5, 9 and 22 of the Townships of Toronto Gore, Etobicoke and Vaughan, subject to the adjustment by arbitration of all rights and claims pursuant to section 32 of *The Public Schools Act*; and detached from union section
- (b) is added to the township school area of the Township of Etobicoke and its assets are vested in The Board of Education for the Township of Etobicoke established under *The Township of Etobicoke Act, 1949*, subject to its liabilities. added to township school area 1949, c. 122

(2) Section 10 of *The Township of Etobicoke Act, 1949* is repealed as of the 1st day of January, 1954. 1949, c. 122, s. 10, repealed

**116.**—(1) On and after the 1st day of January, 1954, the whole of the Township of North York is created a township school area. Township of North York a township school area

Board of  
education  
for North  
York

(2) In the year 1954 and thereafter there shall be a board of education for the Township of North York, to be known as The Board of Education for the Township of North York, and the elective members of the board of education shall be elected at the first annual municipal election in the Township after the day this Act receives Royal Assent and the members to be appointed shall be appointed and the board shall be organized, in accordance with *The Boards of Education Act*, except that the qualifications of elective members shall be those of urban school trustees as provided in *The Public Schools Act*.

Rev. Stat.,  
cc. 38, 316

Election  
by wards

Rev. Stat.,  
c. 38

(3) The elective members of the said board of education shall consist of two members to be elected in each ward of the Township, and subsections 4 and 5 of section 9 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Dissolution  
of existing  
boards, etc.

(4) On the day on which the said board of education holds its first meeting,

- (a) The Collegiate Institute Board of the Township of North York and all public school boards of the Township of North York are dissolved;
- (b) all the powers and duties of such boards shall be carried on by the said board of education which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board or a board of education;
- (c) all the property theretofore vested in such boards shall become vested in the board of education; and
- (d) all debts, contracts and agreements for which such boards were liable shall become obligations of the board of education.

Township of  
Scarborough  
a high school  
district and  
township  
school area

**117.**—(1) On and after the 1st day of January, 1954,

- (a) the present high school district in the Township of Scarborough is enlarged to include the whole of the Township of Scarborough;
- (b) the continuation school district of School Section No. 14 of the Township of Scarborough is dissolved;
- (c) the whole of the Township of Scarborough is created a township school area;
- (d) Union School Section No. 9 and 17 of the Townships of Markham and Scarborough and Union School Section No. 11 and 4 of the Townships of Scarborough

and Pickering are dissolved, subject to the adjustment by arbitration of all rights and claims pursuant to section 32 of *The Public Schools Act*.

Rev. Stat.,  
c. 316

(2) In the year 1954 and thereafter there shall be a board of education for the Township of Scarborough, to be known as The Board of Education for the Township of Scarborough, and the elective members of the board of education shall be elected at the first annual municipal election in the Township after the day this Act receives Royal Assent and the members to be appointed shall be appointed and the board shall be organized, in accordance with *The Boards of Education Act*, except that the qualifications of elective members shall be those of urban school trustees as provided in *The Public Schools Act*.

Board of  
education  
for  
Scarborough

(3) The elective members of the said board of education shall consist of three members to be elected in each ward of the Township, and of the members first elected in each ward the two members who receive the highest number of votes shall continue in office for two years and until their successors are elected and a new board is organized and the third member shall hold office for one year and until his successor is elected and a new board is organized and subsections 15, 16 and 17 of section 8 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Election  
by wards

Rev. Stat.,  
c. 38

(4) If the number of wards in the Township is increased, the members of the said board of education shall cease to hold office on the 31st day of December of the year before the increase in the number of wards becomes effective and thereafter the elective members of the board shall consist of two members to be elected in each ward of the Township and subsections 4 and 5 of section 9 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Increase  
in number  
of wards

Rev. Stat.,  
c. 38

(5) On the day on which the said board of education holds its first meeting,

Dissolution  
of existing  
boards, etc.

- (a) The Collegiate Institute Board of the Township of Scarborough, The Board of Trustees of the Continuation School of Agincourt, and all public school boards of the Township of Scarborough are dissolved;
- (b) all the powers and duties of such boards shall be carried on by the said board of education which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board or a board of education;

- (c) all the property theretofore vested in such boards shall become vested in the board of education; and
- (d) all debts, contracts and agreements for which such boards were liable shall become obligations of the board of education.

Application  
of Rev. Stat.,  
c. 38

**118.** All the provisions of *The Boards of Education Act* which are not inconsistent with this Act shall apply to the boards of education created by sections 116 and 117 in the same manner and to the same extent as if such boards of education had been created by by-laws pursuant to *The Boards of Education Act*.

Metro-  
politan  
School Board  
established

**119.**—(1) In the year 1953 and thereafter there shall be a board to be known as The Metropolitan School Board, which shall be a corporation with the powers and duties and for the purposes set out in this Act.

Composition  
of School  
Board

(2) Subject to subsection 5, the School Board shall be composed of the following persons:

- (a) The chairman of The Board of Education for the City of Toronto.
- (b) The chairman of The Board of Education for the Township of York.
- (c) The chairman of The Board of Education for the Township of East York.
- (d) The chairman of The Board of Education for the Township of Etobicoke.
- (e) The chairman of The Board of Education for the Town of Leaside.
- (f) The chairman of The Board of Education for the Town of Weston.
- (g) The chairman of The Lakeshore District Board of Education.
- (h) The chairman of The Board of Education for the Village of Forest Hill.
- (i) The chairman of The Board of Education for the Village of Swansea.
- (j) The chairman of The Board of Education for the Township of Scarborough.

- (k) The chairman of The Board of Education for the Township of North York.
- (l) The member, in each ward, of The Board of Education of the City of Toronto who at the municipal election next preceding the day the new School Board is organized in any year received the highest number of votes in such ward.
- (m) Two representatives to be appointed by the Toronto and Suburban Separate School Board, as if the School Board were a municipal board of education established under *The Boards of Education Act*,<sup>Rev. Stat., c. 38</sup> but one of such representatives shall be a resident of the City of Toronto and the other a resident of one of the other area municipalities.
- (3) If after any election, by reason of an acclamation or an equality of votes, it cannot be determined which member of The Board of Education of the City of Toronto from any ward is entitled to be a member of the School Board, the matter shall be determined by resolution of that board of education passed before the organization meeting of the School Board.<sup>Acclamation or equality of votes</sup>
- (4) If the chairman of The Board of Education of the City of Toronto is also the person entitled to be a member under clause l of subsection 2, the other member of that board representing the same ward shall also be a member of the School Board.<sup>Where chairman of Toronto board also member</sup>
- (5) In the year 1953, in lieu of the members designated in clauses j and k of subsection 2, the chairman of the board of school trustees of Township School Area No. 1 in the Township of Scarborough and the chairman of the board of school trustees of Township School Area No. 1 in the Township of North York shall be deemed to be the chairmen mentioned in those clauses.<sup>Composition of School Board in 1953</sup>
- (6) At the first meeting of the School Board in the year 1953 and in each year thereafter, at which a quorum is present, the School Board shall organize as a board and elect as chairman one of their members or any other person, to hold office for that year and until his successor is elected or appointed in accordance with this section.<sup>Election of chairman</sup>
- (7) The members present at the first meeting shall select a member to preside and the person so selected may vote as a member.<sup>Presiding member</sup>
- (8) If at the first meeting for any reason a chairman is not elected, the presiding member may adjourn the meeting from<sup>Adjournment</sup>

time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant-Governor in Council shall appoint the chairman to hold office for that year and until his successor is elected or appointed in accordance with this section.

**Composition** (9) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 2, the School Board shall be composed of such chairman and the persons mentioned in subsection 2.

**First meeting, 1953**

**120.**—(1) The first meeting of the School Board shall be held on or after the 15th day of April, 1953, at such date, time and place as the Minister may determine and the Minister shall notify each person entitled to be a member of the School Board of the date, time and place of the meeting.

**First meeting, 1954**

(2) The first meeting of the School Board in the year 1954 and thereafter shall be held not later than the third Wednesday in January on such date and at such time and place as may be fixed by resolution of the School Board.

**Certificate of qualification**

(3) A person entitled to be a member of the School Board under subsection 2 of section 119 shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the secretary of the public school board or board of education for which he was elected, or of the Toronto and Suburban Separate School Board, as the case may be, and under the seal of such board certifying that he is entitled to be a member under subsection 2 of section 119.

**Oath of allegiance**

(4) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 2 of section 119, he shall, before taking his seat, take an oath of allegiance.

**Declaration of office**

(5) No business shall be proceeded with at the first meeting until after the certificates mentioned in subsection 3 have been filed by all the members who present themselves for that purpose.

**When School Board deemed organized**

(6) The School Board shall be deemed to be organized when the certificates have been filed by at least nine members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to file such certificate.

**Place of meetings**

**121.** Subject to section 120, all meetings of the School Board shall be held at such places within the Metropolitan Area and at such times as the School Board from time to time appoints.

**122.**—(1) Nine members of the School Board shall be necessary to form a quorum and the concurring votes of a majority of members present shall be necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsections 3 and 4, each member of the School Board shall have one vote only. One vote

(3) When in any year the chairman has not been selected from among the members of the School Board, the chairman shall not have a vote except in the event of an equality of votes. Chairman vote

(4) When in any year the chairman has been selected from among the members of the School Board, the chairman shall have a second or casting vote in the event of an equality of votes. Idem

(5) A member of the School Board appointed under clause *m* of subsection 2 of section 119 shall not vote or otherwise take part in any of the proceedings of the School Board exclusively affecting the public schools. Voting by separate school representatives

**123.**—(1) The members of the School Board, other than those mentioned in clause *m* of subsection 2 of section 119, shall hold office while they hold the offices mentioned in that subsection and until their successors take office and a new School Board is organized. Term of office, generally

(2) The first appointments of the members of the School Board mentioned in clause *m* of subsection 2 of section 119 shall be made at the first meeting of the Toronto and Suburban Separate School Board after the day this Act receives Royal Assent or as soon thereafter as possible, and such members shall hold office until the end of the year 1954 and until their successors are appointed in accordance with *The Boards of Education Act*, and the appointment and tenure of office of such members in the year 1955 and thereafter shall be in accordance with subsections 18, 19 and 20 of section 7 of *The Boards of Education Act*. Separate school representatives Rev. Stat., c. 38

**124.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant-Governor in Council, some person shall be appointed by the Lieutenant-Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 of section 119, the School twenty days after the vacancy occurs, elect a chairman, who Idem

may be one of the members of the School Board or any other person, to hold office for the remainder of the term of his predecessor.

Other  
members

(3) When a vacancy occurs in the office of a member, other than the chairman or a member referred to in clause *m* of subsection 2 of section 119, the board of education of which he was a member shall within fifteen days after the vacancy occurs appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

Idem

(4) When a vacancy occurs in the office of a member referred to in clause *m* of subsection 2 of section 119, the Toronto and Suburban Separate School Board shall, within fifteen days after the vacancy occurs, appoint his successor to hold office for the remainder of the term of his predecessor.

Resignation  
of chairman

(5) Where the chairman of the School Board is a member of a board of education, he may resign his office as chairman without resigning from such board of education.

Vacancy  
due to  
absence from  
meetings

(6) The seat of a member of the School Board shall become vacant if he absents himself from the meetings of the School Board for three consecutive months without being authorized so to do by a resolution of the School Board entered upon its minutes, and the School Board shall forthwith declare the seat to be vacant.

Maintenance  
assistance  
payments

**125.**—(1) The School Board shall, in the year 1954 and in each year thereafter, pay to each board of education within the Metropolitan Area, in monthly instalments, a maintenance assistance payment in respect of,

- (a) each resident pupil, of a public school division within the Metropolitan Area, of average daily attendance during the preceding year in the public elementary schools under the jurisdiction of that board;
- (b) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the preceding year in the academic secondary schools under the jurisdiction of that board; and
- (c) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the preceding year in the vocational secondary schools under the jurisdiction of that board.

Amounts,  
in 1954  
and 1955

(2) The amounts per pupil which shall be payable by the School Board in the years 1954 and 1955 shall be as follows:

- (a) \$150 in respect of each pupil referred to in clause *a* of subsection 1;



- (b) \$250 in respect of each pupil referred to in clause *b* of subsection 1; and
- (c) \$300 in respect of each pupil referred to in clause *c* of subsection 1.

(3) The amounts per pupil which shall be payable by the <sup>thereafter</sup> School Board in the year 1956 and in each year thereafter shall be determined by the School Board in each such year prior to the adoption of its estimates and separate amounts shall be determined in respect of the pupils in the public elementary schools, academic secondary schools and vocational secondary schools within the Metropolitan Area and such separate amounts per pupil shall be uniform for each board of education within the Metropolitan Area.

(4) The School Board shall annually, forthwith after the <sup>Notice</sup> determination of the amounts referred to in subsection 3, notify each board of education within the Metropolitan Area of the amount of the maintenance assistance payment payable for such year in respect of each pupil within the classes referred to in clauses *a*, *b* and *c* of subsection 1.

(5) The number of pupils of average daily attendance <sup>1953</sup> during the year 1953 in respect of which the boards of education for the Townships of Etobicoke, North York and Scarborough are entitled to payment in the year 1954 shall be determined by the Department. <sup>attendance</sup>

**126.**—(1) It shall be the duty of the School Board and it <sup>Powers and</sup> shall have power, <sup>duties of</sup> <sup>School</sup> <sup>Board</sup>

- (a) to require each board of education within the Metropolitan Area to prepare and submit to the School Board, from time to time as the School Board may prescribe, its proposals and recommendations with respect to the provision of adequate public elementary and secondary school accommodation within its jurisdiction, and the estimated cost thereof;
- (b) to review and consolidate all such proposals, in consultation with the boards of education, the Department, the councils of the area municipalities and the Metropolitan Council and their respective officials, and to prepare and revise from time to time a composite proposal and the recommendations of the School Board for the provision of adequate public elementary, academic secondary and vocational secondary school accommodation for the Metropolitan Area as a whole;

- (c) to submit to the Metropolitan Council from time to time the composite proposal referred to in clause *b*, together with all relevant information with respect thereto, including any tentative approvals of the Department for legislative grant purposes relating thereto;
- (d) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective boards of education, the boundaries of the attendance areas for those public elementary and secondary schools in the Metropolitan Area which are to be attended by resident pupils from more than one public school division or high school district;
- (e) notwithstanding the provisions of this or any other Act, to determine the basis upon which and the conditions under which fees, if any, on behalf of resident pupils of one public school division or high school district in the Metropolitan Area attending a school in another public school division or high school district in the Metropolitan Area shall be paid by the sending board to the receiving board, and the net amount of such fees after allowance has been made for the maintenance assistance payments paid to the receiving board in respect of such pupils;
- (f) notwithstanding the provisions of this or any other Act, to determine the basis upon which the cost of transportation, if any, of the resident pupils of one public school division or high school district in the Metropolitan Area attending a school in another public school division or high school district in the Metropolitan Area shall be paid, and the respective responsibilities therefor of the sending board, the receiving board and the School Board;
- (g) notwithstanding the provisions of this or any other Act, to make provision, if deemed expedient, for the payment to any board of education of any part or the whole of the cost of the education of pupils attending classes established under *The Auxiliary Classes Act* and other special classes authorized by the Minister, to the extent that such cost or part thereof exceeds the maintenance assistance payments paid in respect of such pupils;
- (h) to appoint a treasurer, who shall be the treasurer of the Metropolitan Corporation, a secretary and such other officers and staff as may be deemed expedient

for the purposes of the School Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers of the School Board, if authorized by the School Board;

- (i) if deemed expedient, to pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the School Board from his home and in returning to his home, and to pay to each member an expense allowance not exceeding \$300 per annum;
- (j) to prepare, adopt and submit each year to the Metropolitan Council, on or before such date and in such form as the Metropolitan Council may prescribe, the estimates of the School Board for the current year, separately for public elementary and for secondary school purposes, of all sums required to meet its expenditures and obligations under section 125 and this section, and such estimates shall include and make due allowance for,
  - (i) the amount of any surplus or deficit remaining at the end of the preceding year,
  - (ii) the revenue estimated to be derived from the legislative grants specified in subsection 3 of section 128 and from all other sources,
  - (iii) the amounts of principal and interest payable during the current year in respect of all outstanding debentures issued for school purposes.

(2) The Minister may appoint an acting secretary of the <sup>First</sup> School Board who shall have all the powers and duties of the <sup>secretary</sup> secretary of the School Board for the purposes of the first meeting of the School Board in the year 1953 and thereafter until the School Board appoints a secretary under subsection 1, and the acting secretary shall preside at the first meeting of the School Board in the year 1953 until the Board is organized.

**127.** The Metropolitan Corporation shall pay to the <sup>Payment by</sup> School Board, in monthly instalments, the moneys required by <sup>Metro-</sup> the School Board as shown in its estimates submitted <sup>politan Cor-</sup> under clause *j* of section 126, except the moneys required for <sup>poration</sup> the purposes of subclause iii of the said clause.

Legislative grants shall not be reduced

**128.**—(1) Nothing in this Act shall reduce the total amount of special and general legislative grants payable to or on behalf of any board having jurisdiction over a public school division, high school district or continuation school district in the Metropolitan Area below the amount which would have been paid had this Act not been passed.

Applications for legislative grants

(2) Notwithstanding subsections 3 and 4, each board of education in the Metropolitan Area shall in each year apply to the Minister for all special and general legislative grants as if this Act had not been passed.

General legislative grants payable to School Board

(3) Notwithstanding any other Act or any regulations made thereunder, during the year 1954 and thereafter the general legislative grants, except those payable in respect of milk for consumption by pupils, night schools, text books and reference books, payable to or on behalf of any board having jurisdiction over a public school division, high school district or continuation school district in the Metropolitan Area shall be paid to the School Board.

Certain legislative grants payable to boards of education

(4) The general legislative grants in respect of milk for consumption by pupils, night schools, text books and reference books referred to in subsection 3, together with any special legislative grants to which the board of a public school division, high school district or continuation school district in the Metropolitan Area may be entitled, shall continue to be paid to that board or, if such board has been dissolved by this Act, to the board of education to which its powers and duties have been assigned.

Estimates of boards of education

**129.**—(1) Each board of education in the Metropolitan Area when preparing and submitting to the municipal council or councils its annual estimates as provided by law shall, in addition to all other requirements, include and make due allowance for the maintenance assistance payments and other revenues to be received during the year from the School Board, and such estimates may, notwithstanding any other Act, include an additional sum to be obtained from current revenue for permanent improvements to be made during the year.

Powers and duties

(2) Each board of education in the Metropolitan Area shall continue to have all the powers, duties and responsibilities conferred and imposed upon it by any general or special Act and regulations made thereunder that are not inconsistent with the provisions of this Act, and shall comply with all the requirements of this Act that apply to them.

School debenture liability

**130.**—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area municipality before the due date all amounts of principal and interest

becoming due upon any outstanding debentures issued by the area municipality for public or secondary school purposes.

(2) If the Metropolitan Corporation fails to make any payment as required by subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(3) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for public or secondary school purposes, the Municipal Board, upon application, may determine the matter, and its decision shall be final. Settling of doubts

**131.**—(1) Notwithstanding any of the provisions of this Act, or any other Act, no board of education in the Metropolitan Area, Discontin-  
uance  
and sale  
of schools,  
etc.

(a) shall discontinue the operation and maintenance of any school under its jurisdiction without the approval of the School Board;

(b) shall sell, lease or otherwise dispose of any school site, school building, school equipment or other item of school property, the cost of which was financed in whole or in part by the issue of debentures, without the approval of the School Board.

(2) Where a board of education sells, leases or otherwise disposes of any school property in accordance with clause *b* of subsection 1, the board of education shall pay to the School Board that share of the proceeds of such disposal that bears the same ratio to the total proceeds as the portion of the total cost of such property borne by the Metropolitan Corporation bears to the total cost of such property. Application  
of proceeds

(3) In the event of any doubt as to the apportionment of the proceeds in accordance with subsection 2, the Municipal Board, upon application, may determine the matter, and its decision shall be final. Settling  
of doubts

**132.**—(1) Where a board of education in the Metropolitan Area desires that the sums required for permanent improvements as defined in clause *m* of subsection 1 of section 1 of *The High Schools Act* or for any of the purposes mentioned in subsection 1 of section 56 of *The Public Schools Act* shall be raised by the issue and sale of debentures, it may apply to the council or councils of the area municipality or municipalities in which it has jurisdiction and it shall at the same time deliver a copy of such application to the secretary of the School Board and the clerk of the Metropolitan Corporation. Application  
for  
debentures  
for school  
purposes  
Rev. Stat.,  
cc. 165, 316

Idem (2) The application shall state the purpose of the proposed borrowing, the nature and estimated cost of the proposed work or project, the estimated amount of general legislative grants payable in respect thereof and the proposed term of years of the debentures to be issued.

Disposition of application by area council (3) Each council applied to shall, at its first meeting after receiving the application or as soon thereafter as possible, consider and approve or disapprove the application and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Duty of municipal clerk (4) The clerk of each such area municipality shall forward a certified copy of the resolution of the council approving or disapproving the application to the secretary of the applicant board of education, the secretary of the School Board and the clerk of the Metropolitan Corporation.

Disposition of application by School Board (5) The School Board, at its first meeting after receiving its copy of the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and the secretary of the School Board shall forward a certified copy of its resolution in respect of the application to the secretary of the applicant board of education, the clerk of each area municipality concerned and the clerk of the Metropolitan Corporation.

Disposition of application by Metropolitan Council **133.**—(1) The Metropolitan Council, after the application referred to in section 132 has been dealt with by the council of each area municipality concerned and by the School Board, shall consider and approve or disapprove the application, and the clerk of the Metropolitan Corporation shall thereupon give notice of the decision of the Metropolitan Council to the secretary of the applicant board of education, the clerk of each area municipality concerned and the secretary of the School Board.

Application to Municipal Board Rev. Stat., c. 262 (2) If the Metropolitan Council approves the application, it shall apply to the Municipal Board for its approval under section 67 of *The Ontario Municipal Board Act*, and if the Municipal Board approves, the Metropolitan Council shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures of the Metropolitan Corporation for the purposes stated in the application.

Appeal (3) Where the Metropolitan Council disapproves the application, the applicant board of education or the council of any area municipality concerned or the School Board may appeal to the Municipal Board for an order requiring the Metropolitan Council to pass a by-law for borrowing money by the issue and sale of debentures for the purpose or purposes stated in the application.

(4) The Municipal Board shall conduct a public hearing of every such appeal upon such notice as it may deem proper, and may dismiss the appeal or may by order require the Metropolitan Council to pass the by-law mentioned in subsection 3, and the decision of the Municipal Board on such appeal shall be final. <sup>Public hearing</sup>

(5) Every order of the Municipal Board granting approval of an application under subsection 2 or requiring the issuing of debentures under subsection 4 shall direct, <sup>Levy</sup>

(a) that the amount of the debt to be created for the portion of the proposed expenditure approved by the Minister for legislative grant purposes shall be repaid by levies against all the area municipalities; and

(b) that the balance of the said debt shall be repaid by levies only against the area municipality or area municipalities in which the applicant board of education has jurisdiction.

**134.**—(1) Nothing in this Act affects any public school board or public school section within the Metropolitan Area heretofore or hereafter established by the Minister under section 66 of *The Public Schools Act* or any high school board or high school district within the Metropolitan Area hereafter established by the Minister under subsection 6 of section 5 of *The High Schools Act*. <sup>Certain school boards and districts exempted  
Rev. Stat.,  
cc. 316, 165</sup>

(2) The School Board shall be deemed to be a board within the meaning of *The Teachers' Superannuation Act*. <sup>Application  
of Rev. Stat.,  
c. 384</sup>

**135.**—(1) This Part, except section 125, clauses *d*, *e*, *f*, *g* and *j* of section 126 and sections 127 to 133, comes into force on the day this Act receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Section 125, clauses *d*, *e*, *f*, *g* and *j* of section 126 and sections 127 to 133, come into force on the 1st day of January, 1954. <sup>Idem</sup>

## PART VIII

## SEPARATION FROM COUNTY OF YORK

Separation  
from  
County  
of York

**136.** On and after the 1st day of January, 1954, the following area municipalities are hereby withdrawn and for municipal purposes shall be separated from the County of York:

The Township of East York  
 The Township of Etobicoke  
 The Village of Forest Hill  
 The Town of Leaside  
 The Village of Long Branch  
 The Town of Mimico  
 The Town of New Toronto  
 The Township of North York  
 The Township of Scarborough  
 The Village of Swansea  
 The Town of Weston  
 The Township of York.

Composition  
of councils

**137.** Subject to section 138, the council of each area municipality mentioned in section 136 shall continue to be composed as if this Act had not been passed.

By-laws re  
composition  
of councils

**138.—(1)** The council of any town mentioned in section 136 may pass by-laws providing that the council shall be composed of a mayor to be elected by general vote, and not more than eight councillors, and the by-law may provide that the councillors shall be elected by general vote or, if the town is divided into wards, by wards or partly by wards and partly by general vote.

Idem

(2) The council of any village or township mentioned in section 136 may pass by-laws providing that the council shall be composed of a reeve to be elected by general vote, and not more than eight councillors, and the by-law may provide that the councillors shall be elected by general vote or, if the village or township is divided into wards, by wards or partly by wards and partly by general vote.

Repeal

(3) A by-law under this section shall not be repealed until two annual elections have been held under it.

Time for  
passing;  
assent of  
electors

(4) A by-law under this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors.



(5) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after its passing. Effective date

(6) Notwithstanding subsection 4, a by-law may be passed in the year 1953 under this section, not later than the 1st day of November, without the assent of the municipal electors. 1953 by-laws

**139.** Notwithstanding section 87 of *The Assessment Act*, the council of the County of York shall not examine, consider or include the assessment rolls of or the valuations of real property in the area municipalities mentioned in section 136 in the preparation of its equalization by-law in the year 1953. 1953 County equalization Rev. Stat., c. 24

**140.** This Part comes into force on the day this Act receives Royal Assent. Commencement

## PART IX

### HEALTH AND WELFARE SERVICES

**141.**—(1) The Metropolitan Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality shall have any liability under the said provisions. Liability for hospitalization of indigents Rev. Stat., c. 307

(2) Where the superintendent of a hospital notifies the clerk of the Metropolitan Corporation in accordance with subsection 1 or 2 of section 20 of *The Public Hospitals Act*, he shall at the same time and in the same manner notify the clerk of the area municipality in which the indigent person is or is represented to be a resident. Notice to area municipality

(3) The clerk of an area municipality shall, at the request of the clerk of the Metropolitan Corporation, furnish forthwith such particulars as may be ascertainable in respect of the residence or indigence of any person whose case has been brought to the attention of the clerk of the Metropolitan Corporation under section 20 of *The Public Hospitals Act*. Particulars to be sent to Metropolitan clerk

(4) The clerk of an area municipality, within ten days of receiving a notice sent to him under subsection 3, shall send by registered letter, or deliver, the particulars to the clerk of the Metropolitan Corporation. Idem

(5) Upon the failure of the clerk of an area municipality to comply with subsections 3 and 4, the area municipality Liability of area municipality

shall be liable to the Metropolitan Corporation for the charges for treatment of the patient in respect of whom the information is requested.

Existing liabilities transferred

**142.**—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for the hospitalization or burial, after the 31st day of December, 1953, of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the County was liable because the indigent person was a resident of an area municipality.

Idem

(2) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, for the hospitalization or burial, after the 31st day of December, 1953, of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the City was liable because the indigent person was a resident of the City.

Proviso

(3) Nothing in subsection 1 or 2 shall relieve the County or the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

Aid to hospitals

**143.** The Metropolitan Council may pass by-laws for granting aid for the erection, establishment, maintenance or equipment of public hospitals, including municipal hospitals, public sanatoria or municipal isolation hospitals in the Metropolitan Area and may issue debentures therefor.

Post-sanatorium care

**144.**—(1) The Metropolitan Corporation shall repay to the local board of health of each area municipality the expenses necessarily incurred by the local board for post-sanatorium care furnished after the 31st day of December, 1953, in discharge of its liability under subsection 2 of section 37 of *The Sanatoria for Consumptives Act*.

Rev. Stat., c. 346

Repayment by Metropolitan Corporation

(2) Where an area municipality repays to another local municipality expenses incurred by that other local municipality for post-sanatorium care furnished after the 31st day of December, 1953, under subsection 5 of section 37 of *The Sanatoria for Consumptives Act*, the Metropolitan Corporation shall repay such expenses to the area municipality.

Burial of indigents dying in sanatorium

(3) The Metropolitan Corporation shall repay to each area municipality any expenses incurred by the area municipality for burials after the 31st day of December, 1953, under section 38 of *The Sanatoria for Consumptives Act*, subject to the limitations set out in the said section 38.

(4) Payment under subsections 1 to 3 shall be made quarterly by the Metropolitan Corporation upon receipt from the area municipality of detailed accounts in respect of the quarter, together with such information as the Metropolitan Council may require. Time for payment

(5) Where the Metropolitan Corporation has repaid to an area municipality the expenses of the burial of a deceased patient under subsection 3, the Metropolitan Corporation, in lieu of the area municipality, shall have the rights of recourse provided for in sections 40 and 41 of *The Sanatoria for Consumptives Act*. Rights of recourse  
Rev. Stat., c. 346

**145.**—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged Act*, and no area municipality shall have any liability as to the establishment, erection and maintenance of a home for the aged under that Act. Liability respecting home for aged  
Rev. Stat., c. 168

(2) Subsection 4 of section 9 of *The Homes for the Aged Act* shall apply in respect of applicants for admission to a home for the aged of the Metropolitan Corporation except that, Admission to home for aged

(a) the authorization in the prescribed form referred to in clause *a* of that subsection shall be signed by the chairman or by such other member of the Metropolitan Council as is designated by resolution of the Metropolitan Council;

(b) the statement in the prescribed form referred to in clause *c* of that subsection shall be signed by the welfare officer of the area municipality in which the applicant resides at the time of his application.

**146.** A home for the aged of the Metropolitan Corporation may be established, erected and maintained either within or outside the Metropolitan Area. Location of home for aged.

**147.**—(1) The home for the aged established, erected or maintained under *The Homes for the Aged Act* by The Corporation of the City of Toronto, and all real and personal property used for the purposes of such home, is hereby vested in the Metropolitan Corporation and, subject to subsection 2, no compensation or damages shall be payable to the City in respect thereof. Toronto home for aged vested in Metropolitan Corporation

(2) The Metropolitan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City for the purposes of the said home for the aged. Existing debenture liability

Default

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling  
of doubts

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for the purposes of the said home for the aged, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Residents  
of County  
home for  
aged

**148.**—(1) The Metropolitan Corporation shall pay to The Corporation of the County of York the cost of maintenance in the County home for the aged, after the 31st day of December, 1953, of every resident of that home who was admitted thereto due to residence in an area municipality.

Amount of  
maintenance  
payment

(2) The amount payable by the Metropolitan Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Liability  
for  
neglected  
children  
Rev. Stat.,  
c. 53

**149.**—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of the provisions of *The Children's Protection Act* imposing liability on municipalities with respect to neglected children, and no area municipality shall have any liability under the said provisions.

Rev. Stat.,  
c. 53, s. 4;  
s. 17,  
subs. 2, 3;  
s. 21, subs. 2,  
not to apply

(2) Section 4, subsections 2 and 3 of section 17 and subsection 2 of section 21 of *The Children's Protection Act* shall not apply to the Metropolitan Council or the Metropolitan Corporation, and each area municipality shall be deemed to be a city for the purposes of section 4 of the said Act.

By-laws  
in aid

(3) The Metropolitan Council shall have the powers given to the council of every municipality under section 29 of *The Children's Protection Act*.

Proviso

(4) Nothing in this Act alters or affects the area in which a children's aid society approved under *The Children's Protection Act* has jurisdiction.

Existing  
liabilities  
transferred

**150.**—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the County on the 31st day of December, 1953, where the order was made because the child belonged to the County due to residence in an area municipality.

(2) The Corporation of the City of Toronto shall not be <sup>Idem</sup> liable, and the Metropolitan Corporation shall be liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the City on the 31st day of December, 1953.

(3) Nothing in subsection 1 and 2 shall relieve the County <sup>Proviso</sup> or City from any liability in respect of maintenance provided before the 1st day of January, 1954.

**151.** The Metropolitan Corporation shall be deemed to <sup>Liability</sup> be a municipality for the purposes of subsection 6 of section <sup>under</sup> 9 of *The Female Refuges Act* and for the purposes of the <sup>Rev. Stat.,</sup> regulations under that Act, and no area municipality shall <sup>c. 134</sup> have any liability under the said subsection or regulations.

**152.**—(1) An area municipality shall not be liable, and <sup>Existing</sup> the Metropolitan Corporation shall be liable, for the main- <sup>liabilities</sup> tenance of any person who was in a female refuge on the <sup>transferred</sup> 31st day of December, 1953, and in respect of whom the area municipality was liable because the person was a resident thereof.

(2) Nothing in subsection 1 shall relieve any area muni- <sup>Proviso</sup> cipality from any liability in respect of maintenance provided before the 1st day of January, 1954.

**153.** The Metropolitan Corporation shall be deemed to <sup>Liability</sup> be a city for the purposes of subsection 1 of section 13 and <sup>under</sup> sections 14 to 18 and 22 of *The Training Schools Act*, and no <sup>Rev. Stat.,</sup> area municipality shall have any liability under the said <sup>c. 396</sup> provisions.

**154.**—(1) The Corporation of the County of York shall <sup>Existing</sup> not be liable, and the Metropolitan Corporation shall be <sup>liabilities</sup> liable, for payment under *The Training Schools Act* towards <sup>transferred</sup> the maintenance and education of a child in respect of whom the County was liable on the 31st day of December, 1953, due to residence in an area municipality.

(2) The Corporation of the City of Toronto shall not be <sup>Idem</sup> liable, and the Metropolitan Corporation shall be liable, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City was liable on the 31st day of December, 1953, due to residence in the City.

(3) Nothing in subsections 1 and 2 shall relieve the County <sup>Proviso</sup> or the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954.

Information **155.** Every area municipality and every officer or employee thereof shall, at the request of the clerk of the Metropolitan Corporation, furnish forthwith to such clerk any information he may require for the purposes of *The Homes for the Aged Act*, *The Children's Protection Act*, *The Female Refuges Act* and *The Training Schools Act*.

Rev. Stat.,  
cc. 168, 53,  
134, 396

Adjustments **156.** In the event of any doubt as to whether any liability is transferred under section 142, 150, 152 or 154 or as to whether the Metropolitan Corporation is liable under subsection 1 of section 148 in respect of any particular resident of the County home for the aged, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Commencement **157.** This Part comes into force on the 1st day of January, 1954.

## PART X

### ADMINISTRATION OF JUSTICE, ETC.

Court house and jail **158.**—(1) The Metropolitan Corporation shall provide and maintain a court house and a jail.

Sufficient for county (2) The court house and jail shall be sufficient for the purposes of the County of York as well as for the purposes of the Metropolitan Area.

Maintenance of jail **(3)** The jail shall be provided and maintained in accordance with *The Jails Act* and to the satisfaction of the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 188

Erection, etc., of court house and jail **159.**—(1) The Metropolitan Council may pass by-laws for erecting, enlarging or improving a court house or jail, and shall keep the same in repair and provide the food, fuel and other supplies necessary therefor.

County buildings (2) The County of York may acquire land for, and may erect and maintain, either in the Metropolitan Area or elsewhere in the county, buildings for use as a county hall and for offices for the county officials.

Metropolitan jail (3) The Metropolitan Corporation may erect and maintain its jail either within the Metropolitan Area, the County of York, or any county adjoining the County of York.

Use of court house and jail by county **160.** The court house and the jail provided by the Metropolitan Corporation shall be the court house and jail of the

County of York, and the sheriff of the county and the jailer shall receive and safely keep, until duly discharged, all persons committed to the jail by any competent authority of the county.

**161.** The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, other than the Crown attorney of the City of Toronto, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

Metropolitan Council to provide accommodation, etc.

**162.** The care of the court house and jail of the Metropolitan Corporation shall be regulated by by-law of the Metropolitan Council.

By-laws

**163.**—(1) The County of York shall bear and pay its just share or proportion of all charges and expenses from time to time incurred in erecting, enlarging, improving, repairing or maintaining the court house and jail of the Metropolitan Corporation, and of their proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in section 161, and of all other charges relating to the administration of justice except such as the Metropolitan Corporation is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements.

Liability of county to share costs of court house, etc.

(2) The use of the court house for the sittings of a division court of a division which comprises part of the county may be taken into account in determining the amount to be paid by the county for the maintenance of the court house.

Allowance for use of court house for division courts

(3) If the Metropolitan Corporation and the county are unable to agree as to the amount to be paid by the county, the amount shall be determined by arbitration under *The Municipal Act*.

Arbitration  
Rev. Stat.,  
c. 243

Insurable  
interests

**164.** The county and the Metropolitan Corporation shall have from time to time insurable interests in the court house and jail in the proportions of the aggregate amounts which they have respectively contributed to the costs, charges and expenses of erecting, enlarging, improving and repairing such buildings, and in the contents and furniture of the court house and jail in the proportions of the aggregate amounts which they have respectively contributed to the costs, charges and expenses of providing the contents and furniture.

Care of  
prisoners,  
etc.

**165.**—(1) The county shall pay to the Metropolitan Corporation in respect of its use of the court house and jail and for the care and maintenance of prisoners such compensation as may be mutually agreed upon or determined by arbitration under *The Municipal Act*.

Rev. Stat.,  
c. 243

Compensa-  
tion

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrator shall, so far as he deems just and reasonable, take into consideration the original cost of the site and erection of the jail and jail buildings and of repairs and insurance, so far as they have been borne by one or other of the two municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith.

Reconsidera-  
tion of  
compensa-  
tion

**166.** After five years from the time when the amount of the compensation is agreed upon or determined by arbitration under sections 163 and 165 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council upon the application of the county or the Metropolitan Corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or determined by arbitration.

Use of  
jail as  
lock-up

**167.** The jail may be used for the purposes of a lock-up house for any area municipality or any local municipality in the county, and if so used the area municipality or local municipality shall pay yearly to the treasurer of the Metropolitan Corporation a reasonable sum for such use and for the expenses incurred by such use, and in case of disagreement the amount to be paid to the Metropolitan Corporation shall be determined by arbitration under *The Municipal Act*.

Rev. Stat.,  
c. 243

Custody  
of jails;  
employees

**168.** Sections 369 and 370 of *The Municipal Act* apply to the jail, the Metropolitan Corporation and the jailers and jail employees, and the Metropolitan Corporation shall be deemed to be a city for the purposes of those sections.

Rev. Stat.,  
c. 243,  
ss. 366-380,  
not to apply

**169.** Sections 366 to 380 of *The Municipal Act* do not apply to the County of York or any area municipality.



**170.**—(1) The jail maintained by The Corporation of the City of Toronto, and all real and personal property used for the purposes of such jail, is vested in the Metropolitan Corporation and, subject to subsection 2, no compensation or damages shall be payable to the City. Toronto jail vested in Metropolitan Corporation

(2) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due on any outstanding debentures issued by the City in respect of such jail. Metropolitan liability

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(4) In the event of any doubt as to whether any debenture or portion thereof was issued in respect of the jail, the Municipal Board, upon application, may determine the matter and its decision shall be final. Settling of doubts

**171.**—(1) Until the Metropolitan Corporation has provided, established or erected a court house and is ready to provide and pay for all matters mentioned in section 161, The Corporation of the City of Toronto shall in the first instance provide and pay for all such matters. Accommodation, etc., to be provided by City of Toronto

(2) The Metropolitan Corporation shall repay to The Corporation of the City of Toronto, in such manner as may be agreed upon, the costs incurred by the City under subsection 1. Compensation

**172.** The agreement between The Corporation of the City of Toronto and The Corporation of the County of York, confirmed by section 1 of *An Act respecting the City of Toronto*, 1885, being chapter 73 of the Statutes of Ontario, 1885, is terminated as of the 1st day of January, 1954. Agreement terminated, 1885, c. 73

**173.** The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Juvenile and Family Courts Act*, but if a juvenile court is established for the Metropolitan Corporation the limitations on the expenses of such court provided for in subsection 2 of section 10 of that Act shall not apply. Juvenile courts Rev. Stat., c. 193

**174.**—(1) Nothing in this Act alters or affects the boundaries of any registry division, but for the purposes of *The Land Titles Act* and *The Registry Act* the area municipalities, except the City of Toronto, shall be deemed to be separated towns. Registry and land titles offices Rev. Stat., cc. 197, 336

Registry  
office  
expendi-  
tures

(2) Each area municipality, except the City of Toronto, shall bear, and shall pay to the treasurer of the County of York, such equitable proportion of the expenses incurred by the said treasurer under section 21 of *The Registry Act* with respect to the Registry Office for the Registry Division of the East and West Riding of the County of York, as the Inspector of Legal Offices directs.

Commence-  
ment

**175.** This Part comes into force on the 1st day of January, 1954.

## PART XI

### HOUSING AND REDEVELOPMENT

Housing and  
redevelop-  
ment

Rev. Stat.,  
cc. 174, 277

**176.**—(1) The Metropolitan Corporation and the Metropolitan Council shall have all the powers conferred on the corporation or council of a municipality under *The Housing Development Act*, and under *The Planning Act* or any other Act with respect to housing or building development, housing projects, temporary housing accommodation and redevelopment areas and with respect to any other matter concerned with the provision or improvement of housing accommodation.

Powers of  
area muni-  
cipalities

(2) Nothing in subsection 1 shall be deemed to limit or interfere with the powers of the area municipalities with respect to the matters mentioned in subsection 1.

Agreements  
with muni-  
cipalities

**177.** Without limiting its powers under subsection 1 of section 176, the Metropolitan Corporation,

- (a) shall be deemed to be a governmental authority within the meaning of sections 22 and 23 of *The Planning Act*; and
- (b) may enter into agreements with any area municipality for sharing or contributing to the costs incurred by the area municipality in exercising any of its powers with respect to the matters mentioned in subsection 1 of section 176.

Commence-  
ment

**178.** This Part comes into force on the 1st day of January, 1954.

## PART XII

### PLANNING

Planning  
areas  
Rev. Stat.,  
c. 277

**179.**—(1) The Minister of Planning and Development shall define a planning area under *The Planning Act*, which shall include the Metropolitan Area and such other municipalities

or parts of municipalities as in his opinion constitute a complete planning unit, and the name of the planning area shall be The Metropolitan Toronto Planning Area.

(2) The Metropolitan Corporation shall be the designated municipality within the meaning of *The Planning Act* for the purposes of the said planning area. Designated municipality

(3) The planning board for the planning area shall be constituted as provided in *The Planning Act* except that the membership of the board shall at all times include two persons recommended by the Metropolitan School Board and approved by the Minister of Planning and Development. Planning board

(4) Subject to subsection 5, all planning areas and subsidiary planning areas heretofore established, which are included in The Metropolitan Toronto Planning Area, shall be subsidiary planning areas within the said planning area. Subsidiary planning areas

(5) On the day The Metropolitan Toronto Planning Area is defined, the planning area constituted under *The Planning Act* and consisting of the whole of the County of York, and the Toronto and York Planning Board, are hereby dissolved. Dissolution of Toronto and York Planning Area

(6) Nothing in subsection 4 shall affect any official plan in effect in any subsidiary planning area. Proviso

(7) When the Minister has approved an official plan adopted by the Metropolitan Council, Subsidiary plans

- (a) any official plan then in effect in a subsidiary planning area affected thereby shall be amended to conform therewith;
- (b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith;
- (c) no public work, as defined in *The Planning Act*, shall be undertaken, and no by-law shall be passed, by any municipality or local board within The Metropolitan Toronto Planning Area, that does not conform therewith.

**180.** The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 16, 18 to 20, 28 and 29 of *The Planning Act*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area. Application of Rev. Stat., c. 277, to Metropolitan Corporation

Scope and purposes of official plan

**181.** The scope and general purpose of the official plan for The Metropolitan Toronto Planning Area shall include,

- (a) land uses and consideration generally of industrial, agricultural, residential and commercial areas;
- (b) ways of communication;
- (c) sanitation;
- (d) green belts and park areas;
- (e) public transportation,

and such other matters as the Minister of Planning and Development may from time to time define under *The Planning Act*.

Application of Rev. Stat., c. 277

**182.** Except as provided in this Part, the provisions of *The Planning Act* shall continue to apply.

Commencement

**183.** This Part comes into force on the day this Act receives Royal Assent.

## PART XIII

### PARKS, RECREATION AREAS, ETC.

Acquiring land for parks, etc.

**184.** The Metropolitan Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, recreation areas, squares, avenues, boulevards and drives in the Metropolitan Area or in any adjoining local municipality in the County of Ontario or the County of Peel or in any local municipality in the County of York, and for exercising all or any of the powers which are conferred on boards of park management by *The Public Parks Act*.

Rev. Stat., c. 314

Payments in lieu of taxes

**185.**—(1) Where the Metropolitan Corporation has acquired land under section 184, the Metropolitan Council may agree to pay annually to the area municipality or other local municipality in which the land is situate a sum not exceeding the amount that would have been payable to the municipality as taxes in the year of acquisition if the land were not exempt from taxation.

Proviso

(2) Subsection 1 does not apply where the land acquired by the Metropolitan Corporation was acquired from the municipality in which the land was situate or from a local board thereof and at the time of acquisition was used as a public park, recreation area, square, avenue, boulevard or drive.

**186.**—(1) For the purposes of section 184, the Metropolitan Council may with the approval of the Municipal Board by by-law assume any existing public park, recreation area, square, avenue, boulevard or drive vested in any area municipality or in any local board thereof, and upon the passing of the by-law the public park, recreation area, square, avenue, boulevard or drive shall vest in the Metropolitan Corporation. Assumption of existing parks, etc.

(2) Where the Metropolitan Corporation assumes any existing public park, recreation area, square, avenue, boulevard or drive vested in any area municipality or local board thereof, Existing debenture liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of the property assumed.

(3) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 2, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the property assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final. Settling of doubts

(5) Nothing in this section authorizes the Metropolitan Council to assume any of the lands in the City of Toronto from time to time made available to the Canadian National Exhibition Association. C.N.E. lands exempt

**187.** This Part comes into force on the 1st day of January, 1954. Commencement

## PART XIV

### FINANCES

**188.** In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*. Interpretation Rev. Stat., c. 24

#### YEARLY LEVIES AND ESTIMATES

**189.**—(1) The Metropolitan Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Metropolitan Corporation, Yearly estimates

including the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance  
to be  
made in  
estimates

(2) In preparing the estimates the Metropolitan Council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year.

Levy on  
area muni-  
cipalities

**190.**—(1) The Metropolitan Council shall in each year levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted;

(b) for payment of all debts of the Metropolitan Corporation, whether of principal or interest, falling due within the year, including principal and interest payments in respect of debenture debt of area municipalities for the payment of which the Metropolitan Corporation is liable under this Act.

Apportion-  
ment

(2) The Metropolitan Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Public  
school  
purposes

(3) The amount levied under subsection 1 for public school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for public school purposes in each of the area municipalities bears to the whole rateable property rateable for public school purposes in the Metropolitan Area, according to the last revised assessment rolls.

Secondary  
school  
purposes

(4) The amount levied under subsection 1 for secondary school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for secondary school purposes in each of the area municipalities bears to the whole rateable property rateable for secondary school purposes in the Metropolitan Area, according to the last revised assessment rolls.

Other  
purposes

(5) All other amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Metropolitan Area, according to the last revised assessment rolls.

(6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*. Fixed assessments, etc., not to apply  
Rev. Stat., c. 24

(7) One by-law or several by-laws for making the levies may be passed as the Metropolitan Council may deem expedient. Levy by-laws

(8) The clerk of the Metropolitan Corporation shall forthwith after the metropolitan levies have been apportioned certify to the clerk of each area municipality the amount which has been so directed to be levied therein for the then current year for metropolitan purposes showing separately the amounts required for public school purposes, secondary school purposes and general purposes. Certificate of levy

(9) In each area municipality, the metropolitan levy, Local levies for metropolitan purposes

(a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;

(b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and

(c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

(10) All moneys levied against an area municipality under the authority of this section shall be a debt of the area municipality to the Metropolitan Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by the by-law of the Metropolitan Council mentioned in subsection 2. Payment

(11) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

#### RESERVE FUNDS

**191.**—(1) The Metropolitan Council may in each year, if authorized by a two-thirds vote of the members present at a Reserve funds

meeting, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments  
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Rev. Stat.,  
c. 400

Expenditure  
of reserve  
fund  
moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to  
report on  
reserve  
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

#### TEMPORARY LOANS

Current  
borrowings

**192.**—(1) The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council may deem necessary to meet, until the levies are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation, and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation.

Limit upon  
borrowings

(2) The amount which may be borrowed in any year for the purposes mentioned in subsection 1 shall not, except with the approval of the Municipal Board, exceed 70 per cent of the total amount of the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the next preceding year, but in the year 1954, until the estimates for that year are adopted, the amount that may be borrowed for the purposes mentioned in subsection 1 shall be determined by the Department.

Exclusion  
from  
estimated  
revenues

(4) For the purposes of subsections 2 and 3, estimated revenues shall not include revenues derivable or derived from



the sale of assets, borrowings or issues of debentures or from a surplus including arrears of levies and proceeds from the sale of assets.

(5) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(6) Any promissory note made under the authority of this section shall be sealed with the seal of the Metropolitan Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(7) The Metropolitan Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Metropolitan Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge shall not defeat or affect and shall be subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Metropolitan Council authorizes the borrowing or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor shall be disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Metropolitan Council authorizes the application of any revenues of the Metropolitan Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by Metropolitan Council

(11) If any member of the Metropolitan Council or officer of the Metropolitan Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(12) Subsections 9, 10 and 11 shall not apply to the Metropolitan Council or any member of the Metropolitan Council or officer of the Metropolitan Corporation acting under an order Saving as to penalties

Rev. Stat.,  
c. 96

or direction issued or made under the authority of Part III of *The Department of Municipal Affairs Act*, nor shall they apply in any case where application of the revenues of the Metropolitan Corporation is made with the consent of the lender in whose favour a charge exists.

#### DEBENTURES

Debentures  
Rev. Stat.,  
c. 262

**193.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Metropolitan Council may borrow money for the purposes of,

- (a) the Metropolitan Corporation, including the purposes of the Toronto Transit Commission;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities;
- (d) any board of education in the Metropolitan Area,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Metropolitan Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Metropolitan Council under the authority of this Act shall be direct, joint and several obligations of the Metropolitan Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection shall affect the rights of the Metropolitan Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality shall, after the 31st day of December, 1953, have power to issue debentures.

Uncompleted  
works

(4) When an area municipality, prior to the 31st day of December, 1953,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 67 of *The Ontario Municipal Board Act*; and

Rev. Stat.,  
c. 262

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Metropolitan Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Metropolitan Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 196, and no further approval of the Municipal Board shall be required.

(5) Debentures issued by the Metropolitan Corporation shall be deemed to be debentures of a municipal corporation for the purposes of *The Trustee Act*. Debentures trustee investments  
Rev. Stat.,  
c. 400

**194.**—(1) Notwithstanding any general or special Act, the Metropolitan Corporation may by by-law incur a debt or issue debentures for the purposes of the Metropolitan Corporation or for the purposes of an area municipality or board of education, without the assent of the electors of the Metropolitan Area. Assent of electors, etc.

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Metropolitan Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Metropolitan Council has been obtained. Idem

(3) Nothing in subsection 2 shall require the assent of any electors where such assent has been dispensed with under section 66 of *The Ontario Municipal Board Act*. Proviso  
Rev. Stat.,  
c. 262

**195.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 67 of *The Ontario Municipal Board Act* on the application of the Metropolitan Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter. Hearing

(2) Notice of the hearing shall be given to the clerk of the Metropolitan Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct. Notice

Dispensation  
with hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Borrowing  
pending  
issue and  
sale of  
debentures

**196.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advance from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education.

Application  
of proceeds  
of loan

(3) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality or board of education, the balance, subject to section 207, shall be transferred to the area municipality or board of education.

Hypotheca-  
tion not  
to prevent  
subsequent  
sale of  
debentures

(4) Subject to subsection 3, the redemption of a debenture hypothecated shall not prevent the subsequent sale thereof.

Recitals  
in money  
by-law

**197.**—(1) A money by-law shall recite,

- (a) the amount of the debt intended to be created, and in brief and general terms, the object for which it is to be created;

- (b) the total amount of the whole rateable property of all the area municipalities according to their last revised assessment rolls;
- (c) the amount of the debenture debt of the Metropolitan Corporation including debenture debt of area municipalities for the repayment of which the Metropolitan Corporation is liable under this Act, and how much, if any, of the principal or interest is in arrear;
- (d) the total amount of the debenture debt of all the area municipalities excluding debenture debt for the repayment of which the Metropolitan Corporation is liable, and how much, if any, of the principal or interest is in arrear;
- (e) the approval of the Department of Health as required by subsection 2 of section 107 of *The Public Health Act*, if the by-law is for raising money for any of the purposes mentioned in section 101 or 106 of that Act; Rev. Stat., c. 306
- (f) the approval of the Municipal Board as required by section 67 of *The Ontario Municipal Board Act*. Rev. Stat., c. 262
- (2) The by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments
- (3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable
- (4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each such area municipality shall pay to the Metropolitan Corporation such sums at the times and in the amounts specified in the by-law. Levy on specific area municipalities
- (5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

Levy by  
area muni-  
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality, for the same purpose, for the portion of the debt levied against it under subsection 4.

Levies  
a debt

(7) All levies imposed by the by-law against an area municipality shall be a debt of the area municipality to the Metropolitan Corporation.

By-law to  
change mode  
of issuing  
debentures

(8) The Metropolitan Council may by by-law authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Metropolitan Council, upon again acquiring them, or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,  
when to be  
dated and  
issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Metropolitan Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years after the passing of the by-law.

Date of  
debentures

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9.

Extension  
of time  
for issue

(12) The Municipal Board, on the application of the Metropolitan Council, the council of any area municipality, a board of education or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at

any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. <sup>Application after time expired</sup>

(14) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing. <sup>Effective date</sup>

(15) Notwithstanding any general or special Act, the Metropolitan Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. <sup>Consolidation</sup>

(16) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Metropolitan Corporation on any date prior to maturity subject to the following provisions: <sup>Redemption before maturity</sup>

- (a) The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
- (b) The principal of every debenture that is so redeemable shall become due and payable on the date set for the redemption thereof, and from and after such date interest shall cease to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
- (c) Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
- (d) At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the City of Toronto and in such other manner as the by-law may provide.
- (e) Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest

maturity dates, and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.

- (f) Where a debenture is redeemed on a date prior to maturity, such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council in respect of the debenture so redeemed.

**Currency**

(17) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

**Annual rates**

(18) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Metropolitan Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary.

**When rate of interest may be varied**

**198.**—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any debentures which remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Metropolitan Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;



- (c) such other changes in the said by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 196 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Metropolitan Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council. Special assessments and levies

**199.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Metropolitan Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

**200.**—(1) Subject to section 199, after a debt has been contracted under a by-law, the Metropolitan Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Metropolitan Corporation which has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Metropolitan Corporation, by or under the authority of this Act, pays to an area municipality any Application of payments

amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Penalty for neglect of officer to carry out by-law

**201.** Any officer of the Metropolitan Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Metropolitan Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100.

Money by-laws to be registered

**202.**—(1) Within four weeks after the passing of a money by-law, the clerk of the Metropolitan Corporation shall register a duplicate original or a copy of it, certified under his hand and the seal of the Metropolitan Corporation, in the Registry Office for the Registry Division of the City of Toronto.

Penalty

(2) A clerk who neglects to perform within the prescribed period the duty imposed upon him by subsection 1 shall incur a penalty of \$200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period, not exceeding twelve months, as the court may direct.

Exception as to certain by-laws  
Rev. Stat.,  
cc. 246, 215

(3) It shall not be obligatory to register a by-law for the issue of debentures passed for the purposes of *The Municipal Drainage Act* or for the purposes of *The Local Improvement Act*.

Application to quash registered by-law, when to be made  
Rev. Stat.,  
c. 262

(4) Subject to section 64 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 3 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

Time when by-law to be valid and binding

(5) After the expiration of the period prescribed by subsection 4, if no application or action to quash the by-law is

made or brought, the by-law shall be valid and binding according to its terms.

(6) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 4, but <sup>Quashing part of by-law</sup> only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, shall after the expiration of that period be valid and binding according to its terms.

(7) If the application or action is dismissed in whole or in <sup>Dismissal of application</sup> part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 4, if it has not already expired, the by-law, or so much of it as is not quashed shall be valid and binding according to its terms.

(8) Nothing in this section shall make valid a by-law <sup>Illegal by-laws not validated</sup> passed without the assent of the electors of an area municipality as required by subsection 2 of section 194, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 197 have not been substantially complied with.

(9) Failure to register a by-law as prescribed by this <sup>Failure to register</sup> section shall not invalidate it.

**203.**—(1) Subject to subsection 3, a debenture or other <sup>Debentures, how to be executed</sup> like instrument shall be sealed with the seal of the Metropolitan Corporation, and signed by the chairman of the Metropolitan Council or by some other person authorized by by-law to sign it, and by the treasurer.

(2) A debenture may have attached to it interest coupons <sup>Execution of coupons</sup> which shall be signed by the treasurer and his signature to them may be written, printed, stamped, lithographed or engraved.

(3) The signature of the chairman of the Metropolitan Council to all debentures or other like instruments issued by the Metropolitan Corporation may be written, printed, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be printed, stamped, lithographed or engraved. <sup>Execution of debentures</sup>

(4) A debenture may be made payable to bearer or to a <sup>Full amount of debentures sold at a discount recoverable</sup> named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the Metropolitan Corporation at a discount.

Signature to debentures

(5) Any debenture shall be sufficiently signed if it bears the signatures of persons provided in this section if such persons had authority to sign as provided in this section either on the date the debenture bears or at the time it was issued.

Debentures on which payment has been made for one year to be valid

**204.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture which has matured has been paid by the Metropolitan Corporation, the by-law and the debentures issued under it shall be valid and binding upon the Metropolitan Corporation.

Mode of transfer may be prescribed

**205.**—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation, be transferable, except by entry by the treasurer in the Debenture Registry Book of the Corporation at the.....of.....

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

Transfer by entry in registry book

(3) After a certificate of ownership has been endorsed, the debenture shall be transferable only by entry by the treasurer in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney.

Replacement of lost debentures

**206.** Where a debenture is defaced, lost or destroyed, the Metropolitan Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Application of proceeds of debentures

**207.**—(1) Money received by the Metropolitan Corporation from the sale or hypothecation of any debentures, including any premium derived therefrom, shall be kept in a

separate account and shall be used only for the purposes for which it was raised and shall not be applied towards payment of the current or other expenditure of the Metropolitan Corporation.

(2) When the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows: Application of surplus funds raised on debentures

- (a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable.
- (b) Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption, as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.

(3) Where on the sale of the whole or any part of an issue of debentures a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of debenture issue, the amount of the deficit or the part so required shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be increased accordingly. Where debentures sold at discount

**208.** When the Metropolitan Corporation intends to borrow money on debentures under this or any other Act, the Metropolitan Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. Tenders for debentures

**209.**—(1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it. Accounts, how to be kept

(2) The Metropolitan Council may by by-law provide and direct that instead of a separate account of the interest Consolidated interest account

upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**210.** If in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of  
members

**211.**—(1) If the Metropolitan Council applies any money raised for a special purpose in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer

(2) If the Metropolitan Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Metropolitan Area.

Disqualifi-  
cation

(3) The members who vote for such application shall be disqualified from holding any municipal office for two years.

Refinancing  
of debentures

**212.** When, by or under the authority of this Act, the Metropolitan Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Metropolitan Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures which have not been sold and issue new debentures of the Metropolitan Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Metropolitan Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the

area municipality, and issue new debentures of the Metropolitan Corporation to raise the money required to complete such purchase.

**213.** This Part comes into force on the 1st day of January, 1954. Commencement

## PART XV

### GENERAL

**214.**—(1) Section 5, Parts XV, XVI, XVII and XXI and paragraphs 3, 17 and 18 of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. Application of Rev. Stat., c. 243

(2) Nothing in this Act alters or affects the powers of the Municipal Board under, and the application of, section 20 of *The Municipal Act*. Annexations and amalgamations

(3) The Metropolitan Corporation and each local board thereof shall be deemed to be a municipality for the purpose of section 78 of *The Labour Relations Act*. Application of Rev. Stat., c. 194

(4) Within each area municipality, the members of the police force of such area municipality shall be charged with the same duties with respect to by-laws of the Metropolitan Corporation as with respect to by-laws of the area municipality. Enforcement of by-laws

(5) Nothing in this Act alters or affects the powers of The Toronto Harbour Commissioners. Harbour commission

**215.**—(1) Where the Metropolitan Council passes a resolution requesting a judge of the county court of the County of York, or a judge of the county court of a county adjoining the County of York, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Metropolitan Council, or an officer or employee of the Metropolitan Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Metropolitan Corporation, or to inquire into or concerning any matter connected with the good government of the Metropolitan Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Metropolitan Corporation, the judge shall make the inquiry and shall for that purpose have all the powers Investigation by county judge of charges of malfeasance

Rev. Stat.,  
c. 308

which may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Metropolitan Council the result of the inquiry and the evidence taken.

Fees payable  
to judge

(2) The judge shall be paid by the Metropolitan Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Rev. Stat.,  
c. 190

Engaging  
counsel

(3) The Metropolitan Council may engage and pay counsel to represent the Metropolitan Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Metropolitan Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Commission  
of financial  
inquiry

**216.**—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into the financial affairs of the Metropolitan Corporation or a local board thereof, and any matter connected therewith, and the commissioner shall have all the powers of a commissioner under *The Public Inquiries Act*.

When com-  
mission may  
issue

(2) A commission may be recommended at the instance of the Department, or upon the request in writing of not less than one-third of the members of the Metropolitan Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of  
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and forthwith be paid by the Metropolitan Corporation.

Entry on  
highways,  
etc.

**217.** The Metropolitan Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**218.** The Metropolitan Corporation and any area municipality may enter into agreements for the use within any part of the Metropolitan Area of the services of their respective officers, employees and equipment.

Application  
of Rev. Stat.,  
c. 24

**219.** For the purposes of paragraph 9 of section 4 and section 39 of *The Assessment Act*, the Metropolitan Corporation shall be deemed to be a municipality.



**220.**—(1) An execution against the Metropolitan Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Executions  
against  
Metro-  
politan Cor-  
poration

- (a) The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Metropolitan Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
- (b) If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall in like manner as the levies of the Metropolitan Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement which shall be levied against and in each area municipality.
- (c) The sheriff shall then in like manner as rates are struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
- (d) The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the Metropolitan Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
- (e) If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Municipality of Metropolitan Toronto" (adding a similar column for each execution if more than one), and shall insert therein the

amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

(f) The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of clerk, assessors and collectors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Adjustment of assets, etc.

**221.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality, the Corporation of the County of York or the Metropolitan Corporation, may exercise any of the powers conferred on it by clauses *a* and *d* of subsection 9 of section 20 of *The Municipal Act*.

Rev. Stat., c.243

Idem

(2) In addition to its powers under subsection 1, the Municipal Board shall have power to direct the Metropolitan Corporation to pay to the Corporation of the County of York, in a lump sum or in its discretion over a period of years from the 1st day of January, 1954, on a progressively reduced basis, such amount as it deems just and equitable to relieve the County from any undue burden caused by the separation from the County of the municipalities mentioned in section 136.

Conditional powers

**222.** The Lieutenant-Governor in Council, upon the recommendation of the Municipal Board, may authorize the Metropolitan Corporation to do all such acts or things not specifically provided for in this Act which are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Effective dates

**223.**—(1) Notwithstanding anything in this Act, the Municipal Board may, before the 1st day of January, 1954, determine whether any outstanding debentures of an area municipality were issued in respect of any work or asset to be vested in or assumed by the Metropolitan Corporation on that date.

(2) Notwithstanding the times fixed by this Act for the <sup>Idem</sup> coming into force on the various parts and sections thereof, the Metropolitan Corporation and the Metropolitan School Board may employ officers and staff, obtain office accommodation and equipment and do all such other things, before the 1st day of January, 1954, as may be necessary to prepare for and permit the said Corporation and School Board to function for all purposes on the 1st day of January, 1954.

**224.** The provisions of this Act shall apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail. <sup>Conflict with other Acts</sup>

**225.—**(1) Notwithstanding anything in *The Power Commission Act* or in *The Public Utilities Act* or in any other special or general Act, the whole of the Township of Scarborough, the whole of the Township of North York and the whole of the Township of Etobicoke shall each be deemed to be an area established under subsection 1 of section 66 of *The Power Commission Act*, and The Public Utilities Commission of the Township of Scarborough, The Hydro-Electric Commission of the Township of North York and The Hydro-Electric Commission of the Township of Etobicoke shall each be deemed to have been established for the whole of the said respective areas and the members duly elected. <sup>Township areas re hydro Rev. Stat., c. 281, 320</sup>

(2) If any of the said corporations desire to enter into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy for the use of the municipality and inhabitants thereof, the assent of the municipal electors shall not be necessary. <sup>Assent of electors</sup>

(3) Subject to this section and where not inconsistent therewith, Part II of *The Power Commission Act* shall be deemed to apply to each of the said commissions and areas. <sup>Application of Rev. Stat., c. 281, Pt. II</sup>

**226.** The expenditures of the Metropolitan Corporation and the Metropolitan School Board, as approved by the Department, during the year 1953 shall be payable out of such moneys as may be appropriated therefor by the Legislature. <sup>1953 expenditures</sup>

**227.—**(1) This Part, except sections 217, 221 and 225, comes into force on the day this Act receives Royal Assent. <sup>Commencement</sup>

(2) Sections 217, 221 and 225 come into force on the 1st day of January, 1954. <sup>Idem</sup>

(3) Section 1 comes into force on the day this Act receives Royal Assent. <sup>Idem</sup>

**228.** This Act may be cited as *The Municipality of Metropolitan Toronto Act, 1953*. <sup>Short title</sup>

## FORM 1

(Section 5 (5) )

## OATH OF ALLEGIANCE

I, A. B., having been elected (*or appointed*) as chairman of the council of The Municipality of Metropolitan Toronto, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

## FORM 2

(Section 5 (5) )

## DECLARATION OF QUALIFICATION BY CHAIRMAN

I, A. B., having been elected (*or appointed*) as chairman of the council of The Municipality of Metropolitan Toronto, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Municipality of Metropolitan Toronto or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.







BILL

An Act to provide for the Federation of  
the Municipalities in the Toronto  
Metropolitan Area for Certain Financial  
and Other Purposes

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 12th, 1953

*3rd Reading*

April 2nd, 1953

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Mr. FROST

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No. 81

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to provide for the Payment of Unconditional  
Grants to Municipalities

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MR. FROST

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#### EXPLANATORY NOTES

This Bill provides for unconditional per capita payments to all the municipalities in Ontario based upon the population of the municipalities according to the 1951 census as adjusted to give effect to changes in boundaries occurring after the taking of the census and before December 31st, 1951, to deduct temporary residents and inmates of institutions, etc., and to correct errors in the 1951 census that are certified by the Dominion Bureau of Statistics.

Provision is made for a redetermination of the population where during any period its population has increased by 7 per cent for any reason and where during any period its population has decreased by 7 per cent by reason of the annexation of a portion of the municipality to another municipality.

The per capita payments are graded in accordance with the population and classes of municipalities.

# BILL

## An Act to provide for the Payment of Unconditional Grants to Municipalities

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

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means Department of Municipal Affairs;
- (b) "Minister" means Minister of Municipal Affairs;
- (c) "municipality" means metropolitan municipality, city, town, village or township, but does not include a municipality situated within a metropolitan municipality.

**2.—(1)** The Department shall in the year 1954, and thereafter if required for the purposes of this Act, determine the population of each municipality in Ontario.

Population  
to be  
determined  
by  
Department

(2) In determining the population of a municipality, the Department shall take the population of the municipality according to the 1951 census published by the Dominion Bureau of Statistics and shall adjust that population,

Method  
of deter-  
mination

- (a) by giving effect to any change in the boundaries of the municipality that occurred after the taking of the 1951 census and before the 31st day of December, 1951;
- (b) by deducting the total number of persons included in the 1951 census who, at the time of the taking of the 1951 census, were inmates of institutions, or resided in defence establishments or on Indian

reserves, or were transient employees, vacation residents or other temporary residents; and

- (c) by making allowance for any errors in the 1951 census that are certified by the Dominion Bureau of Statistics.

New municipalities

(3) Where a municipality is incorporated after the 31st day of December, 1951, its population shall be determined in such manner as the Department deems proper.

Redetermination of population

**3.—(1)** Where during any period of time after the 31st day of December, 1951, in the opinion of the Department the population of a municipality as determined under section 2 has increased by an amount equal to 7 per cent of the population as so determined, the Department shall redetermine the population of the municipality.

Idem

(2) The Department may from time to time thereafter redetermine the population of the municipality whenever in its opinion the population has increased by 7 per cent of the population as last determined.

Idem

(3) Where, during any period of time after the 31st day of December, 1951, in the opinion of the Department the population of a municipality as determined under section 2 has decreased by an amount equal to 7 per cent of the population as so determined by reason of any change in the boundaries of the municipality, the Department shall redetermine the population of the municipality.

Idem

(4) The Department may from time to time thereafter redetermine the population of the municipality whenever in its opinion the population has decreased by 7 per cent of the population as last determined, by reason of any change in the boundaries of the municipality.

Idem

(5) Whenever in the opinion of the Department the population of a municipality has increased so that it will be entitled to an increase in the per capita payment to which it is entitled under section 6, the Department shall redetermine the population of the municipality.

Effective date

(6) Any redetermination under this section shall be effective for the grant payable in the following year and thereafter, except that in the case of a redetermination in 1954 with respect to an increase or decrease in population occurring before 1954, the redetermination shall be effective in the year 1954 and thereafter.

4. Whenever the Dominion Bureau of Statistics publishes <sup>New</sup> a new census, the Department shall redetermine the population of each municipality in Ontario in accordance with that census and sections 2 and 3 shall apply *mutatis mutandis*.

5. In the event of a dispute between a municipality and <sup>Disputes</sup> the Department as to its population for the purposes of this Act, the council of the municipality may appeal to the Minister who shall thereupon determine or redetermine, as the case may be, the population in accordance with this Act, and the decision of the Minister shall be final.

6. In the year 1954 and in each year thereafter there shall <sup>Per capita grants to be paid to municipalities</sup> be paid out of the Consolidated Revenue Fund to each municipality in Ontario a per capita payment in accordance with the population of the municipality as last determined under this Act in the following amounts:

- (a) \$4.00 per capita in the case of metropolitan municipalities and cities over 750,000;
- (b) \$3.50 per capita in the case of cities having a population of over 400,000 and not exceeding 750,000;
- (c) \$3.00 per capita in the case of cities having a population of over 200,000 and not exceeding 400,000;
- (d) \$2.75 per capita in the case of cities having a population of over 75,000 and not exceeding 200,000;
- (e) \$2.50 per capita in the case of cities having a population of 75,000 and under;
- (f) \$2.25 per capita in the case of towns and villages having a population of over 10,000;
- (g) \$2.00 per capita in the case of towns and villages having a population of over 7,000 and not exceeding 10,000;
- (h) \$1.75 per capita in the case of towns and villages having a population of over 5,000 and not exceeding 7,000;
- (i) \$1.60 per capita in the case of towns and villages having a population of over 2,000 and not exceeding 5,000;
- (j) \$1.50 per capita in the case of towns and villages having a population of 2,000 and under;

- (k) \$2.25 per capita in the case of townships having a population of over 20,000;
- (l) \$2.00 per capita in the case of townships having a population of over 15,000 and not exceeding 20,000;
- (m) \$1.85 per capita in the case of townships having a population of over 10,000 and not exceeding 15,000;
- (n) \$1.75 per capita in the case of townships having a population of over 5,000 and not exceeding 10,000;
- (o) \$1.60 per capita in the case of townships having a population of over 2,000 and not exceeding 5,000;
- (p) \$1.50 per capita in the case of townships having a population of 2,000 and under.

Statement  
of  
provincial  
grants on  
tax bills

**7.**—(1) The Department may require each municipality to state upon its tax bills in each year, in such manner, form and detail as the Department may require, the amount of the grants payable to it by the Province in that year.

Idem

(2) The Department may require any municipality situated within a metropolitan municipality and any local municipality forming part of a county to state on its tax bills in each year, in such manner, form and detail as the Department may require, its share of the grants payable to the metropolitan municipality or county by the Province in that year.

R.S.O. 1937,  
c. 273;  
1939, c. 31,  
repealed

**8.** *The Municipal Subsidy Act*, being chapter 273 of the Revised Statutes of Ontario, 1937, and *The Municipal Subsidy Amendment Act, 1939* are repealed.

Commence-  
ment

**9.** This Act comes into force on the 1st day of January, 1954.

Short title

**10.** This Act may be cited as *The Municipal Unconditional Grants Act, 1953*.



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BILL

An Act to provide for the Payment of  
Unconditional Grants  
to Municipalities

---

*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

---

MR. FROST

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No. 81

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

**An Act to provide for the Payment of Unconditional  
Grants to Municipalities**

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MR. FROST

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*(Reprinted as amended by the Committee of the Whole House)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

This Bill provides for unconditional per capita payments to all the municipalities in Ontario based upon the population of the municipalities according to the 1951 census as adjusted to give effect to changes in boundaries occurring after the taking of the census and before December 31st, 1951, to deduct temporary residents and inmates of institutions, etc., and to correct errors in the 1951 census that are certified by the Dominion Bureau of Statistics.

Provision is made for a redetermination of the population where during any period its population has increased by 7 per cent for any reason and where during any period its population has decreased by 7 per cent by reason of the annexation of a portion of the municipality to another municipality.

The per capita payments are graded in accordance with the population and classes of municipalities.

# BILL

## An Act to provide for the Payment of Unconditional Grants to Municipalities

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

**1.** In this Act,

Interpre-  
tation

- (a) "Department" means Department of Municipal Affairs;
- (b) "Minister" means Minister of Municipal Affairs;
- (c) "municipality" means metropolitan municipality, city, town, village or township, but does not include a municipality situated within a metropolitan municipality.

**2.**—(1) The Department shall in the year 1954, and thereafter if required for the purposes of this Act, determine the population of each municipality in Ontario.

Population  
to be  
determined  
by  
Department

(2) In determining the population of a municipality, the Department shall take the population of the municipality according to the 1951 census published by the Dominion Bureau of Statistics and shall adjust that population,

Method  
of deter-  
mination

- (a) by giving effect to any change in the boundaries of the municipality that occurred after the taking of the 1951 census and before the 31st day of December, 1951;
- (b) by deducting the total number of persons included in the 1951 census who, at the time of the taking of the 1951 census, were inmates of institutions, or resided in defence establishments or on Indian

reserves, or were transient employees, vacation residents or other temporary residents; and

- (c) by making allowance for any errors in the 1951 census that are certified by the Dominion Bureau of Statistics.

New municipalities

(3) Where a municipality is incorporated after the 31st day of December, 1951, its population shall be determined in such manner as the Department deems proper.

Redetermination of population

**3.—(1)** Where during any period of time after the 31st day of December, 1951, in the opinion of the Department the population of a municipality as determined under section 2 has increased by an amount equal to 7 per cent of the population as so determined, the Department shall redetermine the population of the municipality.

Idem

(2) The Department may from time to time thereafter redetermine the population of the municipality whenever in its opinion the population has increased by 7 per cent of the population as last determined.

Idem

(3) Where, during any period of time after the 31st day of December, 1951, in the opinion of the Department the population of a municipality as determined under section 2 has decreased by an amount equal to 7 per cent of the population as so determined by reason of any change in the boundaries of the municipality, the Department shall redetermine the population of the municipality.

Idem

(4) The Department may from time to time thereafter redetermine the population of the municipality whenever in its opinion the population has decreased by 7 per cent of the population as last determined, by reason of any change in the boundaries of the municipality.

Idem

(5) Whenever in the opinion of the Department the population of a municipality has increased so that it will be entitled to an increase in the per capita payment to which it is entitled under section 6, the Department shall redetermine the population of the municipality.

Effective date

(6) Any redetermination under this section shall be effective for the grant payable in the following year and thereafter, except that in the case of a redetermination in 1954 with respect to an increase or decrease in population occurring before 1954, the redetermination shall be effective in the year 1954 and thereafter.

4. Whenever the Dominion Bureau of Statistics publishes <sup>New</sup> a new census, the Department shall redetermine the population of each municipality in Ontario in accordance with that census and sections 2 and 3 shall apply *mutatis mutandis*. <sup>census</sup>

5. In the event of a dispute between a municipality and the Department as to its population for the purposes of this Act, the council of the municipality may appeal to the Minister who shall thereupon determine or redetermine, as the case may be, the population in accordance with this Act, and the decision of the Minister shall be final. <sup>Disputes</sup>

6. In the year 1954 and in each year thereafter there shall be paid out of the Consolidated Revenue Fund to each municipality in Ontario a per capita payment or payments in accordance with the population of the municipality as last determined under this Act in the amounts set out in the Schedule to this Act. <sup>Per capita payments</sup>

7.—(1) The Department may require each municipality to state upon its tax bills in each year, in such manner, form and detail as the Department may require, the amount of the grants payable to it by the Province in that year. <sup>Statement of provincial grants on tax bills</sup>

(2) The Department may require any municipality situated within a metropolitan municipality and any local municipality forming part of a county to state on its tax bills in each year, in such manner, form and detail as the Department may require, its share of the grants payable to the metropolitan municipality or county by the Province in that year. <sup>Idem</sup>

8. *The Municipal Subsidy Act*, being chapter 273 of the Revised Statutes of Ontario, 1937, and *The Municipal Subsidy Amendment Act, 1939* are repealed. <sup>R.S.O. 1937, c. 273; 1939, c. 31, repealed</sup>

9. This Act comes into force on the 1st day of January, 1954. <sup>Commencement</sup>

10. This Act may be cited as *The Municipal Unconditional Grants Act, 1953*. <sup>Short title</sup>

## SCHEDULE

(Section 6)

### PART I

To assist each municipality in Ontario in the provision of welfare services, social services, the administration of justice, and other services for its inhabitants, by way of unconditional grants:

\$1.50 per capita

### PART II

In recognition of the larger per capita expenditures that municipalities with larger populations are required to make in the provision of welfare services, social services, the administration of justice, and other services for its inhabitants, the following per capita payment to municipalities having a population of over 2,000, in addition to that set out in Part I, by way of unconditional grant:

- (a) \$0.10 per capita in the case of towns and villages having a population of over 2,000 and not exceeding 5,000;
- (b) \$0.10 per capita in the case of townships having a population of over 2,000 and not exceeding 5,000;
- (c) \$0.25 per capita in the case of towns and villages having a population of over 5,000 and not exceeding 7,000;
- (d) \$0.25 per capita in the case of townships having a population of over 5,000 and not exceeding 10,000;
- (e) \$0.35 per capita in the case of townships having a population of over 10,000 and not exceeding 15,000;
- (f) \$0.50 per capita in the case of towns and villages having a population of over 7,000 and not exceeding 10,000;
- (g) \$0.50 per capita in the case of townships having a population of over 15,000 and not exceeding 20,000;
- (h) \$0.75 per capita in the case of towns and villages having a population of over 10,000;
- (i) \$0.75 per capita in the case of townships having a population of over 20,000;
- (j) \$1.00 per capita in the case of cities having a population of 75,000 and under;
- (k) \$1.25 per capita in the case of cities having a population of over 75,000 and not exceeding 200,000;
- (l) \$1.50 per capita in the case of cities having a population of over 200,000 and not exceeding 400,000;
- (m) \$2.00 per capita in the case of cities having a population of over 400,000 and not exceeding 750,000;
- (n) \$2.50 per capita in the case of metropolitan municipalities and cities having a population of over 750,000.



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BILL

An Act to provide for the Payment of  
Unconditional Grants  
to Municipalities

---

*1st Reading*

February 25th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

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MR. FROST

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*(Reprinted as amended by the  
Committee of the Whole House)*



No. 81

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to provide for the Payment of Unconditional  
Grants to Municipalities

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MR. FROST

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# BILL

## An Act to provide for the Payment of Unconditional Grants to Municipalities

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

1. In this Act,

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- (a) "Department" means Department of Municipal Affairs;
- (b) "Minister" means Minister of Municipal Affairs;
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2.—(1) The Department shall in the year 1954, and thereafter if required for the purposes of this Act, determine the population of each municipality in Ontario.

Population  
to be  
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by  
Department

(2) In determining the population of a municipality, the Department shall take the population of the municipality according to the 1951 census published by the Dominion Bureau of Statistics and shall adjust that population,

Method  
of deter-  
mination

- (a) by giving effect to any change in the boundaries of the municipality that occurred after the taking of the 1951 census and before the 31st day of December, 1951;
- (b) by deducting the total number of persons included in the 1951 census who, at the time of the taking of the 1951 census, were inmates of institutions, or resided in defence establishments or on Indian

reserves, or were transient employees, vacation residents or other temporary residents; and

- (c) by making allowance for any errors in the 1951 census that are certified by the Dominion Bureau of Statistics.

New municipalities

(3) Where a municipality is incorporated after the 31st day of December, 1951, its population shall be determined in such manner as the Department deems proper.

Redetermination of population

3.—(1) Where during any period of time after the 31st day of December, 1951, in the opinion of the Department the population of a municipality as determined under section 2 has increased by an amount equal to 7 per cent of the population as so determined, the Department shall redetermine the population of the municipality.

Idem

(2) The Department may from time to time thereafter redetermine the population of the municipality whenever in its opinion the population has increased by 7 per cent of the population as last determined.

Idem

(3) Where, during any period of time after the 31st day of December, 1951, in the opinion of the Department the population of a municipality as determined under section 2 has decreased by an amount equal to 7 per cent of the population as so determined by reason of any change in the boundaries of the municipality, the Department shall redetermine the population of the municipality.

Idem

(4) The Department may from time to time thereafter redetermine the population of the municipality whenever in its opinion the population has decreased by 7 per cent of the population as last determined, by reason of any change in the boundaries of the municipality.

Idem

(5) Whenever in the opinion of the Department the population of a municipality has increased so that it will be entitled to an increase in the per capita payment to which it is entitled under section 6, the Department shall redetermine the population of the municipality.

Effective date

(6) Any redetermination under this section shall be effective for the grant payable in the following year and thereafter, except that in the case of a redetermination in 1954 with respect to an increase or decrease in population occurring before 1954, the redetermination shall be effective in the year 1954 and thereafter.

4. Whenever the Dominion Bureau of Statistics publishes <sup>New</sup> a new census, the Department shall redetermine the population of each municipality in Ontario in accordance with that census and sections 2 and 3 shall apply *mutatis mutandis*. <sup>census</sup>

5. In the event of a dispute between a municipality and <sup>Disputes</sup> the Department as to its population for the purposes of this Act, the council of the municipality may appeal to the Minister who shall thereupon determine or redetermine, as the case may be, the population in accordance with this Act, and the decision of the Minister shall be final.

6. In the year 1954 and in each year thereafter there shall <sup>Per capita</sup> be paid out of the Consolidated Revenue Fund to each municipality in Ontario a per capita payment or payments in accordance with the population of the municipality as last determined under this Act in the amounts set out in the Schedule to this Act. <sup>payments</sup>

7.—(1) The Department may require each municipality <sup>Statement</sup> to state upon its tax bills in each year, in such manner, form <sup>of</sup> and detail as the Department may require, the amount of <sup>provincial</sup> grants on <sup>tax bills</sup> payable to it by the Province in that year.

(2) The Department may require any municipality situated <sup>Idem</sup> within a metropolitan municipality and any local municipality forming part of a county to state on its tax bills in each year, in such manner, form and detail as the Department may require, its share of the grants payable to the metropolitan municipality or county by the Province in that year.

8. *The Municipal Subsidy Act*, being chapter 273 of the <sup>R.S.O. 1937,</sup> Revised Statutes of Ontario, 1937, and *The Municipal Subsidy* <sup>c. 273;</sup> *Amendment Act, 1939* are repealed. <sup>1939, c. 31,</sup> <sup>repealed</sup>

9. This Act comes into force on the 1st day of January, 1954. <sup>Commence-</sup> <sup>ment</sup>

10. This Act may be cited as *The Municipal Unconditional* <sup>Short title</sup> *Grants Act, 1953*.

## SCHEDULE

*(Section 6)*

## PART I

To assist each municipality in Ontario in the provision of welfare services, social services, the administration of justice, and other services for its inhabitants, by way of unconditional grants:

\$1.50 per capita

## PART II

In recognition of the larger per capita expenditures that municipalities with larger populations are required to make in the provision of welfare services, social services, the administration of justice, and other services for its inhabitants, the following per capita payment to municipalities having a population of over 2,000, in addition to that set out in Part I, by way of unconditional grant:

- (a) \$0.10 per capita in the case of towns and villages having a population of over 2,000 and not exceeding 5,000;
- (b) \$0.10 per capita in the case of townships having a population of over 2,000 and not exceeding 5,000;
- (c) \$0.25 per capita in the case of towns and villages having a population of over 5,000 and not exceeding 7,000;
- (d) \$0.25 per capita in the case of townships having a population of over 5,000 and not exceeding 10,000;
- (e) \$0.35 per capita in the case of townships having a population of over 10,000 and not exceeding 15,000;
- (f) \$0.50 per capita in the case of towns and villages having a population of over 7,000 and not exceeding 10,000;
- (g) \$0.50 per capita in the case of townships having a population of over 15,000 and not exceeding 20,000;
- (h) \$0.75 per capita in the case of towns and villages having a population of over 10,000;
- (i) \$0.75 per capita in the case of townships having a population of over 20,000;
- (j) \$1.00 per capita in the case of cities having a population of 75,000 and under;
- (k) \$1.25 per capita in the case of cities having a population of over 75,000 and not exceeding 200,000;
- (l) \$1.50 per capita in the case of cities having a population of over 200,000 and not exceeding 400,000;
- (m) \$2.00 per capita in the case of cities having a population of over 400,000 and not exceeding 750,000;
- (n) \$2.50 per capita in the case of metropolitan municipalities and cities having a population of over 750,000.



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BILL

An Act to provide for the Payment of  
Unconditional Grants  
to Municipalities

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

April 1st, 1953

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MR. FROST

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No. 82

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Police Act

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MR. PORTER

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#### EXPLANATORY NOTE

At present the Province makes grants annually to every municipality that has a police force within the meaning of the Act. The grant is based upon population and upon the annual cost of the police force.

Commencing in 1954 these grants will be based upon population and upon the amount paid by the municipality in the preceding year in respect of,

- (a) *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) contributions to any pension plan for the members of the police force.

This bill is designed to implement this new policy.

# BILL

## An Act to amend The Police Act

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

1. Subsection 1 of section 34 of *The Police Act* is repealed and the following substituted therefor: Rev. Stat., c. 279, s. 34, subs. 1, re-enacted

(1) The Treasurer of Ontario may make an annual grant Grants in aid out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for the members, Rev. Stat., c. 430

- (a) where the population of the municipality is less than 10,000, 25 per cent;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and
- (d) where the population of the municipality is 70,000 or more, 10 per cent.

2. Section 35 of *The Police Act* is repealed. Rev. Stat., c. 279, s. 35, repealed

3. Subsection 1 of section 37 of *The Police Act* is amended by striking out the words "cost of the police force for the preceding year has been determined" in the third and fourth lines and inserting in lieu thereof the words "amounts upon which the grant is based have been determined for the preceding year" and by striking out the words "the cost of the police force for the preceding year" in the first line of clause *b* and Rev. Stat., c. 279, s. 37, subs. 1, amended

inserting in lieu thereof the words "the amounts upon which the grant is based as determined for the preceding year", so that the subsection shall read as follows:

Claims for grants

(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

(a) that the requirements of section 36 have been met; and

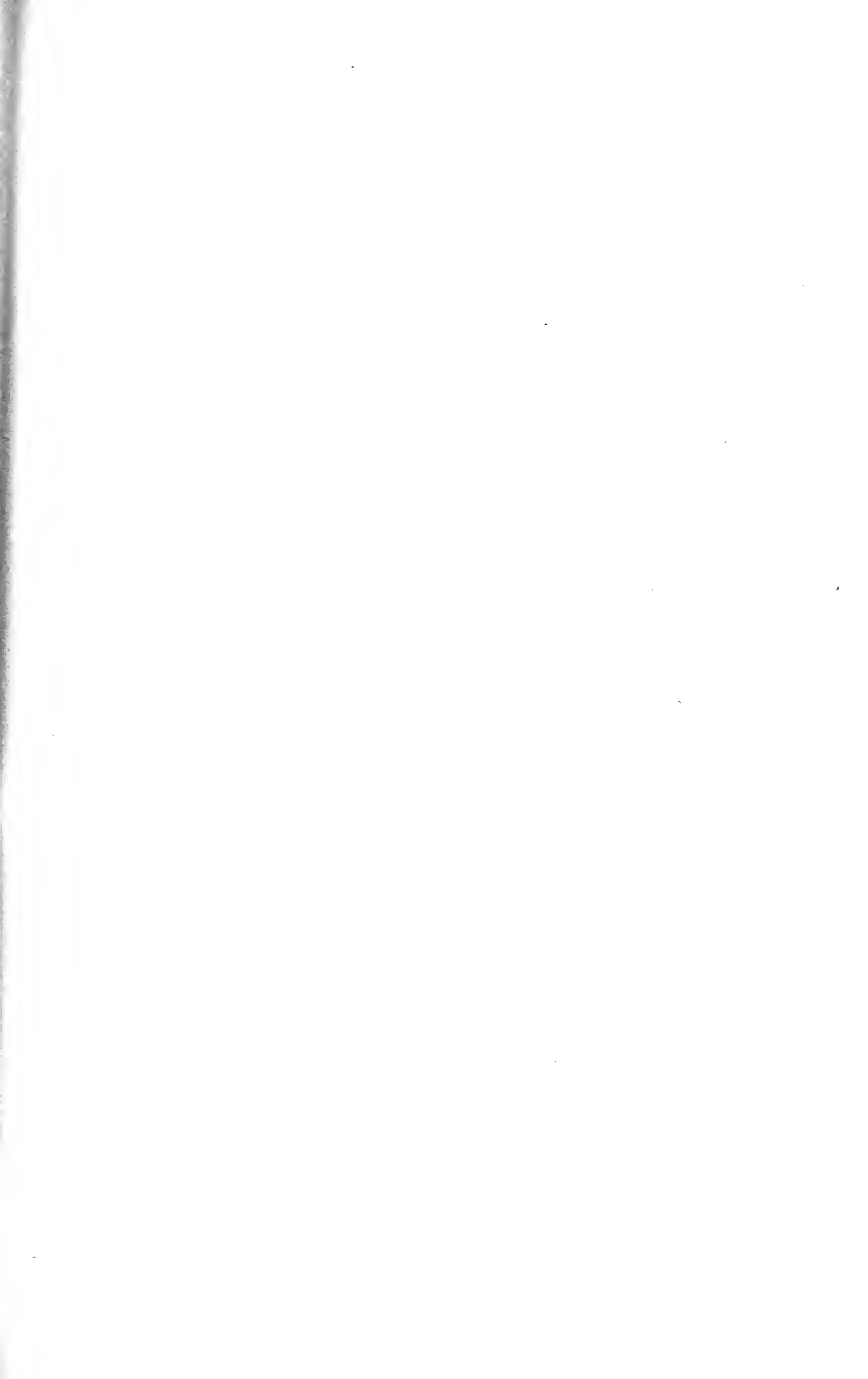
(b) the amounts upon which the grant is based as determined for the preceding year together with such particulars thereof as the Department may request.

Commencement

**4.** This Act comes into force on the 1st day of January, 1954.

Short title

**5.** This Act may be cited as *The Police Amendment Act, 1954.*







BILL

An Act to amend The Police Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 82

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Police Act**

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MR. PORTER

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*(Reprinted for consideration by the Committee of the Whole House)*

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EXPLANATORY NOTES

SECTIONS 1 and 2. Self-explanatory.

# BILL

## An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 279,  
amended

7a.—(1) Notwithstanding any special Act, any two or more municipalities, other than cities and counties, having a combined population in excess of 5,000 according to their last revised assessment rolls may, if authorized so to do by by-law of their respective councils, by agreement constitute a board. Joint boards,  
establish-  
ment

(2) A joint board established under subsection 1 shall consist of, Composition

(a) the head of the council of one of the municipalities;

(b) a judge designated or appointed in the manner provided in section 7; and

(c) a magistrate or Crown attorney designated or appointed in the manner provided in section 7.

(3) The municipal representative on a joint board shall be the head of the council of the municipality selected in accordance with the agreement and he shall act as such representative for the remainder of the year in which the agreement comes into operation, to be followed annually in rotation by the head or heads of the council or councils of the other municipality or municipalities in such sequence as the agreement provides. Municipal  
representa-  
tives to  
rotate

(4) All other provisions of this Act applicable to boards apply *mutatis mutandis* to boards established under this section. Application  
of other  
provisions  
of Act

Rev. Stat.,  
c. 279, s. 9,  
amended

**2.** Section 9 of *The Police Act* is amended by adding thereto the following subsection:

Idem,  
joint boards

- (2) Where a board is constituted under section 7a, the by-laws of the municipalities constituting the board may, with the consent of the Attorney-General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat.,  
c. 279, s. 34,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 34 of *The Police Act* is repealed and the following substituted therefor:

Grants in  
aid

- (1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for the members,

Rev. Stat.,  
c. 430

- (a) where the population of the municipality is less than 10,000, 25 per cent;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and
- (d) where the population of the municipality is 70,000 or more, 10 per cent.

Rev. Stat.,  
c. 279, s. 35,  
repealed

**4.** Section 35 of *The Police Act* is repealed.

Rev. Stat.,  
c. 279, s. 37,  
subs. 1,  
amended

**5.** Subsection 1 of section 37 of *The Police Act* is amended by striking out the words "cost of the police force for the preceding year has been determined" in the third and fourth lines and inserting in lieu thereof the words "amounts upon which the grant is based have been determined for the preceding year" and by striking out the words "the cost of the police force for the preceding year" in the first line of clause b and inserting in lieu thereof the words "the amounts upon which the grant is based as determined for the preceding year", so that the subsection shall read as follows:

Claims for  
grants

- (1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as

SECTIONS 3, 4 and 5. At present the Province makes grants annually to every municipality that has a police force within the meaning of the Act. The grant is based upon population and upon the annual cost of the police force.

Commencing in 1954 these grants will be based upon population and upon the amount paid by the municipality in the preceding year in respect of,

- (a) *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) contributions to any pension plan for the members of the police force.

This bill is designed to implement this new policy.



may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

- (a) that the requirements of section 36 have been met; and
- (b) the amounts upon which the grant is based as determined for the preceding year together with such particulars thereof as the Department may request.

**6.**—(1) This Act, except sections 3, 4 and 5, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 3, 4 and 5 come into force on the 1st day of January, 1954. Idem

**7.** This Act may be cited as *The Police Amendment Act*, 1953. Short title

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BILL

An Act to amend The Police Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

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MR. PORTER

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*(Reprinted for consideration by the Committee  
of the Whole House)*



No. 82

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Police Act**

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MR. PORTER

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# BILL

## An Act to amend The Police Act

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

1. *The Police Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 279,  
amended

7a.—(1) Notwithstanding any special Act, any two or more municipalities, other than cities and counties, having a combined population in excess of 5,000 according to their last revised assessment rolls may, if authorized so to do by by-law of their respective councils, by agreement constitute a board. Joint boards,  
establishment

(2) A joint board established under subsection 1 shall consist of, Composition

(a) the head of the council of one of the municipalities;

(b) a judge designated or appointed in the manner provided in section 7; and

(c) a magistrate or Crown attorney designated or appointed in the manner provided in section 7.

(3) The municipal representative on a joint board shall be the head of the council of the municipality selected in accordance with the agreement and he shall act as such representative for the remainder of the year in which the agreement comes into operation, to be followed annually in rotation by the head or heads of the council or councils of the other municipality or municipalities in such sequence as the agreement provides. Municipal  
representa-  
tives to  
rotate

(4) All other provisions of this Act applicable to boards apply *mutatis mutandis* to boards established under this section. Application  
of other  
provisions  
of Act

Rev. Stat.,  
c. 279, s. 9,  
amended

**2.** Section 9 of *The Police Act* is amended by adding thereto the following subsection:

Idem,  
joint boards

- (2) Where a board is constituted under section 7a, the by-laws of the municipalities constituting the board may, with the consent of the Attorney-General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat.,  
c. 279, s. 34,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 34 of *The Police Act* is repealed and the following substituted therefor:

Grants in  
aid

- (1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for the members,

- (a) where the population of the municipality is less than 10,000, 25 per cent;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and
- (d) where the population of the municipality is 70,000 or more, 10 per cent.

Rev. Stat.,  
c. 279, s. 35,  
repealed

**4.** Section 35 of *The Police Act* is repealed.

Rev. Stat.,  
c. 279, s. 37,  
subs. 1,  
amended

**5.** Subsection 1 of section 37 of *The Police Act* is amended by striking out the words "cost of the police force for the preceding year has been determined" in the third and fourth lines and inserting in lieu thereof the words "amounts upon which the grant is based have been determined for the preceding year" and by striking out the words "the cost of the police force for the preceding year" in the first line of clause b and inserting in lieu thereof the words "the amounts upon which the grant is based as determined for the preceding year", so that the subsection shall read as follows:

Claims for  
grants

- (1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as

may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

- (a) that the requirements of section 36 have been met; and
- (b) the amounts upon which the grant is based as determined for the preceding year together with such particulars thereof as the Department may request.

**6.**—(1) This Act, except sections 3, 4 and 5, comes into <sup>Commence-</sup>force on the day it receives Royal Assent.  
<sub>ment</sub>

(2) Sections 3, 4 and 5 come into force on the 1st day of <sup>Idem</sup>January, 1954.

**7.** This Act may be cited as *The Police Amendment Act*, <sup>Short title</sup>1953.





BILL

An Act to amend The Police Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

April 1st, 1953

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MR. PORTER

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No. 83

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Fire Departments Act**

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MR. PORTER

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#### EXPLANATORY NOTE

At the present time the Province makes grants annually to every municipality that has a fire department within the meaning of the Act. The grant is based upon population and upon the annual cost of the fire department.

Commencing in 1954 these grants will be based upon population and upon the amount paid by the municipality in the preceding year in respect of,

- (a) *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board; and
- (b) contributions to any pension plan for full-time fire fighters.

This bill is designed to implement this new policy.

# BILL

## An Act to amend The Fire Departments Act

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

**1.** Subsection 1 of section 11 of *The Fire Departments Act* is repealed and the following substituted therefor: Rev. Stat., c. 138, s. 11, subs. 1, re-enacted

(1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for full-time fire fighters, Grants in aid

(a) where the population of the municipality is less than 10,000, 25 per cent;

(b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;

(c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and

(d) where the population of the municipality is 70,000 or more, 10 per cent.

**2.** Section 12 of *The Fire Departments Act* is repealed. Rev. Stat., c. 138, s. 12, repealed

**3.** Subsection 1 of section 14 of *The Fire Departments Act* is amended by striking out the words "cost of the fire department for the preceding year has been determined" in the third and fourth lines and inserting in lieu thereof the words "amounts upon which the grant is based have been deter- Rev. Stat., c. 138, s. 14, subs. 1, amended

mined for the preceding year” and by striking out the words “cost of the fire department for the preceding year” in the first line of clause *b* and inserting in lieu thereof the words “the amounts upon which the grant is based as determined for the preceding year”, so that the subsection shall read as follows:

Claims  
for grants

(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

(a) that the requirements of section 13 have been met; and

(b) the amounts upon which the grant is based as determined for the preceding year together with such particulars thereof as the Department may request.

Commence-  
ment

**4.** This Act comes into force on the 1st day of January, 1954.

Short title

**5.** This Act may be cited as *The Fire Departments Amendment Act, 1953*.







BILL

An Act to amend The Fire  
Departments Act

---

*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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MR. PORTER

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No. 83

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Fire Departments Act**

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MR. PORTER

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

At the present time the Province makes grants annually to every municipality that has a fire department within the meaning of the Act. The grant is based upon population and upon the annual cost of the fire department.

Commencing in 1954 these grants will be based upon population and upon the amount paid by the municipality in the preceding year in respect of,

- (a) *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board; and
- (b) contributions to any pension plan for full-time fire fighters.

This bill is designed to implement this new policy.

# BILL

## An Act to amend The Fire Departments Act

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

**1.** Subsection 1 of section 11 of *The Fire Departments Act* is repealed and the following substituted therefor: Rev. Stat., c. 138, s. 11, subs. 1, re-enacted

(1) The Treasurer of Ontario may make an annual Grants in aid grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for full-time fire fighters, Rev. Stat., c. 430

(a) where the population of the municipality is less than 10,000, 25 per cent;

(b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;

(c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and

(d) where the population of the municipality is 70,000 or more, 10 per cent.

**2.** Section 12 of *The Fire Departments Act* is repealed. Rev. Stat., c. 138, s. 12, repealed

**3.** Subsection 1 of section 14 of *The Fire Departments Act* is amended by striking out the words "cost of the fire department for the preceding year has been determined" in the third and fourth lines and inserting in lieu thereof the words "amounts upon which the grant is based have been deter- Rev. Stat., c. 138, s. 14, subs. 1, amended

mined for the preceding year” and by striking out the words “cost of the fire department for the preceding year” in the first line of clause *b* and inserting in lieu thereof the words “the amounts upon which the grant is based as determined for the preceding year”, so that the subsection shall read as follows:

Claims  
for grants

- (1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,
  - (a) that the requirements of section 13 have been met; and
  - (b) the amounts upon which the grant is based as determined for the preceding year together with such particulars thereof as the Department may request.

Rev. Stat.,  
c. 138, s. 15,  
repealed

**4.** Section 15 of *The Fire Departments Act* is repealed.

Commence-  
ment

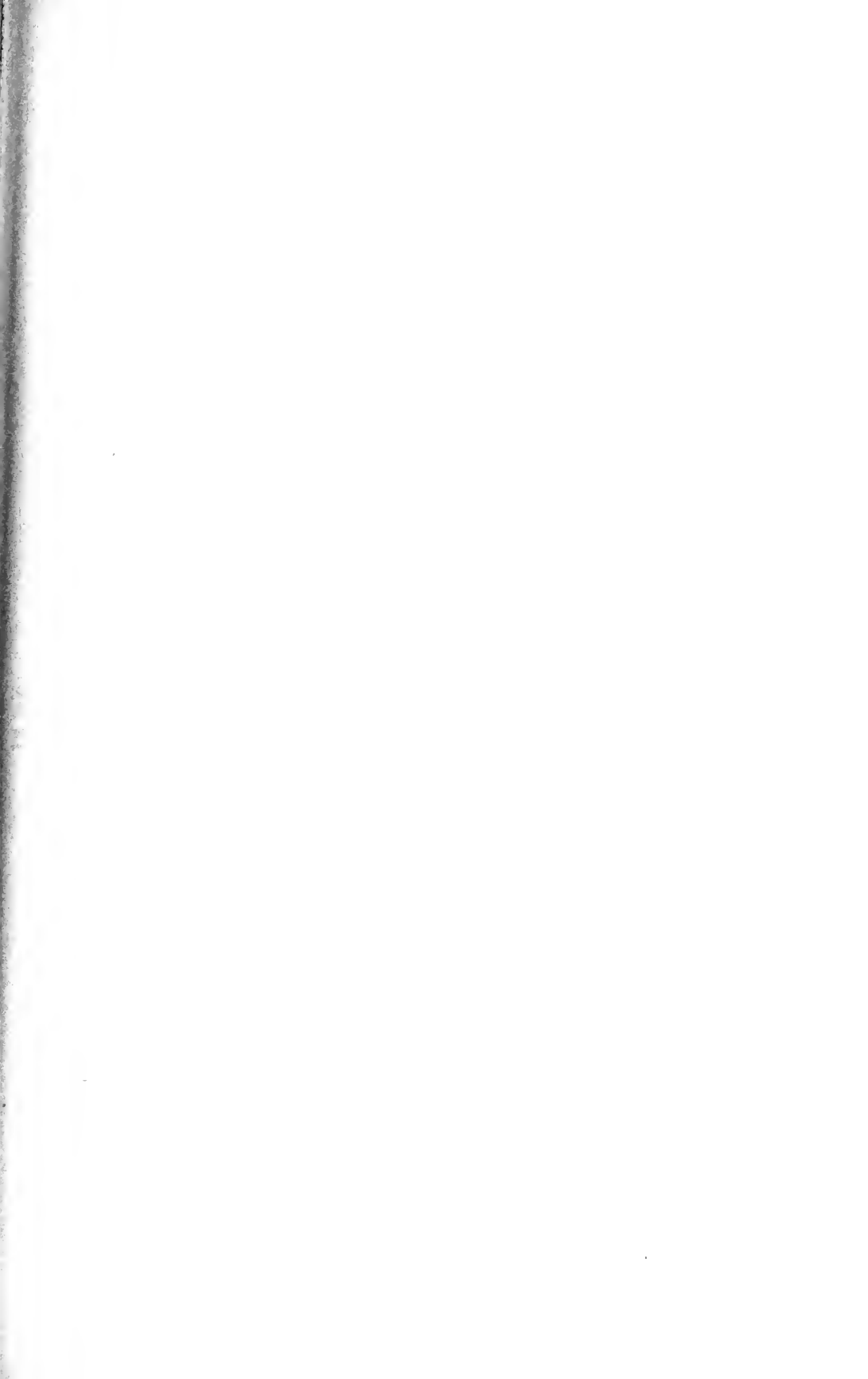
**5.** This Act comes into force on the 1st day of January, 1954.

Short title

**6.** This Act may be cited as *The Fire Departments Amendment Act, 1953*.







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BILL

An Act to amend The Fire  
Departments Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the  
Committee of the Whole House)*



No. 83

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to amend The Fire Departments Act

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MR. PORTER

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# BILL

## An Act to amend The Fire Departments Act

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

1. Subsection 1 of section 11 of *The Fire Departments Act* is repealed and the following substituted therefor: Rev. Stat., c. 138, s. 11, subs. 1, re-enacted

(1) The Treasurer of Ontario may make an annual Grants in aid grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for full-time fire fighters, Rev. Stat., c. 430

- (a) where the population of the municipality is less than 10,000, 25 per cent;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and
- (d) where the population of the municipality is 70,000 or more, 10 per cent.

2. Section 12 of *The Fire Departments Act* is repealed. Rev. Stat., c. 138, s. 12, repealed

3. Subsection 1 of section 14 of *The Fire Departments Act* is amended by striking out the words "cost of the fire department for the preceding year has been determined" in the third and fourth lines and inserting in lieu thereof the words "amounts upon which the grant is based have been deter- Rev. Stat., c. 138, s. 14, subs. 1, amended

mined for the preceding year” and by striking out the words “cost of the fire department for the preceding year” in the first line of clause *b* and inserting in lieu thereof the words “the amounts upon which the grant is based as determined for the preceding year”, so that the subsection shall read as follows:

Claims  
for grants

(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

(a) that the requirements of section 13 have been met; and

(b) the amounts upon which the grant is based as determined for the preceding year together with such particulars thereof as the Department may request.

Rev. Stat.,  
c. 138, s. 15,  
repealed

4. Section 15 of *The Fire Departments Act* is repealed.

Commence-  
ment

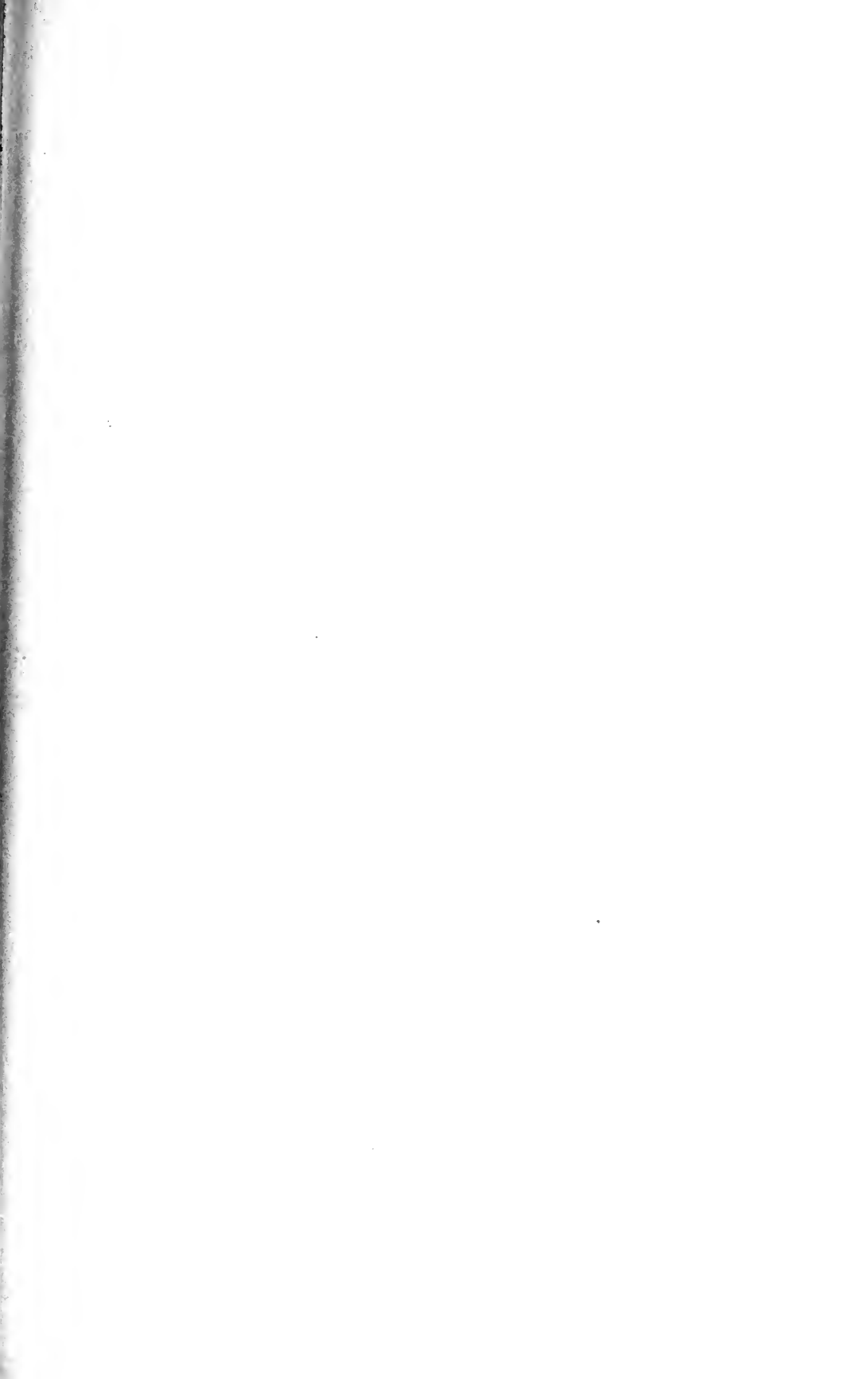
5. This Act comes into force on the 1st day of January, 1954.

Short title

6. This Act may be cited as *The Fire Departments Amendment Act, 1953*.







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BILL

An Act to amend The Fire  
Departments Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

April 1st, 1953

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MR. PORTER

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No. 84

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
An Act to repeal The Mortgage Tax Act

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MR. PORTER

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

*The Mortgage Tax Act* provides that the council of a municipality having a population of 200,000 or more may pass by-laws providing that a tax not exceeding one-tenth of 1 per cent shall be payable by the person registering any mortgage or charge on land.

Only three municipalities in the Province, the County of York, the City of Hamilton and the City of Toronto, have any such by-law in effect. The Act is repealed as of the 1st day of January, 1954.

# BILL

## An Act to repeal The Mortgage Tax Act

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

1. *The Mortgage Tax Act* is repealed. Rev. Stat.,  
c. 240,  
repealed
2. Every by-law in force under *The Mortgage Tax Act* on the 31st day of December, 1953, is repealed. By-laws  
repealed
3. This Act comes into force on the 1st day of January, 1954. Commence-  
ment
4. This Act may be cited as *The Mortgage Tax Repeal Act*, Short title 1953. Short title

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BILL

An Act to repeal The Mortgage Tax Act

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*1st Reading*

February 25th, 1953

*2nd Reading* •

*3rd Reading*

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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# BILL

An Act to repeal The Mortgage Tax Act

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MR. PORTER

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

*The Mortgage Tax Act* provides that the council of a municipality having a population of 200,000 or more may pass by-laws providing that a tax not exceeding one-tenth of 1 per cent shall be payable by the person registering any mortgage or charge on land.

Only three municipalities in the Province, the County of York, the City of Hamilton and the City of Toronto, have any such by-law in effect.

No. 84

1953

# BILL

## An Act to repeal The Mortgage Tax Act

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

1. *The Mortgage Tax Act* is repealed. Rev. Stat.,  
c. 240,  
repealed
2. Every by-law in force under *The Mortgage Tax Act* on the 31st day of March, 1953, is repealed. By-laws  
repealed
3. On or before the 30th day of September, 1953, there shall be paid, out of such moneys as may be appropriated therefor by the Legislature, 1953 pay-  
ments
  - (a) \$130,000 to The Corporation of the County of York;
  - (b) \$80,000 to The Corporation of the City of Toronto;
  - (c) \$30,000 to The Corporation of the City of Hamilton.
4. This Act comes into force on the 1st day of April, 1953. Commence-  
ment
5. This Act may be cited as *The Mortgage Tax Repeal Act*, Short title  
1953.

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BILL

An Act to repeal The Mortgage Tax Act

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

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MR. PORTER

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*(Reprinted as amended by the Committee of  
the Whole House)*



3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to repeal The Mortgage Tax Act**

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MR. PORTER

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# BILL

## An Act to repeal The Mortgage Tax Act

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  - (a) \$130,000 to The Corporation of the County of York;
  - (b) \$80,000 to The Corporation of the City of Toronto;
  - (c) \$30,000 to The Corporation of the City of Hamilton.
4. This Act comes into force on the 1st day of April, 1953. Commence-  
ment
5. This Act may be cited as *The Mortgage Tax Repeal Act*, Short title 1953.

BILL

An Act to repeal The Mortgage Tax Act

---

*1st Reading*

February 25th, 1953

*2nd Reading*

March 25th, 1953

*3rd Reading*

April 1st, 1953

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MR. PORTER

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Greater Toronto Assessment  
Board Act, 1951**

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MR. DUNBAR

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#### EXPLANATORY NOTES

*The Greater Toronto Assessment Board Act, 1951* provides that upon the issue of a Proclamation before the 15th day of December in any year the assessment roll in each area municipality designated in the Proclamation shall be prepared in the following year under the direction and control of the Greater Toronto Assessment Board.

Amendments are made to sections 3, 11, 13 and 14 of the Act so that the assessment rolls in all thirteen area municipalities shall be prepared in 1953 under the direction and control of the Greater Toronto Assessment Board without the necessity of a Proclamation. (Sections 1, 2, 3 and 4 of the Bill.)

In addition, any by-law of an area municipality providing for taking the assessment of business in the year on which the rates of taxation thereon are to be levied is repealed as of January 1st, 1954, and provision is made for the taking of business assessment together with the real property assessment under the direction and control of the Board for 1954 taxation. (Sections 2 and 6(2) of the Bill.)

Section 15 of the Act is amended by providing for the fixing of different dates by the Lieutenant-Governor in Council for the return of assessment rolls that are returned by wards, division of wards or groups of polling subdivisions. (Section 5 of the Bill.)

Subsection 4 of section 16 is amended to provide that a member of a court of revision of an area municipality may be appointed to a court of revision constituted by the Lieutenant-Governor in Council under this Act. (Section 6(1) of the Bill.)

A large number of the area municipalities do not presently follow the provisions of *The Assessment Act* with respect to the preparation of the assessment roll by streets and street numbers or concession and lot numbers. It will be impossible in all instances to correct this practice during 1953 and authority to continue the existing practice in this respect is contained in section 7 of the Bill.

# BILL

## An Act to amend The Greater Toronto Assessment Board Act, 1951

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

1. Clause *b* of section 3 of *The Greater Toronto Assessment Board Act, 1951* is repealed and the following substituted therefor: 1951, c. 31, s. 3, cl. b., re-enacted

(b) to direct and control the making of assessment and the preparation of assessment rolls in each area municipality in the year 1953.

2. Sections 11 and 12 of *The Greater Toronto Assessment Board Act, 1951* are repealed and the following substituted therefor: 1951, c. 31, ss. 11, 12, re-enacted

11. In the year 1953 the assessment shall be made and the assessment roll prepared in each area municipality under the direction and control of the Board, and sections 12 to 22 shall apply in each area municipality. Assessment in 1953 under control of Board

12. If in any area municipality a by-law is in force under section 123 of *The Assessment Act* providing for taking the assessment of business separately from the time for taking the assessment of real property and for taking the same during the year in which the rates of taxation thereon are to be levied, Business assessment Rev. Stat., c. 24

(a) such by-law is repealed as of the 1st day of January, 1954;

(b) an assessment of business shall be made in the year 1953 in accordance with the by-law on which the rates of taxation upon business for the year 1953 shall be levied in the area municipality; and

- (c) an assessment of business shall be made in the area municipality in the year 1953 under the direction and control of the Board together with the assessment of real property made under the direction and control of the Board, for taxation in the year 1954.

1951, c. 31,  
s. 13,  
amended

**3.** Section 13 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out the words "In the year following such proclamation" at the commencement thereof and by striking out the words and figures "sections 11 and 12" in the fifth line and inserting in lieu thereof the word and figures "section 11", so that the section shall read as follows:

County  
assessor

13. The county assessor of the County of York shall have no jurisdiction in the area municipality in relation to the making of assessments and the preparation of the assessment rolls of that municipality pursuant to section 11, or in relation to appeals therefrom.

1951, c. 31,  
s. 14, subs. 1,  
amended

**4.** Subsection 1 of section 14 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out the words "In the year following such proclamation" at the commencement thereof, so that the subsection shall read as follows:

Powers  
of Board

- (1) The Board shall have all the powers of an assessment commissioner in the area municipality and the assessment commissioner and assessors in the area municipality shall be subject to the instruction and direction of the Board.

1951, c. 31,  
s. 15,  
amended

**5.** Section 15 of *The Greater Toronto Assessment Board Act, 1951* is amended by inserting after the word "date" in the third line the words "or, where the assessment roll is returned by wards, divisions of wards or groups of polling subdivisions, on such dates," so that the section shall read as follows:

Return of  
assessment  
roll  
Rev. Stat.,  
c. 24

15. Notwithstanding *The Assessment Act* or any other Act and notwithstanding any municipal by-law, the assessment roll for the area municipality shall be returned on such date or, where the assessment roll is returned by wards, divisions of wards or groups of polling subdivisions, on such dates, as may be prescribed by the Lieutenant-Governor in Council.

1951, c. 31,  
s. 16, subs. 4,  
amended

**6.**—(1) Subsection 4 of section 16 of *The Greater Toronto Assessment Board Act, 1951* is amended by inserting after the word "municipality" in the third line the words "other than a



member of a court of revision", so that the subsection shall read as follows:

- (4) No person who is or during the preceding year was a member of the council or an officer or employee of an area municipality other than a member of a court of revision may be appointed or hold office as a member of a court of revision constituted under this section. <sup>Disqualification</sup>

(2) Subsection 7 of the said section 16 is amended by <sup>1951, c. 31, s. 16, subs. 7,</sup> striking out the words "and in respect of the business assessment roll prepared pursuant to section 12" in the fourth and fifth lines, so that the subsection shall read as follows: <sup>amended</sup>

- (7) Where a court or courts of revision is or are constituted for an area municipality under this section, all appeals in respect of the assessment roll prepared pursuant to section 11 and in respect of additions thereto under section 51a of *The Assessment Act*, shall be heard by such court or courts, but in respect of all other matters the court or courts of revision constituted under *The Assessment Act* shall continue to function as if this Act had not been passed. <sup>Jurisdiction of court of revision, Rev. Stat., c. 24</sup>

7. Section 22 of *The Greater Toronto Assessment Board Act, 1951* is amended by adding thereto the following subsection: <sup>1951, c. 31, s. 22, amended</sup>

- (1a) The provisions of section 16 of *The Assessment Act* shall apply in the preparation of the assessment roll, but where it is found by the Board to be impractical to carry out the provisions of clauses l to o of subsection 1 of the said section 16, such clauses shall not apply. <sup>Idem, Rev. Stat., c. 24</sup>

8. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

9. This Act may be cited as *The Greater Toronto Assessment Board Amendment Act, 1953*. <sup>Short title</sup>





BILL,

An Act to amend The Greater Toronto  
Assessment Board Act, 1951

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*1st Reading*

February 25th, 1953

*2nd Reading*

*3rd Reading*

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MR. DUNBAR

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No. 85

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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## BILL

An Act to amend The Greater Toronto Assessment  
Board Act, 1951

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MR. DUNBAR

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*(Reprinted as amended by the Committee of the Whole House)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTES

*The Greater Toronto Assessment Board Act, 1951* provides that upon the issue of a Proclamation before the 15th day of December in any year the assessment roll in each area municipality designated in the Proclamation shall be prepared in the following year under the direction and control of the Greater Toronto Assessment Board.

Amendments are made to sections 3, 11, 13 and 14 of the Act so that the assessment rolls in all thirteen area municipalities shall be prepared in 1953 under the direction and control of the Greater Toronto Assessment Board without the necessity of a Proclamation. (Sections 1, 2, 3 and 4 of the Bill.)

In addition, any by-law of an area municipality providing for taking the assessment of business in the year on which the rates of taxation thereon are to be levied is repealed as of January 1st, 1954, and provision is made for the taking of business assessment together with the real property assessment under the direction and control of the Board for 1954 taxation. (Sections 2 and 6(2) of the Bill.)

Section 15 of the Act is amended by providing for the fixing of different dates by the Lieutenant-Governor in Council for the return of assessment rolls that are returned by wards, division of wards or groups of polling subdivisions. (Section 5 of the Bill.)

Subsection 4 of section 16 is amended to provide that a member of a court of revision of an area municipality may be appointed to a court of revision constituted by the Lieutenant-Governor in Council under this Act. (Section 6(1) of the Bill.)

A large number of the area municipalities do not presently follow the provisions of *The Assessment Act* with respect to the preparation of the assessment roll by streets and street numbers or concession and lot numbers. It will be impossible in all instances to correct this practice during 1953 and authority to continue the existing practice in this respect is contained in section 7 of the Bill.

# BILL

## An Act to amend The Greater Toronto Assessment Board Act, 1951

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

**1.** Clause *b* of section 3 of *The Greater Toronto Assessment Board Act, 1951* is repealed and the following substituted therefor: 1951, c. 31, s. 3, cl. b, re-enacted

(*b*) to direct and control the making of assessment and the preparation of assessment rolls in each area municipality in the year 1953.

**2.** Sections 11 and 12 of *The Greater Toronto Assessment Board Act, 1951* are repealed and the following substituted therefor: 1951, c. 31, ss. 11, 12, re-enacted

11. In the year 1953 the assessment shall be made and the assessment roll prepared in each area municipality under the direction and control of the Board, and sections 12 to 22 shall apply in each area municipality. Assessment in 1953 under control of Board

12. If in any area municipality a by-law is in force under section 123 of *The Assessment Act* providing for taking the assessment of business separately from the time for taking the assessment of real property and for taking the same during the year in which the rates of taxation thereon are to be levied, Business assessment Rev. Stat., c. 24

(*a*) such by-law is repealed as of the 1st day of January, 1954;

(*b*) an assessment of business shall be made in the year 1953 in accordance with the by-law on which the rates of taxation upon business for the year 1953 shall be levied in the area municipality; and

- (c) an assessment of business shall be made in the area municipality in the year 1953 under the direction and control of the Board together with the assessment of real property made under the direction and control of the Board, for taxation in the year 1954.

1951, c. 31,  
s. 13,  
amended

**3.** Section 13 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out the words "In the year following such proclamation" at the commencement thereof and by striking out the words and figures "sections 11 and 12" in the fifth line and inserting in lieu thereof the word and figures "section 11", so that the section shall read as follows:

County  
assessor

13. The county assessor of the County of York shall have no jurisdiction in the area municipality in relation to the making of assessments and the preparation of the assessment rolls of that municipality pursuant to section 11, or in relation to appeals therefrom.

1951, c. 31,  
s. 14, subs. 1,  
amended

**4.** Subsection 1 of section 14 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out the words "In the year following such proclamation" at the commencement thereof, so that the subsection shall read as follows:

Powers  
of Board

- (1) The Board shall have all the powers of an assessment commissioner in the area municipality and the assessment commissioner and assessors in the area municipality shall be subject to the instruction and direction of the Board.

1951, c. 31,  
s. 15,  
amended

**5.** Section 15 of *The Greater Toronto Assessment Board Act, 1951* is amended by inserting after the word "date" in the third line the words "or, where the assessment roll is returned by wards, divisions of wards or groups of polling subdivisions, on such dates," so that the section shall read as follows:

Return of  
assessment  
roll  
Rev. Stat.,  
c. 24

15. Notwithstanding *The Assessment Act* or any other Act and notwithstanding any municipal by-law, the assessment roll for the area municipality shall be returned on such date or, where the assessment roll is returned by wards, divisions of wards or groups of polling subdivisions, on such dates, as may be prescribed by the Lieutenant-Governor in Council.

1951, c. 31,  
s. 16, subs. 4,  
amended

**6.—(1)** Subsection 4 of section 16 of *The Greater Toronto Assessment Board Act, 1951* is amended by inserting after the word "municipality" in the third line the words "other than a



member of a court of revision", so that the subsection shall read as follows:

- (4) No person who is or during the preceding year was a member of the council or an officer or employee of an area municipality other than a member of a court of revision may be appointed or hold office as a member of a court of revision constituted under this section. Disqualification

(2) Subsection 7 of the said section 16 is repealed and the following substituted therefor: 1951, c. 31, s. 16, subs. 7, re-enacted

- (7) Where a court or courts of revision is or are constituted for an area municipality under this section, all appeals in respect of the assessment roll prepared pursuant to section 11 and in respect of additions thereto under section 51a of *The Assessment Act*, shall be heard by such court or courts, but in respect of all other matters the court or courts of revision constituted under *The Assessment Act* or any other Act shall continue to function as if this Act had not been passed. Jurisdiction of court of revision  
Rev. Stat., c. 24

- (8) Notwithstanding anything in this Act, the assessment rolls for the year 1953 for Wards 1 and 2 of the City of Toronto shall be deemed to have been prepared under the direction and control of the Board and shall be deemed to have been returned on dates prescribed by the Lieutenant-Governor in Council and the said rolls when certified by the court of revision of the City of Toronto shall be deemed to have been certified by a court of revision constituted by the Lieutenant-Governor in Council for the City of Toronto under this Act. Special provisions

7. Section 17 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out all the words after the word "Act" in the third line, so that the section shall read as follows: 1951, c. 31, s. 17, amended

- 17. The provisions of *The Assessment Act* in relation to appeals to courts of revision shall apply to appeals to a court of revision constituted under this Act. Appeals

8. Section 22 of *The Greater Toronto Assessment Board Act, 1951* is amended by adding thereto the following subsection: 1951, c. 31, s. 22, amended

- (1a) The provisions of section 16 of *The Assessment Act* shall apply in the preparation of the assessment roll, but where it is found by the Board to be impractical Idem  
Rev. Stat., c. 24

to carry out the provisions of clauses *l* to *o* of subsection 1 of the said section 16, such clauses shall not apply.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Greater Toronto Assessment Board Amendment Act, 1953*.



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BILL

An Act to amend The Greater Toronto  
Assessment Board Act, 1951

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*1st Reading*

February 25th, 1953

*2nd Reading*

March 17th, 1953

*3rd Reading*

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MR. DUNBAR

*(Reprinted as amended by the  
Committee of the Whole House)*

No. 85

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3RD SESSION, 24TH LEGISLATURE, ONTARIO  
2 ELIZABETH II, 1953

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**BILL**  
**An Act to amend The Greater Toronto Assessment  
Board Act, 1951**

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MR. DUNBAR

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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# BILL

## An Act to amend The Greater Toronto Assessment Board Act, 1951

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

**1.** Clause *b* of section 3 of *The Greater Toronto Assessment Board Act, 1951* is repealed and the following substituted therefor: 1951, c. 31, s. 3, cl. b, re-enacted

(*b*) to direct and control the making of assessment and the preparation of assessment rolls in each area municipality in the year 1953.

**2.** Sections 11 and 12 of *The Greater Toronto Assessment Board Act, 1951* are repealed and the following substituted therefor: 1951, c. 31, ss. 11, 12, re-enacted

11. In the year 1953 the assessment shall be made and the assessment roll prepared in each area municipality under the direction and control of the Board, and sections 12 to 22 shall apply in each area municipality. Assessment in 1953 under control of Board

12. If in any area municipality a by-law is in force under section 123 of *The Assessment Act* providing for taking the assessment of business separately from the time for taking the assessment of real property and for taking the same during the year in which the rates of taxation thereon are to be levied, Business assessment Rev. Stat., c. 24

(*a*) such by-law is repealed as of the 1st day of January, 1954;

(*b*) an assessment of business shall be made in the year 1953 in accordance with the by-law on which the rates of taxation upon business for the year 1953 shall be levied in the area municipality; and

- (c) an assessment of business shall be made in the area municipality in the year 1953 under the direction and control of the Board together with the assessment of real property made under the direction and control of the Board, for taxation in the year 1954.

1951, c. 31,  
s. 13,  
amended

**3.** Section 13 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out the words "In the year following such proclamation" at the commencement thereof and by striking out the words and figures "sections 11 and 12" in the fifth line and inserting in lieu thereof the word and figures "section 11", so that the section shall read as follows:

County  
assessor

13. The county assessor of the County of York shall have no jurisdiction in the area municipality in relation to the making of assessments and the preparation of the assessment rolls of that municipality pursuant to section 11, or in relation to appeals therefrom.

1951, c. 31,  
s. 14, subs. 1,  
amended

**4.** Subsection 1 of section 14 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out the words "In the year following such proclamation" at the commencement thereof, so that the subsection shall read as follows:

Powers  
of Board

- (1) The Board shall have all the powers of an assessment commissioner in the area municipality and the assessment commissioner and assessors in the area municipality shall be subject to the instruction and direction of the Board.

1951, c. 31,  
s. 15,  
amended

**5.** Section 15 of *The Greater Toronto Assessment Board Act, 1951* is amended by inserting after the word "date" in the third line the words "or, where the assessment roll is returned by wards, divisions of wards or groups of polling subdivisions, on such dates," so that the section shall read as follows:

Return of  
assessment  
roll  
Rev. Stat.,  
c. 24

15. Notwithstanding *The Assessment Act* or any other Act and notwithstanding any municipal by-law, the assessment roll for the area municipality shall be returned on such date or, where the assessment roll is returned by wards, divisions of wards or groups of polling subdivisions, on such dates, as may be prescribed by the Lieutenant-Governor in Council.

1951, c. 31,  
s. 16, subs. 4,  
amended

**6.**—(1) Subsection 4 of section 16 of *The Greater Toronto Assessment Board Act, 1951* is amended by inserting after the word "municipality" in the third line the words "other than a



member of a court of revision", so that the subsection shall read as follows:

- (4) No person who is or during the preceding year was a member of the council or an officer or employee of an area municipality other than a member of a court of revision may be appointed or hold office as a member of a court of revision constituted under this section. <sup>Disqualification</sup>

(2) Subsection 7 of the said section 16 is repealed and the following substituted therefor: <sup>1951, c. 31, s. 16, subs. 7, re-enacted</sup>

- (7) Where a court or courts of revision is or are constituted for an area municipality under this section, all appeals in respect of the assessment roll prepared pursuant to section 11 and in respect of additions thereto under section 51a of *The Assessment Act*, shall be heard by such court or courts, but in respect of all other matters the court or courts of revision constituted under *The Assessment Act* or any other Act shall continue to function as if this Act had not been passed. <sup>Jurisdiction of court of revision, Rev. Stat., c. 24</sup>

- (8) Notwithstanding anything in this Act, the assessment rolls for the year 1953 for Wards 1 and 2 of the City of Toronto shall be deemed to have been prepared under the direction and control of the Board and shall be deemed to have been returned on dates prescribed by the Lieutenant-Governor in Council and the said rolls when certified by the court of revision of the City of Toronto shall be deemed to have been certified by a court of revision constituted by the Lieutenant-Governor in Council for the City of Toronto under this Act. <sup>Special provisions</sup>

7. Section 17 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out all the words after the word "Act" in the third line, so that the section shall read as follows: <sup>1951, c. 31, s. 17, amended</sup>

17. The provisions of *The Assessment Act* in relation to appeals to courts of revision shall apply to appeals to a court of revision constituted under this Act. <sup>Appeals</sup>

8. Section 22 of *The Greater Toronto Assessment Board Act, 1951* is amended by adding thereto the following subsection: <sup>1951, c. 31, s. 22, amended</sup>

- (1a) The provisions of section 16 of *The Assessment Act* shall apply in the preparation of the assessment roll, but where it is found by the Board to be impractical <sup>Idem, Rev. Stat., c. 24</sup>

to carry out the provisions of clauses *l* to *o* of subsection 1 of the said section 16, such clauses shall not apply.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Greater Toronto Assessment Board Amendment Act, 1953*.



**BILL**

An Act to amend The Greater Toronto  
Assessment Board Act, 1951

---

*1st Reading*

February 25th, 1953

*2nd Reading*

March 17th, 1953

*3rd Reading*

April 1st, 1953

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MR. DUNBAR

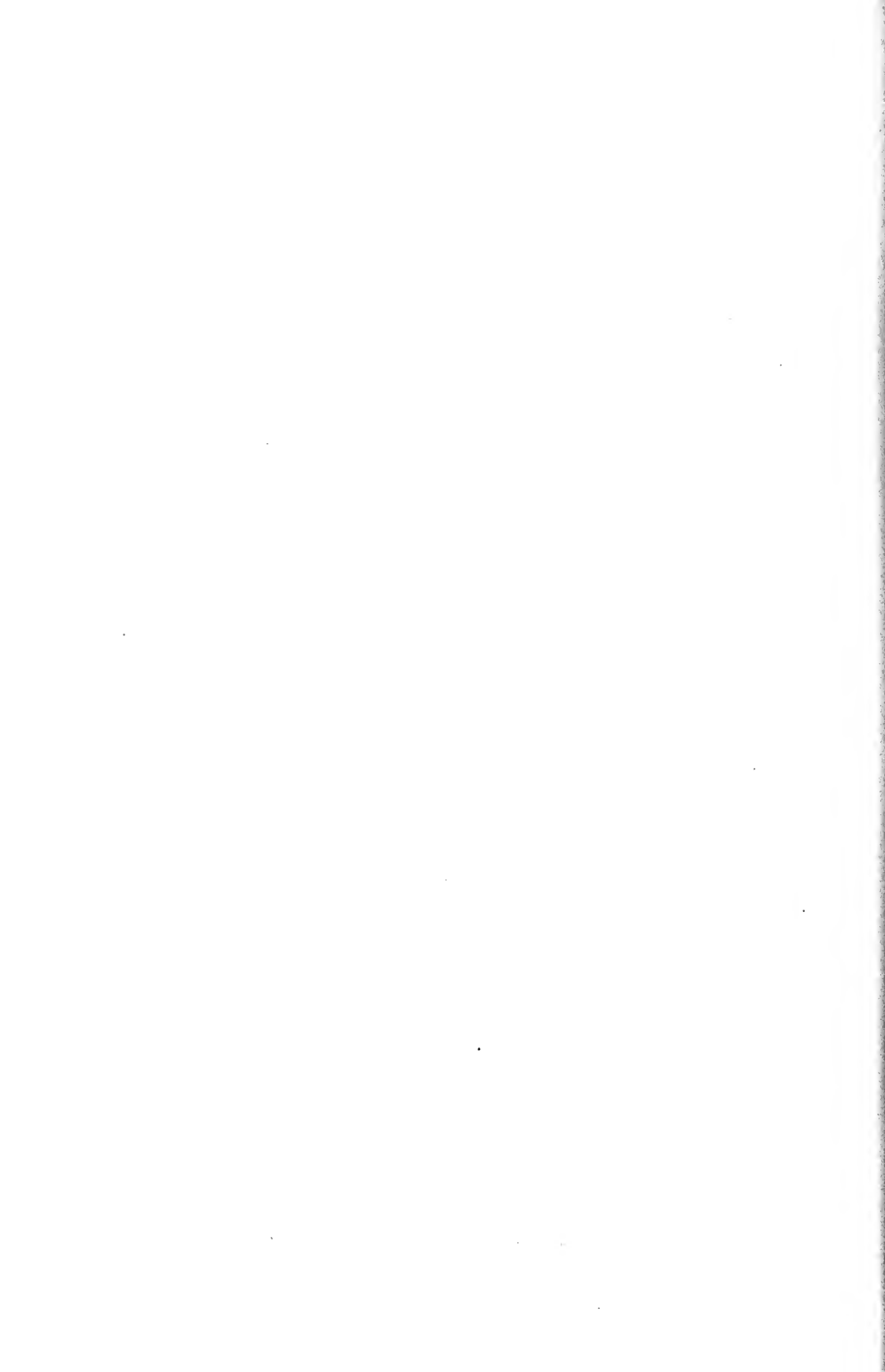
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