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LEGISLATIVE ASSEMBLY  
OF ONTARIO

FIRST SESSION OF THE  
TWENTY-SIXTH PARLIAMENT

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BILLS

AS INTRODUCED IN THE HOUSE  
TOGETHER WITH  
REPRINTS AND THIRD READINGS

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SESSION

JANUARY 26th to APRIL 12th, 1960



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FIRST SESSION, TWENTY-SIXTH PARLIAMENT

January 26th to April 12th, 1960

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**BILL 1**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Interpretation Act**

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MR. ROBERTS

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#### EXPLANATORY NOTE

This Bill repeals a very old and in most respects obsolete section of *The Interpretation Act* dealing with the administration of oaths, etc.

As it does not deal with a matter of interpretation, it is in an inappropriate place.

The parts of it that are not obsolete will be transferred to *The Evidence Act*.

BILL 1

1960

**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. Section 22 of *The Interpretation Act* is repealed. R.S.O. 1950,  
c. 184, s. 22,  
repealed
2. This Act may be cited as *The Interpretation Amendment Act, 1960*. Short title

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An Act to amend  
The Interpretation Act

---

*1st Reading*

January 26th, 1960

*2nd Reading*

*3rd Reading*

---

MR. ROBERTS

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**BILL 1**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Interpretation Act**

---

MR. ROBERTS

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BILL 1

1960

## 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. Section 22 of *The Interpretation Act* is repealed. R.S.O. 1950,  
c. 184, s. 22,  
repealed
2. This Act may be cited as *The Interpretation Amendment Act, 1960*. Short title

An Act to amend  
The Interpretation Act

---

*1st Reading*

January 26th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 2**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Crown Timber Act, 1952**

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MR. SPOONER

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**EXPLANATORY NOTE**

The intent of the definition is clarified.

BILL 2

1960

**An Act to amend  
The Crown Timber Act, 1952**

**H**ER 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 Crown Timber Act, 1952* is repealed and the following substituted therefor: 1952, c. 15,  
s. 1, cl. b,  
re-enacted
- (b) "Crown timber" means timber on public lands or timber that is the property of the Crown under the management of the Minister on lands other than public lands.
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Crown Timber Amendment Act, 1960*. Short title

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An Act to amend  
The Crown Timber Act, 1952

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*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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**BILL 2**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Crown Timber Act, 1952**

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MR. SPOONER

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BILL 2

1960

**An Act to amend  
The Crown Timber Act, 1952**

**H**ER 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 Crown Timber Act, 1952* is 1952, c. 15,  
s. 1, cl. b,  
re-enacted repealed and the following substituted therefor:

(*b*) "Crown timber" means timber on public lands or timber that is the property of the Crown under the management of the Minister on lands other than public lands.

2. This Act comes into force on the day it receives Royal Commence-  
ment Assent.

3. This Act may be cited as *The Crown Timber Amendment* Short title *Act, 1960*.

An Act to amend  
The Crown Timber Act, 1952

---

*1st Reading*

January 28th, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 3**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Lakes and Rivers Improvement Act**

---

MR. SPOONER

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EXPLANATORY NOTE

The authority of the Minister in the circumstances is broadened to effect adequate control.

BILL 3

1960

**An Act to amend  
The Lakes and Rivers 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. Section 12 of *The Lakes and Rivers Improvement Act* R.S.O. 1950, c. 195, s. 12, re-enacted is repealed and the following substituted therefor:

12.—(1) Where water has been impounded for power Clearing flooded areas development or storage purposes, the Minister may order the owner of any dam that impounds the water,

(a) to clear timber, slash or debris from the lands that are or were flooded; and

(b) to remove any timber, slash or debris that has escaped from the flooded lands to any lake or river,

within the time specified in the order.

(2) Where the owner of a dam fails to comply with an Idem order made under subsection 1 within the time specified in the order, the Minister may cause to be done whatever is necessary to achieve the result intended by the order and the cost thereof, as certified by him, is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction.

2. This Act comes into force on the day it receives Royal Commence-  
ment Assent.

3. This Act may be cited as *The Lakes and Rivers Improve- Short title  
ment Amendment Act, 1960.*

An Act to amend  
The Lakes and Rivers Improvement Act

---

*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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**BILL 3**

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---

1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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---

**An Act to amend  
The Lakes and Rivers Improvement Act**

---

MR. SPOONER

---



BILL 3

1960

**An Act to amend  
The Lakes and Rivers 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. Section 12 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 195, s. 12,  
re-enacted

12.—(1) Where water has been impounded for power development or storage purposes, the Minister may order the owner of any dam that impounds the water, Clearing  
flooded  
areas

(a) to clear timber, slash or debris from the lands that are or were flooded; and

(b) to remove any timber, slash or debris that has escaped from the flooded lands to any lake or river,

within the time specified in the order.

(2) Where the owner of a dam fails to comply with an order made under subsection 1 within the time specified in the order, the Minister may cause to be done whatever is necessary to achieve the result intended by the order and the cost thereof, as certified by him, is a debt due by the owner to the Crown and is recoverable with costs in any court of competent jurisdiction. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1960*. Short title

An Act to amend  
The Lakes and Rivers Improvement Act

---

*1st Reading*

January 28th, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 4**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to provide  
for the Harvesting of Wild Rice**

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MR. SPOONER

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EXPLANATORY NOTE

The purpose of this new Act is to control and regulate the harvesting of wild rice on Crown lands.

BILL 4

1960

## An Act to provide for the Harvesting of Wild Rice

**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) "Crown lands" means lands owned by Her Majesty in right of Ontario, and includes lands covered with water;
- (b) "Deputy Minister" means the Deputy Minister of Lands and Forests;
- (c) "licence" means a licence issued under this Act;
- (d) "Minister" means the Minister of Lands and Forests;
- (e) "resident" means any person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act.

2. The administration of this Act shall be under the control and direction of the Minister. Administra-  
tion of Act

3.—(1) Except under the authority of a licence, no person shall harvest or attempt to harvest wild rice on Crown lands. Licences

(2) No person who is not a resident shall have a licence. No licence  
to non-  
residents

(3) The issue of a licence is in the discretion of the Deputy Minister, subject to appeal to the Minister. Issue of  
licence

(4) A licence may be issued on such terms and conditions as are deemed proper. Terms and  
conditions

**Regulations** **4.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) governing the issue, form, renewal, transfer, refusal and cancellation of licences and prescribing the fees payable therefor;
- (b) dividing Ontario or any part thereof into wild rice harvesting areas and designating such areas by identifying numbers and initials;
- (c) prescribing royalties payable on wild rice harvested;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Idem** (2) Any regulation made under subsection 1 may be general or particular in its application territorially or as to time or otherwise.

**Offence** **5.** Every person who contravenes any provision of this Act or the regulations or any term or condition of his licence is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

**Commence-  
ment** **6.** This Act comes into force on the day it receives Royal Assent.

**Short title** **7.** This Act may be cited as *The Wild Rice Harvesting Act, 1960*.







An Act to provide  
for the Harvesting of Wild Rice

---

*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

---

MR. SPOONER

---



**BILL 4**

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---

1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

---

---

**An Act to provide  
for the Harvesting of Wild Rice**

---

MR. SPOONER

---



**An Act to provide  
for the Harvesting of Wild Rice**

**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) "Crown lands" means lands owned by Her Majesty in right of Ontario, and includes lands covered with water;
- (b) "Deputy Minister" means the Deputy Minister of Lands and Forests;
- (c) "licence" means a licence issued under this Act;
- (d) "Minister" means the Minister of Lands and Forests;
- (e) "resident" means any person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act.

2. The administration of this Act shall be under the control and direction of the Minister. Administra-  
tion of Act

3.—(1) Except under the authority of a licence, no person shall harvest or attempt to harvest wild rice on Crown lands. Licences

(2) No person who is not a resident shall have a licence.

No licence  
to non-  
residents

(3) The issue of a licence is in the discretion of the Deputy Minister, subject to appeal to the Minister. Issue of  
licence

(4) A licence may be issued on such terms and conditions as are deemed proper. Terms and  
conditions

**Regulations**    **4.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) governing the issue, form, renewal, transfer, refusal and cancellation of licences and prescribing the fees payable therefor;
- (b) dividing Ontario or any part thereof into wild rice harvesting areas and designating such areas by identifying numbers and initials;
- (c) prescribing royalties payable on wild rice harvested;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Idem**            (2) Any regulation made under subsection 1 may be general or particular in its application territorially or as to time or otherwise.

**Offence**        **5.** Every person who contravenes any provision of this Act or the regulations or any term or condition of his licence is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

**Commence-  
ment**            **6.** This Act comes into force on the day it receives Royal Assent.

**Short title**     **7.** This Act may be cited as *The Wild Rice Harvesting Act, 1960*.







An Act to provide  
for the Harvesting of Wild Rice

---

*1st Reading*

January 28th, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 5**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Forestry Act, 1952**

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MR. SPOONER

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#### EXPLANATORY NOTE

This Bill is designed to encourage the multi-purpose management for forestry purposes of lands of conservation authorities and municipalities.

It also clarifies the position of conservation authorities, municipalities and the Province with respect to this programme.

## An Act to amend The Forestry Act, 1952

HER 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 Forestry Act, 1952*, as amended by 1952, c. 32, section 1 of *The Forestry Amendment Act, 1959*, is repealed <sup>s. 2,</sup> re-enacted and the following substituted therefor:

- 2.—(1) For the purposes of this section, “forestry purposes” means primarily the production of wood and wood products and includes such secondary purposes as proper environmental conditions for wild life, protection against floods and erosion, recreation, and protection and production of water supplies. <sup>Interpre-  
tation</sup>
- (2) The Minister may enter into agreement with the owners of lands that are suitable for forestry purposes for the management of such lands upon such terms and conditions as he deems proper, but no such agreement shall be entered into for a term of less than twenty years. <sup>Agreements  
as to  
forestry  
develop-  
ment</sup>
- (3) The Minister may make grants out of the moneys appropriated therefor by the Legislature to any conservation authority or to any municipality for the purpose of assisting it in the acquisition of lands that are suitable for forestry purposes and that are to be managed under an agreement entered into under subsection 2 of such sums as are provided for in the agreement. <sup>Grants</sup>
- (4) A conservation authority or municipality that has entered into an agreement under subsection 2 shall not, without the approval of the Lieutenant Governor in Council, use any lands in respect of which grants have been made under subsection 3 for any purpose that is inconsistent with forestry purposes at any time during the life of the agreement or at any <sup>Forestry  
purposes  
only</sup>

time thereafter, and the conservation authority or municipality, as the case may be, unless the order of approval of the Lieutenant Governor in Council otherwise provides, shall repay the Province all grants to it under the agreement in respect of the lands that are used for a purpose that is inconsistent with forestry purposes.

Sale of  
lands

- (5) Lands in respect of which grants have been made under subsection 3 shall not, without the approval of the Lieutenant Governor in Council, be sold, leased or otherwise disposed of during the life of the agreement or at any time thereafter, and the proceeds from any sale, lease or other disposition of any such lands shall be shared equally by the conservation authority or municipality, as the case may be, and the Province.

Exception

- (6) Subsection 5 does not apply to a sale, lease or other disposition for the uses of Ontario.

Existing  
agreements  
not  
affected  
1952, c. 32

**2.** Subsections 4, 5 and 6 of section 2 of *The Forestry Act, 1952*, as enacted by section 1 of this Act, do not apply to any agreement entered into between the Minister and a conservation authority or municipality before such subsections came into force.

Existing  
loans,  
change in  
nomen-  
clature  
1952, c. 32  
1959, c. 39

**3.** The loans made under subsection 2 of section 2 of *The Forestry Act, 1952*, as enacted by section 1 of *The Forestry Amendment Act, 1959*, shall be deemed to have been and to be grants.

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 Forestry Amendment Act, 1960*.







An Act to amend  
The Forestry Act, 1952

---

*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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**BILL 5**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Forestry Act, 1952**

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MR. SPOONER

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



BILL 5

1960

## An Act to amend The Forestry Act, 1952

HER 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 Forestry Act, 1952*, as amended by 1952, c. 32, section 1 of *The Forestry Amendment Act, 1959*, is repealed <sup>s. 2,</sup> re-enacted and the following substituted therefor:

- 2.—(1) For the purposes of this section, “forestry <sup>Interpre-</sup> purposes” means primarily the production of wood and wood products and includes such secondary purposes as proper environmental conditions for wild life, protection against floods and erosion, recreation, and protection and production of water supplies.
- (2) The Minister may enter into agreement with the <sup>Agreements</sup> owners of lands that are suitable for forestry purposes <sup>as to</sup> for the management of such lands upon such terms <sup>forestry</sup> and conditions as he deems proper, but no such agreement shall be entered into for a term of less than twenty years.
- (3) The Minister may make grants out of the moneys <sup>Grants</sup> appropriated therefor by the Legislature to any conservation authority or to any municipality for the purpose of assisting it in the acquisition of lands that are suitable for forestry purposes and that are to be managed under an agreement entered into under subsection 2 of such sums as are provided for in the agreement.
- (4) A conservation authority or municipality that has entered into an agreement under subsection 2 shall <sup>Forestry</sup> not, without the approval of the Lieutenant Governor in Council, use any lands in respect of which grants <sup>purposes</sup> have been made under subsection 3 for any purpose that is inconsistent with forestry purposes at any time during the life of the agreement or at any

time thereafter, and the conservation authority or municipality, as the case may be, unless the order of approval of the Lieutenant Governor in Council otherwise provides, shall repay the Province all grants to it under the agreement in respect of the lands that are used for a purpose that is inconsistent with forestry purposes.

Sale of  
lands

- (5) Lands in respect of which grants have been made under subsection 3 shall not, without the approval of the Lieutenant Governor in Council, be sold, leased or otherwise disposed of during the life of the agreement or at any time thereafter, and the proceeds from any sale, lease or other disposition of any such lands shall be shared equally by the conservation authority or municipality, as the case may be, and the Province.

Exception

- (6) Subsection 5 does not apply to a sale, lease or other disposition for the uses of Ontario.

Existing  
agreements  
not  
affected  
1952, c. 32

**2.** Subsections 4, 5 and 6 of section 2 of *The Forestry Act, 1952*, as enacted by section 1 of this Act, do not apply to any agreement entered into between the Minister and a conservation authority or municipality before such subsections came into force.

Existing  
loans,  
change in  
nomen-  
clature  
1952, c. 32  
1959, c. 39

**3.** The loans made under subsection 2 of section 2 of *The Forestry Act, 1952*, as enacted by section 1 of *The Forestry Amendment Act, 1959*, shall be deemed to have been and to be grants.

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 Forestry Amendment Act, 1960*.







An Act to amend  
The Forestry Act, 1952

---

*1st Reading*

January 28th, 1960

*2nd Reading*

February 16th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 6**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Administration of Justice Expenses Act**

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MR. ROBERTS

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EXPLANATORY NOTE

The purpose of these amendments is to give more time for the delivery of criminal justice accounts to clerks of the peace for audit by county boards of audit.

BILL 6

1960

**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 1 of section 23 of *The Administration of Justice Expenses Act*, as amended by section 5 of *The Administration of Justice Expenses Amendment Act, 1957*, is further amended by striking out "1st" in the fourth line and inserting in lieu thereof "15th", so that the subsection shall read as follows:

- (1) All accounts and demands preferred against a county in respect of the administration of criminal justice shall be delivered to the clerk of the peace on or before the 15th days of January, April, July and October in every year, and shall be audited and approved by the board of audit.

2. Subsection 1 of section 25 of *The Administration of Justice Expenses Act* is amended by striking out "1st and 15th" in the second line and inserting in lieu thereof "15th and the last", so that the subsection shall read as follows:

- (1) The accounts and demands shall be taken into consideration by the board of audit between the 15th and the last days of January, April, July and October in each year, and shall be disposed of as soon as practicable.

3. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1960*.

An Act to amend  
The Administration of Justice Expenses Act

---

*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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Mr. ROBERTS

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**BILL 6**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Administration of Justice Expenses Act**

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MR. ROBERTS

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



BILL 6

1960

**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 1 of section 23 of *The Administration of Justice Expenses Act*, as amended by section 5 of *The Administration of Justice Expenses Amendment Act, 1957*, is further amended by striking out "1st" in the fourth line and inserting in lieu thereof "15th", so that the subsection shall read as follows:

- (1) All accounts and demands preferred against a county in respect of the administration of criminal justice shall be delivered to the clerk of the peace on or before the 15th days of January, April, July and October in every year, and shall be audited and approved by the board of audit.

**2.** Subsection 1 of section 25 of *The Administration of Justice Expenses Act* is amended by striking out "1st and 15th" in the second line and inserting in lieu thereof "15th and the last", so that the subsection shall read as follows:

- (1) The accounts and demands shall be taken into consideration by the board of audit between the 15th and the last days of January, April, July and October in each year, and shall be disposed of as soon as practicable.

**3.** This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1960*.

An Act to amend  
The Administration of Justice Expenses Act

---

*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 7**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Devolution of Estates Act**

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MR. ROBERTS

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EXPLANATORY NOTE

Under the present Act, a widower is entitled to one-third of his deceased wife's estate if she leaves issue and one-half if she leaves no issue.

The purpose of this Bill is to give the widower the first \$5,000 and then one-third or one-half, as the case may be, of the remainder.

This will give a widower the same preferential interest as a widow has had since 1941.

BILL 7

1960

## 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. *The Devolution of Estates Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 103,  
amended

- 11a.—(1) The real and personal property of every woman dying intestate and leaving a widower whether or not she leaves issue shall, where the net value of such real and personal property does not exceed \$5,000, belong to her widower absolutely and exclusively. Widower's preferential share where estate does not exceed \$5,000
- (2) Where the net value exceeds \$5,000, the widower is entitled to \$5,000 part thereof, absolutely and exclusively, and has a charge thereon for such sum with interest thereon from the date of the death of the intestate at 4 per centum per annum until payment. Where estate exceeds \$5,000
- (3) The provision for the widower made by this section is in addition and without prejudice to his interest and share in the residue of the real and personal property of the intestate remaining after payment of such sum of \$5,000 and interest in the same way as if such residue had been the whole of the intestate's real and personal property and this section had not been enacted. Widower's share in remainder of estate
- (4) This section applies only where the husband has not elected under section 28 to take such interest in the real and personal property of his wife as he would have taken if this Act had not been passed. Application
- (5) In this section, "net value" means the value of the real and personal property after payment of the Interpretation

charges thereon and the debts, funeral expenses and expenses of administration, including succession duty.

Short title      **2.** This Act may be cited as *The Devolution of Estates Amendment Act, 1960*.







An Act to amend  
The Devolution of Estates Act

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*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 7**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Devolution of Estates Act**

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MR. ROBERTS

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

#### EXPLANATORY NOTE

SECTION 1. Under the present Act, a widower is entitled to one-third of his deceased wife's estate if she leaves issue and one-half if she leaves no issue.

The purpose of this Bill is to give the widower the first \$5,000 and then one-third or one-half, as the case may be, of the remainder.

This will give a widower the same preferential interest as a widow has had since 1941.

**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. *The Devolution of Estates Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 103,  
amended

- 11a.—(1) The real and personal property of every woman dying intestate and leaving a widower whether or not she leaves issue shall, where the net value of such real and personal property does not exceed \$5,000, belong to her widower absolutely and exclusively. Widower's  
preferential  
share where  
estate does  
not exceed  
\$5,000
- (2) Where the net value exceeds \$5,000, the widower is entitled to \$5,000 part thereof, absolutely and exclusively, and has a charge thereon for such sum with interest thereon from the date of the death of the intestate at 4 per centum per annum until payment. Where  
estate  
exceeds  
\$5,000
- (3) The provision for the widower made by this section is in addition and without prejudice to his interest and share in the residue of the real and personal property of the intestate remaining after payment of such sum of \$5,000 and interest in the same way as if such residue had been the whole of the intestate's real and personal property and this section had not been enacted. Widower's  
share in  
remainder  
of estate
- (4) This section applies only where the husband has not elected under section 28 to take such interest in the real and personal property of his wife as he would have taken if this Act had not been passed. Application
- (5) In this section, "net value" means the value of the real and personal property after payment of the Interpre-  
tation

charges thereon and the debts, funeral expenses and expenses of administration, including succession duty.

R.S.O. 1950,  
c. 103,  
s. 28, subs. 1,  
amended

**2.** Subsection 1 of section 28 of *The Devolution of Estates Act* is amended by adding at the commencement thereof "Subject to section 11a".

Short title

**3.** This Act may be cited as *The Devolution of Estates Amendment Act, 1960*.

SECTION 2. Complementary to section 1.





An Act to amend  
The Devolution of Estates Act

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*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 7**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Devolution of Estates Act**

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MR. ROBERTS

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BILL 7

1960

## 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. *The Devolution of Estates Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 103,  
amended

- 11a.—(1) The real and personal property of every woman dying intestate and leaving a widower whether or not she leaves issue shall, where the net value of such real and personal property does not exceed \$5,000, belong to her widower absolutely and exclusively. Widower's preferential share where estate does not exceed \$5,000
- (2) Where the net value exceeds \$5,000, the widower is entitled to \$5,000 part thereof, absolutely and exclusively, and has a charge thereon for such sum with interest thereon from the date of the death of the intestate at 4 per centum per annum until payment. Where estate exceeds \$5,000
- (3) The provision for the widower made by this section is in addition and without prejudice to his interest and share in the residue of the real and personal property of the intestate remaining after payment of such sum of \$5,000 and interest in the same way as if such residue had been the whole of the intestate's real and personal property and this section had not been enacted. Widower's share in remainder of estate
- (4) This section applies only where the husband has not elected under section 28 to take such interest in the real and personal property of his wife as he would have taken if this Act had not been passed. Application
- (5) In this section, "net value" means the value of the real and personal property after payment of the Interpretation

charges thereon and the debts, funeral expenses and expenses of administration, including succession duty.

R.S.O. 1950, **2.** Subsection 1 of section 28 of *The Devolution of Estates*  
c. 103,  
s. 28, subs. 1, *Act* is amended by adding at the commencement thereof  
amended "Subject to section 11a".

Short title **3.** This Act may be cited as *The Devolution of Estates*  
*Amendment Act, 1960.*







An Act to amend  
The Devolution of Estates Act

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*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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Mr. ROBERTS

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**BILL 8**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

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MR. ROBERTS

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#### EXPLANATORY NOTE

The section, passed in 1890, requires county court clerks to make annual returns to the Minister of Agriculture showing the number of undischarged chattel mortgages in their offices and other supplemental information.

It is felt the information thus obtained does not justify the work involved in preparing the returns. The requirement is therefore abolished.

BILL 8

1960

**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. Section 35 of *The Bills of Sale and Chattel Mortgages Act* R.S.O., 1950,  
c. 36, s. 35,  
repealed is repealed.
2. This Act may be cited as *The Bills of Sale and Chattel* Short title  
*Mortgages Amendment Act, 1960.*

An Act to amend  
The Bills of Sale and Chattel  
Mortgages Act

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*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 8**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

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**MR. ROBERTS**

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**TORONTO**  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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BILL 8

1960

**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. Section 35 of *The Bills of Sale and Chattel Mortgages Act* R.S.O. 1950,  
c. 36, s. 35,  
repealed is repealed.

2. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1960*. Short title

An Act to amend  
The Bills of Sale and Chattel  
Mortgages Act

---

*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 9**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Bulk Sales Act, 1959**

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MR. ROBERTS

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The purpose of this amendment is to ensure that a landlord is included in the definition.

Subsection 2. The definition is unnecessary. It is therefore deleted.

SECTION 2. The purpose of this amendment is to exclude from the application of the Act bulk sales made on behalf of incompetents by their committees in the same way as sales by the other types of fiduciaries mentioned are now excluded and, secondly, to exclude bulk sales made by creditors realizing upon their security as it is considered such sales do not properly come within the Act.

BILL 9

1960

## An Act to amend The Bulk Sales Act, 1959

**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 *h* of section 1 of *The Bulk Sales Act, 1959* <sup>1959, c. 9, s. 1, cl. *h*, re-enacted</sup> is repealed and the following substituted therefor:

- (*h*) “secured trade creditor” means a person to whom a seller is indebted, whether or not the debt is due,
- (i) for stock, money or services furnished for the purpose of enabling the seller to carry on business, or
  - (ii) for rental of premises in or from which the seller carries on business,

and who holds security or is entitled to a preference in respect of his claim.

(2) Clause *i* of the said section 1 is repealed.

<sup>1959, c. 9, s. 1, cl. *i*, repealed</sup>

**2.** Section 2 of *The Bulk Sales Act, 1959* is amended by <sup>1959, c. 9, s. 2, amended</sup> inserting after “administrator” in the second line “a committee of the estate of a mentally incompetent or incapable person, the Public Trustee as committee under *The Mental Hospitals Act* or an order made under that Act, a creditor realizing upon his security”, so that the section shall read as follows:

2. This Act applies to every sale in bulk except a sale <sup>Application of Act</sup> in bulk by an executor, an administrator, a committee of the estate of a mentally incompetent or incapable person, the Public Trustee as committee under *The Mental Hospitals Act* or an order made <sup>R.S.O. 1950, c. 229</sup> under that Act, a creditor realizing upon his security, a receiver, an assignee or trustee for the benefit of creditors, a trustee under the *Bankruptcy Act* <sup>R.S.C. 1952, c. 14</sup> (Canada), a liquidator or official receiver, or a public official acting under judicial process.

1959, c. 9,  
s. 7,  
repealed

3. Section 7 of *The Bulk Sales Act, 1959* is repealed.

1959, c. 9,  
s. 9, subs. 1,  
amended

4.—(1) Subsection 1 of section 9 of *The Bulk Sales Act, 1959* is amended by striking out “Where sections 4 and 7 have been complied with, the buyer” in the first and second lines and inserting in lieu thereof “Where the buyer has received the statement mentioned in section 4, he”, so that the subsection, exclusive of the clauses, shall read as follows:

Completion  
of sale

(1) Where the buyer has received the statement mentioned in section 4, he may pay or deliver the proceeds of the sale to the seller and thereupon acquire the property of the seller in the stock in bulk,

. . . . .

1959, c. 9,  
s. 9, subs. 1,  
cl. a,  
re-enacted

(2) Clause a of subsection 1 of the said section 9 is repealed and the following substituted therefor:

(a) if the statement mentioned in section 4 discloses that the claims of the unsecured trade creditors of the seller do not exceed a total of \$2,500 and that the claims of the secured trade creditors of the seller do not exceed a total of \$2,500 and the buyer has no notice that the claims of the unsecured trade creditors of the seller exceed a total of \$2,500 and that the claims of the secured trade creditors of the seller exceed a total of \$2,500; or

. . . . .

1959, c. 9,  
s. 9, subs. 1,  
cl. c,  
amended

(3) Clause c of subsection 1 of the said section 9 is amended by inserting after “secured” in the fourth line “trade”.

1959, c. 9,  
s. 9, subs. 2,  
amended

(4) Subsection 2 of the said section 9 is amended by striking out “Where sections 4 and 7 have been complied with, the buyer” in the first and second lines and inserting in lieu thereof “Where the buyer has received the statement mentioned in section 4, he”, so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(2) Where the buyer has received the statement mentioned in section 4, he may pay or deliver the proceeds of the sale to the trustee and thereupon acquire the property of the seller in the stock in bulk, if the seller delivers to the buyer,

. . . . .

SECTION 3. This section, which provides for notice of an intended bulk sale to be published in *The Ontario Gazette*, was designed to give creditors advance notice of the sale. The section has not proved to be effective. It is therefore repealed.

SECTION 4—Subsections 1 and 4. Complementary to the repeal of section 7 of the Act by section 3 of this Bill. Also the intent is clarified.

Subsection 2. The clause is designed to facilitate the completion of small sales with the minimum of formality. It is considered to be better to extend this relief on the basis of the respective amounts of the total claims of secured and unsecured trade creditors of the seller than on the former basis.

Subsection 3. The word is inserted to correct an inadvertent omission.

SECTION 5—Subsection 1. Filing requirements are simplified and the possibility of duplicate filings avoided. The tariff of fees now established by way of regulation under *The Interpretation Act* is transferred to the Act for convenience of reference.

Subsection 2. This clause is designed to relieve against the inadvertent failure to comply with subsection 1 of section 12.

SECTION 6. This provision is designed to enable affidavits to be made in proper cases otherwise than under subsection 1.

5.—(1) Subsection 1 of section 12 of *The Bulk Sales Act*, 1959, c. 9, s. 12, subs. 1, re-enacted  
1959 is repealed and the following substituted therefor:

(1) Within five days after the completion of a sale in bulk, the buyer shall file in the office of the clerk of the court an affidavit setting out the particulars of the sale, including the subject-matter thereof and the name and address of the trustee, if any, and exhibiting duplicate originals of the statement mentioned in section 4, the statement, if any, mentioned in clause *b* of subsection 1 of section 9, the waivers, if any, mentioned in clause *c* of subsection 1 of section 9 and the consent and affidavit, if any, mentioned in subsection 2 of section 9. Filings on completion of sale

(1a) For services rendered in connection with the filings required by subsection 1, the clerk of the court is entitled to the following fees: Fees

- 1. For filing affidavit. . . . . \$1.00
- 2. For a search. . . . . .50
- 3. For a certificate of filing of affidavit. . .50
- 4. For copies of affidavit and certifying the same, for every 100 words. . . . . .20
- 5. For production and inspection of affidavit. . . . . .10

(2) Subsection 2 of the said section 12 is amended by adding thereto the following clause: 1959, c. 9, s. 12, subs. 2, amended

(c) upon the application of the buyer after the lapse of one year from the date of the completion of the sale in bulk and upon being satisfied that the claims of all unsecured trade creditors and secured trade creditors of the seller existing at the time of the completion of the sale have been paid in full and that no action or proceeding is pending to set aside the sale or to have the sale declared void and that the application is made in good faith and not for any improper purpose, make an order dispensing with compliance therewith.

6. Section 16 of *The Bulk Sales Act*, 1959 is amended by adding thereto the following subsection: 1959, c. 9, s. 16, amended

(2) Upon the application of a seller and upon being satisfied that good and sufficient cause exists that Idem

any affidavit required to be made under this Act should be made otherwise than under subsection 1, a judge may order accordingly.

1959, c. 9,  
s. 17,  
amended

**7.** Section 17 of *The Bulk Sales Act, 1959* is amended by striking out "Unless this Act is complied with" in the first line and inserting in lieu thereof "Unless the buyer has complied with this Act", so that the section shall read as follows:

Effect of  
buyer  
failing to  
comply  
with Act

17. Unless the buyer has complied with this Act, a sale in bulk is voidable as against the creditors of the seller, and, if the buyer has received or taken possession of the stock in bulk, he is personally liable to account to the creditors of the seller for the value thereof, including all moneys, security or property realized or taken by him from, out of, or on account of, the sale or other disposition by him of the stock in bulk.

1959, c. 9,  
s. 18,  
amended

**8.** Section 18 of *The Bulk Sales Act, 1959* is amended by adding thereto the following subsection:

Where no  
right of  
action

(2) No action shall be brought or proceeding taken in respect of real property included in a sale in bulk if the real property has been sold, transferred, charged or mortgaged to a *bona fide* purchaser, transferee, chargee or mortgagee for valuable consideration without actual notice of non-compliance with the Act by the buyer.

1959, c. 9,  
s. 20,  
re-enacted

**9.** Section 20 of *The Bulk Sales Act, 1959* is repealed and the following substituted therefor:

Limitation  
of action

20. No action shall be brought or proceeding taken to set aside or have declared void a sale in bulk for failure to comply with this Act unless the action is brought or the proceeding is taken either before the documents are filed under section 12 or within six months after the date on which the documents were filed under section 12.

Commence-  
ment

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

Short title

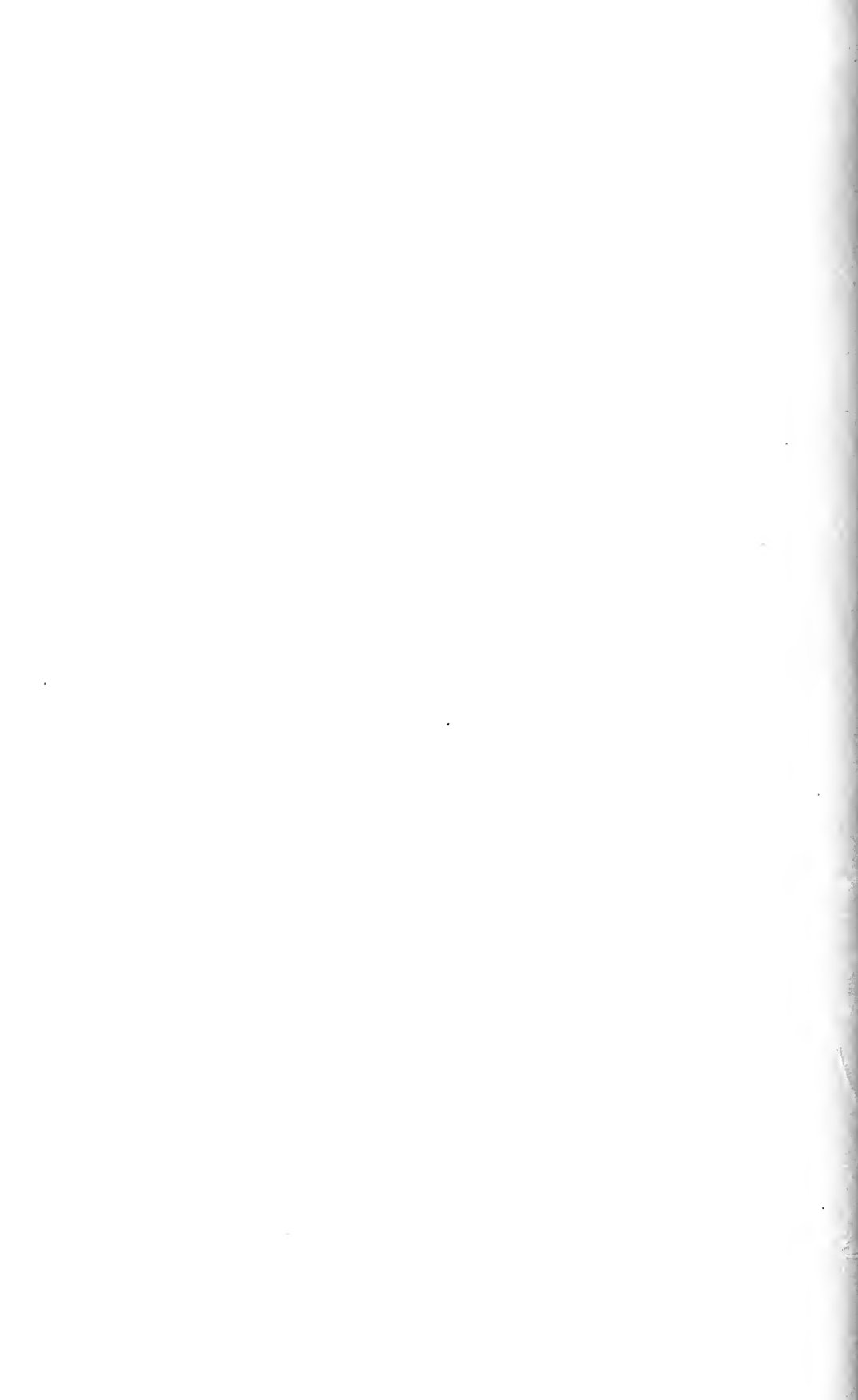
**11.** This Act may be cited as *The Bulk Sales Amendment Act, 1960*.



SECTION 7. The intent of the section is clarified.

SECTION 8. The purpose of this new subsection is to remove the possibility of conflict between this and other Acts dealing with real property in cases in which a bulk sale includes real property.

SECTION 9. The intent is clarified. No change in principle.





An Act to amend  
The Bulk Sales Act, 1959

---

*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 9**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Bulk Sales Act, 1959**

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MR. ROBERTS

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

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The purpose of this amendment is to ensure that a landlord is included in the definition.

Subsection 2. The definition is unnecessary. It is therefore deleted.

SECTION 2. The purpose of this amendment is to exclude from the application of the Act bulk sales made on behalf of incompetents by their committees in the same way as sales by the other types of fiduciaries mentioned are now excluded and, secondly, to exclude bulk sales made by creditors realizing upon their security as it is considered such sales do not properly come within the Act.

## BILL 9

1960

## An Act to amend The Bulk Sales Act, 1959

**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 *h* of section 1 of *The Bulk Sales Act, 1959* <sup>1959, c. 9,  
s. 1, cl. *h*,  
re-enacted</sup> is repealed and the following substituted therefor:

(*h*) “secured trade creditor” means a person to whom a seller is indebted, whether or not the debt is due,

(i) for stock, money or services furnished for the purpose of enabling the seller to carry on business, or

(ii) for rental of premises in or from which the seller carries on business,

and who holds security or is entitled to a preference in respect of his claim.

(2) Clause *i* of the said section 1 is repealed.

<sup>1959, c. 9,  
s. 1, cl. *i*,  
repealed</sup>

**2.** Section 2 of *The Bulk Sales Act, 1959* is amended by <sup>1959, c. 9,  
s. 2,  
amended</sup> inserting after “administrator” in the second line “a committee of the estate of a mentally incompetent or incapable person, the Public Trustee as committee under *The Mental Hospitals Act* or an order made under that Act, a creditor realizing upon his security”, so that the section shall read as follows:

2. This Act applies to every sale in bulk except a sale <sup>Application  
of Act</sup> in bulk by an executor, an administrator, a committee of the estate of a mentally incompetent or incapable person, the Public Trustee as committee under *The Mental Hospitals Act* or an order made <sup>R.S.O. 1950,  
c. 229</sup> under that Act, a creditor realizing upon his security, a receiver, an assignee or trustee for the benefit of creditors, a trustee under the *Bankruptcy Act* <sup>R.S.C. 1952,  
c. 14</sup> (Canada), a liquidator or official receiver, or a public official acting under judicial process.

1959, c. 9,  
s. 7,  
repealed

3. Section 7 of *The Bulk Sales Act, 1959* is repealed.

1959, c. 9,  
s. 9, subs. 1,  
amended

4.—(1) Subsection 1 of section 9 of *The Bulk Sales Act, 1959* is amended by striking out “Where sections 4 and 7 have been complied with, the buyer” in the first and second lines and inserting in lieu thereof “Where the buyer has received the statement mentioned in section 4, he”, so that the subsection, exclusive of the clauses, shall read as follows:

Completion  
of sale

(1) Where the buyer has received the statement mentioned in section 4, he may pay or deliver the proceeds of the sale to the seller and thereupon acquire the property of the seller in the stock in bulk,

. . . . .

1959, c. 9,  
s. 9, subs. 1,  
cl. a,  
re-enacted

(2) Clause *a* of subsection 1 of the said section 9 is repealed and the following substituted therefor:

(a) if the statement mentioned in section 4 discloses that the claims of the unsecured trade creditors of the seller do not exceed a total of \$2,500 and that the claims of the secured trade creditors of the seller do not exceed a total of \$2,500 and the buyer has no notice that the claims of the unsecured trade creditors of the seller exceed a total of \$2,500 and that the claims of the secured trade creditors of the seller exceed a total of \$2,500; or

. . . . .

1959, c. 9,  
s. 9, subs. 1,  
cl. c,  
amended

(3) Clause *c* of subsection 1 of the said section 9 is amended by inserting after “secured” in the fourth line “trade”.

1959, c. 9,  
s. 9, subs. 2,  
amended

(4) Subsection 2 of the said section 9 is amended by striking out “Where sections 4 and 7 have been complied with, the buyer” in the first and second lines and inserting in lieu thereof “Where the buyer has received the statement mentioned in section 4, he”, so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(2) Where the buyer has received the statement mentioned in section 4, he may pay or deliver the proceeds of the sale to the trustee and thereupon acquire the property of the seller in the stock in bulk, if the seller delivers to the buyer,

. . . . .



SECTION 3. This section, which provides for notice of an intended bulk sale to be published in *The Ontario Gazette*, was designed to give creditors advance notice of the sale. The section has not proved to be effective. It is therefore repealed.

SECTION 4—Subsections 1 and 4. Complementary to the repeal of section 7 of the Act by section 3 of this Bill. Also the intent is clarified.

Subsection 2. The clause is designed to facilitate the completion of small sales with the minimum of formality. It is considered to be better to extend this relief on the basis of the respective amounts of the total claims of secured and unsecured trade creditors of the seller than on the former basis.

Subsection 3. The word is inserted to correct an inadvertent omission.

SECTION 5—Subsection 1. Filing requirements are simplified and the possibility of duplicate filings avoided. The tariff of fees now established by way of regulation under *The Interpretation Act* is transferred to the Act for convenience of reference.

Subsection 2. This clause is designed to relieve against the inadvertent failure to comply with subsection 1 of section 12.

SECTION 6. This provision is designed to enable affidavits to be made in proper cases otherwise than under subsection 1.

**5.**—(1) Subsection 1 of section 12 of *The Bulk Sales Act*, 1959, c. 9, s. 12, subs. 1, re-enacted 1959 is repealed and the following substituted therefor:

(1) Within five days after the completion of a sale in bulk, the buyer shall file in the office of the clerk of the court an affidavit setting out the particulars of the sale, including the subject-matter thereof and the name and address of the trustee, if any, and exhibiting duplicate originals of the statement mentioned in section 4, the statement, if any, mentioned in clause *b* of subsection 1 of section 9, the waivers, if any, mentioned in clause *c* of subsection 1 of section 9 and the consent and affidavit, if any, mentioned in subsection 2 of section 9.

(1a) For services rendered in connection with the filings required by subsection 1, the clerk of the court is entitled to the following fees:

1. For filing affidavit.....	\$1.00
2. For a search.....	.50
3. For a certificate of filing of affidavit..	.50
4. For copies of affidavit and certifying the same, for every 100 words.....	.20
5. For production and inspection of affidavit.....	.10

(2) Subsection 2 of the said section 12 is amended by adding thereto the following clause:

(c) upon the application of the buyer after the lapse of one year from the date of the completion of the sale in bulk and upon being satisfied that the claims of all unsecured trade creditors and secured trade creditors of the seller existing at the time of the completion of the sale have been paid in full and that no action or proceeding is pending to set aside the sale or to have the sale declared void and that the application is made in good faith and not for any improper purpose, make an order dispensing with compliance therewith.

**6.** Section 16 of *The Bulk Sales Act*, 1959 is amended by adding thereto the following subsection:

(2) Upon the application of a seller and upon being satisfied that good and sufficient cause exists that

any affidavit required to be made under this Act should be made otherwise than under subsection 1, a judge may order accordingly.

1959, c. 9,  
s. 17,  
re-enacted

**7.** Section 17 of *The Bulk Sales Act, 1959* is repealed and the following substituted therefor:

Effect of  
buyer  
failing to  
comply  
with Act

17.—(1) A sale in bulk is voidable unless the buyer has complied with this Act.

Personal  
liability  
of buyer

(2) If a sale in bulk has been set aside or declared void and the buyer has received or taken possession of the stock in bulk, he is personally liable to account to the creditors of the seller for the value thereof, including all moneys, security or property realized or taken by him from, out of, or on account of, the sale or other disposition by him of the stock in bulk.

1959, c. 9,  
s. 18,  
amended

**8.** Section 18 of *The Bulk Sales Act, 1959* is amended by adding thereto the following subsection:

Where no  
right of  
action

(2) No action shall be brought or proceeding taken in respect of real property included in a sale in bulk if the real property has been sold, transferred, charged or mortgaged to a *bona fide* purchaser, transferee, chargee or mortgagee for valuable consideration without actual notice of non-compliance with the Act by the buyer.

1959, c. 9,  
s. 20,  
re-enacted

**9.** Section 20 of *The Bulk Sales Act, 1959* is repealed and the following substituted therefor:

Limitation  
of action

20. No action shall be brought or proceeding taken to set aside or have declared void a sale in bulk for failure to comply with this Act unless the action is brought or the proceeding is taken either before the documents are filed under section 12 or within six months after the date on which the documents were filed under section 12.

Commence-  
ment

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

Short title

**11.** This Act may be cited as *The Bulk Sales Amendment Act, 1960*.

SECTION 7. The intent of the section is clarified.

SECTION 8. The purpose of this new subsection is to remove the possibility of conflict between this and other Acts dealing with real property in cases in which a bulk sale includes real property.

SECTION 9. The intent is clarified. No change in principle.





An Act to amend  
The Bulk Sales Act, 1959

---

*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 9**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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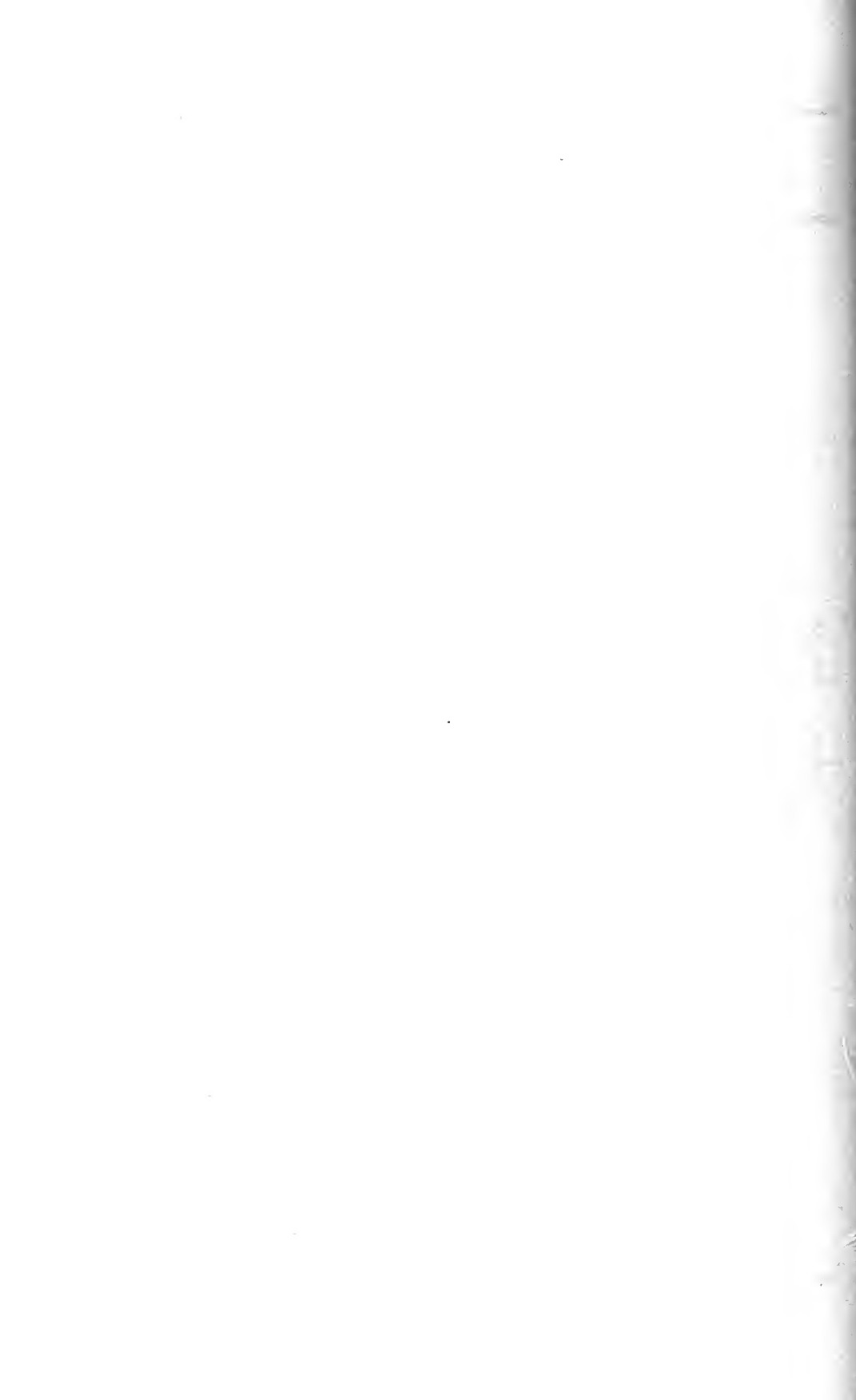
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**An Act to amend The Bulk Sales Act, 1959**

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MR. ROBERTS

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BILL 9

1960

## An Act to amend The Bulk Sales Act, 1959

**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 *h* of section 1 of *The Bulk Sales Act, 1959* <sup>1959, c. 9,  
s. 1, cl. *h*,  
re-enacted</sup> is repealed and the following substituted therefor:

- (*h*) “secured trade creditor” means a person to whom a seller is indebted, whether or not the debt is due,
- (i) for stock, money or services furnished for the purpose of enabling the seller to carry on business, or
  - (ii) for rental of premises in or from which the seller carries on business,

and who holds security or is entitled to a preference in respect of his claim.

(2) Clause *i* of the said section 1 is repealed.

<sup>1959, c. 9,  
s. 1, cl. *i*,  
repealed</sup>

**2.** Section 2 of *The Bulk Sales Act, 1959* is amended by inserting after “administrator” in the second line “a committee of the estate of a mentally incompetent or incapable person, the Public Trustee as committee under *The Mental Hospitals Act* or an order made under that Act, a creditor realizing upon his security”, so that the section shall read as follows:

<sup>1959, c. 9,  
s. 2,  
amended</sup>

2. This Act applies to every sale in bulk except a sale in bulk by an executor, an administrator, a committee of the estate of a mentally incompetent or incapable person, the Public Trustee as committee under *The Mental Hospitals Act* or an order made under that Act, a creditor realizing upon his security, a receiver, an assignee or trustee for the benefit of creditors, a trustee under the *Bankruptcy Act* (Canada), a liquidator or official receiver, or a public official acting under judicial process.

<sup>Application  
of Act</sup>

<sup>R.S.O. 1950,  
c. 229</sup>

<sup>R.S.C. 1952,  
c. 14</sup>

1959, c. 9,  
s. 7,  
repealed

3. Section 7 of *The Bulk Sales Act, 1959* is repealed.

1959, c. 9,  
s. 9, subs. 1,  
amended

4.—(1) Subsection 1 of section 9 of *The Bulk Sales Act, 1959* is amended by striking out “Where sections 4 and 7 have been complied with, the buyer” in the first and second lines and inserting in lieu thereof “Where the buyer has received the statement mentioned in section 4, he”, so that the subsection, exclusive of the clauses, shall read as follows:

Completion  
of sale

(1) Where the buyer has received the statement mentioned in section 4, he may pay or deliver the proceeds of the sale to the seller and thereupon acquire the property of the seller in the stock in bulk,

. . . . .

1959, c. 9,  
s. 9, subs. 1,  
cl. a,  
re-enacted

(2) Clause *a* of subsection 1 of the said section 9 is repealed and the following substituted therefor:

(a) if the statement mentioned in section 4 discloses that the claims of the unsecured trade creditors of the seller do not exceed a total of \$2,500 and that the claims of the secured trade creditors of the seller do not exceed a total of \$2,500 and the buyer has no notice that the claims of the unsecured trade creditors of the seller exceed a total of \$2,500 and that the claims of the secured trade creditors of the seller exceed a total of \$2,500; or

. . . . .

1959, c. 9,  
s. 9, subs. 1,  
cl. c,  
amended

(3) Clause *c* of subsection 1 of the said section 9 is amended by inserting after “secured” in the fourth line “trade”.

1959, c. 9,  
s. 9, subs. 2,  
amended

(4) Subsection 2 of the said section 9 is amended by striking out “Where sections 4 and 7 have been complied with, the buyer” in the first and second lines and inserting in lieu thereof “Where the buyer has received the statement mentioned in section 4, he”, so that the subsection, exclusive of the clauses, shall read as follows:

Idem

(2) Where the buyer has received the statement mentioned in section 4, he may pay or deliver the proceeds of the sale to the trustee and thereupon acquire the property of the seller in the stock in bulk, if the seller delivers to the buyer,

. . . . .

5.—(1) Subsection 1 of section 12 of *The Bulk Sales Act*, 1959, c. 9, s. 12, subs. 1, re-enacted 1959 is repealed and the following substituted therefor:

(1) Within five days after the completion of a sale in bulk, the buyer shall file in the office of the clerk of the court an affidavit setting out the particulars of the sale, including the subject-matter thereof and the name and address of the trustee, if any, and exhibiting duplicate originals of the statement mentioned in section 4, the statement, if any, mentioned in clause *b* of subsection 1 of section 9, the waivers, if any, mentioned in clause *c* of subsection 1 of section 9 and the consent and affidavit, if any, mentioned in subsection 2 of section 9.

(1a) For services rendered in connection with the filings required by subsection 1, the clerk of the court is entitled to the following fees:

1. For filing affidavit.....	\$1.00
2. For a search.....	.50
3. For a certificate of filing of affidavit..	.50
4. For copies of affidavit and certifying the same, for every 100 words.....	.20
5. For production and inspection of affidavit.....	.10

(2) Subsection 2 of the said section 12 is amended by adding thereto the following clause:

(c) upon the application of the buyer after the lapse of one year from the date of the completion of the sale in bulk and upon being satisfied that the claims of all unsecured trade creditors and secured trade creditors of the seller existing at the time of the completion of the sale have been paid in full and that no action or proceeding is pending to set aside the sale or to have the sale declared void and that the application is made in good faith and not for any improper purpose, make an order dispensing with compliance therewith.

6. Section 16 of *The Bulk Sales Act*, 1959 is amended by adding thereto the following subsection:

(2) Upon the application of a seller and upon being satisfied that good and sufficient cause exists that

any affidavit required to be made under this Act should be made otherwise than under subsection 1, a judge may order accordingly.

1959, c. 9,  
s. 17,  
re-enacted

**7.** Section 17 of *The Bulk Sales Act, 1959* is repealed and the following substituted therefor:

Effect of  
buyer  
failing to  
comply  
with Act

17.—(1) A sale in bulk is voidable unless the buyer has complied with this Act.

Personal  
liability  
of buyer

(2) If a sale in bulk has been set aside or declared void and the buyer has received or taken possession of the stock in bulk, he is personally liable to account to the creditors of the seller for the value thereof, including all moneys, security or property realized or taken by him from, out of, or on account of, the sale or other disposition by him of the stock in bulk.

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s. 18,  
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**8.** Section 18 of *The Bulk Sales Act, 1959* is amended by adding thereto the following subsection:

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**9.** Section 20 of *The Bulk Sales Act, 1959* is repealed and the following substituted therefor:

Limitation  
of action

20. No action shall be brought or proceeding taken to set aside or have declared void a sale in bulk for failure to comply with this Act unless the action is brought or the proceeding is taken either before the documents are filed under section 12 or within six months after the date on which the documents were filed under section 12.

Commence-  
ment

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

Short title

**11.** This Act may be cited as *The Bulk Sales Amendment Act, 1960*.



An Act to amend  
The Bulk Sales Act, 1959

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*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 22nd, 1960

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MR. ROBERTS

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**BILL 10**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Certification of Titles Act, 1958**

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MR. ROBERTS

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#### EXPLANATORY NOTES

SECTION 1. As the regulations prescribe the form of the notice of application, the authority of the director of titles to determine the form of notice is deleted.

Clauses *c* and *d* are new and give the director of titles more scope in selecting an appropriate method of giving notice.

SECTION 2. Applicants for certification must pay an amount equal to  $\frac{1}{10}$  of 1% of the value of the land into the assurance fund. The maximum payment is now fixed at \$300.

This Bill establishes a minimum payment of \$1 bringing the Act in this respect into line with *The Land Titles Act*.

BILL 10

1960

**An Act to amend  
The Certification of Titles Act, 1958**

**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 Certification of Titles Act, 1958* is repealed and the following substituted therefor: 1958, c. 9,  
s. 7,  
re-enacted

7. Upon the filing of an application, the director of titles shall cause notice thereof, Notice of  
application

- (a) to be registered in the registry office of the registry division in which the land is situate; and
- (b) to be published in a newspaper having general circulation in the locality in which the land is situate; or
- (c) to be served on owners and mortgagees of land adjoining the land of the applicant; and
- (d) to be given in such other manner, if any, as he deems proper.

**2.** Section 15 of *The Certification of Titles Act, 1958* is amended by adding thereto the following subsection: 1958, c. 9,  
s. 15,  
amended

(4a) Where the amount calculated under subsection 2 is less than \$1, the amount payable is \$1. Minimum  
payment

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Certification of Titles Amendment Act, 1960*. Short title

An Act to amend  
The Certification of Titles Act, 1958

---

*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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Mr. ROBERTS

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**BILL 10**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Certification of Titles Act, 1958**

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MR. ROBERTS

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



BILL 10

1960

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The Certification of Titles Act, 1958**

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ment

**4.** This Act may be cited as *The Certification of Titles Amendment Act, 1960*. Short title

An Act to amend  
The Certification of Titles Act, 1958

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*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 22nd, 1960

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MR. ROBERTS

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**BILL 11**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The County Courts Act**

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MR. ROBERTS

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

#### EXPLANATORY NOTES

SECTION 1. This amendment is to provide for the case where the county court house is not in the county town.

SECTION 2. This amendment brings the county court clerk's fee for attending sittings of the county court into line with his fee for attending sittings of the court of general sessions of the peace and the county court judges' criminal court. The latter were increased from \$7 to \$10 last year.

BILL 11

1960

## 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.** Section 6 of *The County Courts Act* is amended by R.S.O. 1950, striking out "town" in the third line, so that the section shall <sup>c. 75, s. 6,</sup> amended read as follows:

6. The clerk shall keep his office in the court house or, <sup>Place of</sup> if there is no room available therein, at such place <sup>office</sup> in the county or district as the judge may direct.

**2.** Section 16 of *The County Courts Act* is amended by R.S.O. 1950, striking out "\$7" in the second line and inserting in lieu <sup>c. 75, s. 16,</sup> amended thereof "\$10", so that the section shall read as follows:

16. The clerk shall be entitled to be paid by the county <sup>Clerk's fees</sup> the sum of \$10 for each day's attendance at all <sup>for</sup> attendances <sup>attendance</sup> of the county court, both non-jury and jury.

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

**4.** This Act may be cited as *The County Courts Amendment* <sup>Short title</sup> Act, 1960.

An Act to amend  
The County Courts Act

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*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 11**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The County Courts Act**

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MR. ROBERTS

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BILL 11

1960

## 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:

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6. The clerk shall keep his office in the court house or, <sup>Place of</sup> if there is no room available therein, at such place <sup>office</sup> in the county or district as the judge may direct.

2. Section 16 of *The County Courts Act* is amended by R.S.O. 1950, striking out "\$7" in the second line and inserting in lieu <sup>c. 75, s. 16,</sup> amended thereof "\$10", so that the section shall read as follows:

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

4. This Act may be cited as *The County Courts Amendment* <sup>Short title</sup> Act, 1960.

An Act to amend  
The County Courts Act

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*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 12**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Crown Attorneys Act**

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MR. ROBERTS

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EXPLANATORY NOTE

This clause is the same as a clause added in 1958 to *The Magistrates Act, 1952*.

It will authorize the Lieutenant Governor in Council to make regulations on the subject-matters specified, thus increasing the efficiency of Crown attorneys' offices.

BILL 12

1960

## An Act to amend The Crown Attorneys 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 15 of *The Crown Attorneys Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 81, s. 15,  
amended

(gg) providing for the safe-keeping, inspection and destruction of books, documents and papers of Crown attorneys.

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

**3.** This Act may be cited as *The Crown Attorneys Amendment Act, 1960*. Short title

An Act to amend  
The Crown Attorneys Act

---

*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 12**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Crown Attorneys Act**

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MR. ROBERTS

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BILL 12

1960

## An Act to amend The Crown Attorneys 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 15 of *The Crown Attorneys Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 81, s. 15,  
amended

(gg) providing for the safe-keeping, inspection and destruction of books, documents and papers of Crown attorneys.

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

**3.** This Act may be cited as *The Crown Attorneys Amendment Act, 1960*. Short title

An Act to amend  
The Crown Attorneys Act

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*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 13**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**The Crown Witnesses Act, 1960**

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MR. ROBERTS

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

#### EXPLANATORY NOTE

This is a general revision of the Act. It was last revised in 1926.

The present Act requires the Crown attorney to prepare the order for the payment of the fees, etc., of the Crown witnesses; it is then signed by the judge who presided at the trial. The latter requirement is removed, so that the Crown attorney, who alone is cognizant of the facts, will prepare and sign the order.

BILL 13

1960

## The Crown Witnesses Act, 1960

**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, "trial" means a trial at a sittings of the Supreme Court, a court of general sessions of the peace, a county or district court judges' criminal court, or a magistrate's court for the summary trial of indictable offences under the *Criminal Code* (Canada), and includes a preliminary inquiry and proceedings before a grand jury. R.S.O. 1950, c. 83, s. 1, *amended*. <sup>Interpretation</sup> <sup>1953-54, c. 51 (Can.)</sup>

**2.**—(1) The Crown attorney may grant to a person who attends at the instance of the Crown to give evidence at a trial an order for the payment of such sum as witness fees and allowances as he deems proper, but, subject to section 3, not more than is provided for in the Schedule. R.S.O. 1950, c. 83, s. 2 (1), *part, amended*. <sup>Fees, etc.</sup>

(2) The Crown attorney may include in an order such sum, in addition to the witness fees and allowances, as he deems reasonable and sufficient to compensate the witness for doing any work in preparation for the trial or preparing any document or article for use at the trial. R.S.O. 1950, c. 83, s. 2 (2), *amended*. <sup>Additional compensation</sup>

**3.** The Attorney General may increase the sum ordered to be paid so that the witness will be reasonably compensated for his attendance at the trial and he may order that a special fee be paid to an expert witness. R.S.O. 1950, c. 83, s. 2 (1), *part, (3), amended*. <sup>Special fee</sup>

**4.** Where a bill of indictment has not been preferred or where a trial has not been proceeded with, sections 2 and 3 apply, if in the opinion of the Crown attorney a person attended the court in obedience to a recognizance or subpoena or at the instance of the Crown. R.S.O. 1950, c. 83, s. 3, *amended*. <sup>Where no indictment preferred or trial had</sup>

Order, to whom directed

**5.** The order shall be directed to the treasurer of the county in which the offence was committed or was alleged to have been committed, or, if the offence was committed or was alleged to have been committed in a city or in a separated town, the order shall be directed to the treasurer of the city or town. R.S.O. 1950, c. 83, s. 5, *amended*.

Payment by the treasurer

**6.** The treasurer to whom the order is directed shall forthwith, out of the funds of the municipality in his hands, pay to each of the witnesses named the amount stated, on his signing a receipt therefor in person. R.S.O. 1950, c. 83, s. 6, *amended*.

Payment by a treasurer on whom order is not made

**7.** Where the trial took place in a county other than the county in which the offence was committed, the treasurer of the county in which the trial took place, if applied to by a witness with an order of the Crown attorney of that county, shall forthwith pay the money in the first instance out of the funds of the municipality in his hands, and shall forthwith be reimbursed by the treasurer of the county in which the offence was committed or was alleged to have been committed. R.S.O. 1950, c. 83, s. 7.

Change of venue

**8.** In cases sent from a provisional judicial district for trial in a county, the fees and allowances of the witnesses paid under this Act shall be repaid in full out of the moneys appropriated by the Legislature for the administration of justice. R.S.O. 1950, c. 83, s. 9, *amended*.

Idem

**9.** The fees and allowances authorized by this Act shall be paid out of the moneys appropriated by the Legislature for the administration of justice to witnesses attending a sitting of any court held in a provisional judicial district. R.S.O. 1950, c. 83, s. 10, *amended*.

Fee to Crown attorney

**10.** The Crown attorney is entitled to receive from the county in which the court is held a fee of \$1 in respect of every trial on which a witness attends, which sum shall be over and above his other costs and charges and shall cover the costs, charges and expenses of and incidental to the making of an order under this Act. R.S.O. 1950, c. 83, s. 12 (1).

Witness fees, etc., payable on prosecution of claims, etc., by Her Majesty

**11.** In the case of an information, action, or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of Her Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property to which Her Majesty claims to be entitled for the use of Ontario, the witnesses are entitled to be paid the like witness fees and allowances as are payable in actions between subject and subject. R.S.O. 1950, c. 83, s. 13.

**12.** Where a commission has issued to take the evidence of a witness, the fees and expenses incurred in and by the issue of the commission and the taking of the evidence shall be paid in the same manner as witness fees. R.S.O. 1950, c. 83, s. 15, *amended*.

**13.** A witness is not entitled to require payment of any witness fee or allowance under this Act before the determination by adjournment or otherwise of the trial at which he attends as a witness. R.S.O. 1950, c. 83, s. 14.

**14.** This Act comes into force on the 1st day of April, 1960.

**15.** This Act may be cited as *The Crown Witnesses Act*, 1960.

## SCHEDULE

(Section 2 (1) )

### WITNESS FEES AND ALLOWANCES

- |  |         |
|--|---------|
| 1. Attending trial, each day.....  | \$ 6.00 |
| Barristers, solicitors, physicians and surgeons when called upon to give evidence in consequence of any professional service rendered by them or to give professional opinions, each day.....  | 15.00   |
| Engineers, accountants, surveyors and architects when called upon to give evidence in consequence of any professional service rendered by them or to give evidence depending upon their skill or judgment, each day.....   | 15.00   |
| 2. Where a witness travels by private automobile, 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place of trial, but where the trial is held in the city or town in which the witness resides, 75 cents.                            |         |
| The distance travelled shall be ascertained by the certificate of the Crown attorney.  |         |
| 3. Where a witness travels by a means other than private automobile, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the trial is held and return.   |         |
| 4. Where a witness is required to attend the trial on more than one day and returns to his place of residence at night, the travelling allowance mentioned in item 2 or 3, as the case may be, is payable in respect of each day's attendance.   |         |
| 5. Where a witness resides elsewhere and in the opinion of the Crown attorney it is desirable that he remain overnight at the place at which the trial is held, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night. |         |

1959, c. 24, s. 1, *amended*.



The Crown Witnesses Act, 1960

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*1st Reading*

January 28th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 13**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**The Crown Witnesses Act, 1960**

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MR. ROBERTS

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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 NOTE

This is a general revision of the Act. It was last revised in 1926.

The present Act requires the Crown attorney to prepare the order for the payment of the fees, etc., of the Crown witnesses; it is then signed by the judge who presided at the trial. The latter requirement is removed, so that the Crown attorney, who alone is cognizant of the facts, will prepare and sign the order.

BILL 13

1960

## The Crown Witnesses Act, 1960

**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, "trial" means a trial at a sittings of the Supreme Court, a court of general sessions of the peace, a county or district court judges' criminal court, or a magistrate's court for the summary trial of indictable offences under the *Criminal Code* (Canada), and includes a preliminary inquiry and proceedings before a grand jury. R.S.O. 1950, c. 83, s. 1, *amended*. <sup>Interpretation</sup> 1953-54, c. 51 (Can.)

**2.—(1)** The Crown attorney may grant to a person who attends at the instance of the Crown to give evidence at a trial an order for the payment of such sum as witness fees and allowances as he deems proper, but, subject to section 3, not more than is provided for in the Schedule. R.S.O. 1950, c. 83, s. 2 (1), *part, amended*. <sup>Fees, etc.</sup>

(2) The Crown attorney, with the approval of the presiding judge or magistrate, may include in an order such sum, in addition to the witness fees and allowances, as he deems reasonable and sufficient to compensate the witness for doing any work in preparation for the trial or preparing any document or article for use at the trial. R.S.O. 1950, c. 83, s. 2 (2), *amended*. <sup>Additional compensation</sup>

**3.** The Attorney General may increase the sum ordered to be paid so that the witness will be reasonably compensated for his attendance at the trial and he may order that a special fee be paid to an expert witness. R.S.O. 1950, c. 83, s. 2 (1), *part, (3), amended*. <sup>Special fee</sup>

**4.** Where a bill of indictment has not been preferred or where a trial has not been proceeded with, sections 2 and 3 apply, if in the opinion of the Crown attorney a person attended the court in obedience to a recognizance or subpoena or at the instance of the Crown. R.S.O. 1950, c. 83, s. 3, *amended*. <sup>where no indictment preferred or trial had</sup>

Order, to whom directed

**5.** The order shall be directed to the treasurer of the county in which the offence was committed or was alleged to have been committed, or, if the offence was committed or was alleged to have been committed in a city or in a separated town, the order shall be directed to the treasurer of the city or town. R.S.O. 1950, c. 83, s. 5, *amended*.

Payment by the treasurer

**6.** The treasurer to whom the order is directed shall forthwith, out of the funds of the municipality in his hands, pay to each of the witnesses named the amount stated, on his signing a receipt therefor in person. R.S.O. 1950, c. 83, s. 6, *amended*.

Payment by a treasurer on whom order is not made

**7.** Where the trial took place in a county other than the county in which the offence was committed, the treasurer of the county in which the trial took place, if applied to by a witness with an order of the Crown attorney of that county, shall forthwith pay the money in the first instance out of the funds of the municipality in his hands, and shall forthwith be reimbursed by the treasurer of the county in which the offence was committed or was alleged to have been committed. R.S.O. 1950, c. 83, s. 7.

Change of venue

**8.** In cases sent from a provisional judicial district for trial in a county, the fees and allowances of the witnesses paid under this Act shall be repaid in full out of the moneys appropriated by the Legislature for the administration of justice. R.S.O. 1950, c. 83, s. 9, *amended*.

Idem

**9.** The fees and allowances authorized by this Act shall be paid out of the moneys appropriated by the Legislature for the administration of justice to witnesses attending a sitting of any court held in a provisional judicial district. R.S.O. 1950, c. 83, s. 10, *amended*.

Fee to Crown attorney

**10.** The Crown attorney is entitled to receive from the county in which the court is held a fee of \$1 in respect of every trial on which a witness attends, which sum shall be over and above his other costs and charges and shall cover the costs, charges and expenses of and incidental to the making of an order under this Act. R.S.O. 1950, c. 83, s. 12 (1).

Witness fees, etc., payable on prosecution of claims, etc., by Her Majesty

**11.** In the case of an information, action, or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of Her Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property to which Her Majesty claims to be entitled for the use of Ontario, the witnesses are entitled to be paid the like witness fees and allowances as are payable in actions between subject and subject. R.S.O. 1950, c. 83, s. 13.

**12.** Where a commission has issued to take the evidence of a witness, the fees and expenses incurred in and by the issue of the commission and the taking of the evidence shall be paid in the same manner as witness fees. R.S.O. 1950, c. 83, s. 15, *amended*. Where evidence taken by commission

**13.** A witness is not entitled to require payment of any witness fee or allowance under this Act before the determination by adjournment or otherwise of the trial at which he attends as a witness. R.S.O. 1950, c. 83, s. 14. Fees, etc., not payable in advance

**14.** *The Crown Witnesses Act, The Crown Witnesses Amendment Act, 1956, The Crown Witnesses Amendment Act, 1957 and The Crown Witnesses Amendment Act, 1959* are repealed. R.S.O. 1950, c. 83; 1956, c. 15; 1957, c. 22; 1959, c. 24, repealed

**15.** This Act comes into force on the 1st day of April, 1960. Commencement

**16.** This Act may be cited as *The Crown Witnesses Act, 1960*. Short title

## SCHEDULE

(Section 2 (1) )

## WITNESS FEES AND ALLOWANCES

- |  |         |
|--|---------|
| 1. Attending trial, each day.....  | \$ 6.00 |
| Barristers, solicitors, physicians and surgeons when called upon to give evidence in consequence of any professional service rendered by them or to give professional opinions, each day.....                            |         |
|  | 15.00   |
| Engineers, accountants, surveyors and architects when called upon to give evidence in consequence of any professional service rendered by them or to give evidence depending upon their skill or judgment, each day..... |         |
|  | 15.00   |
2. Where a witness travels by private automobile, 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place of trial, but where the trial is held in the city or town in which the witness resides, 75 cents.
 

The distance travelled shall be ascertained by the certificate of the Crown attorney.
  3. Where a witness travels by a means other than private automobile, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the trial is held and return.
  4. Where a witness is required to attend the trial on more than one day and returns to his place of residence at night, the travelling allowance mentioned in item 2 or 3, as the case may be, is payable in respect of each day's attendance.
  5. Where a witness resides elsewhere and in the opinion of the Crown attorney it is desirable that he remain overnight at the place at which the trial is held, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

1959, c. 24, s. 1, *amended*.



*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 13**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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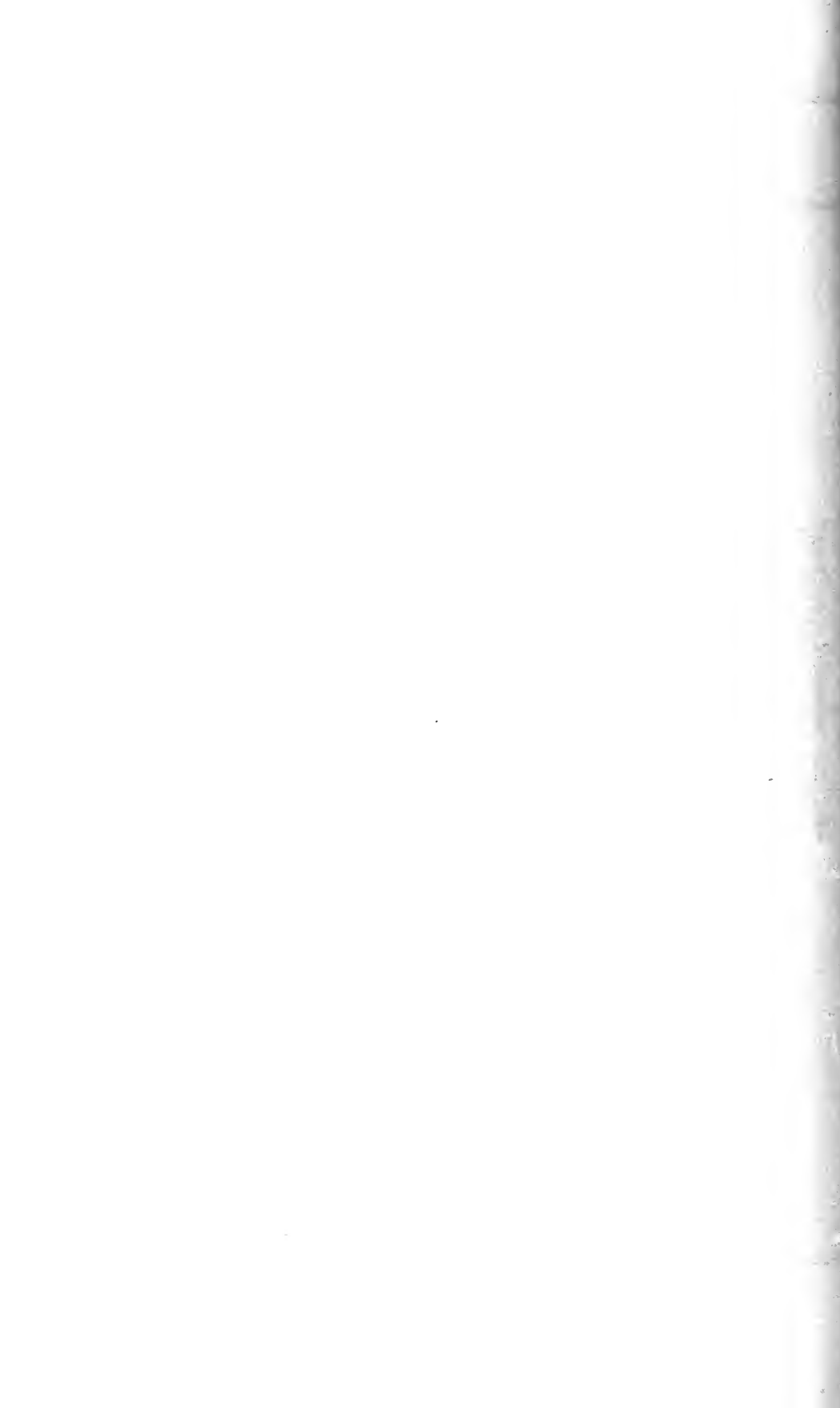
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**The Crown Witnesses Act, 1960**

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MR. ROBERTS

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## The Crown Witnesses Act, 1960

**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, "trial" means a trial at a sittings of the Supreme Court, a court of general sessions of the peace, a county or district court judges' criminal court, or a magistrate's court for the summary trial of indictable offences under the *Criminal Code* (Canada), and includes a preliminary inquiry and proceedings before a grand jury. R.S.O. 1950, c. 83, s. 1, *amended*. <sup>Interpretation</sup> <sup>1953-54, c. 51 (Can.)</sup>

**2.**—(1) The Crown attorney may grant to a person who attends at the instance of the Crown to give evidence at a trial an order for the payment of such sum as witness fees and allowances as he deems proper, but, subject to section 3, not more than is provided for in the Schedule. R.S.O. 1950, c. 83, s. 2 (1), *part, amended*. <sup>Fees, etc.</sup>

(2) The Crown attorney, with the approval of the presiding judge or magistrate, may include in an order such sum, in addition to the witness fees and allowances, as he deems reasonable and sufficient to compensate the witness for doing any work in preparation for the trial or preparing any document or article for use at the trial. R.S.O. 1950, c. 83, s. 2 (2), *amended*. <sup>Additional compensation</sup>

**3.** The Attorney General may increase the sum ordered to be paid so that the witness will be reasonably compensated for his attendance at the trial and he may order that a special fee be paid to an expert witness. R.S.O. 1950, c. 83, s. 2 (1), *part, (3), amended*. <sup>Special fee</sup>

**4.** Where a bill of indictment has not been preferred or where a trial has not been proceeded with, sections 2 and 3 apply, if in the opinion of the Crown attorney a person attended the court in obedience to a recognition or subpoena or at the instance of the Crown. R.S.O. 1950, c. 83, s. 3, *amended*. <sup>Where no indictment preferred or trial had</sup>

Order, to  
whom  
directed

**5.** The order shall be directed to the treasurer of the county in which the offence was committed or was alleged to have been committed, or, if the offence was committed or was alleged to have been committed in a city or in a separated town, the order shall be directed to the treasurer of the city or town. R.S.O. 1950, c. 83, s. 5, *amended*.

Payment  
by the  
treasurer

**6.** The treasurer to whom the order is directed shall forthwith, out of the funds of the municipality in his hands, pay to each of the witnesses named the amount stated, on his signing a receipt therefor in person. R.S.O. 1950, c. 83, s. 6, *amended*.

Payment by  
a treasurer  
on whom  
order is not  
made

**7.** Where the trial took place in a county other than the county in which the offence was committed, the treasurer of the county in which the trial took place, if applied to by a witness with an order of the Crown attorney of that county, shall forthwith pay the money in the first instance out of the funds of the municipality in his hands, and shall forthwith be reimbursed by the treasurer of the county in which the offence was committed or was alleged to have been committed. R.S.O. 1950, c. 83, s. 7.

Change of  
venue

**8.** In cases sent from a provisional judicial district for trial in a county, the fees and allowances of the witnesses paid under this Act shall be repaid in full out of the moneys appropriated by the Legislature for the administration of justice. R.S.O. 1950, c. 83, s. 9, *amended*.

Idem

**9.** The fees and allowances authorized by this Act shall be paid out of the moneys appropriated by the Legislature for the administration of justice to witnesses attending a sitting of any court held in a provisional judicial district. R.S.O. 1950, c. 83, s. 10, *amended*.

Fee to  
Crown  
attorney

**10.** The Crown attorney is entitled to receive from the county in which the court is held a fee of \$1 in respect of every trial on which a witness attends, which sum shall be over and above his other costs and charges and shall cover the costs, charges and expenses of and incidental to the making of an order under this Act. R.S.O. 1950, c. 83, s. 12 (1).

Witness  
fees, etc.,  
payable on  
prosecution  
of claims,  
etc., by Her  
Majesty

**11.** In the case of an information, action, or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of Her Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property to which Her Majesty claims to be entitled for the use of Ontario, the witnesses are entitled to be paid the like witness fees and allowances as are payable in actions between subject and subject. R.S.O. 1950, c. 83, s. 13.

**12.** Where a commission has issued to take the evidence of a witness, the fees and expenses incurred in and by the issue of the commission and the taking of the evidence shall be paid in the same manner as witness fees. R.S.O. 1950, c. 83, s. 15, *amended*. Where evidence taken by commission

**13.** A witness is not entitled to require payment of any witness fee or allowance under this Act before the determination by adjournment or otherwise of the trial at which he attends as a witness. R.S.O. 1950, c. 83, s. 14. Fees, etc., not payable in advance

**14.** *The Crown Witnesses Act, The Crown Witnesses Amendment Act, 1956, The Crown Witnesses Amendment Act, 1957* and *The Crown Witnesses Amendment Act, 1959* are repealed. R.S.O. 1950, c. 83; 1956, c. 15; 1957, c. 22; 1959, c. 24, repealed

**15.** This Act comes into force on the 1st day of April, 1960. Commencement

**16.** This Act may be cited as *The Crown Witnesses Act, 1960*. Short title

## SCHEDULE

(Section 2 (1) )

## WITNESS FEES AND ALLOWANCES

- |  |         |
|--|---------|
| 1. Attending trial, each day.....  | \$ 6.00 |
| Barristers, solicitors, physicians and surgeons when called upon to give evidence in consequence of any professional service rendered by them or to give professional opinions, each day.....                            |         |
|  | 15.00   |
| Engineers, accountants, surveyors and architects when called upon to give evidence in consequence of any professional service rendered by them or to give evidence depending upon their skill or judgment, each day..... |         |
|  | 15.00   |
2. Where a witness travels by private automobile, 10 cents a mile each way for each mile necessarily travelled between his place of residence and the place of trial, but where the trial is held in the city or town in which the witness resides, 75 cents.
- The distance travelled shall be ascertained by the certificate of the Crown attorney.
3. Where a witness travels by a means other than private automobile, a sum equal to the amount of the fare actually paid for the transportation from his place of residence to the place where the trial is held and return.
4. Where a witness is required to attend the trial on more than one day and returns to his place of residence at night, the travelling allowance mentioned in item 2 or 3, as the case may be, is payable in respect of each day's attendance.
5. Where a witness resides elsewhere and in the opinion of the Crown attorney it is desirable that he remain overnight at the place at which the trial is held, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

1959, c. 24, s. 1, *amended*.



The Crown Witnesses Act, 1960

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*1st Reading*

January 28th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 14**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Marriage Act.**

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MR. PHILLIPS

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

#### EXPLANATORY NOTE

The three references to racial origin in the statement of marriage form are deleted as they are obsolete.

BILL 14

1960

## An Act to amend The Marriage Act

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

1. Form 8 of *The Marriage Act* is amended by striking out "Racial Origin" wherever it occurs. R.S.O. 1950,  
c. 222,  
Form 8,  
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Marriage Amendment Act, 1960*. Short title

An Act to amend The Marriage Act

---

*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. PHILLIPS

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**BILL 14**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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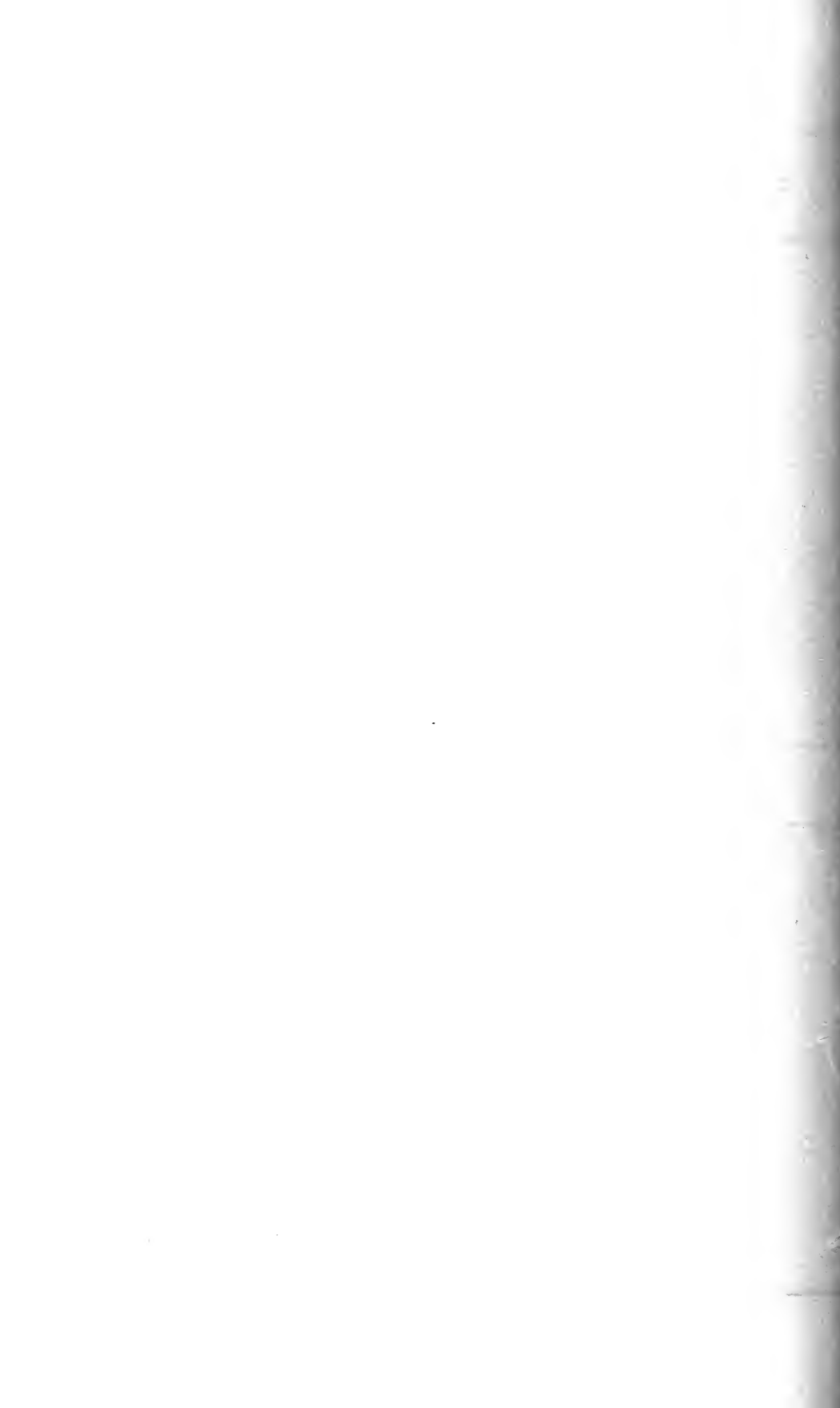
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**An Act to amend The Marriage Act**

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MR. PHILLIPS

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BILL 14

1960

## An Act to amend The Marriage Act

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

1. Form 8 of *The Marriage Act* is amended by striking out "Racial Origin" wherever it occurs. R.S.O. 1950,  
c. 222,  
Form 8,  
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Marriage Amendment Act, 1960*. Short title

An Act to amend The Marriage Act

---

*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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Mr. PHILLIPS

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**BILL 15**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Division Courts Act**

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MR. ROBERTS

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#### EXPLANATORY NOTE

In 1957 the Act was amended to provide for the transfer of Supreme Court judgments and county and district court judgments to a division court for the purpose of garnishing the wages of the judgment debtor.

This Bill extends the application of this principle to cases where a consolidation order has been made in the division court against the judgment debtor.

BILL 15

1960

## 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.** *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 106,  
amended

**161a.** Notwithstanding subsection 1 of section 161, where a judgment is transferred under subsection 3 of section 129 and a consolidation order has been made against the judgment debtor, the clerk of the court shall add the judgment to the consolidation order, but only to the extent of the jurisdiction of the division court in personal actions. Addition of  
Supreme  
and county  
court  
judgments to  
consolidation  
orders

**2.** This Act may be cited as *The Division Courts Amendment Act, 1960*. Short title

An Act to amend  
The Division Courts Act

---

*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

---

MR. ROBERTS

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

**BILL 15**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Division Courts Act**

---

MR. ROBERTS

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BILL 15

1960

## 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.** *The Division Courts Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 106,  
amended

**161a.** Notwithstanding subsection 1 of section 161, where a judgment is transferred under subsection 3 of section 129 and a consolidation order has been made against the judgment debtor, the clerk of the court shall add the judgment to the consolidation order, but only to the extent of \$200. Addition of  
Supreme  
and county  
court  
judgments to  
consolidation  
orders

**2.** This Act may be cited as *The Division Courts Amendment Act, 1960*. Short title

An Act to amend  
The Division Courts Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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Mr. ROBERTS

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**BILL 16**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Evidence Act**

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MR. ROBERTS

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

#### EXPLANATORY NOTES

SECTION 1. Section 2 as re-enacted clarifies the scope of the Act. It now follows in principle the corresponding provision of the *Canada Evidence Act*.

Sections 2*a* and 2*b*, which are new, contain the substance transferred from section 22 of *The Interpretation Act* and also include provisions recommended by the Conference of Commissioners on Uniformity of Legislation in Canada.

SECTION 2. The amendment clarifies the section in line with judicial interpretation.

## An Act to amend The Evidence 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 Evidence Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 119, s. 2,  
re-enacted
  2. This Act applies to all actions and other matters whatsoever respecting which the Legislature has jurisdiction. Application  
of Act
  - 2a.—(1) Where by any Act of the Legislature or order of the Assembly an oath is authorized or directed to be administered, the oath may be administered by any person authorized to take affidavits in Ontario. Administra-  
tion of  
oaths
  - (2) Every court has power to administer or cause to be administered an oath to every witness who is called to give evidence before the court. by courts
  - 2b. Where an oath or declaration is directed to be made before a person, he has power and authority to administer it and to certify to its having been made. Certification
2. Section 8 of *The Evidence Act* is amended by inserting after "any" in the fourth line "such", so that the section shall read as follows: R.S.O. 1950,  
c. 119, s. 8,  
amended
  8. The parties to any proceeding instituted in consequence of adultery and the husbands and wives of such parties shall be competent to give evidence in such proceeding; provided that no witness in any such proceeding, whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she is guilty of adultery unless such witness has already given evidence in the same proceeding in disproof of his or her alleged adultery. Evidence in  
proceedings  
in conse-  
quence of  
adultery

R.S.O. 1950,  
c. 119, s. 10,  
amended

3. Section 10 of *The Evidence Act* is amended by striking out "to be applied for before the examination of any of such witnesses" in the fifth and sixth lines, so that the section shall read as follows:

Expert  
evidence

10. Where it is intended by any party to examine as witnesses persons entitled, according to the law or practice, to give opinion evidence, not more than three of such witnesses may be called upon either side without the leave of the judge or other person presiding.

R.S.O. 1950,  
c. 119,  
amended

4. *The Evidence Act* is amended by adding thereto the following section:

Use of  
examination  
for discovery  
of officer or  
servant of  
corporation  
at trial

13a. An examination for discovery, or any part thereof, of an officer or servant of a corporation made under the rules of court may be used as evidence at the trial by any party adverse in interest to the corporation, subject to such protection to the corporation as the rules of court provide.

R.S.O. 1950,  
c. 119,  
amended

5. *The Evidence Act* is amended by adding thereto the following section:

Solemn  
declaration

39a.—(1) Any person authorized to take declarations in Ontario may receive the solemn declaration of any person in attestation of the truth of any fact or of any account rendered in writing and, subject to subsection 2, the declaration and any declaration authorized or required by any Act of the Legislature shall be in the following form:

I, A.B., solemnly declare that (*state the fact or facts declared to*), 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.

Declared before me

at this

day of , A.D. 19 .

Idem

R.S.C. 1952,  
c. 307

(2) A declaration made in the form prescribed by section 37 of the *Canada Evidence Act* shall be deemed to have been made in compliance with subsection 1.

SECTION 3. The amendment permits leave to call additional expert witnesses to be given during the trial.

SECTION 4. Self-explanatory.

SECTION 5. The new section 39*a* prescribes the form of a statutory declaration for use in matters under the jurisdiction of the Legislature.

**SECTION 6.** The section is re-enacted in order to bring up to date the titles of the officers and offices concerned.

6. Section 47 of *The Evidence Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 119, s. 47,  
re-enacted

47. The production of a certificate in writing signed or purporting to be signed by the Minister of National Defence or by, Military  
records

- (a) the Chief of the General Staff or the Director of Records, Army Headquarters, Department of National Defence, in the case of a member of Her Majesty's Canadian military forces;
- (b) the Chief of the Naval Staff or the Naval Secretary, Naval Headquarters, Department of National Defence, in the case of a member of Her Majesty's Canadian naval forces;
- (c) the Chief of the Air Staff or the Royal Canadian Air Force Records Officer, Department of National Defence, in the case of a member of Her Majesty's Canadian air forces; or
- (d) an officer of Her Majesty's Canadian naval, military or air forces authorized so to sign, in the case of a member of any of Her Majesty's Canadian forces,

stating that the person named in the certificate was a member of any of Her Majesty's Canadian forces, and that he has been officially reported as dead or presumed to be dead, if it appears on the face of the certificate that the person signing is qualified as prescribed in clause *a*, *b*, *c* or *d*, as the case may be, is sufficient proof of the death of such person and of all facts stated in the certificate for any purpose to which the authority of this Legislature extends, and also of the office, authority and signature of the person giving or making the certificate, without any proof of his appointment, authority or signature.

7. Section 4 comes into force on a day to be named by the Lieutenant Governor by his Proclamation. Commence-  
ment

8. This Act may be cited as *The Evidence Amendment Act*, 1960. Short  
Title

An Act to amend The Evidence Act

---

*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 16**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Evidence Act**

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MR. ROBERTS

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

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PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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SECTION 1. Section 2 as re-enacted clarifies the scope of the Act. It now follows in principle the corresponding provision of the *Canada Evidence Act*.

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BILL 16

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2. This Act applies to all actions and other matters whatsoever respecting which the Legislature has jurisdiction. Application of Act

2a.—(1) Where by any Act of the Legislature or order of the Assembly an oath is authorized or directed to be administered, the oath may be administered by any person authorized to take affidavits in Ontario. Administration of oaths

(2) Every court has power to administer or cause to be administered an oath to every witness who is called to give evidence before the court. by courts

2b. Where an oath or declaration is directed to be made before a person, he has power and authority to administer it and to certify to its having been made. Certification

2. Section 8 of *The Evidence Act* is amended by inserting after "any" in the fourth line "such", so that the section shall read as follows: R.S.O. 1950, c. 119, s. 8, amended

8. The parties to any proceeding instituted in consequence of adultery and the husbands and wives of such parties shall be competent to give evidence in such proceeding; provided that no witness in any such proceeding, whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she is guilty of adultery unless such witness has already given evidence in the same proceeding in disproof of his or her alleged adultery. Evidence in proceedings in consequence of adultery

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amended

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10. Where it is intended by any party to examine as witnesses persons entitled, according to the law or practice, to give opinion evidence, not more than three of such witnesses may be called upon either side without the leave of the judge or other person presiding.

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at this

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Idem

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47. The production of a certificate, purporting to be signed by an authority authorized in that behalf by the *National Defence Act* or by regulations made thereunder, stating that the person named in the certificate died, or was deemed to have died, on a date set forth therein, is *prima facie* proof for any purpose, to which the authority of the Legislature extends, that the person so named died on that date, and also of the office, authority and signature of the person signing the certificate, without any proof of his appointment, authority or signature. Military  
records  
R.S.C. 1952,  
c. 184

7. Section 4 comes into force on a day to be named by the Lieutenant Governor by his Proclamation. Commence-  
ment

8. This Act may be cited as *The Evidence Amendment Act*, Short title  
1960.

An Act to amend The Evidence Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 16**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Evidence Act**

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MR. ROBERTS

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BILL 16

1960

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*1st Reading*

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MR. ROBERTS

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# BILL 17

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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## An Act to amend The Fire Marshals Act

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MR. ROBERTS

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#### EXPLANATORY NOTES

GENERAL. This Bill is designed to bring the Act up to date and into line with present-day practices and with recent amendments to other Acts.

SECTION 1. At the present time fire services instructors are appointed under *The Fire Departments Act* while all other personnel of the Fire Marshal's office are appointed under *The Fire Marshals Act*. In order to bring about uniformity in this respect this new subsection transfers the authority for such appointments from the former to the latter Act.

SECTION 2—Subsection 1. The scope of the clause is broadened because Acts other than *The Municipal Act* now contain provisions relating to the prevention of fire, etc.

Subsection 2. This new clause gives the Fire Marshal specific authority to advise municipalities in fire prevention matters.

BILL 17

1960

## An Act to amend The Fire Marshals 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 Fire Marshals Act*, as amended by R.S.O. 1950, section 1 of *The Fire Marshals Amendment Act, 1956*, is further c. 140, s. 2, amended amended by adding thereto the following subsection:

(4a) The Lieutenant Governor in Council may appoint Fire fire services instructors who, under the direction of services instructors the Fire Marshal, shall assist in the organization and training of municipal fire departments and in the development of other fire prevention programmes and shall perform such other duties as are imposed by this Act or the regulations.

2.—(1) Clause *a* of section 3 of *The Fire Marshals Act* is R.S.O. 1950, amended by inserting after “*Act*” in the third line “or any c. 140, s. 3, other Act”, so that the clause shall read as follows: cl. *a*, amended

(a) whenever he has reason to believe that the council of Municipal a municipality has not passed a by-law under the by-laws authority of any of the sections of *The Municipal R.S.O. 1950, Act* or any other Act relating to the prevention of c. 243 fire or protection of life and property therefrom, or that the by-law which has been passed by a municipal council is not complete or is not being enforced, to confer with members or officers of the council and to assist them as far as may be expedient and practicable in preparing, improving and enforcing the by-law.

(2) The said section 3 is amended by adding thereto the R.S.O. 1950, following clause: c. 140, s. 3, amended

(aa) to assist members of municipal councils and municipal officers in the formation and organization of Assistance to municipal fire departments, to make recommendations with palities

regard to equipment, operations, duties and administration of fire departments, and in the preparation of by-laws relevant thereto.

R.S.O. 1950, c. 140, s. 3, cl. 7, amended (3) Clause *c* of the said section 3 is amended by inserting after "articles" in the third line "pamphlets", so that the clause shall read as follows:

Propaganda as to fire prevention (c) to disseminate information and advice as to the prevention of fire by means of public meetings, newspaper articles, pamphlets, exhibitions and moving picture films and otherwise as he may consider advisable.

R.S.O. 1950, c. 140, s. 3, cl. 7, amended (4) Clause *d* of the said section 3 is amended by adding at the end thereof "and fire protection", so that the clause shall read as follows:

Assisting local organizations for fire prevention (d) to assist in the formation of local associations or leagues and to co-operate with any body or persons interested in developing and promoting the principles and practices of fire prevention and fire protection.

R.S.O. 1950, c. 140, s. 3, amended (5) The said section 3 is further amended by adding thereto the following clause:

Assisting departments and agencies of government (dd) to advise and assist departments and agencies of government in fire prevention and fire protection problems.

R.S.O. 1950, c. 140, s. 3, cl. 7, amended (6) Clause *j* of the said section 3 is amended by striking out "Subject to the regulations" in the first line, so that the clause shall read as follows:

Powers of Fire Marshal as to entry and inspection (j) to enter upon, examine and inspect from time to time hotels, apartment houses, factories, work shops and other places where persons reside or are employed in numbers, and direct such alterations to be made and such precautions to be taken as he may deem necessary for the purpose of complying with any statute or regulation made for the better protection of life and property in such buildings.

R.S.O. 1950, c. 140, s. 5, repealed 3. Section 5 of *The Fire Marshals Act* is repealed.

R.S.O. 1950, c. 140, s. 8, subs. 2, amended 4.—(1) Subsection 2 of section 8 of *The Fire Marshals Act* is amended by adding at the end thereof "and including therein particulars of all fatalities and injuries sustained by

Subsection 3. As much of the Fire Marshal's public educational programme is done by way of pamphlets, the authority for the use of this literature is specifically set out.

Subsection 4. "Fire protection" is added to "fire prevention" in order to give express authority for what has become, in recent years, a major phase of the work of the Fire Marshal's office.

Subsection 5. This new clause gives express authority for an existing practice.

Subsection 6. The phrase deleted is redundant having regard to the opening words of section 3 of the Act.

SECTION 3. Section 5 of the Act, an old provision, gives the Commissioner of Police for Ontario the same powers as the Fire Marshal with respect to investigations of the cause, origin and circumstances of fires. The section has never been used and is incompatible with the present functions of the Commissioner. The section is therefore repealed.

SECTION 4—Subsection 1. The amendment gives specific authority for the Fire Marshal to require particulars of deaths and injuries in fires in the statistical returns of his assistants.

Subsection 2. The first amendment brings the provision into line with *The Municipal Act* which now authorizes municipalities other than cities and towns to establish fire departments.

The second amendment is for clarification only.

Subsection 3. See the first paragraph of the note to subsection 2 above.

SECTION 5. This old subsection, which fixes the fees of Crown attorneys for work done under *The Fire Marshals Act*, is obsolete. It is therefore repealed. Appropriate fees in these cases are provided for elsewhere.

SECTION 6. See the first paragraph of the note to subsection 2 of section 4.

persons in such fires", so that the subsection shall read as follows:

- (2) The assistants to the Fire Marshal shall report to him in writing, on forms to be supplied by him, all the fires occurring in their respective municipalities within three days after receiving information of the fire and including therein particulars of all fatalities and injuries sustained by persons in such fires. Their duty to report

(2) Subsection 3 of the said section 8 is amended by striking out "city or town" in the first line and inserting in lieu thereof "municipality" and by striking out "in whole or in part" in the second line and inserting in lieu thereof "an annual salary of less than \$500", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 8, subs. 3, amended

- (3) Except in the case of a municipality where the chief of the fire department is paid an annual salary of less than \$500 by the corporation of the municipality, every such assistant of the Fire Marshal shall be paid the sum of \$1 for each report, upon the certificate of the Fire Marshal, out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. Fees of assistants

(3) Subsection 4 of the said section 8 is amended by striking out "urban" in the first and third lines respectively, so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 8, subs. 4, amended

- (4) Whenever in any municipality a fire prevention bureau has been established by the corporation, or where the chief of the fire department of any municipality has designated one or more members of the fire department of such municipality as a fire prevention officer or officers, or where the Fire Marshal has so designated any other person, every person who is a member of the bureau or who is so designated shall be an assistant to the Fire Marshal and shall be possessed of all the powers of an assistant to the Fire Marshal under this Act. Assistants to the Fire Marshal

5. Subsection 3 of section 17 of *The Fire Marshals Act* is repealed. R.S.O. 1950, c. 140, s. 17, subs. 3, repealed

6.—(1) Subsection 1 of section 18 of *The Fire Marshals Act* is amended by striking out "city and town" in the first line and inserting in lieu thereof "municipality", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 18, subs. 1, amended

- (1) The corporation of every municipality shall provide a suitable place for the holding of investigations and Municipality to provide place for holding investigation

public inquiries by the Fire Marshal or his deputy and, until such place is provided, the investigations and inquiries may be held in the magistrate's court room of the municipality, but at such times as shall not interfere with the use of the court room for the holding of the magistrate's court.

R.S.O. 1950,  
c. 140, s. 18,  
subs. 2,  
amended

(2) Subsection 2 of the said section 18 is amended by striking out "corporation" in the first and fourth lines respectively and inserting in lieu thereof "municipality", so that the subsection shall read as follows:

Where  
municipality  
does not act

(2) If a suitable place is not provided by the municipality, the Fire Marshal may procure a suitable place for holding the investigation or inquiry and the expense incurred shall be borne by the municipality.

R.S.O. 1950,  
c. 140, s. 20,  
subs. 2,  
cl. c,  
amended

7.—(1) Clause *c* of subsection 2 of section 20 of *The Fire Marshals Act* is amended by inserting after "such" in the third line "avenues of egress", so that the clause shall read as follows:

(c) the installation of safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such avenues of egress, fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire.

R.S.O. 1950,  
c. 140, s. 20,  
amended

(2) The said section 20 is amended by adding thereto the following subsections:

Closing of  
premises

(9a) If the obligation for the neglect of which the penalty was imposed on any person is not fulfilled within thirty days after the conviction, the magistrate or justices, on the application of the Fire Marshal, may order the closing of any premises where the danger of fire or explosion is especially hazardous to life or property until such time as the obligation for which the penalty was imposed is fulfilled.

Removal of  
hazard by  
Fire  
Marshal

(9b) Where the person does not remedy the conditions for which a conviction was made within thirty days after conviction, the magistrate or justices may issue an order authorizing the Fire Marshal to remove the building or combustible or explosive material or anything that may constitute a fire menace and the expenses so incurred shall be paid as in subsections 11 and 12.



SECTION 7--Subsection 1. The scope of the authority is clarified by specifically mentioning "avenues of egress" in addition to fire escapes and exit doors.

Subsection 2. These provisions are new. They are considered necessary in the public interest in cases where the normal sanctions prove inadequate to abate a fire hazard.

Subsection 3. This amendment will authorize the tenant, where the landlord is absent, to make ordered repairs up to 25 per cent of the annual rental instead of up to 10 per cent.

SECTION 8—Subsections 1 and 2. Self-explanatory.

Subsection 3. This old provision, which authorizes regulations to be made respecting dry cleaning establishments, has never been used and is obsolete. It is therefore repealed.

(3) Subsection 13 of the said section 20 is amended by striking out "10 per cent" in the thirteenth and fourteenth lines and inserting in lieu thereof "25 per cent", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 20, subs. 13, amended

- (13) If the owner of a building or premises is absent from or does not reside within the municipality in which the building or premises is situate, or his whereabouts in the municipality is unknown, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the tenant or occupant to make minor alterations or repairs which are urgently required for purposes of fire prevention and the tenant or occupant may deduct the cost of the alterations or repairs from any rent thereafter payable on furnishing the owner with a copy of the order and an accounting of the amount deducted but a tenant or occupant shall not be required to expend or expend in any year an amount in excess of 25 per cent of the annual rental payable in respect of such tenancy or occupancy. Minor alterations and repairs

8.—(1) Clause *d* of subsection 1 of section 23 of *The Fire Marshals Act* is amended by striking out "the members of which shall serve without remuneration" in the second and third lines, so that the clause shall read as follows: R.S.O. 1950, c. 140, s. 23, subs. 1, cl. d, amended

- (*d*) providing for the appointment of an advisory committee and defining the duties and powers of such committee.

(2) Subsection 1 of the said section 23 is amended by adding thereto the following clause: R.S.O. 1950, c. 140, s. 23, subs. 1, amended

- (*hh*) providing long service awards to members of the public fire services.

(3) Subsection 2 of the said section 23 is repealed. R.S.O. 1950, c. 140, s. 23, subs. 2, repealed

9. This Act may be cited as *The Fire Marshals Amendment Act, 1960*. Short title

An Act to amend  
The Fire Marshals Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 17**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Fire Marshals Act**

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MR. ROBERTS

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

#### EXPLANATORY NOTES

**GENERAL.** This Bill is designed to bring the Act up to date and into line with present-day practices and with recent amendments to other Acts.

**SECTION 1.** At the present time fire services instructors are appointed under *The Fire Departments Act* while all other personnel of the Fire Marshal's office are appointed under *The Fire Marshals Act*. In order to bring about uniformity in this respect this new subsection transfers the authority for such appointments from the former to the latter Act.

**SECTION 2—Subsection 1.** The scope of the clause is broadened because Acts other than *The Municipal Act* now contain provisions relating to the prevention of fire, etc.

**Subsection 2.** This new clause gives the Fire Marshal specific authority to advise municipalities in fire prevention matters.

## An Act to amend The Fire Marshals 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 Fire Marshals Act*, as amended by R.S.O. 1950, section 1 of *The Fire Marshals Amendment Act, 1956*, is further amended<sup>c. 140, s. 2,</sup> amended by adding thereto the following subsection:

(4a) The Lieutenant Governor in Council may appoint<sup>Fire services</sup> fire services instructors who, under the direction of<sup>instructors</sup> the Fire Marshal, shall assist in the organization and training of municipal fire departments and in the development of other fire prevention programmes and shall perform such other duties as are imposed by this Act or the regulations.

2.—(1) Clause a of section 3 of *The Fire Marshals Act* is R.S.O. 1950, amended by inserting after "Act" in the third line "or any<sup>c. 140, s. 3,</sup> other Act", so that the clause shall read as follows:<sup>cl. a,</sup> amended

(a) whenever he has reason to believe that the council of<sup>Municipal by-laws</sup> a municipality has not passed a by-law under the authority of any of the sections of *The Municipal Act* or any other Act relating to the prevention of fire or protection of life and property therefrom, or that the by-law which has been passed by a municipal council is not complete or is not being enforced, to confer with members or officers of the council and to assist them as far as may be expedient and practicable in preparing, improving and enforcing the by-law.<sup>R.S.O. 1950, c. 243</sup>

(2) The said section 3 is amended by adding thereto the following clause:<sup>R.S.O. 1950, c. 140, s. 3,</sup> amended

(aa) to assist members of municipal councils and municipal officers in the formation and organization of<sup>Assistance to municipalities</sup> fire departments, to make recommendations with

regard to equipment, operations, duties and administration of fire departments, and in the preparation of by-laws relevant thereto.

R.S.O. 1950, c. 140, s. 3, cl. *c*, amended (3) Clause *c* of the said section 3 is amended by inserting after "articles" in the third line "pamphlets", so that the clause shall read as follows:

Propaganda as to fire prevention (c) to disseminate information and advice as to the prevention of fire by means of public meetings, newspaper articles, pamphlets, exhibitions and moving picture films and otherwise as he may consider advisable.

R.S.O. 1950, c. 140, s. 3, cl. *d*, amended (4) Clause *d* of the said section 3 is amended by adding at the end thereof "and fire protection", so that the clause shall read as follows:

Assisting local organizations for fire prevention (d) to assist in the formation of local associations or leagues and to co-operate with any body or persons interested in developing and promoting the principles and practices of fire prevention and fire protection.

R.S.O. 1950, c. 140, s. 3, amended (5) The said section 3 is further amended by adding thereto the following clause:

Assisting departments and agencies of government (dd) to advise and assist departments and agencies of government in fire prevention and fire protection problems.

R.S.O. 1950, c. 140, s. 3, cl. *j*, amended (6) Clause *j* of the said section 3 is amended by striking out "Subject to the regulations" in the first line, so that the clause shall read as follows:

Powers of Fire Marshal as to entry and inspection (j) to enter upon, examine and inspect from time to time hotels, apartment houses, factories, work shops and other places where persons reside or are employed in numbers, and direct such alterations to be made and such precautions to be taken as he may deem necessary for the purpose of complying with any statute or regulation made for the better protection of life and property in such buildings.

R.S.O. 1950, c. 140, s. 5, repealed 3. Section 5 of *The Fire Marshals Act* is repealed.

R.S.O. 1950, c. 140, s. 8, subs. 2, amended 4.—(1) Subsection 2 of section 8 of *The Fire Marshals Act* is amended by adding at the end thereof "and including therein particulars of all fatalities and injuries sustained by



Subsection 3. As much of the Fire Marshal's public educational programme is done by way of pamphlets, the authority for the use of this literature is specifically set out.

Subsection 4. "Fire protection" is added to "fire prevention" in order to give express authority for what has become, in recent years, a major phase of the work of the Fire Marshal's office.

Subsection 5. This new clause gives express authority for an existing practice.

Subsection 6. The phrase deleted is redundant having regard to the opening words of section 3 of the Act.

SECTION 3. Section 5 of the Act, an old provision, gives the Commissioner of Police for Ontario the same powers as the Fire Marshal with respect to investigations of the cause, origin and circumstances of fires. The section has never been used and is incompatible with the present functions of the Commissioner. The section is therefore repealed.

SECTION 4—Subsection 1. The amendment gives specific authority for the Fire Marshal to require particulars of deaths and injuries in fires in the statistical returns of his assistants.

Subsection 2. The first amendment brings the provision into line with *The Municipal Act* which now authorizes municipalities other than cities and towns to establish fire departments.

The second amendment is for clarification only.

Subsection 3. See the first paragraph of the note to subsection 2 above.

SECTION 5. This old subsection, which fixes the fees of Crown attorneys for work done under *The Fire Marshals Act*, is obsolete. It is therefore repealed. Appropriate fees in these cases are provided for elsewhere.

SECTION 6. See the first paragraph of the note to subsection 2 of section 4.

persons in such fires", so that the subsection shall read as follows:

- (2) The assistants to the Fire Marshal shall report to him in writing, on forms to be supplied by him, all the fires occurring in their respective municipalities within three days after receiving information of the fire and including therein particulars of all fatalities and injuries sustained by persons in such fires. Their duty to report

(2) Subsection 3 of the said section 8 is amended by striking out "city or town" in the first line and inserting in lieu thereof "municipality" and by striking out "in whole or in part" in the second line and inserting in lieu thereof "an annual salary of more than \$500", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 8, subs. 3, amended

- (3) Except in the case of a municipality where the chief of the fire department is paid an annual salary of more than \$500 by the corporation of the municipality, every such assistant of the Fire Marshal shall be paid the sum of \$1 for each report, upon the certificate of the Fire Marshal, out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. Fees of assistants

(3) Subsection 4 of the said section 8 is amended by striking out "urban" in the first and third lines respectively, so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 8, subs. 4, amended

- (4) Whenever in any municipality a fire prevention bureau has been established by the corporation, or where the chief of the fire department of any municipality has designated one or more members of the fire department of such municipality as a fire prevention officer or officers, or where the Fire Marshal has so designated any other person, every person who is a member of the bureau or who is so designated shall be an assistant to the Fire Marshal and shall be possessed of all the powers of an assistant to the Fire Marshal under this Act. Assistants to the Fire Marshal

5. Subsection 3 of section 17 of *The Fire Marshals Act* is repealed. R.S.O. 1950, c. 140, s. 17, subs. 3, repealed

6.—(1) Subsection 1 of section 18 of *The Fire Marshals Act* is amended by striking out "city and town" in the first line and inserting in lieu thereof "municipality", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 18, subs. 1, amended

- (1) The corporation of every municipality shall provide a suitable place for the holding of investigations and Municipality to provide place for holding investigation

public inquiries by the Fire Marshal or his deputy and, until such place is provided, the investigations and inquiries may be held in the magistrate's court room of the municipality, but at such times as shall not interfere with the use of the court room for the holding of the magistrate's court.

R.S.O. 1950,  
c. 140, s. 18,  
subs. 2,  
amended

(2) Subsection 2 of the said section 18 is amended by striking out "corporation" in the first and fourth lines respectively and inserting in lieu thereof "municipality", so that the subsection shall read as follows:

Where  
municipality  
does not act

(2) If a suitable place is not provided by the municipality, the Fire Marshal may procure a suitable place for holding the investigation or inquiry and the expense incurred shall be borne by the municipality.

R.S.O. 1950,  
c. 140, s. 20,  
subs. 2,  
cl. c,  
amended

7.—(1) Clause *c* of subsection 2 of section 20 of *The Fire Marshals Act* is amended by inserting after "such" in the third line "avenues of egress", so that the clause shall read as follows:

(c) the installation of safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such avenues of egress, fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire.

R.S.O. 1950,  
c. 140, s. 20,  
amended

(2) The said section 20 is amended by adding thereto the following subsections:

Closing of  
premises

(9a) If the obligation for the neglect of which the penalty was imposed on any person is not fulfilled within thirty days after the conviction, the magistrate or justices, on the application of the Fire Marshal, may order the closing of any premises where the danger of fire or explosion is especially hazardous to life or property until such time as the obligation for which the penalty was imposed is fulfilled.

Removal of  
hazard by  
Fire  
Marshal

(9b) Where the person does not remedy the conditions for which a conviction was made within thirty days after conviction, the magistrate or justices may issue an order authorizing the Fire Marshal to remove the building or combustible or explosive material or anything that may constitute a fire menace and the expenses so incurred shall be paid as in subsections 11 and 12.

**SECTION 7—Subsection 1.** The scope of the authority is clarified by specifically mentioning “avenues of egress” in addition to fire escapes and exit doors.

Subsection 2. These provisions are new. They are considered necessary in the public interest in cases where the normal sanctions prove inadequate to abate a fire hazard.

Subsection 3. This amendment will authorize the tenant, where the landlord is absent, to make ordered repairs up to 25 per cent of the annual rental instead of up to 10 per cent.

SECTION 8—Subsections 1 and 2. Self-explanatory.

Subsection 3. This old provision, which authorizes regulations to be made respecting dry cleaning establishments, has never been used and is obsolete. It is therefore repealed.

(3) Subsection 13 of the said section 20 is amended by striking out "10 per cent" in the thirteenth and fourteenth lines and inserting in lieu thereof "25 per cent", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 20, subs. 13, amended

- (13) If the owner of a building or premises is absent from or does not reside within the municipality in which the building or premises is situate, or his whereabouts in the municipality is unknown, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the tenant or occupant to make minor alterations or repairs which are urgently required for purposes of fire prevention and the tenant or occupant may deduct the cost of the alterations or repairs from any rent thereafter payable on furnishing the owner with a copy of the order and an accounting of the amount deducted but a tenant or occupant shall not be required to expend or expend in any year an amount in excess of 25 per cent of the annual rental payable in respect of such tenancy or occupancy. Minor alterations and repairs

8.—(1) Clause *d* of subsection 1 of section 23 of *The Fire Marshals Act* is amended by striking out "the members of which shall serve without remuneration" in the second and third lines, so that the clause shall read as follows: R.S.O. 1950, c. 140, s. 23, subs. 1, cl. d, amended

- (*d*) providing for the appointment of an advisory committee and defining the duties and powers of such committee.

(2) Subsection 1 of the said section 23 is amended by adding thereto the following clause: R.S.O. 1950, c. 140, s. 23, subs. 1, amended

- (*hh*) providing long service awards to members of the public fire services.

(3) Subsection 2 of the said section 23 is repealed. R.S.O. 1950, c. 140, s. 23, subs. 2, repealed

9. This Act may be cited as *The Fire Marshals Amendment Act, 1960*. Short title

An Act to amend  
The Fire Marshals Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 17**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Fire Marshals Act**

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MR. ROBERTS

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## An Act to amend The Fire Marshals 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 Fire Marshals Act*, as amended by R.S.O. 1950, section 1 of *The Fire Marshals Amendment Act, 1956*, is further <sup>c. 140, s. 2,</sup> amended by adding thereto the following subsection:

(4a) The Lieutenant Governor in Council may appoint <sup>Fire services</sup> fire services instructors who, under the direction of <sup>instructors</sup> the Fire Marshal, shall assist in the organization and training of municipal fire departments and in the development of other fire prevention programmes and shall perform such other duties as are imposed by this Act or the regulations.

2.—(1) Clause *a* of section 3 of *The Fire Marshals Act* is <sup>R.S.O. 1950,</sup> amended by inserting after “Act” in the third line “or any <sup>c. 140, s. 3,</sup> other Act”, so that the clause shall read as follows: <sup>cl. a,</sup> amended

(a) whenever he has reason to believe that the council of <sup>Municipal by-laws</sup> a municipality has not passed a by-law under the authority of any of the sections of *The Municipal Act* or any other Act relating to the prevention of <sup>R.S.O. 1950,</sup> fire or protection of life and property therefrom, or that the by-law which has been passed by a municipal council is not complete or is not being enforced, to confer with members or officers of the council and to assist them as far as may be expedient and practicable in preparing, improving and enforcing the by-law. <sup>c. 243</sup>

(2) The said section 3 is amended by adding thereto the <sup>R.S.O. 1950,</sup> following clause: <sup>c. 140, s. 3,</sup> amended

(aa) to assist members of municipal councils and municipal officers in the formation and organization of <sup>Assistance to municipal</sup> fire departments, to make recommendations with <sup>palities</sup>

regard to equipment, operations, duties and administration of fire departments, and in the preparation of by-laws relevant thereto.

R.S.O. 1950, c. 140, s. 3, cl. *c*, amended (3) Clause *c* of the said section 3 is amended by inserting after "articles" in the third line "pamphlets", so that the clause shall read as follows:

Propaganda as to fire prevention (c) to disseminate information and advice as to the prevention of fire by means of public meetings, newspaper articles, pamphlets, exhibitions and moving picture films and otherwise as he may consider advisable.

R.S.O. 1950, c. 140, s. 3, cl. *d*, amended (4) Clause *d* of the said section 3 is amended by adding at the end thereof "and fire protection", so that the clause shall read as follows:

Assisting local organizations for fire prevention (d) to assist in the formation of local associations or leagues and to co-operate with any body or persons interested in developing and promoting the principles and practices of fire prevention and fire protection.

R.S.O. 1950, c. 140, s. 3, amended (5) The said section 3 is further amended by adding thereto the following clause:

Assisting departments and agencies of government (dd) to advise and assist departments and agencies of government in fire prevention and fire protection problems.

R.S.O. 1950, c. 140, s. 3, cl. *j*, amended (6) Clause *j* of the said section 3 is amended by striking out "Subject to the regulations" in the first line, so that the clause shall read as follows:

Powers of Fire Marshal as to entry and inspection (j) to enter upon, examine and inspect from time to time hotels, apartment houses, factories, work shops and other places where persons reside or are employed in numbers, and direct such alterations to be made and such precautions to be taken as he may deem necessary for the purpose of complying with any statute or regulation made for the better protection of life and property in such buildings.

R.S.O. 1950, c. 140, s. 5, repealed 3. Section 5 of *The Fire Marshals Act* is repealed.

R.S.O. 1950, c. 140, s. 8, subs. 2, amended 4.—(1) Subsection 2 of section 8 of *The Fire Marshals Act* is amended by adding at the end thereof "and including therein particulars of all fatalities and injuries sustained by

persons in such fires", so that the subsection shall read as follows:

- (2) The assistants to the Fire Marshal shall report to him in writing, on forms to be supplied by him, all the fires occurring in their respective municipalities within three days after receiving information of the fire and including therein particulars of all fatalities and injuries sustained by persons in such fires. Their duty to report

(2) Subsection 3 of the said section 8 is amended by striking out "city or town" in the first line and inserting in lieu thereof "municipality" and by striking out "in whole or in part" in the second line and inserting in lieu thereof "an annual salary of more than \$500", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 8, subs. 3, amended

- (3) Except in the case of a municipality where the chief of the fire department is paid an annual salary of more than \$500 by the corporation of the municipality, every such assistant of the Fire Marshal shall be paid the sum of \$1 for each report, upon the certificate of the Fire Marshal, out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. Fees of assistants

(3) Subsection 4 of the said section 8 is amended by striking out "urban" in the first and third lines respectively, so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 8, subs. 4, amended

- (4) Whenever in any municipality a fire prevention bureau has been established by the corporation, or where the chief of the fire department of any municipality has designated one or more members of the fire department of such municipality as a fire prevention officer or officers, or where the Fire Marshal has so designated any other person, every person who is a member of the bureau or who is so designated shall be an assistant to the Fire Marshal and shall be possessed of all the powers of an assistant to the Fire Marshal under this Act. Assistants to the Fire Marshal

5. Subsection 3 of section 17 of *The Fire Marshals Act* is repealed. R.S.O. 1950, c. 140, s. 17, subs. 3, repealed

6.—(1) Subsection 1 of section 18 of *The Fire Marshals Act* is amended by striking out "city and town" in the first line and inserting in lieu thereof "municipality", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 18, subs. 1, amended

- (1) The corporation of every municipality shall provide a suitable place for the holding of investigations and Municipality to provide place for holding investigation

public inquiries by the Fire Marshal or his deputy and, until such place is provided, the investigations and inquiries may be held in the magistrate's court room of the municipality, but at such times as shall not interfere with the use of the court room for the holding of the magistrate's court.

R.S.O. 1950,  
c. 140, s. 18,  
subs. 2,  
amended

(2) Subsection 2 of the said section 18 is amended by striking out "corporation" in the first and fourth lines respectively and inserting in lieu thereof "municipality", so that the subsection shall read as follows:

Where  
municipality  
does not act

(2) If a suitable place is not provided by the municipality, the Fire Marshal may procure a suitable place for holding the investigation or inquiry and the expense incurred shall be borne by the municipality.

R.S.O. 1950,  
c. 140, s. 20,  
subs. 2,  
cl. c,  
amended

7.—(1) Clause *c* of subsection 2 of section 20 of *The Fire Marshals Act* is amended by inserting after "such" in the third line "avenues of egress", so that the clause shall read as follows:

(c) the installation of safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such avenues of egress, fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire.

R.S.O. 1950,  
c. 140, s. 20,  
amended

(2) The said section 20 is amended by adding thereto the following subsections:

Closing of  
premises

(9a) If the obligation for the neglect of which the penalty was imposed on any person is not fulfilled within thirty days after the conviction, the magistrate or justices, on the application of the Fire Marshal, may order the closing of any premises where the danger of fire or explosion is especially hazardous to life or property until such time as the obligation for which the penalty was imposed is fulfilled.

Removal of  
hazard by  
Fire  
Marshal

(9b) Where the person does not remedy the conditions for which a conviction was made within thirty days after conviction, the magistrate or justices may issue an order authorizing the Fire Marshal to remove the building or combustible or explosive material or anything that may constitute a fire menace and the expenses so incurred shall be paid as in subsections 11 and 12.

(3) Subsection 13 of the said section 20 is amended by striking out "10 per cent" in the thirteenth and fourteenth lines and inserting in lieu thereof "25 per cent", so that the subsection shall read as follows: R.S.O. 1950, c. 140, s. 20, subs. 13, amended

- (13) If the owner of a building or premises is absent from or does not reside within the municipality in which the building or premises is situate, or his whereabouts in the municipality is unknown, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the tenant or occupant to make minor alterations or repairs which are urgently required for purposes of fire prevention and the tenant or occupant may deduct the cost of the alterations or repairs from any rent thereafter payable on furnishing the owner with a copy of the order and an accounting of the amount deducted but a tenant or occupant shall not be required to expend or expend in any year an amount in excess of 25 per cent of the annual rental payable in respect of such tenancy or occupancy. Minor alterations and repairs

8.—(1) Clause *d* of subsection 1 of section 23 of *The Fire Marshals Act* is amended by striking out "the members of which shall serve without remuneration" in the second and third lines, so that the clause shall read as follows: R.S.O. 1950, c. 140, s. 23, subs. 1, cl. d, amended

- (*d*) providing for the appointment of an advisory committee and defining the duties and powers of such committee.

(2) Subsection 1 of the said section 23 is amended by adding thereto the following clause: R.S.O. 1950, c. 140, s. 23, subs. 1, amended

- (*hh*) providing long service awards to members of the public fire services.

(3) Subsection 2 of the said section 23 is repealed. R.S.O. 1950, c. 140, s. 23, subs. 2, repealed

9. This Act may be cited as *The Fire Marshals Amendment Act, 1960*. Short title

An Act to amend  
The Fire Marshals Act

---

*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 18**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Judicature Act**

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**MR. ROBERTS**

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#### EXPLANATORY NOTES

SECTION 1. The provision, which prescribes the places at which sittings of the High Court must be held, is broadened to cover a case where the county court house is not located in the county town.

See also section 1 of Bill 11, *An Act to amend The County Courts Act*, and section 1 of Bill 19, *An Act to amend The Surrogate Courts Act*.

SECTION 2. This amendment is designed to provide for the case where a county court house is located outside the limits of the county town. It is similar in principle to the amendment contained in section 1 of this Bill.

SECTION 3. The subsection is re-enacted in order to enable the Finance Committee to invest money in court more advantageously.

See also section 2 of Bill 24, *An Act to amend The Public Trustee Act*.

BILL 18

1960

## An Act to amend The Judicature Act

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

1. Subsection 5 of section 45 of *The Judicature Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 190, s. 45,  
subs. 5,  
re-enacted

(5) The sittings shall be held in the court house of the county or, where accommodation therein is not available, at such other place in the county as the presiding judge directs.

Sittings  
to be held  
in court  
house

2. Section 87 of *The Judicature Act* is amended by striking out "county town" in the second and third lines and inserting in lieu thereof "court house", so that the section shall read as follows:

R.S.O. 1950,  
c. 190, s. 87,  
amended

87. Unless otherwise directed by the Lieutenant Governor in Council, every local master shall keep his office in the court house of the county for which he is appointed.

Local  
master to  
keep office  
in court  
house

3. Subsection 5 of section 105 of *The Judicature Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 190,  
s. 105,  
subs. 5,  
re-enacted

(5) Any money that is available for investment shall be invested in securities issued by or guaranteed as to principal and interest by Ontario or Canada or by any agency of either.

Investment  
of money

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

Commence-  
ment

5. This Act may be cited as *The Judicature Amendment Act, 1960*.

Short title

An Act to amend The Judicature Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 18**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Judicature Act**

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**MR. ROBERTS**

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BILL 18

1960

## An Act to amend The Judicature Act

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

1. Subsection 5 of section 45 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 190, s. 45, subs. 5, re-enacted

(5) The sittings shall be held in the court house of the county or, where accommodation therein is not available, at such other place in the county as the presiding judge directs. Sittings to be held in court house

2. Section 87 of *The Judicature Act* is amended by striking out "county town" in the second and third lines and inserting in lieu thereof "court house", so that the section shall read as follows: R.S.O. 1950, c. 190, s. 87, amended

87. Unless otherwise directed by the Lieutenant Governor in Council, every local master shall keep his office in the court house of the county for which he is appointed. Local master to keep office in court house

3. Subsection 5 of section 105 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 190, s. 105, subs. 5, re-enacted

(5) Any money that is available for investment shall be invested in securities issued by or guaranteed as to principal and interest by Ontario or Canada or by any agency of either. Investment of money

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

5. This Act may be cited as *The Judicature Amendment Act, 1960*. Short title

*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 19**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Surrogate Courts Act**

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MR. ROBERTS

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#### EXPLANATORY NOTE

This amendment is designed to provide for the case where a county court house is located outside the limits of a county town. See also section 1 of Bill 11, *An Act to amend The County Courts Act*.

BILL 19

1960

## An Act to amend The Surrogate 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. Section 4 of *The Surrogate Courts Act*, as amended by <sup>R.S.O. 1950,</sup> section 1 of *The Surrogate Courts Amendment Act, 1957*, is <sup>c. 380, s. 4,</sup> amended further amended by striking out "town" in the second line and inserting in lieu thereof "court house or such other place in the county as the judge directs", so that the section shall read as follows:
  4. The sittings of the court shall be held in the county <sup>Sittings</sup> court house or such other place in the county as the judge directs and shall be presided over by the judge or a junior judge thereof.
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 Surrogate Courts Amend-* <sup>Short title</sup> *ment Act, 1960.*

An Act to amend  
The Surrogate Courts Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

**BILL 19**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Surrogate Courts Act**

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MR. ROBERTS

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BILL 19

1960

## An Act to amend The Surrogate 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.** Section 4 of *The Surrogate Courts Act*, as amended by R.S.O. 1950, c. 380, s. 4, section 1 of *The Surrogate Courts Amendment Act, 1957*, is amended further amended by striking out "town" in the second line and inserting in lieu thereof "court house or such other place in the county as the judge directs", so that the section shall read as follows:

4. The sittings of the court shall be held in the county Sittings court house or such other place in the county as the judge directs and shall be presided over by the judge or a junior judge thereof.

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

**3.** This Act may be cited as *The Surrogate Courts Amend-* Short title *ment Act, 1960.*

An Act to amend  
The Surrogate Courts Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 18th, 1960

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MR. ROBERTS

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**BILL 20**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Juvenile and Family Courts Act, 1959**

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MR. ROBERTS

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TORONTO  
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTE

This new section will expedite the administration of justice by enabling the judges to sit in any juvenile and family court. They are now confined to the court for which they were appointed.

BILL 20

1960

**An Act to amend  
The Juvenile and Family Courts Act, 1959**

**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, 1959* is amended <sup>1959, c. 49,  
amended</sup> by adding thereto the following section:

**4a.** Every judge and deputy judge of a juvenile and family court heretofore or hereafter appointed is *ex officio* a judge or deputy judge, as the case may be, of every juvenile and family court and may sit and act in any such court as though he had been appointed to it. <sup>Extended  
jurisdiction</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 Juvenile and Family Courts Amendment Act, 1960*. <sup>Short title</sup>

An Act to amend  
The Juvenile and Family Courts Act, 1959

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 20**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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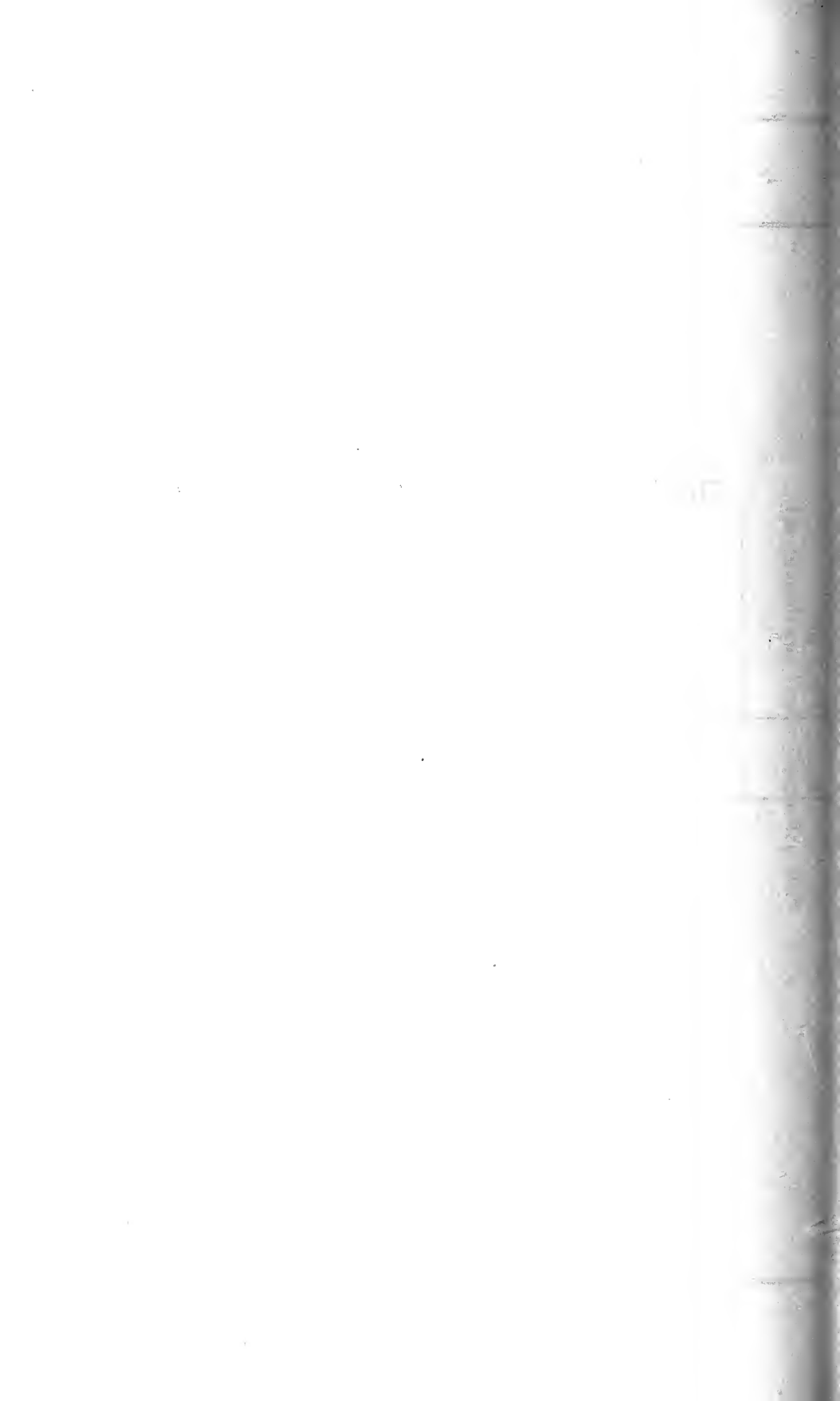
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**An Act to amend  
The Juvenile and Family Courts Act, 1959**

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MR. ROBERTS

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BILL 20

1960

**An Act to amend  
The Juvenile and Family Courts Act, 1959**

**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, 1959* is amended <sup>1959, c. 49,  
amended</sup> by adding thereto the following section:

4a. Every judge and deputy judge of a juvenile and family court heretofore or hereafter appointed is <sup>Extended  
jurisdiction</sup> *ex officio* a judge or deputy judge, as the case may be, of every juvenile and family court and may sit and act in any such court as though he had been appointed to it.

**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 Juvenile and Family* <sup>Short title</sup> *Courts Amendment Act, 1960*.

An Act to amend  
The Juvenile and Family Courts Act, 1959

*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 22nd, 1960

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MR. ROBERTS

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# BILL 21

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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## An Act to amend The Land Titles Act

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MR. ROBERTS

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### EXPLANATORY NOTES

SECTION 1. The application section is brought up to date.

SECTION 2. This new provision brings the Act into line with present practice and authorizes the registration of leasehold interests in land registered under the Act.

SECTION 3. The subsection is clarified by expressly prohibiting the acquisition of rights or interests by prescription and by bringing it into line with the judge's plan section (s. 107a).

BILL 21

1960

## An Act to amend The Land Titles Act

HER 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 Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 2, re-enacted

2. Subject to section 150, this Act applies only to the County of York, including The Municipality of Metropolitan Toronto; the County of Elgin, including the City of St. Thomas; the County of Ontario; the City of Ottawa and the County of Carleton; the County of Lincoln, including the City of St. Catharines; the County of Prescott; the County of Halton, and the provisional judicial districts, but the land registries heretofore established for such cities, counties and districts are continued. Application of Act

2. Section 15 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 15, amended

(6) A person may apply for registration of a leasehold interest under this section where the freehold title out of which his interest is derived is registered under this Act. Leasehold interests

3. Subsection 1 of section 28 of *The Land Titles Act*, as re-enacted by section 3 of *The Land Titles Amendment Act, 1958*, is amended by adding at the end thereof "or by prescription, but this section is not binding upon a judge in respect of any order made by him under section 107a", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 28, subs. 1, (1958, c. 49, s. 3), amended

(1) Notwithstanding any provision of this Act, *The Limitations Act* or any other Act, no title to and no right or interest in land registered under this Act that is adverse to or in derogation of the title of the No title by adverse possession, etc. R.S.O. 1950, c. 207

registered owner shall be acquired hereafter or be deemed to have been acquired heretofore by any length of possession or by prescription, but this section is not binding upon a judge in respect of any order made by him under section 107a.

R.S.O. 1950,  
c. 197,  
Part IV,  
amended

4. Part IV of *The Land Titles Act* is amended by adding thereto the following sections:

Evidence  
necessary  
for  
registration

28a. An instrument executed by a registered owner or a person entitled to be registered as owner, when presented for registration, shall be accompanied by an affidavit as to the execution by, and the identity and age of, the owner or person so entitled or such evidence as the proper master of titles requires.

Registration  
of  
instruments  
not in  
prescribed  
form  
R.S.O. 1950,  
c. 336

28b. Where an instrument made in accordance with the forms in use or sufficient to pass an estate or interest in land under *The Registry Act* deals with land under this Act, the director of titles may, in his discretion, direct the proper master of titles to register it under this Act and, when so registered, it has the same effect as if made in the prescribed form.

R.S.O. 1950,  
c. 197, s. 29,  
subs. 6,  
re-enacted

5. Subsection 6 of section 29 of *The Land Titles Act* is repealed and the following substituted therefor:

Where  
advances  
under  
registered  
charge to  
have priority  
over  
subsequent  
charges

(6) Every registered charge shall as against the chargor, his heirs, executors, administrators, assigns and every other person claiming by, through or under him, be a security upon the land thereby charged to the extent of the money or money's worth actually advanced or supplied under the charge, not exceeding the amount for which the charge is expressed to be a security, notwithstanding that the money or money's worth, or some part thereof, was advanced or supplied after the registration of a transfer, charge or other instrument affecting the lands charged, executed by the chargor, his heirs, executors or administrators and registered subsequently to the first-mentioned charge, unless, before advancing or supplying such money or money's worth, the registered owner of the first-mentioned charge had actual notice of the execution and registration of such transfer, charge or other instrument, and the registration of such transfer, charge or other instrument after the registration of the first-mentioned charge does not constitute such actual notice.

SECTION 4. The new section 28a brings the Act into line with present practice.

The new section 28b provides for the registration of instruments that are not in the prescribed form.

SECTION 5. The new subsection 6 brings the provisions of *The Registry Act* with regard to priorities among chargees, etc., into *The Land Titles Act* expressly (rather than by reference) for purposes of clarity and convenience.

The new subsections 7 to 11 set out the practice with respect to bond mortgages.

**SECTION 6.** The section is re-enacted in order to bring it into line with existing practice.

(7) An instrument in the nature of a deed of trust and mortgage that provides for the issuance of bonds or debentures may, upon the authorization of the parties thereto or their solicitors, be registered as a charge upon the lands of the grantor, and the entry in the register shall state the aggregate principal sum and the rate of interest of such bonds or debentures. Bond mortgage may be registered as charge upon authorization of parties

(8) The authorization mentioned in subsection 7 shall identify the lands to be charged in each land titles office and state the aggregate principal sum and interest rate of the bonds or debentures mentioned in that subsection. What to be included in the authorization

(9) Until a charge registered under subsection 7 has been discharged, no transfer or charge of the lands shall be subsequently registered without the written consent of the chargee. Consent of chargee to subsequent dealings

(10) A certificate of a charge registered under subsection 7 may be granted as in the case of other charges. Certificate

(11) A charge registered under subsection 7 may be discharged by a cessation in the prescribed form. Cessation

6. Section 34 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 34, re-enacted

34.—(1) Subject to the rules and to any entry to the contrary on the register, the registered owner of a registered charge that contains a power of sale, upon production of evidence satisfactory to the proper master of titles, may sell and transfer the interest in the land or any part thereof that is the subject of the charge in accordance with the terms of the power in the same manner as if he were the registered owner of the land to the extent of such interest therein. Remedy of owner of charge with power of sale

(2) Subject to an order of the court, a copy of which has been served on the proper master of titles, upon the registration of a transfer under subsection 1 and upon satisfactory evidence being produced of the service of notice of the intended exercise of the power on every person appearing by the register or by the index of executions to have an interest in the land subsequent to that of the chargee, the proper master of titles may delete from the register the entry of an instrument or writ appearing to rank subsequent to the charge under which the land is Effect of sale by chargee

sold, and thereupon the interest of every person claiming under such subsequent instrument ceases to affect the land.

R.S.O. 1950, c. 197, s. 35, re-enacted **7.** Section 35 of *The Land Titles Act* is repealed and the following substituted therefor:

Postponement of registered rights

35. Upon registration of an instrument in the prescribed form, the rights of priority acquired by registration may be postponed to rights acquired or claimed under another registered instrument.

R.S.O. 1950, c. 197, s. 45<sup>a</sup> (1958, c. 49, s. 4), amended **8.** Section 45<sup>a</sup> of *The Land Titles Act*, as enacted by section 4 of *The Land Titles Amendment Act, 1958*, is amended by adding thereto the following subsection:

Charge not deemed appointment

(2) An appointment by way of charge given by a transferee to uses shall be deemed not to be an exercise of the power of appointment.

R.S.O. 1950, c. 197, s. 46, re-enacted **9.** Section 46 of *The Land Titles Act* is repealed and the following substituted therefor:

Dower where encumbered land transferred

46. The wife of a registered owner of land is not entitled to dower therein,

(a) where the registered owner acquired the land subject to a charge and transferred the land subject to that charge; or

(b) where the registered owner charged the land, subsequently became married to the wife, and transferred the land subject to that charge.

R.S.O. 1950, c. 197, s. 47, amended **10.** Section 47 of *The Land Titles Act* is amended by adding thereto the following subsection:

Certificate of ownership of leasehold land

(5) Upon the application of the registered owner of leasehold land and upon payment of the prescribed fee, the proper master of titles, in his discretion, may give a certificate of ownership thereof in the prescribed form instead of or in addition to an office copy of the lease.

R.S.O. 1950, c. 197, s. 54, re-enacted **11.** Section 54 of *The Land Titles Act* is repealed and the following substituted therefor:

Time of receipt to be noted

54.—(1) The day, hour and minute of the receipt of each instrument presented for registration and of each copy of a writ or lien received under section 64 shall be noted thereon by the officer or clerk receiving the instrument or copy.



SECTION 7. The intent of the section is clarified.

SECTION 8. This new subsection clarifies the effect of a charge given by a transferee to uses.

SECTION 9. The intent of the section is clarified.

SECTION 10. The new provision authorizes the issue of certificates of ownership of leasehold parcels.

SECTION 11. The section is re-enacted to clarify registration procedures and to establish priorities.

SECTION 12. The intent of the subsection is clarified.

- (2) Every instrument received for registration shall be registered in the order of time in which it is so received, unless before registration is completed it is withdrawn or the proper master of titles discovers that it contains a material error or omission and notifies the parties or their solicitors accordingly and allows a period of time not less than seven and not more than thirty days from the date of such notification for correction of the error or omission, and, when the error or omission is corrected within the time allowed, the instrument has priority as if it had been correct in the first instance. Order of registration
- (3) Registration of an instrument is complete when the entry in the proper register and particulars of registration thereof on the instrument are signed by the proper master of titles, his deputy or a signing officer, and the time of receipt of the instrument shall be deemed to be the time of its registration. When registration complete
- (4) When registered, an instrument shall be deemed to be embodied in the register and to be effective according to its nature and intent, and to create, transfer, charge or discharge, as the case requires, the land or estate or interest therein mentioned in the register. Effect of registration
- (5) Subject to any entry to the contrary in the register and subject to this Act, instruments registered in respect of or affecting the same estate or interest in the same parcel of registered land as between themselves rank according to the order in which they are entered in the register and not according to the order in which they were created, and, notwithstanding any express, implied or constructive notice, are entitled to priority according to the time of registration. Priorities

**12.** Subsection 3 of section 70 of *The Land Titles Act* is amended by adding at the end thereof "or by the director of titles", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 70, subs. 3, amended

- (3) Any person entitled to or interested in any unregistered estates, rights, interests or equities in registered land may protect the same from being impaired by any act of the registered owner by entering on the register such notices, cautions, inhibitions or other restrictions as are authorized by this Act or by the director of titles. How protected

R.S.O. 1950, c. 197, amended **13.** *The Land Titles Act* is amended by adding thereto the following section:

Power of attorney authorized

70a.—(1) A person may, under a power of attorney, authorize another person to act for him in respect of any land or interest therein under this Act.

Registration

(2) A power of attorney or a certified copy thereof may be registered in the prescribed manner.

Revocation

(3) No registered power of attorney shall be deemed to be revoked until a revocation thereof is registered or evidence is filed with the proper master of titles showing that it is no longer in force.

R.S.O. 1950, c. 197, s. 72, subs. 7, re-enacted; subs. 8, repealed

**14.** Subsections 7 and 8 of section 72 of *The Land Titles Act* are repealed and the following substituted therefor:

Notice of interest in lease

(7) Where a notice of a lease or agreement for a lease has been registered, a notice of,

(a) a sublease;

(b) an assignment of the lease;

(c) a charge of the lease;

(d) a determination of the lease; or

(e) an assignment of the lessor's interest in the lease,

may be registered in the prescribed form.

R.S.O. 1950, c. 197, s. 74, subss. 4, 5 (1952, c. 49, s. 2), re-enacted

**15.**—(1) Subsections 4 and 5 of section 74 of *The Land Titles Act*, as re-enacted by section 2 of *The Land Titles Amendment Act, 1952*, are repealed and the following substituted therefor:

Expiry of cautions after five years

(4) A caution registered under this Act ceases to have effect upon the expiry of five years after the date of its registration, and the proper master of titles may remove the entry thereof from the register either upon the application of the registered owner of the land or of his own accord, unless a renewal of the caution is registered in the prescribed form before such expiry.

Saving cautions based on expropriation

(5) Subsection 4 does not apply to a caution registered before the 1st day of July, 1960, where in the affidavit attached to the caution the cautioner claims to have acquired his interest in the land by virtue of expropriation proceedings.

SECTION 13. This new section provides for the registration, etc., of powers of attorney.

SECTION 14. These provisions are brought into line with existing practice.

SECTION 15. The amendment is designed to have all cautions, except those based on expropriations, expire at the end of five years unless renewed within that time.

SECTION 16. The purpose of the new subsection is to clear the registers of spent documents.

SECTION 17. The scope of the section is extended to the director of titles and provides that the section may be used without application or notice.

SECTION 18—Subsection 1. Subsection 4 is brought into line with practice.

(2) Subsections 6 and 7 of the said section 74, as enacted by section 2 of *The Land Titles Amendment Act, 1952*, are repealed.

R.S.O. 1950,  
c. 197, s. 74,  
subs. 6, 7  
(1952, c. 49,  
s. 2),  
repealed

**16.** Section 79 of *The Land Titles Act* is amended by adding thereto the following subsection:

R.S.O. 1950,  
c. 197, s. 79,  
amended

(6) At any time after ten years from the expiry date of an agreement or renewal thereof of which notice has been registered under this section, the proper master of titles may, upon application and without notice to the purchaser, delete from the register the entry of the notice of agreement or of the renewal.

Removal of  
entry of  
timber  
agreement  
from  
register  
ten years  
after expiry

**17.** Section 80 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 197, s. 80,  
re-enacted

80.—(1) The court, the director of titles or the proper master of titles, upon the application of any person interested made in the prescribed manner in relation to any registered land or charge, after directing such inquiries, if any, to be made and notices given and after hearing such persons as the court, the director of titles or the proper master of titles deems necessary or expedient, may issue an order or make an entry inhibiting for a time or until the occurrence of an event to be named in such order or entry or generally until further order or entry any dealing with registered land or with a registered charge.

Inhibiting  
of registered  
dealings

(2) The court, or the director of titles or the proper master of titles of his own accord and without notice, may make an order or an entry under subsection 1 and may impose any terms or conditions that are deemed just, and may discharge the order or cancel the entry, with or without costs, and generally act in such manner as the justice of the case requires.

Terms, etc.

**18.**—(1) Subsection 4 of section 107a of *The Land Titles Act*, as enacted by section 4 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 197, s. 107a  
(1957, c. 58,  
s. 4), subs. 4,  
re-enacted

(4) When a draft plan of subdivision has been prepared pursuant to an order made under subsection 3, the director of titles may, upon notice to all persons interested, apply to a judge of the county or district court of the county or district in which the subdivision plan area is situate for an order that a plan of subdivision be prepared and registered in accord-

Order for  
registration  
of judge's  
plan

ance with the regulations and incorporating such amendments to the draft plan of subdivision as the judge thinks proper and the judge may make such order.

Idem

(4a) The judge, having regard to the nature of the case and the inadequacy of or errors contained in previous surveys of land in the subdivision plan area and to the general law relating to surveys of land, may in his order effect such alterations to the registered descriptions of the land as to him seem just and equitable, and the Assurance Fund is not thereby rendered liable.

Appeal

(4b) An order made under this section may be appealed to the Court of Appeal.

R.S.O. 1950,  
c. 197, s. 107<sup>a</sup>  
(1957, c. 58,  
s. 4),  
amended

(2) The said section 107<sup>a</sup> is amended by adding thereto the following subsection:

Lien for  
costs

(8) Where the judge orders the costs of and incidental to an application under this section to be borne in whole or in part by a registered owner of land in the subdivision plan area, the amount so ordered to be paid constitutes a charge upon the land of the registered owner in favour of Her Majesty the Queen in right of Ontario represented by the director of titles, and until paid such charge ranks in priority to all registered charges on the land from and after the entry of the particulars of the charge in the register.

R.S.O. 1950,  
c. 197, s. 109,  
subs. 1  
(1958, c. 49,  
s. 8, subs. 1),  
re-enacted

**19.**—(1) Subsection 1 of section 109 of *The Land Titles Act*, as re-enacted by subsection 1 of section 8 of *The Land Titles Amendment Act, 1958*, is repealed and the following substituted therefor:

Plan  
required in  
certain cases

(1) Where not otherwise provided by this Act and where,

- (a) a new boundary is created consisting of more than one line;
- (b) the owner has made one severance previously without survey;
- (c) a new boundary is in accordance with a fence, wall or other artificial enclosing device; or
- (d) in any other instance that the proper master of titles deems advisable,

a person applying for registration of a transfer of land shall deposit for record a plan to be known as a



Subsection 4a is designed to clarify the intent and to bring the proceedings to a logical conclusion.

Subsection 4b creates a right of appeal from an order for registration of a judge's plan.

Subsection 2. This provides for the collection of costs.

SECTION 19—Subsection 1. The requirements respecting the deposit of reference plans are tightened up. Subsection 2 of section 109 provides an appropriate procedure for relief in proper cases.

Subsection 2. Boundaries established by a reference plan become true and unalterable.

SECTION 20. The section is broadened to take in description reference plans deposited under section 109.

SECTION 21. The new subsection brings the Act into line with existing practice.

SECTION 22. Self-explanatory.

reference plan of survey certified by an Ontario land surveyor and signed by the registered owner in the prescribed form.

- (2) Subsection 1 does not apply if in the opinion of the proper master of titles the cost of compliance therewith would be excessive having regard to the value of the land. Saving

(2) Subsection 5 of the said section 109 is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 109, subs. 5, re-enacted

- (5) New boundaries that are created by a severance shown on a reference plan and referred to or incorporated by reference in a registered instrument signed by the registered owner of the land shall be deemed to be true and unalterable boundaries and to be defined by the monuments shown thereon, but such monuments do not change or alter the position of any previously established boundary or prejudice prior registered rights or interests. Boundaries

**20.** Section 111 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 111, re-enacted

111. Where a plan has been registered or recorded under this Act, every instrument affecting the land shown on the plan shall conform and refer thereto, otherwise it shall not be registered unless the proper master of titles under special circumstances deems it proper to register it. Instruments must conform to plan

**21.** Section 113 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 113, amended

- (5) Nothing in this section prevents the registration of a plan of re-subdivision, if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to such plan. Plans of re-subdivision may be registered

**22.** Section 140 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 140, amended

- (4) The director of titles may designate one or more persons on the staff of his office or any land titles office as signing officers who shall act under the authority of the director to complete the registration of instruments and authenticate certificates under this Act. Signing officers

R.S.O. 1950,  
c. 197, s. 150,  
subs. 2,  
amended

**23.**—(1) Subsection 2 of section 150 of *The Land Titles Act* is amended by striking out “City of Toronto” in the first and second lines and inserting in lieu thereof “The Municipality of Metropolitan Toronto”, so that the subsection shall read as follows:

Accom-  
modation

- (2) The corporations of the County of York and The Municipality of Metropolitan Toronto and of any county, city or town which has passed or passes a by-law under subsection 1 shall provide proper fireproof and other accommodation for an office of land titles, and, so far as the expenses of the office are not covered by the fees collected thereat, the corporation shall pay the same, including the salary of the master of titles of the locality, and all necessary and proper books, stationery, furniture, and lighting, cleaning and heating of the office, and attendance, and other matters and things incident to the proper conduct of the business of the office.

R.S.O. 1950,  
c. 197, s. 150,  
subs. 8  
(1957, c. 58,  
s. 6),  
re-enacted

(2) Subsection 8 of the said section 150, as enacted by section 6 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor:

Costs

- (8) The costs of and incidental to an application under subsection 6 shall be borne and paid by the municipality making the application and the municipality may recover the same by levy of a special rate of assessment on all parcels included in the application or in the municipality.

R.S.O. 1950,  
c. 197, s. 155,  
amended

**24.** Section 155 of *The Land Titles Act* is amended by striking out “master of titles at Toronto” in the fifth line of subsection 1, the first line of subsection 2, the first line of subsection 3 and the first and second lines of subsection 4 and inserting in lieu thereof “director of titles”, so that the section shall read as follows:

Local  
master to  
transmit  
application  
to director  
of titles

- 155.—(1) If, upon an application for first registration, the local master of titles finds that the applicant or his nominee is entitled to be registered, he shall sign a memorandum to that effect at the foot of the application and draft entry and shall transmit the same to the director of titles, with the deeds, evidence and other papers before him, and a draft of the entry of ownership proposed to be made.

Where  
director  
concurs

- (2) If the director of titles concurs in the opinion of the local master, he shall approve thereof and shall re-

SECTION 23—Subsection 1. The provision is brought up to date.

Subsection 2. Self-explanatory.

SECTION 24. The nomenclature is brought up to date. No change in principle.

SECTION 25. The present provision applies outside Toronto. The re-enactment of subsection 1 makes it apply throughout the Province.

SECTION 26. The new provisions are self-explanatory and bring the Act into line with present practices.

turn the papers transmitted to him, and the local master may thereupon register the applicant or his nominee as owner.

- (3) If the director of titles does not concur in the opinion of the local master, he shall communicate his opinion to the local master and shall cause such action to be taken as he deems expedient, and if his objections are not removed by explanations or additional evidence the applicant or his nominee shall not be registered unless the court on appeal, or on a case stated for its opinion, otherwise directs. Where director does not concur
- (4) If there is a contest upon the decision of the director of titles concurring in the local master's opinion, registration shall be delayed for ten days to enable anyone who so desires to appeal. Stay of proceedings

**25.** Subsection 1 of section 157 of *The Land Titles Act*, as amended by subsection 1 of section 14 of *The Land Titles Amendment Act, 1956*, is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 157 subs. 1, re-enacted

- (1) Where upon an application for first registration the director of titles or the proper master of titles requires to examine any instrument registered in a registry office, the director of titles or the master of titles may request the registrar of the registry division in which the land lies to transmit any instrument appearing on the abstract or required in connection with the application that the director of titles or the master of titles desires to examine. Request of director or master of titles for documents

**26.**—(1) Subsection 1 of section 158a of *The Land Titles Act*, as enacted by section 16 of *The Land Titles Amendment Act, 1956*, is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 158a (1956, c. 38, s. 16), subs. 1, re-enacted

- (1) This Act shall be administered by the director of titles who shall supervise and determine all matters relating to titles of land to which this Act applies. Administration of Act

(2) The said section 158a, as amended by section 10 of *The Land Titles Amendment Act, 1958*, is further amended by adding thereto the following subsections: R.S.O. 1950, c. 197, s. 158a (1956, c. 38, s. 16), amended

- (4) Where under this Act the proper master of titles is authorized to hear and determine any matter, the matter may be determined by the director of titles at a hearing upon the request or consent of the proper master of titles. Hearing before director

Place for hearing

- (5) A hearing before the director of titles under subsection 4 may be held at the local land titles office or at the office of the director of titles, regard being had to the circumstances of the case.

Notices of hearing

- (6) Notices of a hearing to be held by the director of titles may be served or caused to be served by the director of titles or by the proper master of titles.

Authority of director, deputy director, etc.

- (7) Any action or duty authorized or prescribed by this Act to be performed by a proper master of titles may, in the absence of or with the consent of the proper master of titles, be performed by the director of titles, the deputy director of titles or by an assistant deputy director of titles, if so authorized by the director of titles.

R.S.O. 1950, c. 197, s. 160, subs. 4, amended

**27.**—(1) Subsection 4 of section 160 of *The Land Titles Act* is amended by striking out “master of titles at Toronto” in the fourth line and inserting in lieu thereof “director of titles”, so that the subsection shall read as follows:

Action by local master

- (4) Where there is no contest as to the rights of the parties, the local master may make the requisite entry and issue his certificate; but in case of a contest he shall transmit the papers to the director of titles before registering the patentee as owner, and shall otherwise proceed as provided in section 155.

R.S.O. 1950, c. 197, s. 160, subs. 6, amended

(2) Subsection 6 of the said section 160 is amended by adding at the commencement thereof “Notwithstanding subsection 1 of section 15”, so that the subsection shall read as follows:

Registration of Crown lease-patents, etc.

- (6) Notwithstanding subsection 1 of section 15, letters patent from the Crown demising land or mining rights for a term of years, or for any greater estate, granted on or after the 31st day of December, 1887, shall be deemed to have been and to be within the provisions of this section.

Continuing liability for unpaid assurance fees

**28.** Where land was registered under this Act before the 27th day of May, 1956, and the assurance fees payable thereon have not been paid, subsections 11 to 16 of section 127 of *The Land Titles Act* shall be deemed to apply to such land notwithstanding their repeal by section 8 of *The Land Titles Amendment Act, 1956*.

R.S.O. 1950, c. 197

1956, c. 38

Commencement

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

Short title

**30.** This Act may be cited as *The Land Titles Amendment Act, 1960*.



SECTION 27—Subsection 1. The nomenclature is brought up to date.

Subsection 2. A possible conflict is avoided by this amendment. No change in principle is involved.

SECTION 28. The purpose of this substantive provision is to authorize the collection of assurance fees that were not paid on the first registration of land under the Act, thus equalizing the imposition of the fee.



1903/10/10

An Act to amend  
The Land Titles Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 21**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Land Titles Act**

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MR. ROBERTS

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

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#### EXPLANATORY NOTES

SECTION 1. The application section is brought up to date.

SECTION 2. This new provision brings the Act into line with present practice and authorizes the registration of leasehold interests in land registered under the Act.

SECTION 3. The subsection is clarified by expressly prohibiting the acquisition of rights or interests by prescription and by bringing it into line with the judge's plan section (s. 107*a*).

BILL 21

1960

## An Act to amend The Land Titles 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 Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 2, re-enacted

2. Subject to section 150, this Act applies only to the Application of Act County of York, including The Municipality of Metropolitan Toronto; the County of Elgin, including the City of St. Thomas; the County of Ontario; the City of Ottawa and the County of Carleton; the County of Lincoln, including the City of St. Catharines; the County of Prescott; the County of Halton, and the provisional judicial districts, but the land registries heretofore established for such cities, counties and districts are continued.

2. Section 15 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 15, amended

(6) A person may apply for registration of a leasehold Leasehold Interests interest under this section where the freehold title out of which his interest is derived is registered under this Act.

3. Subsection 1 of section 28 of *The Land Titles Act*, as re-enacted by section 3 of *The Land Titles Amendment Act, 1958*, R.S.O. 1950, c. 197, s. 28, subs. 1 (1958, c. 49, s. 3), amended is amended by adding at the end thereof "or by prescription, but this section is not binding upon a judge in respect of any order made by him under section 107a", so that the subsection shall read as follows:

(1) Notwithstanding any provision of this Act, *The* No title by adverse possession, etc. *Limitations Act* or any other Act, no title to and no right or interest in land registered under this Act R.S.O. 1950, c. 207 that is adverse to or in derogation of the title of the

registered owner shall be acquired hereafter or be deemed to have been acquired heretofore by any length of possession or by prescription, but this section is not binding upon a judge in respect of any order made by him under section 107a.

R.S.O. 1950,  
c. 197,  
Part IV,  
amended

4. Part IV of *The Land Titles Act* is amended by adding thereto the following sections:

Evidence  
necessary  
for  
registration

28a. An instrument executed by a registered owner or a person entitled to be registered as owner, when presented for registration, shall be accompanied by an affidavit as to the execution by, and the identity and age of, the owner or person so entitled or such evidence as the proper master of titles requires.

Registration  
of  
instruments  
not in  
prescribed  
form  
R.S.O. 1950,  
c. 336

28b. Where an instrument made in accordance with the forms in use or sufficient to pass an estate or interest in land under *The Registry Act* deals with land under this Act, the proper master of titles may, in his discretion, register it under this Act and, when so registered, it has the same effect as if made in the prescribed form.

R.S.O. 1950,  
c. 197, s. 29,  
subs. 6,  
re-enacted

5. Subsection 6 of section 29 of *The Land Titles Act* is repealed and the following substituted therefor:

Where  
advances  
under  
registered  
charge to  
have priority  
over  
subsequent  
charges

(6) Every registered charge shall as against the chargor, his heirs, executors, administrators, assigns and every other person claiming by, through or under him, be a security upon the land thereby charged to the extent of the money or money's worth actually advanced or supplied under the charge, not exceeding the amount for which the charge is expressed to be a security, notwithstanding that the money or money's worth, or some part thereof, was advanced or supplied after the registration of a transfer, charge or other instrument affecting the lands charged, executed by the chargor, his heirs, executors or administrators and registered subsequently to the first-mentioned charge, unless, before advancing or supplying such money or money's worth, the registered owner of the first-mentioned charge had actual notice of the execution and registration of such transfer, charge or other instrument, and the registration of such transfer, charge or other instrument after the registration of the first-mentioned charge does not constitute such actual notice.



SECTION 4. The new section 28a brings the Act into line with present practice.

The new section 28b provides for the registration of instruments that are not in the prescribed form.

SECTION 5. The new subsection 6 brings the provisions of *The Registry Act* with regard to priorities among chargees, etc., into *The Land Titles Act* expressly (rather than by reference) for purposes of clarity and convenience.

The new subsections 7 to 11 set out the practice with respect to bond mortgages.

SECTION 6. The section is re-enacted in order to bring it into line with existing practice.

- (7) An instrument in the nature of a deed of trust and mortgage that provides for the issuance of bonds or debentures may, upon the authorization of the parties thereto or their solicitors, be registered as a charge upon the lands of the grantor, and the entry in the register shall state the aggregate principal sum and the rate of interest of such bonds or debentures. Bond mortgage may be registered as charge upon authorization of parties
- (8) The authorization mentioned in subsection 7 shall identify the lands to be charged in each land titles office and state the aggregate principal sum and interest rate of the bonds or debentures mentioned in that subsection. What to be included in the authorization
- (9) Until a charge registered under subsection 7 has been discharged, no transfer or charge of the lands shall be subsequently registered without the written consent of the chargee. Consent of chargee to subsequent dealings
- (10) A certificate of a charge registered under subsection 7 may be granted as in the case of other charges. Certificate
- (11) A charge registered under subsection 7 may be discharged by a cessation in the prescribed form. Cessation

6. Section 34 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 34, re-enacted

- 34.—(1) Subject to the rules and to any entry to the contrary on the register, the registered owner of a registered charge that contains a power of sale, upon production of evidence satisfactory to the proper master of titles, may sell and transfer the interest in the land or any part thereof that is the subject of the charge in accordance with the terms of the power in the same manner as if he were the registered owner of the land to the extent of such interest therein. Remedy of owner of charge with power of sale
- (2) Subject to an order of the court, a copy of which has been served on the proper master of titles, upon the registration of a transfer under subsection 1 and upon satisfactory evidence being produced of the service of notice of the intended exercise of the power on every person appearing by the register or by the index of executions to have an interest in the land subsequent to that of the chargee, the proper master of titles may delete from the register the entry of an instrument or writ appearing to rank subsequent to the charge under which the land is Effect of sale by chargee

sold, and thereupon the interest of every person claiming under such subsequent instrument ceases to affect the land.

R.S.O. 1950, c. 197, s. 35, re-enacted **7.** Section 35 of *The Land Titles Act* is repealed and the following substituted therefor:

Postponement of registered rights

35. Upon registration of an instrument in the prescribed form, the rights of priority acquired by registration may be postponed to rights acquired or claimed under another registered instrument.

R.S.O. 1950, c. 197, s. 45<sup>a</sup> (1958, c. 49, s. 4), amended **8.** Section 45<sup>a</sup> of *The Land Titles Act*, as enacted by section 4 of *The Land Titles Amendment Act, 1958*, is amended by adding thereto the following subsection:

Charge not deemed appointment

(2) An appointment by way of charge given by a transferee to uses shall be deemed not to be an exercise of the power of appointment for the purposes of this Act.

R.S.O. 1950, c. 197, s. 46, re-enacted **9.** Section 46 of *The Land Titles Act* is repealed and the following substituted therefor:

Dower where encumbered land transferred

46. The wife of a registered owner of land is not entitled to dower therein,

(a) where the registered owner acquired the land subject to a charge and transferred the land subject to that charge; or

(b) where the registered owner charged the land, subsequently became married to the wife, and transferred the land subject to that charge.

R.S.O. 1950, c. 197, s. 47, amended **10.** Section 47 of *The Land Titles Act* is amended by adding thereto the following subsection:

Certificate of ownership of leasehold land

(5) Upon the application of the registered owner of leasehold land and upon payment of the prescribed fee, the proper master of titles, in his discretion, may give a certificate of ownership thereof in the prescribed form instead of or in addition to an office copy of the lease.

R.S.O. 1950, c. 197, s. 54, re-enacted **11.** Section 54 of *The Land Titles Act* is repealed and the following substituted therefor:

Time of receipt to be noted

54.—(1) The day, hour and minute of the receipt of each instrument presented for registration and of each copy of a writ or lien received under section 64 shall be noted thereon by the officer or clerk receiving the instrument or copy.

SECTION 7. The intent of the section is clarified.

SECTION 8. This new subsection clarifies the effect of a charge given by a transferee to uses.

SECTION 9. The intent of the section is clarified.

SECTION 10. The new provision authorizes the issue of certificates of ownership of leasehold parcels.

SECTION 11. The section is re-enacted to clarify registration procedures and to establish priorities.

SECTION 12. The intent of the subsection is clarified.

- (2) Every instrument received for registration shall be registered in the order of time in which it is received, unless before registration is completed it is withdrawn or the proper master of titles discovers that it contains a material error or omission and notifies the parties or their solicitors accordingly and allows a period of time not less than seven and not more than thirty days from the date of such notification for correction of the error or omission, and, when the error or omission is corrected within the time allowed, the instrument has priority as if it had been correct in the first instance. <sup>Order of registration</sup>
- (3) Registration of an instrument is complete when the entry in the proper register and particulars of registration thereof on the instrument are signed by the proper master of titles, his deputy or a signing officer, and the time of receipt of the instrument shall be deemed to be the time of its registration. <sup>When registration complete</sup>
- (4) When registered, an instrument shall be deemed to be embodied in the register and to be effective according to its nature and intent, and to create, transfer, charge or discharge, as the case requires, the land or estate or interest therein mentioned in the register. <sup>Effect of registration</sup>
- (5) Subject to any entry to the contrary in the register and subject to this Act, instruments registered in respect of or affecting the same estate or interest in the same parcel of registered land as between themselves rank according to the order in which they are entered in the register and not according to the order in which they were created, and, notwithstanding any express, implied or constructive notice, are entitled to priority according to the time of registration. <sup>Priorities</sup>

**12.** Subsection 3 of section 70 of *The Land Titles Act* is amended by adding at the end thereof "or by the director of titles", so that the subsection shall read as follows: <sup>R.S.O. 1950, c. 197, s. 70 subs. 3, amended</sup>

- (3) Any person entitled to or interested in any unregistered estates, rights, interests or equities in registered land may protect the same from being impaired by any act of the registered owner by entering on the register such notices, cautions, inhibitions or other restrictions as are authorized by this Act or by the director of titles. <sup>How protected</sup>

R.S.O. 1950,  
c. 197,  
amended **13.** *The Land Titles Act* is amended by adding thereto the following section:

Power of attorney authorized 70a.—(1) A person may, under a power of attorney, authorize another person to act for him in respect of any land or interest therein under this Act.

Registration (2) A power of attorney or a certified copy thereof may be registered in the prescribed manner.

Revocation (3) No registered power of attorney shall be deemed to be revoked until a revocation thereof is registered or evidence is filed with the proper master of titles showing that it is no longer in force.

R.S.O. 1950,  
c. 197, s. 72,  
subs. 7,  
re-enacted;  
subs. 8,  
repealed **14.** Subsections 7 and 8 of section 72 of *The Land Titles Act* are repealed and the following substituted therefor:

Notice of interest in lease (7) Where a notice of a lease or agreement for a lease has been registered, a notice of,

(a) a sublease;

(b) an assignment of the lease;

(c) a charge of the lease;

(d) a determination of the lease; or

(e) an assignment of the lessor's interest in the lease,

may be registered in the prescribed form.

R.S.O. 1950,  
c. 197, s. 79,  
amended **15.** Section 79 of *The Land Titles Act* is amended by adding thereto the following subsection:

Removal of entry of timber agreement from register ten years after expiry (6) At any time after ten years from the expiry date of an agreement or renewal thereof of which notice has been registered under this section, the proper master of titles may, upon application and without notice to the purchaser, delete from the register the entry of the notice of agreement or of the renewal.

R.S.O. 1950,  
c. 197, s. 80,  
re-enacted **16.** Section 80 of *The Land Titles Act* is repealed and the following substituted therefor:

Inhibiting of registered dealings 80.—(1) The court, the director of titles or the proper master of titles, upon the application of any person interested made in the prescribed manner in relation to any registered land or charge, after directing such inquiries, if any, to be made and notices given and after hearing such persons as the court, the director



**SECTION 13.** This new section provides for the registration, etc., of powers of attorney.

**SECTION 14.** These provisions are brought into line with existing practice.

**SECTION 15.** The purpose of the new subsection is to clear the registers of spent documents.

**SECTION 16.** The scope of the section is extended to the director of titles and provides that the section may be used without application or notice.

SECTION 17—Subsection 1. Subsection 4 is brought into line with practice.

Subsection 4*a* is designed to clarify the intent and to bring the proceedings to a logical conclusion.

Subsection 4*b* creates a right of appeal from an order for registration of a judge's plan.

Subsection 2. This provides for the collection of costs.

of titles or the proper master of titles deems necessary or expedient, may issue an order or make an entry inhibiting for a time or until the occurrence of an event to be named in such order or entry or generally until further order or entry any dealing with registered land or with a registered charge.

- (2) The court, or the director of titles or the proper master of titles of his own accord and without notice, may make an order or an entry under subsection 1 and may impose any terms or conditions that are deemed just, and may discharge the order or cancel the entry, with or without costs, and generally act in such manner as the justice of the case requires. Terms, etc.

**17.**—(1) Subsection 4 of section 107a of *The Land Titles Act*, as enacted by section 4 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 107a (1957, c. 58, s. 4), subs. 4, re-enacted

- (4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 3, the director of titles may, upon notice to all persons interested, apply to a judge of the county or district court of the county or district in which the subdivision plan area is situate for an order that a plan of subdivision be prepared and registered in accordance with the regulations and incorporating such amendments to the draft plan of subdivision as the judge thinks proper and the judge may make such order. Order for registration of judge's plan

- (4a) The judge, having regard to the nature of the case and the inadequacy of or errors contained in previous surveys of land in the subdivision plan area and to the general law relating to surveys of land, may in his order effect such alterations to the registered descriptions of the land as to him seem just and equitable, and the Assurance Fund is not thereby rendered liable. Idem

- (4b) An order made under this section may be appealed to the Court of Appeal. Appeal

(2) The said section 107a is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 107a (1957, c. 58, s. 4), amended

- (8) Where the judge orders the costs of and incidental to an application under this section to be borne in whole or in part by a registered owner of land in the subdivision plan area, the amount so ordered to be Lien for costs

paid constitutes a charge upon the land of the registered owner in favour of Her Majesty the Queen in right of Ontario represented by the director of titles, and until paid such charge ranks in priority to all registered charges on the land from and after the entry of the particulars of the charge in the register.

R.S.O. 1950,  
c. 197, s. 109,  
subs. 1  
(1958, c. 49,  
s. 8, subs. 1),  
re-enacted

**18.**—(1) Subsection 1 of section 109 of *The Land Titles Act*, as re-enacted by subsection 1 of section 8 of *The Land Titles Amendment Act, 1958*, is repealed and the following substituted therefor:

Plan  
required in  
certain cases

- (1) Where not otherwise provided by this Act and where,
- (a) a new boundary is created consisting of more than one line;
  - (b) the owner has made one severance previously without survey;
  - (c) a new boundary is in accordance with a fence, wall or other artificial enclosing device; or
  - (d) in any other instance that the proper master of titles deems advisable,

a person applying for registration of a transfer of land shall, if the land is in a county, or may, if the land is in a provisional judicial district, deposit for record a plan to be known as a reference plan of survey certified by an Ontario land surveyor and signed by the registered owner in the prescribed form.

Saving

- (2) Subsection 1 does not apply to land in a county if in the opinion of the proper master of titles concurred in by the director of titles the cost of compliance therewith would be excessive having regard to the value of the land.

R.S.O. 1950,  
c. 197, s. 109,  
subs. 5,  
re-enacted

(2) Subsection 5 of the said section 109 is repealed and the following substituted therefor:

Boundaries

- (5) New boundaries that are created by a severance shown on a reference plan and referred to or incorporated by reference in a registered instrument signed by the registered owner of the land shall be deemed to be true and unalterable boundaries and to be defined by the monuments shown thereon, but such monuments do not change or alter the position of any previously established boundary or prejudice prior registered rights or interests.

**SECTION 18—Subsection 1.** The requirements respecting the deposit of reference plans are tightened up. Subsection 2 of section 109 provides an appropriate procedure for relief in proper cases.

**Subsection 2.** Boundaries established by a reference plan become true and unalterable.

SECTION 19. The section is broadened to take in description reference plans deposited under section 109.

SECTION 20. The new subsection brings the Act into line with existing practice.

SECTION 21. Self-explanatory.

SECTION 22—Subsection 1. The provision is brought up to date.

**19.** Section 111 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 111, re-enacted

111. Where a plan has been registered or recorded under this Act, every instrument affecting the land shown on the plan shall conform and refer thereto, otherwise it shall not be registered unless the proper master of titles under special circumstances deems it proper to register it. Instruments must conform to plan

**20.** Section 113 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 113, amended

(5) Nothing in this section prevents the registration of a plan of re-subdivision, if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to such plan. Plans of re-subdivision may be registered

**21.** Section 140 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 140, amended

(4) The director of titles may designate one or more persons on the staff of his office or any land titles office as signing officers who shall act under the authority of the director to complete the registration of instruments and authenticate certificates under this Act. Signing officers

**22.—**(1) Subsection 2 of section 150 of *The Land Titles Act* is amended by striking out "City of Toronto" in the first and second lines and inserting in lieu thereof "The Municipality of Metropolitan Toronto", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 150, subs. 2, amended

(2) The corporations of the County of York and The Municipality of Metropolitan Toronto and of any county, city or town which has passed or passes a by-law under subsection 1 shall provide proper fireproof and other accommodation for an office of land titles, and, so far as the expenses of the office are not covered by the fees collected thereat, the corporation shall pay the same, including the salary of the master of titles of the locality, and all necessary and proper books, stationery, furniture, and lighting, cleaning and heating of the office, and attendance, and other matters and things incident to the proper conduct of the business of the office. Accommodation

R.S.O. 1950, c. 197, s. 150, subs. 8 (1957, c. 58, s. 6), re-enacted (2) Subsection 8 of the said section 150, as enacted by section 6 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor:

Costs

- (8) The costs of and incidental to an application under subsection 6 shall be borne and paid by the municipality making the application and the municipality may recover the same by levy of a special rate of assessment on all parcels included in the application or in the municipality.

R.S.O. 1950, c. 197, s. 155, amended

**23.** Section 155 of *The Land Titles Act* is amended by striking out "master of titles at Toronto" in the fifth line of subsection 1, the first line of subsection 2, the first line of subsection 3 and the first and second lines of subsection 4 and inserting in lieu thereof "director of titles", so that the section shall read as follows:

Local master to transmit application to director of titles

- 155.—(1) If, upon an application for first registration, the local master of titles finds that the applicant or his nominee is entitled to be registered, he shall sign a memorandum to that effect at the foot of the application and draft entry and shall transmit the same to the director of titles, with the deeds, evidence and other papers before him, and a draft of the entry of ownership proposed to be made.

Where director concurs

- (2) If the director of titles concurs in the opinion of the local master, he shall approve thereof and shall return the papers transmitted to him, and the local master may thereupon register the applicant or his nominee as owner.

Where director does not concur

- (3) If the director of titles does not concur in the opinion of the local master, he shall communicate his opinion to the local master and shall cause such action to be taken as he deems expedient, and if his objections are not removed by explanations or additional evidence the applicant or his nominee shall not be registered unless the court on appeal, or on a case stated for its opinion, otherwise directs.

Stay of proceedings

- (4) If there is a contest upon the decision of the director of titles concurring in the local master's opinion, registration shall be delayed for ten days to enable anyone who so desires to appeal.

R.S.O. 1950, c. 197, s. 157 subs. 1, re-enacted

**24.** Subsection 1 of section 157 of *The Land Titles Act*, as amended by subsection 1 of section 14 of *The Land Titles*



Subsection 2. Self-explanatory.

SECTION 23. The nomenclature is brought up to date. No change in principle.

SECTION 24. The present provision applies outside Toronto. The re-enactment of subsection 1 makes it apply throughout the Province.

**SECTION 25.** The new provisions are self-explanatory and **bring the Act into line with present practices.**

*Amendment Act, 1956*, is repealed and the following substituted therefor:

- (1) Where upon an application for first registration the director of titles or the proper master of titles requires to examine any instrument registered in a registry office, the director of titles or the master of titles may request the registrar of the registry division in which the land lies to transmit any instrument appearing on the abstract or required in connection with the application that the director of titles or the master of titles desires to examine.

Request of director or master of titles for documents

**25.**—(1) Subsection 1 of section 158a of *The Land Titles Act*, as enacted by section 16 of *The Land Titles Amendment Act, 1956*, is repealed and the following substituted therefor:

R.S.O. 1950, c. 197, s. 158a (1956, c. 38, s. 16), subs. 1, re-enacted

- (1) This Act shall be administered by the director of titles who shall supervise and determine all matters relating to titles of land to which this Act applies.

Administration of Act

(2) The said section 158a, as amended by section 10 of *The Land Titles Amendment Act, 1958*, is further amended by adding thereto the following subsections:

R.S.O. 1950, c. 197, s. 158a (1956, c. 38, s. 16), amended

- (4) Where under this Act the proper master of titles is authorized to hear and determine any matter, the matter may be determined by the director of titles at a hearing upon the request or consent of the proper master of titles.

Hearing before director

- (5) A hearing before the director of titles under subsection 4 may be held at the local land titles office or at the office of the director of titles, regard being had to the circumstances of the case.

Place for hearing

- (6) Notices of a hearing to be held by the director of titles may be served or caused to be served by the director of titles or by the proper master of titles.

Notices of hearing

- (7) Any action or duty authorized or prescribed by this Act to be performed by a proper master of titles may, in the absence of or with the consent of the proper master of titles, be performed by the director of titles, the deputy director of titles or by an assistant deputy director of titles, if so authorized by the director of titles.

Authority of director, deputy director, etc.

R.S.O. 1950,  
c. 197, s. 160,  
subs. 4,  
amended

**26.**—(1) Subsection 4 of section 160 of *The Land Titles Act* is amended by striking out “master of titles at Toronto” in the fourth line and inserting in lieu thereof “director of titles”, so that the subsection shall read as follows:

Action by  
local master

(4) Where there is no contest as to the rights of the parties, the local master may make the requisite entry and issue his certificate; but in case of a contest he shall transmit the papers to the director of titles before registering the patentee as owner, and shall otherwise proceed as provided in section 155.

R.S.O. 1950,  
c. 197, s. 160,  
subs. 6,  
amended

(2) Subsection 6 of the said section 160 is amended by adding at the commencement thereof “Notwithstanding subsection 1 of section 15”, so that the subsection shall read as follows:

Registration  
of Crown  
lease-  
patents, etc.

(6) Notwithstanding subsection 1 of section 15, letters patent from the Crown demising land or mining rights for a term of years, or for any greater estate, granted on or after the 31st day of December, 1887, shall be deemed to have been and to be within the provisions of this section.

Continuing  
liability  
for unpaid  
assurance  
fees

R.S.O. 1950,  
c. 197

1956, c. 38

**27.** Where land was registered under this Act before the 27th day of May, 1956, and the assurance fees payable thereon have not been paid, subsections 11 to 16 of section 127 of *The Land Titles Act* shall be deemed to apply to such land notwithstanding their repeal by section 8 of *The Land Titles Amendment Act, 1956*.

Commence-  
ment

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

Short title

**29.** This Act may be cited as *The Land Titles Amendment Act, 1960*.

**SECTION 26—Subsection 1.** The nomenclature is brought up to date.

**Subsection 2.** A possible conflict is avoided by this amendment. No change in principle is involved.

**SECTION 27.** The purpose of this substantive provision is to authorize the collection of assurance fees that were not paid on the first registration of land under the Act, thus equalizing the imposition of the fee.





An Act to amend  
The Land Titles Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 21**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Land Titles Act**

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MR. ROBERTS

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BILL 21

1960

## An Act to amend The Land Titles Act

HER 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 Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 2, re-enacted

2. Subject to section 150, this Act applies only to the County of York, including The Municipality of Metropolitan Toronto; the County of Elgin, including the City of St. Thomas; the County of Ontario; the City of Ottawa and the County of Carleton; the County of Lincoln, including the City of St. Catharines; the County of Prescott; the County of Halton, and the provisional judicial districts, but the land registries heretofore established for such cities, counties and districts are continued. Application of Act

2. Section 15 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 15, amended

(6) A person may apply for registration of a leasehold interest under this section where the freehold title out of which his interest is derived is registered under this Act. Leasehold interests

3. Subsection 1 of section 28 of *The Land Titles Act*, as re-enacted by section 3 of *The Land Titles Amendment Act, 1958*, is amended by adding at the end thereof "or by prescription, but this section is not binding upon a judge in respect of any order made by him under section 107a", so that the subsection shall read as follows: R.S.O. 1950, c. 197, s. 28, subs. 1, (1958, c. 49, s. 3), amended

(1) Notwithstanding any provision of this Act, *The Limitations Act* or any other Act, no title to and no right or interest in land registered under this Act that is adverse to or in derogation of the title of the No title by adverse possession, etc. R.S.O. 1950, c. 207

registered owner shall be acquired hereafter or be deemed to have been acquired heretofore by any length of possession or by prescription, but this section is not binding upon a judge in respect of any order made by him under section 107a.

R.S.O. 1950,  
c. 197,  
Part IV,  
amended

4. Part IV of *The Land Titles Act* is amended by adding thereto the following sections:

Evidence  
necessary  
for  
registration

28a. An instrument executed by a registered owner or a person entitled to be registered as owner, when presented for registration, shall be accompanied by an affidavit as to the execution by, and the identity and age of, the owner or person so entitled or such evidence as the proper master of titles requires.

Registration  
of  
instruments  
not in  
prescribed  
form  
R.S.O. 1950,  
c. 336

28b. Where an instrument made in accordance with the forms in use or sufficient to pass an estate or interest in land under *The Registry Act* deals with land under this Act, the proper master of titles may, in his discretion, register it under this Act and, when so registered, it has the same effect as if made in the prescribed form.

R.S.O. 1950,  
c. 197, s. 29,  
subs. 6,  
re-enacted

5. Subsection 6 of section 29 of *The Land Titles Act* is repealed and the following substituted therefor:

Where  
advances  
under  
registered  
charge to  
have priority  
over  
subsequent  
charges

(6) Every registered charge shall as against the chargor, his heirs, executors, administrators, assigns and every other person claiming by, through or under him, be a security upon the land thereby charged to the extent of the money or money's worth actually advanced or supplied under the charge, not exceeding the amount for which the charge is expressed to be a security, notwithstanding that the money or money's worth, or some part thereof, was advanced or supplied after the registration of a transfer, charge or other instrument affecting the lands charged, executed by the chargor, his heirs, executors or administrators and registered subsequently to the first-mentioned charge, unless, before advancing or supplying such money or money's worth, the registered owner of the first-mentioned charge had actual notice of the execution and registration of such transfer, charge or other instrument, and the registration of such transfer, charge or other instrument after the registration of the first-mentioned charge does not constitute such actual notice.

- (7) An instrument in the nature of a deed of trust and mortgage that provides for the issuance of bonds or debentures may, upon the authorization of the parties thereto or their solicitors, be registered as a charge upon the lands of the grantor, and the entry in the register shall state the aggregate principal sum and the rate of interest of such bonds or debentures. Bond mortgage may be registered as charge upon authorization of parties
- (8) The authorization mentioned in subsection 7 shall identify the lands to be charged in each land titles office and state the aggregate principal sum and interest rate of the bonds or debentures mentioned in that subsection. What to be included in the authorization
- (9) Until a charge registered under subsection 7 has been discharged, no transfer or charge of the lands shall be subsequently registered without the written consent of the chargee. Consent of chargee to subsequent dealings
- (10) A certificate of a charge registered under subsection 7 may be granted as in the case of other charges. Certificate
- (11) A charge registered under subsection 7 may be discharged by a cessation in the prescribed form. Cessation

**6.** Section 34 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 34, re-enacted

- 34.—(1) Subject to the rules and to any entry to the contrary on the register, the registered owner of a registered charge that contains a power of sale, upon production of evidence satisfactory to the proper master of titles, may sell and transfer the interest in the land or any part thereof that is the subject of the charge in accordance with the terms of the power in the same manner as if he were the registered owner of the land to the extent of such interest therein. Remedy of owner of charge with power of sale
- (2) Subject to an order of the court, a copy of which has been served on the proper master of titles, upon the registration of a transfer under subsection 1 and upon satisfactory evidence being produced of the service of notice of the intended exercise of the power on every person appearing by the register or by the index of executions to have an interest in the land subsequent to that of the chargee, the proper master of titles may delete from the register the entry of an instrument or writ appearing to rank subsequent to the charge under which the land is Effect of sale by chargee

sold, and thereupon the interest of every person claiming under such subsequent instrument ceases to affect the land.

R.S.O. 1950, c. 197, s. 35, re-enacted **7.** Section 35 of *The Land Titles Act* is repealed and the following substituted therefor:

Postponement of registered rights

35. Upon registration of an instrument in the prescribed form, the rights of priority acquired by registration may be postponed to rights acquired or claimed under another registered instrument.

R.S.O. 1950, c. 197, s. 45a (1958, c. 49, s. 4), amended **8.** Section 45a of *The Land Titles Act*, as enacted by section 4 of *The Land Titles Amendment Act, 1958*, is amended by adding thereto the following subsection:

Charge not deemed appointment

(2) An appointment by way of charge given by a transferee to uses shall be deemed not to be an exercise of the power of appointment for the purposes of this Act.

R.S.O. 1950, c. 197, s. 46, re-enacted **9.** Section 46 of *The Land Titles Act* is repealed and the following substituted therefor:

Dower where encumbered land transferred

46. The wife of a registered owner of land is not entitled to dower therein,

(a) where the registered owner acquired the land subject to a charge and transferred the land subject to that charge; or

(b) where the registered owner charged the land, subsequently became married to the wife, and transferred the land subject to that charge.

R.S.O. 1950, c. 197, s. 47, amended **10.** Section 47 of *The Land Titles Act* is amended by adding thereto the following subsection:

Certificate of ownership of leasehold land

(5) Upon the application of the registered owner of leasehold land and upon payment of the prescribed fee, the proper master of titles, in his discretion, may give a certificate of ownership thereof in the prescribed form instead of or in addition to an office copy of the lease.

R.S.O. 1950, c. 197, s. 54, re-enacted **11.** Section 54 of *The Land Titles Act* is repealed and the following substituted therefor:

Time of receipt to be noted

54.—(1) Subject to the rules, the day, hour and minute of the receipt of each instrument presented for registration and of each copy of a writ or lien received under section 64 shall be noted thereon by the officer or clerk receiving the instrument or copy.

- (2) Every instrument received for registration shall be registered in the order of time in which it is so received, unless before registration is completed it is withdrawn or the proper master of titles discovers that it contains a material error or omission and notifies the parties or their solicitors accordingly within twenty-one days after being so received and allows a period of time not less than seven and not more than thirty days from the date of such notification for correction of the error or omission, and, when the error or omission is corrected within the time allowed, the instrument has priority as if it had been correct in the first instance. <sup>Order of registration</sup>
- (3) Registration of an instrument is complete when the entry in the proper register and particulars of registration thereof on the instrument are signed by the proper master of titles, his deputy or a signing officer, and the time of receipt of the instrument shall be deemed to be the time of its registration. <sup>When registration complete</sup>
- (4) When registered, an instrument shall be deemed to be embodied in the register and to be effective according to its nature and intent, and to create, transfer, charge or discharge, as the case requires, the land or estate or interest therein mentioned in the register. <sup>Effect of registration</sup>
- (5) Subject to any entry to the contrary in the register and subject to this Act, instruments registered in respect of or affecting the same estate or interest in the same parcel of registered land as between themselves rank according to the order in which they are entered in the register and not according to the order in which they were created, and, notwithstanding any express, implied or constructive notice, are entitled to priority according to the time of registration. <sup>Priorities</sup>

**12.** Subsection 3 of section 70 of *The Land Titles Act* is amended by adding at the end thereof "or by the director of titles", so that the subsection shall read as follows: <sup>R.S.O. 1950, c. 197, s. 70, subs. 3, amended</sup>

- (3) Any person entitled to or interested in any unregistered estates, rights, interests or equities in registered land may protect the same from being impaired by any act of the registered owner by entering on the register such notices, cautions, inhibitions or other restrictions as are authorized by this Act or by the director of titles. <sup>How protected</sup>

R.S.O. 1950, c. 197, amended **13.** *The Land Titles Act* is amended by adding thereto the following section:

- Power of attorney authorized 70a.—(1) A person may, under a power of attorney, authorize another person to act for him in respect of any land or interest therein under this Act.
- Registration (2) A power of attorney or a certified copy thereof may be registered in the prescribed manner.
- Revocation (3) No registered power of attorney shall be deemed to be revoked until a revocation thereof is registered or evidence is filed with the proper master of titles showing that it is no longer in force.

R.S.O. 1950, c. 197, s. 72, subs. 7, re-enacted; subs. 8, repealed **14.** Subsections 7 and 8 of section 72 of *The Land Titles Act* are repealed and the following substituted therefor:

- Notice of interest in lease (7) Where a notice of a lease or agreement for a lease has been registered, a notice of,
- (a) a sublease;
  - (b) an assignment of the lease;
  - (c) a charge of the lease;
  - (d) a determination of the lease; or
  - (e) an assignment of the lessor's interest in the lease,
- may be registered in the prescribed form.

R.S.O. 1950, c. 197, s. 79, amended **15.** Section 79 of *The Land Titles Act* is amended by adding thereto the following subsection:

- Removal of entry of timber agreement from register ten years after expiry (6) At any time after ten years from the expiry date of an agreement or renewal thereof of which notice has been registered under this section, the proper master of titles may, upon application and without notice to the purchaser, delete from the register the entry of the notice of agreement or of the renewal.

R.S.O. 1950, c. 197, s. 80, re-enacted **16.** Section 80 of *The Land Titles Act* is repealed and the following substituted therefor:

- Inhibiting of registered dealings 80.—(1) The court, the director of titles or the proper master of titles, upon the application of any person interested made in the prescribed manner in relation to any registered land or charge, after directing such inquiries, if any, to be made and notices given and after hearing such persons as the court, the director



of titles or the proper master of titles deems necessary or expedient, may issue an order or make an entry inhibiting for a time or until the occurrence of an event to be named in such order or entry or generally until further order or entry any dealing with registered land or with a registered charge.

- (2) The court, or the director of titles or the proper master of titles of his own accord and without notice, may make an order or an entry under subsection 1 and may impose any terms or conditions that are deemed just, and may discharge the order or cancel the entry, with or without costs, and generally act in such manner as the justice of the case requires. Terms, etc.

**17.**—(1) Subsection 4 of section 107a of *The Land Titles Act*, as enacted by section 4 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 197, s. 107a (1957, c. 58, s. 4), subs. 4, re-enacted

- (4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 3, the director of titles may, upon notice to all persons interested, apply to a judge of the county or district court of the county or district in which the subdivision plan area is situate for an order that a plan of subdivision be prepared and registered in accordance with the regulations and incorporating such amendments to the draft plan of subdivision as the judge thinks proper and the judge may make such order. Order for registration of judge's plan

- (4a) The judge, having regard to the nature of the case and the inadequacy of or errors contained in previous surveys of land in the subdivision plan area and to the general law relating to surveys of land, may in his order effect such alterations to the registered descriptions of the land as to him seem just and equitable, and the Assurance Fund is not thereby rendered liable. Idem

- (4b) An order made under this section may be appealed to the Court of Appeal. Appeal

(2) The said section 107a is amended by adding thereto the following subsection: R.S.O. 1950, c. 197, s. 107a (1957, c. 58, s. 4), amended

- (8) Where the judge orders the costs of and incidental to an application under this section to be borne in whole or in part by a registered owner of land in the subdivision plan area, the amount so ordered to be Lien for costs

paid constitutes a charge upon the land of the registered owner in favour of Her Majesty the Queen in right of Ontario represented by the director of titles, and until paid such charge ranks in priority to all registered charges on the land from and after the entry of the particulars of the charge in the register.

R.S.O. 1950, c. 197, s. 109, subs. 1 (1958, c. 49, s. 8, subs. 1), re-enacted **18.**—(1) Subsection 1 of section 109 of *The Land Titles Act*, as re-enacted by subsection 1 of section 8 of *The Land Titles Amendment Act, 1958*, is repealed and the following substituted therefor:

Plan required in certain cases

- (1) Where not otherwise provided by this Act and where,
- (a) a new boundary is created consisting of more than one line;
  - (b) the owner has made one severance previously without survey;
  - (c) a new boundary is in accordance with a fence, wall or other artificial enclosing device; or
  - (d) in any other instance that the proper master of titles deems advisable,

a person applying for registration of a transfer of land shall, if the land is in a county, or may, if the land is in a provisional judicial district, deposit for record a plan to be known as a reference plan of survey certified by an Ontario land surveyor and signed by the registered owner in the prescribed form.

Saving

- (2) Subsection 1 does not apply to land in a county if in the opinion of the proper master of titles concurred in by the director of titles the cost of compliance therewith would be excessive having regard to the value of the land.

R.S.O. 1950, c. 197, s. 109, subs. 5, re-enacted

(2) Subsection 5 of the said section 109 is repealed and the following substituted therefor:

Boundaries

- (5) New boundaries that are created by a severance shown on a reference plan and referred to or incorporated by reference in a registered instrument signed by the registered owner of the land shall be deemed to be true and unalterable boundaries and to be defined by the monuments shown thereon, but such monuments do not change or alter the position of any previously established boundary or prejudice prior registered rights or interests.

**19.** Section 111 of *The Land Titles Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 197, s. 111,  
re-enacted

111. Where a plan has been registered or recorded under this Act, every instrument affecting the land shown on the plan shall conform and refer thereto, otherwise it shall not be registered unless the proper master of titles under special circumstances deems it proper to register it. Instruments  
must  
conform  
to plan

**20.** Section 113 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 197, s. 113,  
amended

(5) Nothing in this section prevents the registration of a plan of re-subdivision, if, where a public highway is affected by the re-subdivision, the proper officers of the authority having jurisdiction and control over the highway consent to such plan. Plans of  
re-  
subdivision  
may be  
registered

**21.** Section 140 of *The Land Titles Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 197, s. 140,  
amended

(4) The director of titles may designate one or more persons on the staff of his office or any land titles office as signing officers who shall act under the authority of the director to complete the registration of instruments and authenticate certificates under this Act. Signing  
officers

**22.**—(1) Subsection 2 of section 150 of *The Land Titles Act* is amended by striking out "City of Toronto" in the first and second lines and inserting in lieu thereof "The Municipality of Metropolitan Toronto", so that the subsection shall read as follows: R.S.O. 1950,  
c. 197, s. 150,  
subs. 2,  
amended

(2) The corporations of the County of York and The Municipality of Metropolitan Toronto and of any county, city or town which has passed or passes a by-law under subsection 1 shall provide proper fireproof and other accommodation for an office of land titles, and, so far as the expenses of the office are not covered by the fees collected thereat, the corporation shall pay the same, including the salary of the master of titles of the locality, and all necessary and proper books, stationery, furniture, and lighting, cleaning and heating of the office, and attendance, and other matters and things incident to the proper conduct of the business of the office. Accom-  
modation

R.S.O. 1950,  
c. 197, s. 150,  
subs. 8  
(1957, c. 58,  
s. 6),  
re-enacted

(2) Subsection 8 of the said section 150, as enacted by section 6 of *The Land Titles Amendment Act, 1957*, is repealed and the following substituted therefor:

Costs

- (8) The costs of and incidental to an application under subsection 6 shall be borne and paid by the municipality making the application and the municipality may recover the same by levy of a special rate of assessment on all parcels included in the application or in the municipality.

R.S.O. 1950,  
c. 197, s. 155,  
amended

**23.** Section 155 of *The Land Titles Act* is amended by striking out "master of titles at Toronto" in the fifth line of subsection 1, the first line of subsection 2, the first line of subsection 3 and the first and second lines of subsection 4 and inserting in lieu thereof "director of titles", so that the section shall read as follows:

Local  
master to  
transmit  
application  
to director  
of titles

- 155.—(1) If, upon an application for first registration, the local master of titles finds that the applicant or his nominee is entitled to be registered, he shall sign a memorandum to that effect at the foot of the application and draft entry and shall transmit the same to the director of titles, with the deeds, evidence and other papers before him, and a draft of the entry of ownership proposed to be made.

Where  
director  
concur

- (2) If the director of titles concurs in the opinion of the local master, he shall approve thereof and shall return the papers transmitted to him, and the local master may thereupon register the applicant or his nominee as owner.

Where  
director  
does not  
concur

- (3) If the director of titles does not concur in the opinion of the local master, he shall communicate his opinion to the local master and shall cause such action to be taken as he deems expedient, and if his objections are not removed by explanations or additional evidence the applicant or his nominee shall not be registered unless the court on appeal, or on a case stated for its opinion, otherwise directs.

Stay of  
proceedings

- (4) If there is a contest upon the decision of the director of titles concurring in the local master's opinion, registration shall be delayed for ten days to enable anyone who so desires to appeal.

R.S.O. 1950,  
c. 197, s. 157  
subs. 1,  
re-enacted

**24.** Subsection 1 of section 157 of *The Land Titles Act*, as amended by subsection 1 of section 14 of *The Land Titles*

*Amendment Act, 1956*, is repealed and the following substituted therefor:

- (1) Where upon an application for first registration the director of titles or the proper master of titles requires to examine any instrument registered in a registry office, the director of titles or the master of titles may request the registrar of the registry division in which the land lies to transmit any instrument appearing on the abstract or required in connection with the application that the director of titles or the master of titles desires to examine.

Request of  
director or  
master of  
titles for  
documents

**25.**—(1) Subsection 1 of section 158a of *The Land Titles Act*, as enacted by section 16 of *The Land Titles Amendment Act, 1956*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 197, s. 158a  
(1956, c. 38,  
s. 16),  
subs. 1,  
re-enacted

- (1) This Act shall be administered by the director of titles who shall supervise and determine all matters relating to titles of land to which this Act applies.

Administra-  
tion of Act

(2) The said section 158a, as amended by section 10 of *The Land Titles Amendment Act, 1958*, is further amended by adding thereto the following subsections:

R.S.O. 1950,  
c. 197, s. 158a  
(1956, c. 38,  
s. 16),  
amended

- (4) Where under this Act the proper master of titles is authorized to hear and determine any matter, the matter may be determined by the director of titles at a hearing upon the request or consent of the proper master of titles.

Hearing  
before  
director

- (5) A hearing before the director of titles under subsection 4 may be held at the local land titles office or at the office of the director of titles, regard being had to the circumstances of the case.

Place for  
hearing

- (6) Notices of a hearing to be held by the director of titles may be served or caused to be served by the director of titles or by the proper master of titles.

Notices  
of hearing

- (7) Any action or duty authorized or prescribed by this Act to be performed by a proper master of titles may, in the absence of or with the consent of the proper master of titles, be performed by the director of titles, the deputy director of titles or by an assistant deputy director of titles, if so authorized by the director of titles.

Authority  
of director,  
deputy  
director, etc.

R.S.O. 1950,  
c. 197, s. 160,  
subs. 4,  
amended

**26.**—(1) Subsection 4 of section 160 of *The Land Titles Act* is amended by striking out “master of titles at Toronto” in the fourth line and inserting in lieu thereof “director of titles”, so that the subsection shall read as follows:

Action by  
local master

(4) Where there is no contest as to the rights of the parties, the local master may make the requisite entry and issue his certificate; but in case of a contest he shall transmit the papers to the director of titles before registering the patentee as owner, and shall otherwise proceed as provided in section 155.

R.S.O. 1950,  
c. 197, s. 160,  
subs. 6,  
amended

(2) Subsection 6 of the said section 160 is amended by adding at the commencement thereof “Notwithstanding subsection 1 of section 15”, so that the subsection shall read as follows:

Registration  
of Crown  
lease-  
patents, etc.

(6) Notwithstanding subsection 1 of section 15, letters patent from the Crown demising land or mining rights for a term of years, or for any greater estate, granted on or after the 31st day of December, 1887, shall be deemed to have been and to be within the provisions of this section.

Continuing  
liability  
for unpaid  
assurance  
fees

R.S.O. 1950,  
c. 197  
1956, c. 38

**27.** Where land was registered under this Act before the 27th day of May, 1956, and the assurance fees payable thereon have not been paid, subsections 11 to 16 of section 127 of *The Land Titles Act* shall be deemed to apply to such land notwithstanding their repeal by section 8 of *The Land Titles Amendment Act, 1956*.

Commence-  
ment

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

Short title

**29.** This Act may be cited as *The Land Titles Amendment Act, 1960*.



An Act to amend  
The Land Titles Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 26th, 1960

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MR. ROBERTS

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**BILL 22**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Loan and Trust Corporations Act**

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MR. ROBERTS

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#### EXPLANATORY NOTES

GENERAL. The amendments contained in this Bill deal only with the appointment, powers, duties, etc., of auditors of loan and trust corporations. These changes will bring this Act into line with the comparable provisions of *The Corporations Act, 1953*, with such modifications as are appropriate for loan and trust corporations.

The second feature of this Bill is the establishment of new schedules of fees.

SECTION 1. The provisions of these two clauses appear in the new sections 66, 66a, 66b and 67 of the Act. See sections 3 and 4 of this Bill. No change in principle.

SECTION 2. The requirement of the delivery of copies of the annual statement to shareholders is transferred to subsection 5 of section 67 of the Act. See section 4 of this Bill. No change in principle.

SECTION 3. The provisions of the Act that deal with the appointment, etc., of auditors are brought into line with the provisions of *The Corporations Act, 1953* on the same subject. See sections 80, 81 and 82 of that Act.

BILL 22

1960

## 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, acts as follows:

**1.** Clauses *h* and *i* of subsection 2 of section 4 of *The Loan and Trust Corporations Act* are repealed.

R.S.O. 1950,  
c. 214, s. 4,  
subs. 2,  
cls. *h, i*,  
repealed

**2.** Subsection 2 of section 20 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 20,  
subs. 2,  
re-enacted

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered or sent by mail to the address of each shareholder so far as it is known, or, on request, to his proxy residing in North America or the United Kingdom, and such notice shall be so delivered or sent at least ten days before the time fixed for holding the meeting.

Notice of  
annual  
meeting

**3.** Section 66 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1959*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 66,  
re-enacted

66.—(1) The shareholders of a corporation at their first general meeting shall appoint one or more auditors to hold office until the first annual meeting, and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Appoint-  
ment of first  
auditor

(2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the next annual meeting, and, if the shareholders fail to do so, the auditor in office shall continue in office until a successor is appointed.

Appoint-  
ment  
annually of  
auditor

- Vacancies (3) The directors may fill any casual vacancy in the office of auditor, but while a vacancy continues the surviving or continuing auditor, if any, may act.
- Removal (4) The shareholders may, by resolution passed by at least two-thirds of the votes cast at a general meeting of which notice of intention to pass the resolution has been given, remove any auditor before the expiration of his term of office, and shall by a majority of votes cast at that meeting appoint another auditor in his stead for the remainder of his term.
- Remuneration (5) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders or by the directors, if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.
- Appointment by Registrar (6) If for any reason no auditor is appointed, the Registrar may, on the application of a shareholder, appoint one or more auditors for that year and fix the remuneration to be paid by the corporation for his or their services.
- Notice of appointment (7) Notice of the appointment of an auditor shall be given in writing to him forthwith after the appointment is made.
- Who may be appointed auditor 66a. The auditor of a corporation shall be an accountant or a firm of accountants, except that no person shall be appointed as auditor of a corporation who is a director, officer or employee of that corporation or an affiliated corporation or who is a partner or employee of any such director, officer or employee.
- Auditor's examination 66b.—(1) The auditor shall make such examination as will enable him to report to the shareholders as required under subsection 2.
- Auditor's report (2) The auditor shall make a report to the shareholders on the balance sheet to be laid before the corporation at any annual meeting during his term of office and shall state in his report whether in his opinion the balance sheet referred to therein presents fairly the financial position of the corporation.
- (3) The auditor in his report shall make such statements as he considers necessary,
- (a) if the corporation's balance sheet is not in agreement with its accounting records;





SECTION 4. The section is brought into line with section 83 of *The Corporations Act, 1953*.

- (b) if the corporation's balance sheet is not in accordance with any requirements prescribed by the Registrar;
  - (c) if he has not received all the information and explanations that he has required; or
  - (d) if proper accounting records have not been kept, so far as appears from his examination.
- (4) The auditor of a corporation has right of access at all times to all records, documents, books, accounts and vouchers of the corporation, and is entitled to require from the directors and officers of the corporation such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2. Auditor's right of access
- (5) The auditor of a corporation is entitled to attend any meeting of shareholders of the corporation, to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business that concerns him as auditor. Auditor's right to attend meetings

4. Section 67 of *The Loan and Trust Corporations Act* is R.S.O. 1950, c. 214, s. 67 repealed and the following substituted therefor:

- 67.—(1) The directors shall lay before each annual meeting of shareholders a financial statement for the period commencing on the date of incorporation and ending not more than six months before such annual meeting, or commencing immediately after the period covered by the previous financial statement and ending not more than six months before such annual meeting, as the case may be, made up of, Annual financial statement
- (a) a statement of undivided profits for such period;
  - (b) a balance sheet made up to the end of such period;
  - (c) the report of the auditor to the shareholders; and
  - (d) such further information respecting the financial position of the corporation as its letters

patent, supplementary letters patent or by-laws require.

- Form (2) The Registrar may prescribe the form of the financial statement.
- Auditor's report to be read (3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection by any shareholder.
- Attesting (4) Every financial statement shall be attested by the signature of the president or vice-president and the managing director or some other principal officer of the corporation.
- Copy to shareholders (5) A copy of the financial statement shall be mailed or delivered without charge to every shareholder of the corporation at least ten days before the annual meeting.
- Copy to debenture holders, etc. (6) A copy of the financial statement shall be mailed or delivered without charge to any holder of a debenture or guaranteed investment certificate of the corporation or to any depositor of the corporation who requests the same.

R.S.O. 1950,  
c. 214,  
s. 146,  
subs. 3,  
re-enacted

5. Subsection 3 of section 146 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Certificate of auditor on annual statement

- (3) The statement required by subsection 1 shall have attached a report by the auditor stating whether in his opinion the balance sheet contained in such statement presents fairly the financial position of the corporation and stating whether such other information as the Registrar prescribes contained in such statement is presented fairly and making such comments as he considers necessary,
- (a) if the balance sheet is not in agreement with the accounting records;
- (b) if the balance sheet is not in accordance with the requirements of the Registrar;
- (c) if he has not received all the information and explanations that he has required; or
- (d) if proper accounting records have not been kept, so far as appears from his examination.



**SECTION 5.** The subsection is revised for purposes of clarification and to bring it into line with section 66b (3) as contained in section 3 of this Bill.

SECTION 6. The change in wording is designed to make it clear that the auditor is not an officer of the corporation.

SECTION 7. The fees are increased. The present fees were established in 1913.

6. Subsection 2 of section 154 of *The Loan and Trust Corporations Act* is amended by striking out "auditor" in the first line and by inserting after "officer" in the second line "and every auditor", so that the first two lines of the subsection shall read as follows:

R.S.O. 1950,  
c. 214,  
s. 154,  
subs. 2,  
amended

- (2) Every president, vice-president, director, manager or other officer and every auditor of a corporation, who,

Officers' liability

7. Schedule A and Schedule B, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1953*, to *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214,  
Scheds. A, B,  
re-enacted

SCHEDULE A

(Section 156 (1) )

Fees for Letters Patent of Incorporation:

For a corporation with an authorized capital stock of,

- (a) \$300,000 but less than \$500,000. . . . . \$300
- (b) \$500,000 but less than \$1,000,000. . . . . 400
- (c) \$1,000,000. . . . . 500
- (d) exceeding \$1,000,000 but less than \$2,000,000. . . . . 500  
plus \$25 for every \$100,000 or fraction thereof in excess of \$1,000,000.
- (e) exceeding \$2,000,000. . . . . 750  
plus \$20 for every \$100,000 or fraction thereof in excess of \$2,000,000.

For supplementary letters patent. . . . . 100

SCHEDULE B

(Section 156 (2) )

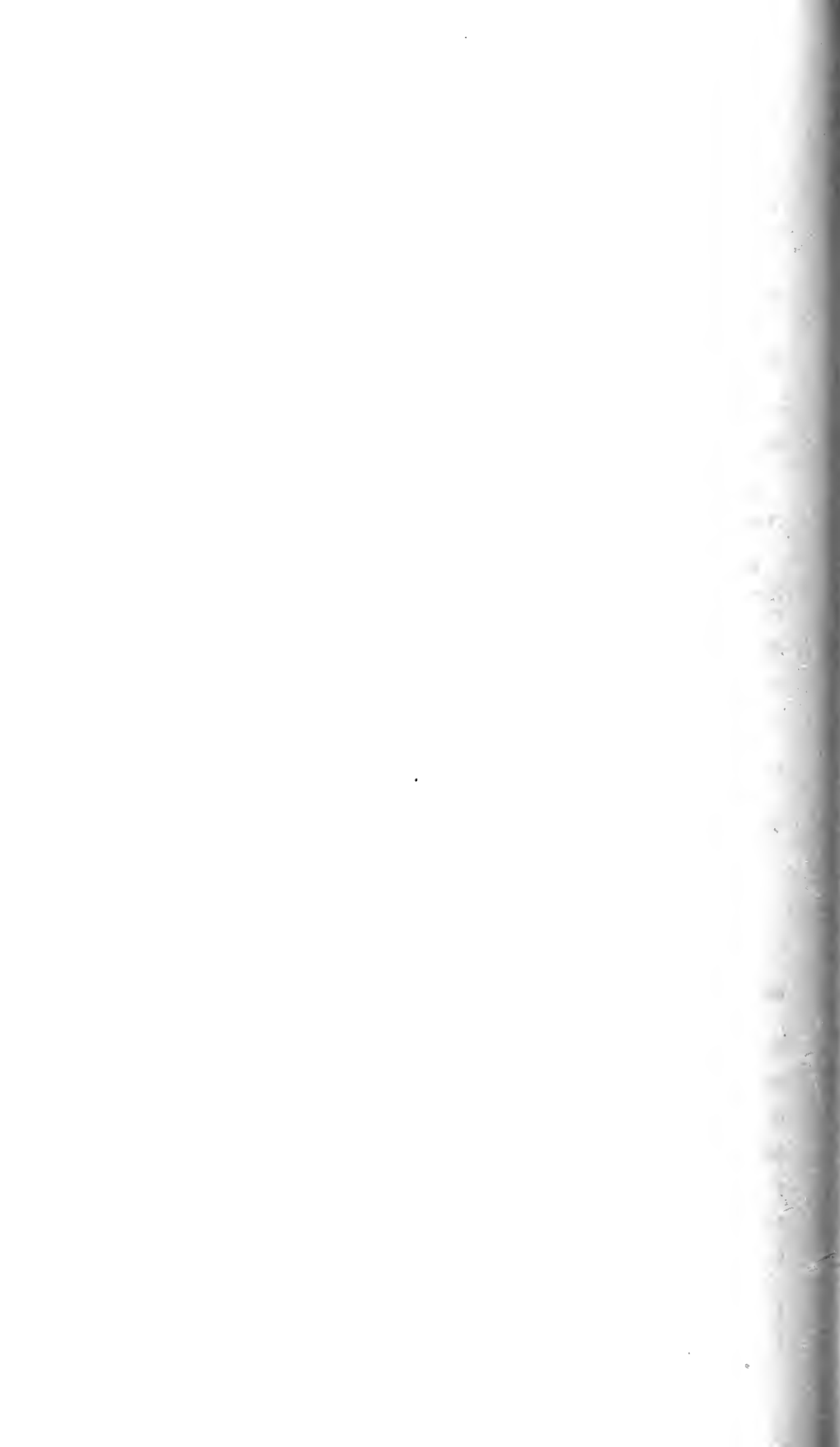
- 1. Application for initial registry (s. 115). . . . . \$ 25
- 2. Extension of time not exceeding seven days, or any renewal thereof not exceeding seven days, for filing annual statement, application for renewal of registry, or any other documents or information required under the authority of this Act, provided that the Registrar may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed. . . . . 10
- 3. Filing power of attorney in case of corporations (s. 116). . . . . 5
- 4. Filing new power or change of attorney (s. 116). . . . . 5

5. Initial and annual renewal of registry (s. 117):	
(a) Where the assets of the corporation do not exceed \$500,000 .....	\$200
(b) Where the assets of the corporation exceed \$500,000 but do not exceed \$1,000,000 .....	250
(c) Where the assets of the corporation exceed \$1,000,000 but do not exceed \$5,000,000 .....	300
(d) Where the assets of the corporation exceed \$5,000,000 but do not exceed \$10,000,000 .....	400
(e) Where the assets of the corporation exceed \$10,000,000 but do not exceed \$20,000,000 .....	450
(f) Where the assets of the corporation exceed \$20,000,000	500
For the purposes of this item, assets of a Trust Company shall be deemed to be the aggregate of assets held for Company Funds, Guaranteed Funds and assets held for administration under Estates and Trusts.	
6. Interim certificate of registry or extension of certificate (s. 117) .....	50
7. Revivor of registry after suspension (s. 117) .....	50
8. Change of corporate name (s. 118) .....	50
9. Change of head office (s. 118) .....	50
10. Filing annual statement (s. 146) .....	10
11. Filing new by-laws or amendments thereto after initial registry (s. 29) .....	5
12. Application for increase, decrease, conversion or alteration of capital stock or declaration or alteration of powers .....	25
(a) Order in Council increasing capital stock (s. 58):	
A fee based on Schedule A, computed on the difference between the capital stock of the corporation before the Order in Council and the capital stock of the corporation after the Order in Council is issued, with a minimum fee of \$200.	
(b) Any other Order in Council (s. 58) .....	200
(c) Certificate of increase, decrease, conversion or alteration of capital stock or shares (s. 58) .....	10
(d) Supplementary letters patent .....	100
13. Application for increase in borrowing powers (s. 73 (2) ) .....	25
(a) Order in Council .....	200
14. Copy of decision of Registrar, per folio of 100 words .....	1
Also for certificate of Registrar .....	2
15. Certified copy of entry on register or of certificate .....	2
16. Copies of or extracts from documents filed with Registrar, per folio of 100 words .....	1
Also for certificate of Registrar .....	2

17. Examining and passing upon applications or documents (ss. 95-103).....	\$ 25
Order in Council and certificate.....	200
18. Examining and passing upon applications or documents under sections 26 and 27 of <i>The Trustee Act</i> .....	25
Order in Council.....	200
19. Examining and passing upon applications or documents (s. 81)	25
Order in Council.....	200
20. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule.....	25
Order in Council.....	200

**8.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**9.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1960*. Short title





An Act to amend  
The Loan and Trust Corporations Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 22**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Loan and Trust Corporations Act**

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MR. ROBERTS

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

#### EXPLANATORY NOTES

**GENERAL.** The amendments contained in this Bill deal only with the appointment, powers, duties, etc., of auditors of loan and trust corporations. These changes will bring this Act into line with the comparable provisions of *The Corporations Act, 1953*, with such modifications as are appropriate for loan and trust corporations.

The second feature of this Bill is the establishment of new schedules of fees.

**SECTION 1.** The provisions of these two clauses appear in the new sections 66, 66a, 66b and 67 of the Act. See sections 3 and 4 of this Bill. No change in principle.

**SECTION 2.** The requirement of the delivery of copies of the annual statement to shareholders is transferred to subsection 5 of section 67 of the Act. See section 4 of this Bill. No change in principle.

**SECTION 3.** The provisions of the Act that deal with the appointment, etc., of auditors are brought into line with the provisions of *The Corporations Act, 1953* on the same subject. See sections 80, 81 and 82 of that Act.

BILL 22

1960

## An Act to amend The Loan and Trust Corporations Act

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

1. Clauses *h* and *i* of subsection 2 of section 4 of *The Loan and Trust Corporations Act* are repealed. R.S.O. 1950,  
c. 214, s. 4,  
subs. 2,  
cls. *h, i*,  
repealed

2. Subsection 2 of section 20 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 214, s. 20,  
subs. 2,  
re-enacted

- (2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered or sent by mail to the address of each shareholder so far as it is known, or, on request, to his proxy residing in North America or the United Kingdom, and such notice shall be so delivered or sent at least ten days before the time fixed for holding the meeting. Notice of  
annual  
meeting

3. Section 66 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1959*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 214, s. 66,  
re-enacted

- 66.—(1) The shareholders of a corporation at their first general meeting shall appoint one or more auditors to hold office until the first annual meeting, and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments. Appoint-  
ment of first  
auditor
- (2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the next annual meeting, and, if the shareholders fail to do so, the auditor in office shall continue in office until a successor is appointed. Appoint-  
ment  
annually of  
auditor

- Vacancies (3) The directors may fill any casual vacancy in the office of auditor, but while a vacancy continues the surviving or continuing auditor, if any, may act.
- Removal (4) The shareholders may, by resolution passed by at least two-thirds of the votes cast at a general meeting of which notice of intention to pass the resolution has been given, remove any auditor before the expiration of his term of office, and shall by a majority of votes cast at that meeting appoint another auditor in his stead for the remainder of his term.
- Remuneration (5) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders or by the directors, if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.
- Appointment by Registrar (6) If for any reason no auditor is appointed, the Registrar may, on the application of a shareholder, appoint one or more auditors for that year and fix the remuneration to be paid by the corporation for his or their services.
- Notice of appointment (7) Notice of the appointment of an auditor shall be given in writing to him forthwith after the appointment is made.
- Who may be appointed auditor 66a. The auditor of a corporation shall be an accountant or a firm of accountants, except that no person shall be appointed as auditor of a corporation who is a director, officer or employee of that corporation or an affiliated corporation or who is a partner or employee of any such director, officer or employee.
- Auditor's examination 66b.—(1) The auditor shall make such examination as will enable him to report to the shareholders as required under subsection 2.
- Auditor's report (2) The auditor shall make a report to the shareholders on the balance sheet to be laid before the corporation at any annual meeting during his term of office and shall state in his report whether in his opinion the balance sheet referred to therein presents fairly the financial position of the corporation.
- Idem (3) The auditor in his report shall make such statements as he considers necessary,
- (a) if the corporation's balance sheet is not in agreement with its accounting records;



SECTION 4. The section is brought into line with section 83 of *The Corporations Act, 1953*.

- (b) if the corporation's balance sheet is not in accordance with any requirements prescribed by the Registrar;
  - (c) if he has not received all the information and explanations that he has required; or
  - (d) if proper accounting records have not been kept, so far as appears from his examination.
- (4) The auditor of a corporation has right of access at all times to all records, documents, books, accounts and vouchers of the corporation, and is entitled to require from the directors and officers of the corporation such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2.
- (5) The auditor of a corporation is entitled to attend any meeting of shareholders of the corporation, to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business that concerns him as auditor.

4. Section 67 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

67.—(1) The directors shall lay before each annual meeting of shareholders,

(a) a financial statement for the period commencing on the date of incorporation and ending not more than six months before such annual meeting, or commencing immediately after the period covered by the previous financial statement and ending not more than six months before such annual meeting, as the case may be, made up of,

(i) a statement of undivided profits for such period, and

(ii) a balance sheet made up to the end of such period;

(b) the report of the auditor to the shareholders; and

- (c) such further information respecting the financial position of the corporation as its letters patent, supplementary letters patent or by-laws require.

Form

- (2) The Registrar may prescribe the form of the financial statement.

Auditor's report to be read

- (3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection by any shareholder.

Attesting

- (4) Every financial statement shall be attested by the signature of the president or vice-president and the managing director or some other principal officer of the corporation.

Copy to shareholders

- (5) A copy of the financial statement shall be mailed or delivered without charge to every shareholder of the corporation at least ten days before the annual meeting.

Copy to debenture holders, etc.

- (6) A copy of the financial statement shall be mailed or delivered without charge to any holder of a debenture or guaranteed investment certificate of the corporation or to any depositor of the corporation who requests the same.

R.S.O. 1950, c. 214, s. 146, subs. 3, re-enacted

**5.** Subsection 3 of section 146 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Certificate of auditor on annual statement

- (3) The statement required by subsection 1 shall have attached a report by the auditor stating whether in his opinion the balance sheet contained in such statement presents fairly the financial position of the corporation and stating whether such other information as the Registrar prescribes contained in such statement is presented fairly and making such comments as he considers necessary,
- (a) if the balance sheet is not in agreement with the accounting records;
  - (b) if the balance sheet is not in accordance with the requirements of the Registrar;
  - (c) if he has not received all the information and explanations that he has required; or
  - (d) if proper accounting records have not been kept, so far as appears from his examination.



**SECTION 5.** The subsection is revised for purposes of clarification and to bring it into line with section 66*b* (3) as contained in section 3 of this Bill.

SECTION 6. The change in wording is designed to make it clear that the auditor is not an officer of the corporation.

SECTION 7. The fees are increased. The present fees were established in 1913.

6. Subsection 2 of section 154 of *The Loan and Trust Corporations Act* is amended by striking out "auditor" in the first line and by inserting after "officer" in the second line "and every auditor", so that the first two lines of the subsection shall read as follows:

- (2) Every president, vice-president, director, manager or other officer and every auditor of a corporation, who,

R.S.O. 1950,  
c. 214,  
s. 154,  
subs. 2,  
amended

Officers'  
liability

. . . . .

7. Schedule A and Schedule B, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1953*, to *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214,  
Scheds. A, B,  
re-enacted

SCHEDULE A

(Section 156 (1) )

Fees for Letters Patent of Incorporation:

For a corporation with an authorized capital stock of,

(a) \$300,000 but less than \$500,000.....	\$300
(b) \$500,000 but less than \$1,000,000.....	400
(c) \$1,000,000.....	500
(d) exceeding \$1,000,000 but less than \$2,000,000.... plus \$25 for every \$100,000 or fraction thereof in excess of \$1,000,000.	500
(e) exceeding \$2,000,000..... plus \$20 for every \$100,000 or fraction thereof in excess of \$2,000,000.	750
For supplementary letters patent.....	100

SCHEDULE B

(Section 156 (2) )

1. Application for initial registry (s. 115).....	\$ 25
2. Extension of time not exceeding seven days, or any renewal thereof not exceeding seven days, for filing annual statement, application for renewal of registry, or any other documents or information required under the authority of this Act, provided that the Registrar may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed.....	10
3. Filing power of attorney in case of corporations (s. 116)...	5
4. Filing new power or change of attorney (s. 116).....	5

5. Initial and annual renewal of registry (s. 117):	
(a) Where the assets of the corporation do not exceed \$500,000.....	\$200
(b) Where the assets of the corporation exceed \$500,000 but do not exceed \$1,000,000.....	250
(c) Where the assets of the corporation exceed \$1,000,000 but do not exceed \$5,000,000.....	300
(d) Where the assets of the corporation exceed \$5,000,000 but do not exceed \$10,000,000.....	400
(e) Where the assets of the corporation exceed \$10,000,000 but do not exceed \$20,000,000.....	450
(f) Where the assets of the corporation exceed \$20,000,000	500
For the purposes of this item, assets of a Trust Company shall be deemed to be the aggregate of assets held for Company Funds, Guaranteed Funds and assets held for administration under Estates and Trusts.	
6. Interim certificate of registry or extension of certificate (s. 117).....	50
7. Revivor of registry after suspension (s. 117).....	50
8. Change of corporate name (s. 118).....	50
9. Change of head office (s. 118).....	50
10. Filing annual statement (s. 146).....	10
11. Filing new by-laws or amendments thereto after initial registry (s. 29).....	5
12. Application for increase, decrease, conversion or alteration of capital stock or declaration or alteration of powers.....	25
(a) Order in Council increasing capital stock (s. 58):	
A fee based on Schedule A, computed on the difference between the capital stock of the corporation before the Order in Council and the capital stock of the corporation after the Order in Council is issued, with a minimum fee of \$200.	
(b) Any other Order in Council (s. 58).....	200
(c) Certificate of increase, decrease, conversion or alteration of capital stock or shares (s. 58).....	10
(d) Supplementary letters patent.....	100
13. Application for increase in borrowing powers (s. 73 (2) )....	25
(a) Order in Council.....	200
14. Copy of decision of Registrar, per folio of 100 words.....	1
Also for certificate of Registrar.....	2
15. Certified copy of entry on register or of certificate.....	2
16. Copies of or extracts from documents filed with Registrar, per folio of 100 words.....	1
Also for certificate of Registrar.....	2

17. Examining and passing upon applications or documents (ss. 95-103).....	\$ 25
Order in Council and certificate.....	200
18. Examining and passing upon applications or documents under sections 26 and 27 of <i>The Trustee Act</i> .....	25
Order in Council.....	200
19. Examining and passing upon applications or documents (s. 81)	25
Order in Council.....	200
20. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule.....	25
Order in Council.....	200

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

**9.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1960*. - Short title





*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 22**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Loan and Trust Corporations Act**

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MR. ROBERTS

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



**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.** Clauses *h* and *i* of subsection 2 of section 4 of *The Loan and Trust Corporations Act* are repealed.

R.S.O. 1950,  
c. 214, s. 4,  
subs. 2,  
cls. *h, i*,  
repealed

**2.** Subsection 2 of section 20 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 20,  
subs. 2,  
re-enacted

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered or sent by mail to the address of each shareholder so far as it is known, or, on request, to his proxy residing in North America or the United Kingdom, and such notice shall be so delivered or sent at least ten days before the time fixed for holding the meeting.

Notice of  
annual  
meeting

**3.** Section 66 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1959*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 66,  
re-enacted

66.—(1) The shareholders of a corporation at their first general meeting shall appoint one or more auditors to hold office until the first annual meeting, and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Appoint-  
ment of first  
auditor

(2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the next annual meeting, and, if the shareholders fail to do so, the auditor in office shall continue in office until a successor is appointed.

Appoint-  
ment  
annually of  
auditor

- Vacancies** (3) The directors may fill any casual vacancy in the office of auditor, but while a vacancy continues the surviving or continuing auditor, if any, may act.
- Removal** (4) The shareholders may, by resolution passed by at least two-thirds of the votes cast at a general meeting of which notice of intention to pass the resolution has been given, remove any auditor before the expiration of his term of office, and shall by a majority of votes cast at that meeting appoint another auditor in his stead for the remainder of his term.
- Remuneration** (5) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders or by the directors, if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.
- Appointment by Registrar** (6) If for any reason no auditor is appointed, the Registrar may, on the application of a shareholder, appoint one or more auditors for that year and fix the remuneration to be paid by the corporation for his or their services.
- Notice of appointment** (7) Notice of the appointment of an auditor shall be given in writing to him forthwith after the appointment is made.
- Who may be appointed auditor** 66a. The auditor of a corporation shall be an accountant or a firm of accountants, except that no person shall be appointed as auditor of a corporation who is a director, officer or employee of that corporation or an affiliated corporation or who is a partner or employee of any such director, officer or employee.
- Auditor's examination** 66b.—(1) The auditor shall make such examination as will enable him to report to the shareholders as required under subsection 2.
- Auditor's report** (2) The auditor shall make a report to the shareholders on the balance sheet to be laid before the corporation at any annual meeting during his term of office and shall state in his report whether in his opinion the balance sheet referred to therein presents fairly the financial position of the corporation.
- Idem** (3) The auditor in his report shall make such statements as he considers necessary,
- (a) if the corporation's balance sheet is not in agreement with its accounting records;

- (b) if the corporation's balance sheet is not in accordance with any requirements prescribed by the Registrar;
- (c) if he has not received all the information and explanations that he has required; or
- (d) if proper accounting records have not been kept, so far as appears from his examination.

(4) The auditor of a corporation has right of access at all times to all records, documents, books, accounts and vouchers of the corporation, and is entitled to require from the directors and officers of the corporation such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2.

(5) The auditor of a corporation is entitled to attend any meeting of shareholders of the corporation, to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business that concerns him as auditor.

4. Section 67 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214, s. 67,  
re-enacted

67.—(1) The directors shall lay before each annual meeting of shareholders,

Annual  
financial  
statement

(a) a financial statement for the period commencing on the date of incorporation and ending not more than six months before such annual meeting, or commencing immediately after the period covered by the previous financial statement and ending not more than six months before such annual meeting, as the case may be, made up of,

(i) a statement of undivided profits for such period, and

(ii) a balance sheet made up to the end of such period;

(b) the report of the auditor to the shareholders; and

- (c) such further information respecting the financial position of the corporation as its letters patent, supplementary letters patent or by-laws require.

- Form (2) The Registrar may prescribe the form of the financial statement.
- Auditor's report to be read (3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection by any shareholder.
- Attesting (4) Every financial statement shall be attested by the signature of the president or vice-president and the managing director or some other principal officer of the corporation.
- Copy to shareholders (5) A copy of the financial statement shall be mailed or delivered without charge to every shareholder of the corporation at least ten days before the annual meeting.
- Copy to debenture holders, etc. (6) A copy of the financial statement shall be mailed or delivered without charge to any holder of a debenture or guaranteed investment certificate of the corporation or to any depositor of the corporation who requests the same.

R.S.O. 1950,  
c. 214,  
s. 146,  
subs. 3,  
re-enacted

5. Subsection 3 of section 146 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Certificate of auditor on annual statement

- (3) The statement required by subsection 1 shall have attached a report by the auditor stating whether in his opinion the balance sheet contained in such statement presents fairly the financial position of the corporation and stating whether such other information as the Registrar prescribes contained in such statement is presented fairly and making such comments as he considers necessary,
- (a) if the balance sheet is not in agreement with the accounting records;
- (b) if the balance sheet is not in accordance with the requirements of the Registrar;
- (c) if he has not received all the information and explanations that he has required; or
- (d) if proper accounting records have not been kept, so far as appears from his examination.

6. Subsection 2 of section 154 of *The Loan and Trust Corporations Act* is amended by striking out "auditor" in the first line and by inserting after "officer" in the second line "and every auditor", so that the first two lines of the subsection shall read as follows:

R.S.O. 1950,  
c. 214,  
s. 154,  
subs. 2,  
amended

(2) Every president, vice-president, director, manager or other officer and every auditor of a corporation, who,

Officers'  
liability

7. Schedule A and Schedule B, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1953*, to *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

R.S.O. 1950,  
c. 214,  
Scheds. A, B,  
re-enacted

SCHEDULE A

(Section 156 (1) )

Fees for Letters Patent of Incorporation:

For a corporation with an authorized capital stock of,

(a) \$300,000 but less than \$500,000.....	\$300
(b) \$500,000 but less than \$1,000,000.....	400
(c) \$1,000,000.....	500
(d) exceeding \$1,000,000 but less than \$2,000,000.... plus \$25 for every \$100,000 or fraction thereof in excess of \$1,000,000.	500
(e) exceeding \$2,000,000..... plus \$20 for every \$100,000 or fraction thereof in excess of \$2,000,000.	750

For supplementary letters patent..... 100

SCHEDULE B

(Section 156 (2) )

1. Application for initial registry (s. 115).....	\$ 25
2. Extension of time not exceeding seven days, or any renewal thereof not exceeding seven days, for filing annual statement, application for renewal of registry, or any other documents or information required under the authority of this Act, provided that the Registrar may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed.....	10
3. Filing power of attorney in case of corporations (s. 116)...	5
4. Filing new power or change of attorney (s. 116).....	5

## 5. Initial and annual renewal of registry (s. 117):

(a) Where the assets of the corporation do not exceed \$500,000.....	\$200
(b) Where the assets of the corporation exceed \$500,000 but do not exceed \$1,000,000.....	250
(c) Where the assets of the corporation exceed \$1,000,000 but do not exceed \$5,000,000.....	300
(d) Where the assets of the corporation exceed \$5,000,000 but do not exceed \$10,000,000.....	400
(e) Where the assets of the corporation exceed \$10,000,000 but do not exceed \$20,000,000.....	450
(f) Where the assets of the corporation exceed \$20,000,000.....	500

For the purposes of this item, assets of a Trust Company shall be deemed to be the aggregate of assets held for Company Funds, Guaranteed Funds and assets held for administration under Estates and Trusts.

6. Interim certificate of registry or extension of certificate (s. 117).....	50
7. Revivor of registry after suspension (s. 117).....	50
8. Change of corporate name (s. 118).....	50
9. Change of head office (s. 118).....	50
10. Filing annual statement (s. 146).....	10
11. Filing new by-laws or amendments thereto after initial registry (s. 29).....	5
12. Application for increase, decrease, conversion or alteration of capital stock or declaration or alteration of powers.....	25
(a) Order in Council increasing capital stock (s. 58):	
A fee based on Schedule A, computed on the difference between the capital stock of the corporation before the Order in Council and the capital stock of the corporation after the Order in Council is issued, with a minimum fee of \$200.	
(b) Any other Order in Council (s. 58).....	200
(c) Certificate of increase, decrease, conversion or alteration of capital stock or shares (s. 58).....	10
(d) Supplementary letters patent.....	100
13. Application for increase in borrowing powers (s. 73 (2) )....	25
(a) Order in Council.....	200
14. Copy of decision of Registrar, per folio of 100 words.....	1
Also for certificate of Registrar.....	2
15. Certified copy of entry on register or of certificate.....	2
16. Copies of or extracts from documents filed with Registrar, per folio of 100 words.....	1
Also for certificate of Registrar.....	2



17. Examining and passing upon applications or documents (ss. 95-103).....	\$ 25
Order in Council and certificate.....	200
18. Examining and passing upon applications or documents under sections 26 and 27 of <i>The Trustee Act</i> .....	25
Order in Council.....	200
19. Examining and passing upon applications or documents (s. 81)	25
Order in Council.....	200
20. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule.....	25
Order in Council.....	200

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

**9.** This Act may be cited as *The Loan and Trust Corpora-* Short title  
*tions Amendment Act, 1960.*





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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 26th, 1960

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MR. ROBERTS

**BILL 23**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Negligence Act**

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MR. ROBERTS

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**EXPLANATORY NOTE**

The section is re-enacted to enable a person to be added as a third party in an action without a court motion for leave, thus simplifying the procedure in these cases.

BILL 23

1960

## An Act to amend The Negligence 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 6 of *The Negligence Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 252, s. 6,  
re-enacted

6. Wherever it appears that a person not already a party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant to the action upon such terms as are deemed just or may be made a third party to the action in the manner prescribed by the rules of practice for adding third parties. Adding parties

2. This Act may be cited as *The Negligence Amendment Act, 1960*. Short title

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 23**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Negligence Act**

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MR. ROBERTS

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BILL 23

1960

## An Act to amend The Negligence 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 6 of *The Negligence Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 252, s. 6, re-enacted

6. Wherever it appears that a person not already a party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant to the action upon such terms as are deemed just or may be made a third party to the action in the manner prescribed by the rules of practice for adding third parties. Adding parties

2. This Act may be cited as *The Negligence Amendment Act, 1960*. Short title

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 22nd, 1960

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MR. ROBERTS

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**BILL 24**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Public Trustee Act**

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MR. ROBERTS

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EXPLANATORY NOTES

SECTION 1. This new section is similar in principle to section 97 of the *Bank Act* (Canada).

It will avoid the necessity of obtaining a re-seal of letters of administration or an ancillary grant in cases where the original letters of administration or probate were granted outside Ontario, thus effecting a saving in time and costs to beneficiaries.

## An Act to amend The Public Trustee 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 Trustee Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 319,  
amended

9a.—(1) Where the Public Trustee acting in any capacity has in his hands property not exceeding \$2,000 in value of a person who has died and to which his personal representative is entitled, the production to the Public Trustee of,

Delivery  
up of  
property  
\$2,000 or  
less in value

- (a) an authenticated copy of the probate of the will of the deceased, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the Commonwealth or any colony, dependency or protectorate of any such country, or of any testament-testamentar or testament-dative expede in Scotland;
- (b) an authentic copy of the will of the deceased, if it is in notarial form according to the law of the Province of Quebec; or
- (c) if the deceased died elsewhere than in a place mentioned in clause *a*, any authenticated copy of the probate of his will, or of letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,

is sufficient justification and authority for the delivering of such property in pursuance of and in

conformity with such probate, letters of administration, or other document.

Deposit of  
copy of  
document

- (2) When the authenticated copy or other document of like import is produced to the Public Trustee under subsection 1, there shall be deposited with him a true copy thereof.

R.S.O. 1950,  
c. 319,  
amended

**2.** *The Public Trustee Act* is amended by adding thereto the following section:

Investment  
of money

- 11a. Any money held by the Public Trustee that is available for investment shall be invested in securities issued by or guaranteed as to principal and interest by Ontario or Canada or by any agency of either.

R.S.O. 1950,  
c. 319, s. 12,  
cl. f,  
amended

**3.** Clause *f* of section 12 of *The Public Trustee Act* is amended by striking out "and concerning the investment of money held by him" in the fourth and fifth lines and by striking out "security held by him for such" in the sixth line and inserting in lieu thereof "securities held by him for", so that the clause shall read as follows:

- (*f*) fixing the rate of interest to be allowed upon money in the hands of the Public Trustee and fixing the amount of interest to be charged upon advances made on behalf of any estate and the custody and control of securities held by him for investments.

Short title

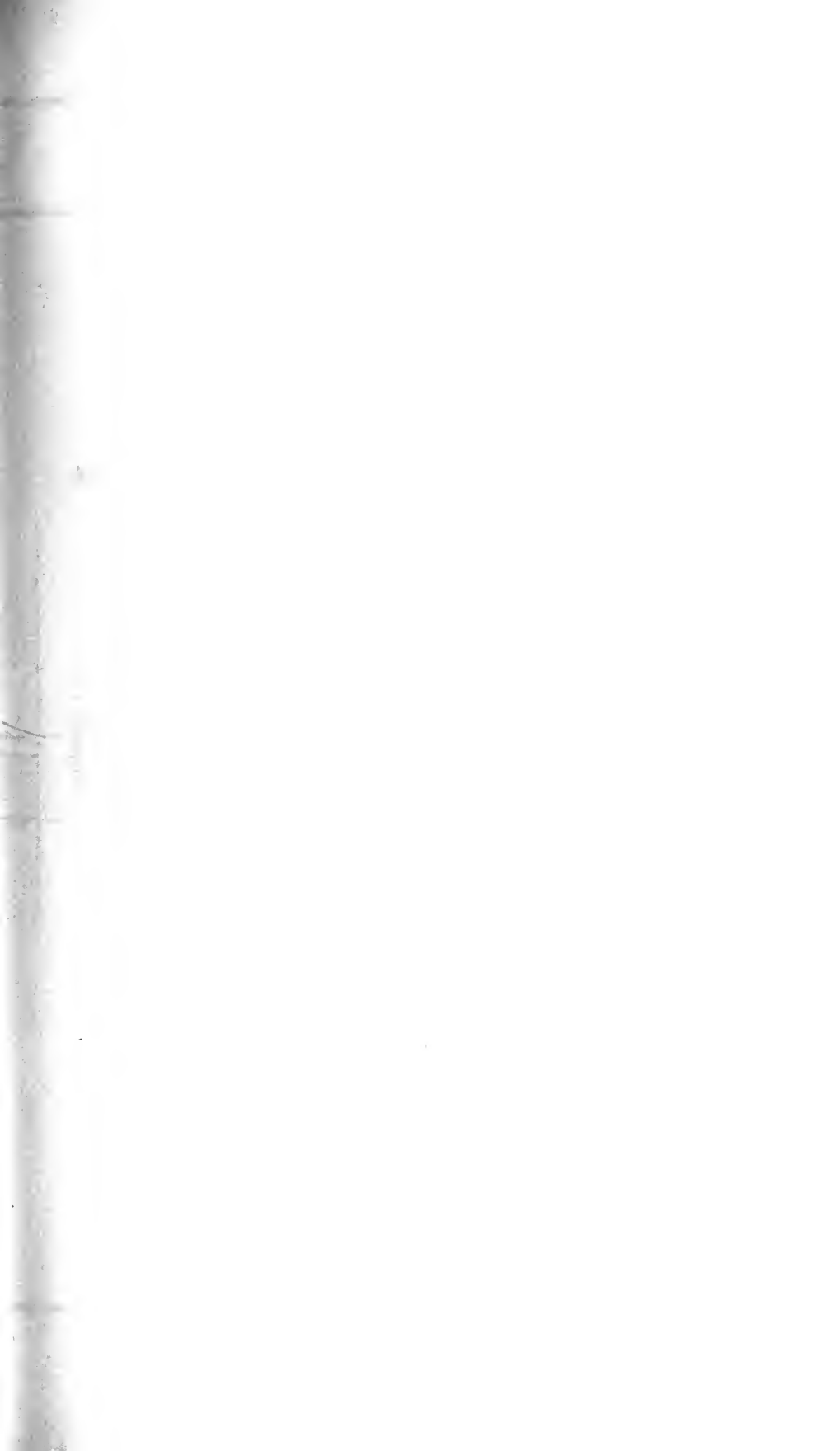
**4.** This Act may be cited as *The Public Trustee Amendment Act, 1960*.



SECTION 2. This new section brings the investment powers as to moneys held by the Public Trustee into line with the investment powers as to moneys in court under *The Judicature Act*. See section 3 of Bill 18.

SECTION 3. The clause is amended to conform with the new section 11a.





The Public Trustee Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 24**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Public Trustee Act**

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MR. ROBERTS

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## An Act to amend The Public Trustee 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 Trustee Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 319,  
amended

9a.—(1) Where the Public Trustee acting in any capacity has in his hands property not exceeding \$2,000 in value of a person who has died and to which his personal representative is entitled, the production to the Public Trustee of,

- (a) an authenticated copy of the probate of the will of the deceased, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the Commonwealth or any colony, dependency or protectorate of any such country, or of any testament-testamentar or testament-dative expede in Scotland;
- (b) an authentic copy of the will of the deceased, if it is in notarial form according to the law of the Province of Quebec; or
- (c) if the deceased died elsewhere than in a place mentioned in clause *a*, any authenticated copy of the probate of his will, or of letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,

is sufficient justification and authority for the delivering of such property in pursuance of and in

conformity with such probate, letters of administration, or other document.

Deposit of  
copy of  
document

- (2) When the authenticated copy or other document of like import is produced to the Public Trustee under subsection 1, there shall be deposited with him a true copy thereof.

R.S.O. 1950,  
c. 319,  
amended

**2.** *The Public Trustee Act* is amended by adding thereto the following section:

Investment  
of money

- 11a. Any money held by the Public Trustee that is available for investment shall be invested in securities issued by or guaranteed as to principal and interest by Ontario or Canada or by any agency of either.

R.S.O. 1950,  
c. 319, s. 12,  
cl. f,  
amended

**3.** Clause *f* of section 12 of *The Public Trustee Act* is amended by striking out "and concerning the investment of money held by him" in the fourth and fifth lines and by striking out "security held by him for such" in the sixth line and inserting in lieu thereof "securities held by him for", so that the clause shall read as follows:

- (*f*) fixing the rate of interest to be allowed upon money in the hands of the Public Trustee and fixing the amount of interest to be charged upon advances made on behalf of any estate and the custody and control of securities held by him for investments.

Short title

**4.** This Act may be cited as *The Public Trustee Amendment Act, 1960*.





THE UNIVERSITY OF CHICAGO



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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 22nd, 1960

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MR. ROBERTS

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**BILL 25**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Registry Act**

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MR. ROBERTS

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#### EXPLANATORY NOTES

SECTION 1. Under the Act the Lieutenant Governor in Council fixes the security to be furnished by each registrar of deeds depending on the amount of business done in his office. The present maximum, which was set by the Act years ago, is \$10,000. This Bill increases this maximum to \$50,000 to reflect the increase over the years in real estate values.

SECTION 2. This section exempts conservation authorities from the requirement that where an assurance is made to a corporation an affidavit must be made to the effect that the laws of mortmain have been complied with. A number of similar exemptions now exist.

BILL 25

1960

## An Act to amend The Registry 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 9 of *The Registry Act* is amended <sup>R.S.O. 1950, c. 336, s. 9, amended</sup> by striking out "\$10,000" in the third line and inserting in lieu thereof "\$50,000", so that the subsection shall read as follows:

(2) The amount of such security shall, except in the <sup>Amount of security</sup> case of a registrar in a provisional judicial district, be not less than \$4,000 and not more than \$50,000.

2. Subsection 4 of section 52a of *The Registry Act*, as enacted <sup>R.S.O. 1950, c. 336, s. 52a</sup> by section 8 of *The Registry Amendment Act, 1954* and amended <sup>(1954, c. 83, s. 8), subs. 4, amended</sup> by subsection 2 of section 2 of *The Registry Amendment Act, 1955*, is further amended by adding "or" at the end of clause *c*, by adding "or" at the end of clause *f* and by adding thereto the following clause:

(g) an authority established under *The Conservation Authorities Act*. <sup>R.S.O. 1950, c. 62</sup>

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

4. This Act may be cited as *The Registry Amendment Act*, <sup>Short title</sup> 1960.

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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# BILL 25

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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## An Act to amend The Registry Act

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MR. ROBERTS

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BILL 25

1960

## An Act to amend The Registry 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 9 of *The Registry Act* is amended by striking out "\$10,000" in the third line and inserting in lieu thereof "\$50,000", so that the subsection shall read as follows: R.S.O. 1950, c. 336, s. 9, subs. 2, amended

(2) The amount of such security shall, except in the case of a registrar in a provisional judicial district, be not less than \$4,000 and not more than \$50,000. Amount of security

**2.** Subsection 4 of section 52a of *The Registry Act*, as enacted by section 8 of *The Registry Amendment Act, 1954* and amended by subsection 2 of section 2 of *The Registry Amendment Act, 1955*, is further amended by adding "or" at the end of clause *c*, by adding "or" at the end of clause *f* and by adding thereto the following clause: R.S.O. 1950, c. 336, s. 52a (1954, c. 83, s. 8), subs. 4, amended

(g) an authority established under *The Conservation Authorities Act*. R.S.O. 1950, c. 62

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

**4.** This Act may be cited as *The Registry Amendment Act, 1960*. Short title

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 22nd, 1960

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MR. ROBERTS

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**BILL 26**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Short Forms of Conveyances Act**

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MR. ROBERTS

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

EXPLANATORY NOTE

These amendments clarify the intent where the party is a corporation, a trustee or an appointee under a power of appointment.

See also Bill 27, *An Act to amend The Short Forms of Leases Act*, and Bill 28, *An Act to amend The Short Forms of Mortgages Act*.

BILL 26

1960

## An Act to amend The Short Forms of Conveyances 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 Short Forms of Conveyances Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 360,  
Sched. B,  
re-enacted

### SCHEDULE B

#### COLUMN ONE

#### COLUMN TWO

1. The said grantor covenants with the said grantee:

2. That he has the right to convey the said lands to the said grantee notwithstanding any act of the said grantor.

3. And that the said grantee shall have quiet possession of the said lands.

1. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors, covenant, promise and agree, with and to the said grantee, his heirs, executors, administrators, successors and assigns, in manner following, that is to say:

2. That for and notwithstanding any act, deed, matter or thing by the said grantor done, executed, committed, or knowingly or wilfully permitted or suffered to the contrary, he, the said grantor, now hath in himself good right, full power and absolute authority to convey the said lands, and other the premises hereby conveyed, or intended so to be, with their and every of their appurtenances, unto the said grantee, in manner aforesaid, and according to the true intent of these presents.

3. And that it shall be lawful for the said grantee, his heirs, executors, administrators, successors and assigns, from time to time and at all times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess and enjoy the said lands and premises hereby conveyed, or intended so to be, with their and every of their appurtenances; and to have, receive and take the rents, issues and profits thereof, and of every part thereof to and for his and their use and benefit, without any let, suit, trouble, denial, eviction, interruption, claim or demand whatsoever of, from or by him the said grantor, or his heirs or successors, or any person claiming or to claim, by, from, under or in trust for him, them or any of them.

## COLUMN ONE

4. Free from all encumbrances.

5. And the said grantor covenants with the said grantee that he will execute such further assurances of the said lands as may be requisite.

6. And the said grantor covenants with the said grantee that he will produce the

## COLUMN TWO

4. And that free and clear and freely and absolutely acquitted, exonerated and for ever discharged or otherwise by the said grantor or his heirs or successors well and sufficiently saved, kept harmless and indemnified of, from and against any and every former and other gift, grant, bargain, sale, jointure, dower, use, trust, entail, will, statute, recognizance, judgment, execution, extent, rent, annuity, forfeiture, re-entry, and any and every other estate, title, charge, trouble and encumbrance whatsoever, made, executed, occasioned or suffered by the said grantor or his heirs or successors, or by any person claiming, or to claim, by, from, under or in trust for him, them or any of them.

5. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors, covenant, promise, and agree with and to the said grantee, his heirs, executors, administrators, successors and assigns, that he the said grantor, his heirs, executors, administrators and successors, and all and every other person whatsoever having or claiming, or who shall or may hereafter have or claim, any estate, right, title or interest whatsoever in, to, or out of the said lands and premises hereby conveyed, or intended so to be, or any of them, or any part thereof, by, from, under or in trust for him, them, or any of them, shall and will, from time to time, and at all times hereafter, upon every reasonable request, and at the costs and charges of the said grantee, his heirs, executors, administrators, successors or assigns, make, do, execute or cause to be made, done or executed, all such further and other lawful acts, deeds, things, devices, conveyances and assurances in the law whatsoever, for the better, more perfectly, and absolutely conveying and assuring the said lands and premises hereby conveyed, or intended so to be, and every part thereof, with their appurtenances, unto the said grantee, his heirs, executors, administrators, successors and assigns, in manner aforesaid as by the said grantee, his heirs, executors, administrators, successors or assigns, his or their counsel in the law shall be reasonably devised, advised or required, so as no such further assurances contain or imply any further or other covenant or warranty than against the acts and deeds of the person who shall be required to make or execute the same, and his heirs, executors, administrators or successors only, and so as no person who shall be required to make or execute such assurances shall be compellable for the making or executing thereof, to go or travel from his usual place of abode.

6. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors covenant, promise and agree with and to the said grantee, his heirs, executors, administrators, successors and assigns, that the said grantor and his heirs and successors shall and will, unless prevented by fire or other inevitable accident,



## COLUMN ONE

title deeds enumerated hereunder, and allow copies to be made of them, at the expense of the said grantee.

7. And the said grantor covenants with the said grantee that he has done no act to encumber the said lands.

8. And the said grantor releases to the said grantee all his claims upon the said lands.

## COLUMN TWO

from time to time, and at all times hereafter, at the request, costs and charges of the said grantee, his heirs, executors, administrators, successors or assigns, or his or their solicitor, agent or counsel, at any trial or hearing in any action or otherwise, as occasion shall require, produce all and every or any deed, instrument or writing hereunder written, for the manifestation, defence and support of the estate, title and possession of the said grantee, his heirs, executors, administrators, successors and assigns, in or to the said lands and premises hereby conveyed, or intended so to be, and at the like request, costs and charges, shall and will make and deliver, or cause to be made and delivered, true and attested or other copies or abstracts of the same deeds, instruments and writings respectively, or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds, by the said grantee, his heirs, executors, administrators, successors or assigns, or such person as he or they shall for that purpose direct and appoint.

7. And the said grantor, for himself, his heirs, executors, administrators and successors doth hereby covenant, promise and agree, with and to the said grantee, his heirs, executors, administrators, successors and assigns, that he hath not at any time heretofore made, done, committed, executed, or wilfully or knowingly suffered any act, deed, matter or thing whatsoever, whereby or by means whereof the said lands and premises hereby conveyed, or intended so to be, or any part or parcel thereof are, is or shall or may be in anywise impeached, charged, affected or encumbered in title, estate or otherwise howsoever.

8. And the said grantor hath released, remised and for ever quitted claim, and by these presents doth release, remise and for ever quit claim, unto the said grantee, his heirs, executors, administrators, successors and assigns, all, and all manner of right, title, interest, claim and demand whatsoever, in, to and out of the said lands and premises hereby granted, or intended so to be, and every part and parcel thereof, so as that neither he nor his heirs, executors, administrators, successors or assigns shall nor may, at any time hereafter, have claim, pretend to, challenge or demand the said lands and premises or any part thereof, in any manner howsoever, but the said grantee, his heirs, executors, administrators, successors and assigns, and the same lands and premises shall from henceforth forever hereafter be exonerated and discharged of and from all claims and demands whatsoever which the said grantor might or could have upon him in respect of the said lands, or upon the said lands.

## COLUMN ONE

9. And the said wife of the said grantor hereby bars her dower in the said lands.

## COLUMN TWO

9. And the said wife of the said grantor for and in consideration of the sum of one dollar of lawful money of Canada, to her in hand paid by the said grantee at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted and released, and by these presents doth grant and release unto the said grantee, his heirs, executors, administrators, successors and assigns, all her dower and right and title which, in the event of her surviving her said husband, she might or would have to dower, in, to or out of the lands and premises hereby conveyed or intended so to be.

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 Short Forms of Conveyances Amendment Act, 1960*.



An Act to amend  
The Short Forms of Conveyances Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 26**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Short Forms of Conveyances Act**

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MR. ROBERTS

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TORONTO  
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

107

BILL 26

1960

## An Act to amend The Short Forms of Conveyances 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 Short Forms of Conveyances Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 360,  
Sched. B,  
re-enacted

### SCHEDULE B

#### COLUMN ONE

#### COLUMN TWO

1. The said grantor covenants with the said grantee:

1. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors, covenant, promise and agree, with and to the said grantee, his heirs, executors, administrators, successors and assigns, in manner following, that is to say:

2. That he has the right to convey the said lands to the said grantee notwithstanding any act of the said grantor.

2. That for and notwithstanding any act, deed, matter or thing by the said grantor done, executed, committed, or knowingly or wilfully permitted or suffered to the contrary, he, the said grantor, now hath in himself good right, full power and absolute authority to convey the said lands, and other the premises hereby conveyed, or intended so to be, with their and every of their appurtenances, unto the said grantee, in manner aforesaid, and according to the true intent of these presents.

3. And that the said grantee shall have quiet possession of the said lands.

3. And that it shall be lawful for the said grantee, his heirs, executors, administrators, successors and assigns, from time to time and at all times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess and enjoy the said lands and premises hereby conveyed, or intended so to be, with their and every of their appurtenances; and to have, receive and take the rents, issues and profits thereof, and of every part thereof to and for his and their use and benefit, without any let, suit, trouble, denial, eviction, interruption, claim or demand whatsoever of, from or by him the said grantor, or his heirs or successors, or any person claiming or to claim, by, from, under or in trust for him, them or any of them.

## COLUMN ONE

4. Free from all encumbrances.

5. And the said grantor covenants with the said grantee that he will execute such further assurances of the said lands as may be requisite.

6. And the said grantor covenants with the said grantee that he will produce the

## COLUMN TWO

4. And that free and clear and freely and absolutely acquitted, exonerated and for ever discharged or otherwise by the said grantor or his heirs or successors well and sufficiently saved, kept harmless and indemnified of, from and against any and every former and other gift, grant, bargain, sale, jointure, dower, use, trust, entail, will, statute, recognizance, judgment, execution, extent, rent, annuity, forfeiture, re-entry, and any and every other estate, title, charge, trouble and encumbrance whatsoever, made, executed, occasioned or suffered by the said grantor or his heirs or successors, or by any person claiming, or to claim, by, from, under or in trust for him, them or any of them.

5. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors, covenant, promise, and agree with and to the said grantee, his heirs, executors, administrators, successors and assigns, that he the said grantor, his heirs, executors, administrators and successors, and all and every other person whosoever having or claiming, or who shall or may hereafter have or claim, any estate, right, title or interest whatsoever in, to, or out of the said lands and premises hereby conveyed, or intended so to be, or any of them, or any part thereof, by, from, under or in trust for him, them, or any of them, shall and will, from time to time, and at all times hereafter, upon every reasonable request, and at the costs and charges of the said grantee, his heirs, executors, administrators, successors or assigns, make, do, execute or cause to be made, done or executed, all such further and other lawful acts, deeds, things, devices, conveyances and assurances in the law whatsoever, for the better, more perfectly, and absolutely conveying and assuring the said lands and premises hereby conveyed, or intended so to be, and every part thereof, with their appurtenances, unto the said grantee, his heirs, executors, administrators, successors and assigns, in manner aforesaid as by the said grantee, his heirs, executors, administrators, successors or assigns, his or their counsel in the law shall be reasonably devised, advised or required, so as no such further assurances contain or imply any further or other covenant or warranty than against the acts and deeds of the person who shall be required to make or execute the same, and his heirs, executors, administrators or successors only, and so as no person who shall be required to make or execute such assurances shall be compellable for the making or executing thereof, to go or travel from his usual place of abode.

6. And the said grantor doth hereby, for himself, his heirs, executors, administrators and successors covenant, promise and agree with and to the said grantee, his heirs, executors, administrators, successors and assigns, that the said grantor and his heirs and successors shall and will, unless prevented by fire or other inevitable accident



## COLUMN ONE

title deeds enumerated hereunder, and allow copies to be made of them, at the expense of the said grantee.

7. And the said grantor covenants with the said grantee that he has done no act to encumber the said lands.

8. And the said grantor releases to the said grantee all his claims upon the said lands.

## COLUMN TWO

from time to time, and at all times hereafter, at the request, costs and charges of the said grantee, his heirs, executors, administrators, successors or assigns, or his or their solicitor, agent or counsel, at any trial or hearing in any action or otherwise, as occasion shall require, produce all and every or any deed, instrument or writing hereunder written, for the manifestation, defence and support of the estate, title and possession of the said grantee, his heirs, executors, administrators, successors and assigns, in or to the said lands and premises hereby conveyed, or intended so to be, and at the like request, costs and charges, shall and will make and deliver, or cause to be made and delivered, true and attested or other copies or abstracts of the same deeds, instruments and writings respectively, or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds, by the said grantee, his heirs, executors, administrators, successors or assigns, or such person as he or they shall for that purpose direct and appoint.

7. And the said grantor, for himself, his heirs, executors, administrators and successors doth hereby covenant, promise and agree, with and to the said grantee, his heirs, executors, administrators, successors and assigns, that he hath not at any time heretofore made, done, committed, executed, or wilfully or knowingly suffered any act, deed, matter or thing whatsoever, whereby or by means whereof the said lands and premises hereby conveyed, or intended so to be, or any part or parcel thereof are, is or shall or may be in anywise impeached, charged, affected or encumbered in title, estate or otherwise howsoever.

8. And the said grantor hath released, remised and for ever quitted claim, and by these presents doth release, remise and for ever quit claim, unto the said grantee, his heirs, executors, administrators, successors and assigns, all, and all manner of right, title, interest, claim and demand whatsoever, in, to and out of the said lands and premises hereby granted, or intended so to be, and every part and parcel thereof, so as that neither he nor his heirs, executors, administrators, successors or assigns shall nor may, at any time hereafter, have claim, pretend to, challenge or demand the said lands and premises or any part thereof, in any manner howsoever, but the said grantee, his heirs, executors, administrators, successors and assigns, and the same lands and premises shall from henceforth forever hereafter be exonerated and discharged of and from all claims and demands whatsoever which the said grantor might or could have upon him in respect of the said lands, or upon the said lands.

## COLUMN ONE

## COLUMN TWO

9. And the said wife of the said grantor hereby bars her dower in the said lands.

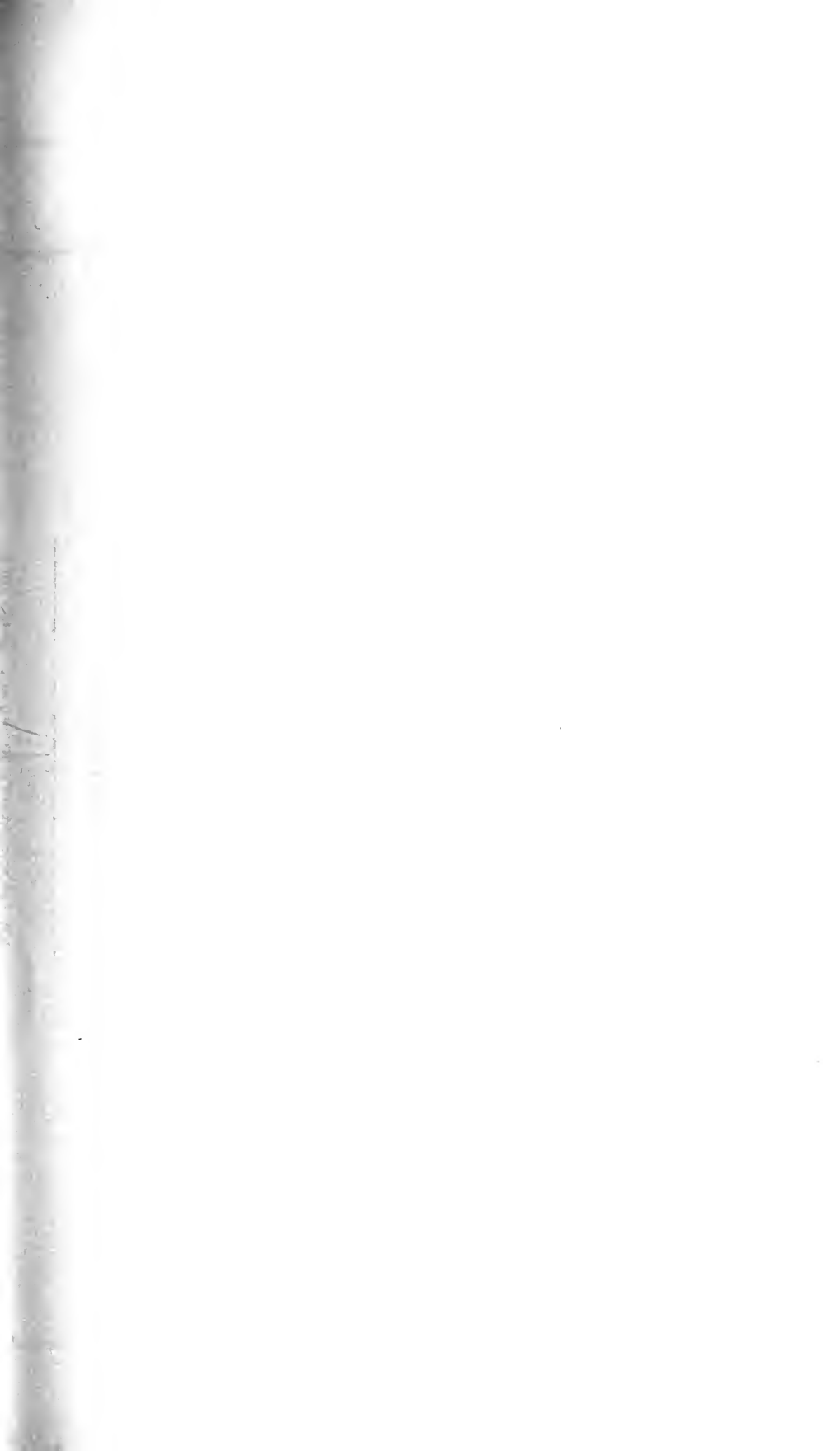
9. And the said wife of the said grantor for and in consideration of the sum of one dollar of lawful money of Canada, to her in hand paid by the said grantee at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted and released, and by these presents doth grant and release unto the said grantee, his heirs, executors, administrators, successors and assigns, all her dower and right and title which, in the event of her surviving her said husband, she might or would have to dower, in, to or out of the lands and premises hereby conveyed or intended so to be.

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 Short Forms of Conveyances Amendment Act, 1960*.



An Act to amend  
The Short Forms of Conveyances Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 26th, 1960

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MR. ROBERTS

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**BILL 27**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Short Forms of Leases Act**

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MR. ROBERTS

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EXPLANATORY NOTE

These amendments clarify the intent where the party is a corporation, a trustee or an appointee under a power of appointment.

See also Bill 26, *An Act to amend The Short Forms of Conveyances Act*, and Bill 28, *An Act to amend The Short Forms of Mortgages Act*.

## An Act to amend The Short Forms of Leases 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 4 of section 2 of *The Short Forms of Leases Act* is amended by inserting after “lessor” in the third line “or the successors and assigns of the lessor, as the case may be” and by inserting after “administrators” in the sixth line “successors”, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 361, s. 2,  
subs. 4,  
amended

(4) Where the premises demised are of freehold tenure, the covenants 2 to 9 shall be taken to be made with and the proviso 12 to apply to the heirs and assigns of the lessor or the successors and assigns of the lessor, as the case may be, and where the premises demised are of leasehold tenure such covenants and proviso shall be taken to be made with and apply to the lessor, his executors, administrators, successors and assigns.

Application  
of covenants  
to heirs, etc.

(2) Subsection 5 of the said section 2 is amended by inserting after “administrators” in the third, fifth and seventh lines “successors”.

R.S.O. 1950,  
c. 361, s. 2,  
subs. 5,  
amended

**2.** Section 4 of *The Short Forms of Leases Act* is amended by inserting after “administrators” in the fourth line “successors”.

R.S.O. 1950,  
c. 361, s. 4,  
amended

**3.** The Form of Lease in Schedule A to *The Short Forms of Leases Act* is amended by inserting after “administrators” in the seventh and fourteenth lines “successors”.

R.S.O. 1950,  
c. 361,  
Sched. A,  
Form of  
Lease,  
amended

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

Commence-  
ment

**5.** This Act may be cited as *The Short Forms of Leases Amendment Act, 1960*.

Short title

An Act to amend  
The Short Forms of Leases Act

---

*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 27**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Short Forms of Leases Act**

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MR. ROBERTS

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

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TORONTO  
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#### EXPLANATORY NOTES

SECTIONS 1-3. These amendments clarify the intent where the party is a corporation, a trustee or an appointee under a power of appointment.

See also Bill 26, *An Act to amend The Short Forms of Conveyances Act*, and Bill 28, *An Act to amend The Short Forms of Mortgages Act*.

SECTION 4. Self-explanatory.

BILL 27

1960

## An Act to amend The Short Forms of Leases 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 4 of section 2 of *The Short Forms of Leases Act* is amended by inserting after “lessor” in the third line “or the successors and assigns of the lessor, as the case may be” and by inserting after “administrators” in the sixth line “successors”, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 361, s. 2,  
subs. 4,  
amended

(4) Where the premises demised are of freehold tenure, the covenants 2 to 9 shall be taken to be made with and the proviso 12 to apply to the heirs and assigns of the lessor or the successors and assigns of the lessor, as the case may be, and where the premises demised are of leasehold tenure such covenants and proviso shall be taken to be made with and apply to the lessor, his executors, administrators, successors and assigns.

Application  
of covenants  
to heirs, etc.

(2) Subsection 5 of the said section 2 is amended by inserting after “administrators” in the third, fifth and seventh lines “successors”.

R.S.O. 1950,  
c. 361, s. 2,  
subs. 5,  
amended

2. Section 4 of *The Short Forms of Leases Act* is amended by inserting after “administrators” in the fourth line “successors”.

R.S.O. 1950,  
c. 361, s. 4,  
amended

3. The Form of Lease in Schedule A to *The Short Forms of Leases Act* is amended by inserting after “administrators” in the seventh and fourteenth lines “successors”.

R.S.O. 1950,  
c. 361,  
Sched. A,  
Form of  
Lease,  
amended

4. Paragraph 6 of Column Two of Schedule B to *The Short Forms of Leases Act* is amended by striking out “except for necessary repairs, or firewood, or for the purpose of clearance as herein set forth” in the fifth, sixth and seventh lines.

R.S.O. 1950,  
c. 361,  
Sched. B,  
Col. 2,  
par. 6,  
amended

**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 Short Forms of Leases Amendment Act, 1960*.







An Act to amend  
The Short Forms of Leases Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 27**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Short Forms of Leases Act**

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MR. ROBERTS

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TORONTO  
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BILL 27

1960

## An Act to amend The Short Forms of Leases 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 4 of section 2 of *The Short Forms of Leases Act* is amended by inserting after “lessor” in the third line “or the successors and assigns of the lessor, as the case may be” and by inserting after “administrators” in the sixth line “successors”, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 361, s. 2,  
subs. 4,  
amended

(4) Where the premises demised are of freehold tenure, the covenants 2 to 9 shall be taken to be made with and the proviso 12 to apply to the heirs and assigns of the lessor or the successors and assigns of the lessor, as the case may be, and where the premises demised are of leasehold tenure such covenants and proviso shall be taken to be made with and apply to the lessor, his executors, administrators, successors and assigns.

Application  
of covenants  
to heirs, etc.

(2) Subsection 5 of the said section 2 is amended by inserting after “administrators” in the third, fifth and seventh lines “successors”.

R.S.O. 1950,  
c. 361, s. 2,  
subs. 5,  
amended

2. Section 4 of *The Short Forms of Leases Act* is amended by inserting after “administrators” in the fourth line “successors”.

R.S.O. 1950,  
c. 361, s. 4,  
amended

3. The Form of Lease in Schedule A to *The Short Forms of Leases Act* is amended by inserting after “administrators” in the seventh and fourteenth lines “successors”.

R.S.O. 1950,  
c. 361,  
Sched. A,  
Form of  
Lease,  
amended

4. Paragraph 6 of Column Two of Schedule B to *The Short Forms of Leases Act* is amended by striking out “except for necessary repairs, or firewood, or for the purpose of clearance as herein set forth” in the fifth, sixth and seventh lines.

R.S.O. 1950,  
c. 361,  
Sched. B,  
Col. 2,  
par. 6,  
amended

**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 Short Forms of Leases Amendment Act, 1960*.







An Act to amend  
The Short Forms of Leases Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 29th, 1960

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Mr. ROBERTS

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**BILL 28**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Short Forms of Mortgages Act**

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MR. ROBERTS

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EXPLANATORY NOTE

These amendments clarify the intent where the party is a corporation, a trustee or an appointee under a power of appointment.

See also Bill 26, *An Act to amend The Short Forms of Conveyances Act*, and Bill 27, *An Act to amend The Short Forms of Leases Act*.

## An Act to amend The Short Forms of Mortgages Act

HER 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 Short Forms of Mortgages Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 362,  
Schd. B,  
re-enacted

### SCHEDULE B

#### COLUMN ONE

#### COLUMN TWO

1. And the said wife of the said mortgagor hereby bars her dower in the said lands.

1. And the said wife of the said mortgagor for and in consideration of the sum of one dollar of lawful money of Canada, to her in hand paid by the said mortgagee at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted and released, and by these presents doth grant and release unto the said mortgagee, his heirs, executors, administrators, successors and assigns, all her dower, and right and title which, in the event of her surviving her said husband, she might or would have to dower, in, to, or out of the lands and premises hereby conveyed or intended so to be.

2. Provided this mortgage to be void on payment of of lawful money of Canada, with interest at per cent as follows: and taxes and performance of statute labour.

2. Provided always and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators, successors or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators, successors or assigns the just and full sum of (*amount of principal money*) of lawful money of Canada with interest thereon at the rate of (*rate of interest*) per cent per annum on the day and time and in the manner following, that is to say (*terms of payment of principal and interest*), without any deduction or abatement, and do and shall also pay any taxes, rates, levies, charges or assessments upon the said lands or in respect thereof no matter by whom or by what authority imposed which the said mortgagee, his executors, administrators, successors or assigns shall have paid or shall have been rendered liable to pay, and do and shall also pay all such other sums as the said mortgagee, his executors, administrators, successors or assigns

## COLUMN ONE

## COLUMN TWO

may be entitled to by virtue of these presents, then these presents and everything in the same shall be absolutely null and void; but nothing in this proviso or these presents shall make the mortgagor, his heirs, executors, administrators, successors or assigns liable to pay to the mortgagee, his executors, administrators, successors or assigns any tax, rate or charge imposed upon the mortgagee, his heirs, executors, administrators, successors or assigns in respect of the income derived by him or them in respect of the mortgage money or in respect of the devolution of the interest of the said mortgagee in the said lands or mortgage money.

3. The said mortgagor covenants with the said mortgagee:

3. And the said mortgagor doth hereby, for himself, his heirs, executors, administrators and successors covenant, promise and agree to and with the said mortgagee, his heirs, executors, administrators, successors and assigns, in manner following, that is to say:

4. That the mortgagor will pay the mortgage money and interest, and observe the above proviso.

4. That the said mortgagor, his heirs, executors, administrators and successors or some or one of them shall and will well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators, successors or assigns, the said sum of money in the above proviso mentioned, with interest for the same as aforesaid, at the days and times and in the manner above limited for payment thereof, and shall and will in everything well, faithfully and truly do, observe, perform, fulfil and keep all and singular the provisions, agreements and stipulations in the said above proviso particularly set forth, according to the true intent and meaning of these presents, and of the said above proviso.

5. That the mortgagor has a good title in fee simple to the said lands.

5. And also, that the said mortgagor, at the time of the sealing and delivery hereof, is, and stands solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, of and in the lands, tenements, hereditaments and all and singular other the premises hereinbefore described, with their and every of their appurtenances and of and in every part and parcel thereof without any manner of trusts, reservations, limitations, provisos or conditions, except those contained in the original grant thereof from the Crown or any other matter or thing to alter, charge, change, encumber or defeat the same.

6. And that he has the right to convey the said lands to the said mortgagee.

6. And also, that the said mortgagor now hath in himself good right, full power and lawful and absolute authority to convey the said lands, tenements, hereditaments, and all and singular other the premises hereby conveyed or hereinbefore mentioned or intended so to be, with their and every of their appurtenances unto the said mortgagee, his heirs, executors, administrators, successors and assigns, in manner aforesaid, and according to the true intent and meaning of these presents.

## COLUMN ONE

## COLUMN TWO

7. And that on default the mortgagee shall have quiet possession of the said lands.

7. And also, that from and after default shall happen to be made of or in the payment of the said sum of money, in the said above proviso mentioned, or the interest thereof, or any part thereof, or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents, and of the said proviso, then, and in every such case, it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators, successors and assigns, peaceably and quietly to enter into, have, hold, use, occupy, possess and enjoy the aforesaid lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with their appurtenances, without the let, suit, hindrance, interruption or denial of him the said mortgagor, his heirs, executors, administrators, successors or assigns or any other person or persons whomsoever.

8. Free from all encumbrances.

8. And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatsoever due or payable upon or in respect of the said lands, tenements, hereditaments and premises or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, executions and recognizances, and of and from all manner of other charges or encumbrances whatsoever.

9. And that the said mortgagor will execute such further assurances of the said lands as may be requisite.

9. And also, that from and after default shall happen to be made of or in the payment of the said sum of money in the said proviso mentioned, or the interest thereof, or any part of such money or interest or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents and of the said proviso, then and in every such case the said mortgagor, his heirs, executors, administrators, successors and assigns and all and every other person or persons whatsoever having, or lawfully claiming, or who shall or may have or lawfully claim any estate, right, title, interest or trust of, in, to or out of the lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with the appurtenances or any part thereof, by, from, under or in trust for him the said mortgagor, his heirs, executors, administrators, successors or assigns shall and will, from time to time, and at all times thereafter, at the proper costs and charges of the said mortgagee, his heirs, executors, administrators, successors and assigns, make, do, suffer and execute, or cause or procure to be made, done, suffered and executed, all and every such further and other reasonable act or acts, deed or deeds, devices, conveyances, and assurances in the law for the further, better and more perfectly and absolutely conveying and assuring the said lands,

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tenements, hereditaments and premises, with the appurtenances, unto the said mortgagee, his heirs, executors, administrators, successors and assigns, as by the said mortgagee, his heirs, executors, administrators, successors or assigns, or his or their counsel learned in the law shall or may be lawfully and reasonably devised, advised, or required, but so as no person who shall be required to make or execute such assurances shall be compelled, for the making or executing thereof, to go or travel from his usual place of abode.

10. And that the said mortgagor will produce the title deeds enumerated hereunder, and allow copies to be made at the expense of the mortgagee.

10. And also, that the said mortgagor, his heirs, executors, administrators, successors and assigns shall and will, unless prevented by fire or inevitable accident, from time to time, and at all times hereafter, at the request and proper costs and charges in the law of the said mortgagee, his heirs, executors, administrators, successors or assigns at any trial or hearing in any action or otherwise as occasion shall require, produce all, every or any deed, instrument or writing hereunder written for the manifestation, defence and support of the estate, title and possession of the said mortgagee, his heirs, executors, administrators, successors and assigns, of, in, to or out of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, and at the like request, costs and charges shall and will make and deliver, or cause or procure to be made and delivered, unto the said mortgagee, his heirs, executors, administrators, successors and assigns true and attested or other copies or abstracts of the same deeds, instruments and writings respectively, or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds by the said mortgagee, his heirs, executors, administrators, successors and assigns.

11. And that the said mortgagor has done no act to encumber the said lands.

11. And also that the said mortgagor hath not at any time heretofore made, done, committed, executed or wilfully or knowingly suffered any act, deed, matter or thing whatsoever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, or any part or parcel thereof, are, is or shall or may be in any wise impeached, charged, affected or encumbered in title, estate or otherwise howsoever.

12. And that the said mortgagor will insure the buildings on the said lands to the amount of not less than of lawful money of Canada.

12. And also that the said mortgagor or his heirs, executors, administrators, successors or assigns shall and will forthwith insure unless already insured, and during the continuance of this security keep insured against loss or damage by fire, in such proportions upon each building as may be required by the said mortgagee, his heirs, executors, administrators, successors or assigns, the messuages and buildings erected on the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, in the sum of ..... of lawful

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money of Canada, at the least, in some insurance office to be approved of by the said mortgagee, his heirs, executors, administrators, successors or assigns, and pay all premiums and sums of money necessary for such purpose, as the same shall become due, and will on demand assign, transfer and deliver over unto the said mortgagee, his heirs, executors, administrators, successors or assigns, the policy or policies of insurance, receipt or receipts thereto appertaining; and if the said mortgagee, his heirs, executors, administrators, successors or assigns, shall pay any premiums or sums of money for insurance of the said premises or any part thereof, the amount of such payment shall be added to the debt hereby secured, and shall bear interest at the same rate from the time of such payments, and shall be payable at the time appointed for the then next ensuing payment of interest on the said debt.

13. And the said mortgagor doth release to the said mortgagee all his claims upon the said lands subject to the said proviso.

13. And the said mortgagor hath released, remised and for ever quitted claim, and by these presents doth release, remise, and for ever quit claim unto the said mortgagee, his heirs, executors, administrators, successors and assigns, all and all manner of right, title, interest, claim and demand whatsoever, of, unto and out of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, and every part and parcel thereof, so as that neither the said mortgagor, his heirs, executors, administrators, successors or assigns, shall or may at any time hereafter have, claim, pretend to, challenge or demand the said lands, tenements, hereditaments and premises or any part thereof, in any manner howsoever, subject always to the said above proviso; but the said mortgagee, his heirs, executors, administrators, successors or assigns, and the said lands, tenements, hereditaments and premises, subject as aforesaid, shall from henceforth for ever hereafter be exonerated and discharged of and from all claims and demands whatsoever which the said mortgagor, his heirs, successors or assigns, might or could have upon the said mortgagee, his heirs, executors, administrators, successors or assigns, in respect of the said lands, tenements, hereditaments and premises, or upon the said lands, tenements, hereditaments and premises.

14. Provided, that the said mortgagee on default of payment for  
may on notice enter on and lease or sell the said lands.

14. Provided always, and it is hereby declared and agreed by and between the parties to these presents, that if the said mortgagor, his heirs, executors, administrators, successors or assigns, shall make default in any payment of the said money or interest or any part of either of the same, according to the true intent and meaning of these presents, and of the proviso in that behalf hereinbefore contained, and . . . . . shall have thereafter elapsed without such payment being made (of which default, as also of the continuance of the said principal money and interest, or some part thereof, on this security, the production of these presents shall be conclusive evidence), it shall and may be lawful to and for the said mort-

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gagee, his heirs, executors, administrators, successors or assigns, after giving written notice to the said mortgagor, his heirs, executors, administrators, successors or assigns, of his or their intention in that behalf, either personally or at his or their usual or last place of residence within this Province not less than . . . . . previous, without any further consent or concurrence of the said mortgagor, his heirs, executors, administrators, successors or assigns, to enter into possession of the said lands, tenements, hereditaments and premises hereby conveyed, or mentioned or intended so to be, and to receive and take the rents, issues and profits thereof, and whether in or out of possession of the same, to make any lease or leases thereof, or of any part thereof as he or they shall think fit, and also to sell and absolutely dispose of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, or any part or parts thereof, with the appurtenances, by public auction or private contract, or partly by public auction and partly by private contract, as to him or them shall seem meet, and to convey and assure the same when so sold unto the purchaser or purchasers thereof, his or their heirs, successors or assigns, or as he or they shall direct and appoint and to execute and do all such assurances, acts, matters and things as may be found necessary for the purposes aforesaid, and the said mortgagee, his heirs, executors, administrators, successors or assigns shall not be responsible for any loss which may arise by reason of any such leasing or sale as aforesaid unless the same shall happen by reason of his or their wilful neglect or default; and it is hereby further agreed between the parties to these presents, that, until such sale or sales shall be made as aforesaid, the said mortgagee, his heirs, executors, administrators, successors or assigns shall and will stand and be possessed of and interested in the rents and profits of the said lands, tenements, hereditaments and premises, in case he or they shall take possession of the same on any default as aforesaid, and after such sale or sales shall stand and be possessed of and interested in the moneys to arise and be produced by such sale or sales, or which shall be received by the mortgagee, his heirs, executors, administrators, successors or assigns, by reason of any insurance upon the said premises or any part thereof, upon trust in the first place to pay and satisfy the costs and charges of preparing for and making sales, leases and conveyances as aforesaid, and all other costs and charges, damages and expenses which the said mortgagee, his heirs, executors, administrators, successors or assigns, shall bear, sustain, or be put to for taxes, rents, insurances and repairs, and all other costs and charges which may be incurred in and about the execution of any of the trusts in him or them hereby reposed, and in the next place to pay and satisfy the principal sum of money and interest hereby secured or mentioned or intended so to be or so much thereof as shall remain due and unsatisfied up to and inclusive of the day whereon the said principal sum shall be paid and satisfied; and after full payment and satisfaction of all such sums of money and interest as aforesaid upon



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this further trust that the said mortgagee, his heirs, executors, administrators, successors or assigns, do and shall pay the surplus, if any, to the said mortgagor, his heirs, executors, administrators, successors or assigns, or as he or they shall direct and appoint, and shall also, in such event, at the request, costs and charges in the law of the said mortgagor, his heirs, executors, administrators, successors or assigns, convey and assure unto the said mortgagor, his heirs, executors, administrators, successors or assigns, or to such person or persons as he or they shall direct and appoint, all such parts of the said lands, tenements, hereditaments and premises as shall remain unsold for the purposes aforesaid, freed and absolutely discharged of and from all estate, lien, charge and encumbrance whatsoever by the said mortgagee, his heirs, executors, administrators, successors or assigns, in the meantime, but so as no person who shall be required to make or execute any such assurances, shall be compelled for the making thereof to go or travel from his usual place of abode: Provided always, and it is hereby further declared and agreed by and between the parties to these presents, that notwithstanding the power of sale and other the powers and provisions contained in these presents, the said mortgagee, his heirs, executors, administrators, successors or assigns, shall have and be entitled to his right of foreclosure of the equity of redemption of the said mortgagor, his heirs, executors, administrators, successors and assigns in the said lands, tenements, hereditaments and premises as fully and effectually as he or they might have exercised and enjoyed the same in case the power of sale, and the other former provisoes and trusts incident thereto had not been herein contained.

15. Provided that the mortgagee may distrain for arrears of interest.

15. And it is further covenanted, declared and agreed by and between the parties to these presents, that if the said mortgagor, his heirs, executors, administrators, successors or assigns, shall make default in payment of any part of the said interest at any of the days or times hereinbefore limited for the payment thereof, it shall and may be lawful for the said mortgagee, his heirs, executors, administrators, successors or assigns, to distrain therefor upon the said lands, tenements, hereditaments and premises, or any part thereof, and by distress warrant, to recover by way of rent reserved, as in the case of a demise, of the said lands, tenements, hereditaments and premises, so much of such interest as shall, from time to time, be, or remain in arrear and unpaid, together with all costs, charges and expenses attending such levy or distress, as in like cases of distress for rent.

16. Provided that in default of the payment of the interest hereby secured, the principal

16. Provided always, and it is hereby further expressly declared and agreed by and between the parties to these presents, that if any default shall at any time happen to be made of or in the payment of the interest money hereby secured or mentioned or intended so to be, or any part thereof, then and in such case the principal money hereby secured or mentioned, or intended so to be, and

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hereby secured shall become payable.

17. Provided that until default of payment the mortgagor shall have quiet possession of the said lands.

Commence-  
ment

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

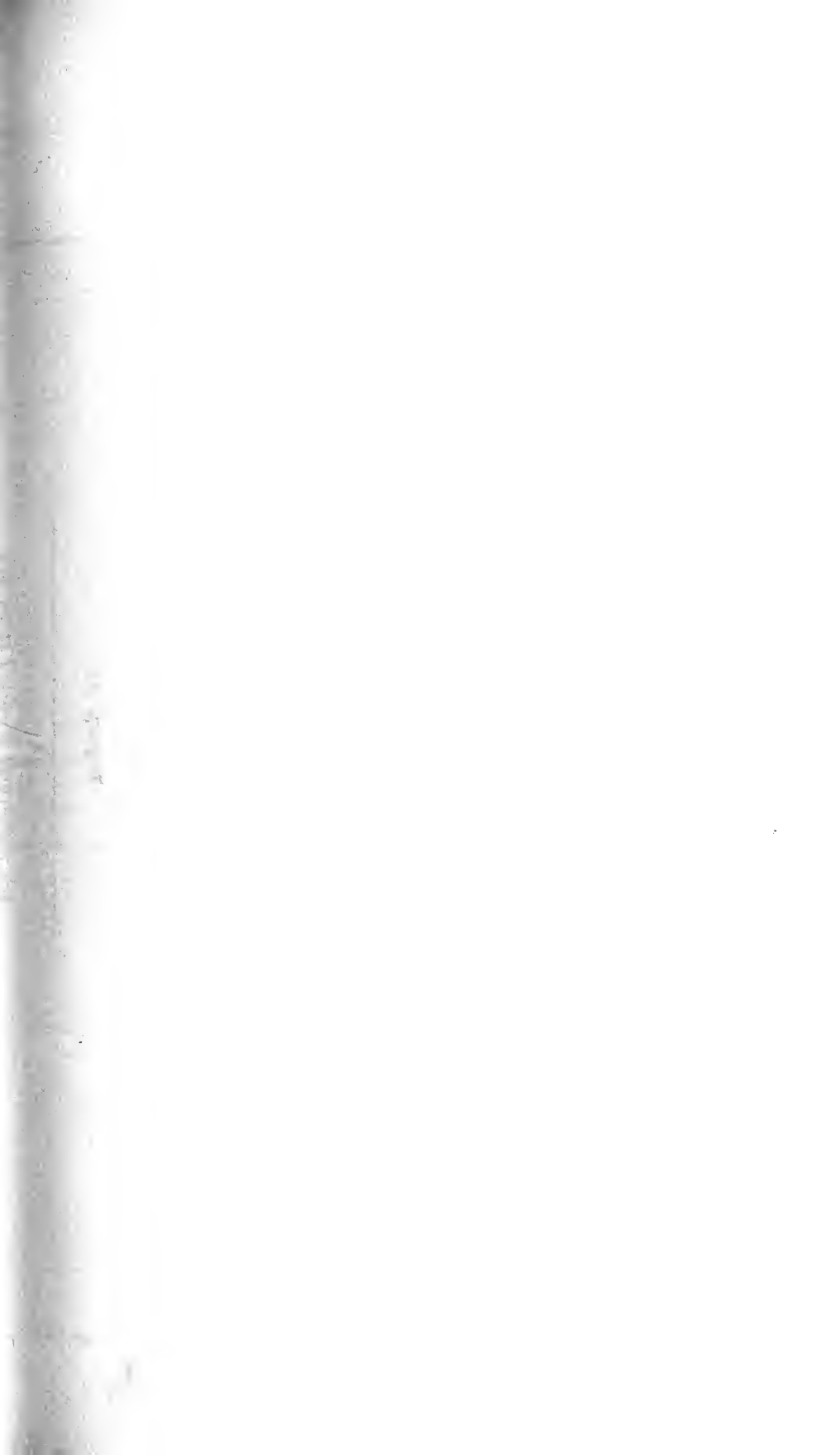
Short title

3. This Act may be cited as *The Short Forms of Mortgages Amendment Act, 1960*.

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every part thereof, shall forthwith become due and payable in like manner and with the like consequences and effects to all intents and purposes whatsoever, as if the time herein mentioned for payment of such principal money had fully come and expired, but that in such case the said mortgagor, his heirs, executors, administrators, successors or assigns, shall on payment of all arrears under these presents, with lawful costs and charges in that behalf, at any time before any judgment in the premises recovered or within such time as, by the practice of the Supreme Court, relief therein could be obtained be relieved from the consequences of non-payment of so much of the money secured by these presents, or mentioned, or intended so to be, as may not then have become payable by reason of lapse of time.

17. And provided also, and it is hereby further expressly declared and agreed by and between the parties to these presents, that until default shall happen to be made of or in the payment of the said sum of money hereby secured or mentioned, or intended so to be, or the interest thereof, or any part of either of the same, or the doing, observing, performing, fulfilling or keeping some one or more of the provisions, agreements or stipulations herein set forth, contrary to the true intent and meaning of these presents, it shall and may be lawful to and for the said mortgagor, his heirs, executors, administrators, successors and assigns, peaceably and quietly to have, hold, use, occupy, possess and enjoy the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be, with their and every of their appurtenances, and receive and take the rents, issues and profits thereof to his and their own use and benefit, without let, suit, hindrance, interruption, or denial of or by the said mortgagee, his heirs, executors, administrators, successors or assigns, or of or by any other person or persons whomsoever lawfully claiming, or who shall, or may lawfully claim by, from, under or in trust for him, her, them or any or either of them.



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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 28**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Short Forms of Mortgages Act**

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MR. ROBERTS

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**An Act to amend  
The Short Forms of 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. Schedule B to *The Short Forms of Mortgages Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 362,  
Sched. B,  
re-enacted

SCHEDULE B

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1. And the said wife of the said mortgagor hereby bars her dower in the said lands.

1. And the said wife of the said mortgagor for and in consideration of the sum of one dollar of lawful money of Canada, to her in hand paid by the said mortgagee at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted and released, and by these presents doth grant and release unto the said mortgagee, his heirs, executors, administrators, successors and assigns, all her dower, and right and title which, in the event of her surviving her said husband, she might or would have to dower, in, to, or out of the lands and premises hereby conveyed or intended so to be.

2. Provided this mortgage to be void on payment of of lawful money of Canada, with interest at per cent as follows: and taxes and performance of statute labour.

2. Provided always and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators, successors or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators, successors or assigns the just and full sum of (*amount of principal money*) of lawful money of Canada with interest thereon at the rate of (*rate of interest*) per cent per annum on the day and time and in the manner following, that is to say (*terms of payment of principal and interest*), without any deduction or abatement, and do and shall also pay any taxes, rates, levies, charges or assessments upon the said lands or in respect thereof no matter by whom or by what authority imposed which the said mortgagee, his executors, administrators, successors or assigns shall have paid or shall have been rendered liable to pay, and do and shall also pay all such other sums as the said mortgagee, his executors, administrators, successors or assigns

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may be entitled to by virtue of these presents, then these presents and everything in the same shall be absolutely null and void; but nothing in this proviso or these presents shall make the mortgagor, his heirs, executors, administrators, successors or assigns liable to pay to the mortgagee, his executors, administrators, successors or assigns any tax, rate or charge imposed upon the mortgagee, his heirs, executors, administrators, successors or assigns in respect of the income derived by him or them in respect of the mortgage money or in respect of the devolution of the interest of the said mortgagee in the said lands or mortgage money.

3. The said mortgagor covenants with the said mortgagee:

3. And the said mortgagor doth hereby, for himself, his heirs, executors, administrators and successors covenant, promise and agree to and with the said mortgagee, his heirs, executors, administrators, successors and assigns, in manner following, that is to say:

4. That the mortgagor will pay the mortgage money and interest, and observe the above proviso.

4. That the said mortgagor, his heirs, executors, administrators and successors or some or one of them shall and will well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators, successors or assigns, the said sum of money in the above proviso mentioned, with interest for the same as aforesaid, at the days and times and in the manner above limited for payment thereof, and shall and will in everything well, faithfully and truly do, observe, perform, fulfil and keep all and singular the provisions, agreements and stipulations in the said above proviso particularly set forth, according to the true intent and meaning of these presents, and of the said above proviso.

5. That the mortgagor has a good title in fee simple to the said lands.

5. And also, that the said mortgagor, at the time of the sealing and delivery hereof, is, and stands solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, of and in the lands, tenements, hereditaments and all and singular other the premises hereinbefore described, with their and every of their appurtenances and of and in every part and parcel thereof without any manner of trusts, reservations, limitations, provisoes or conditions, except those contained in the original grant thereof from the Crown or any other matter or thing to alter, charge, change, encumber or defeat the same.

6. And that he has the right to convey the said lands to the said mortgagee.

6. And also, that the said mortgagor now hath in himself good right, full power and lawful and absolute authority to convey the said lands, tenements, hereditaments, and all and singular other the premises hereby conveyed or hereinbefore mentioned or intended so to be, with their and every of their appurtenances unto the said mortgagee, his heirs, executors, administrators, successors and assigns, in manner aforesaid, and according to the true intent and meaning of these presents.



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7. And that on default the mortgagee shall have quiet possession of the said lands.

8. Free from all encumbrances.

9. And that the said mortgagor will execute such further assurances of the said lands as may be requisite.

7. And also, that from and after default shall happen to be made of or in the payment of the said sum of money, in the said above proviso mentioned, or the interest thereof, or any part thereof, or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents, and of the said proviso, then, and in every such case, it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators, successors and assigns, peaceably and quietly to enter into, have, hold, use, occupy, possess and enjoy the aforesaid lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with their appurtenances, without the let, suit, hindrance, interruption or denial of him the said mortgagor, his heirs, executors, administrators, successors or assigns or any other person or persons whomsoever.

8. And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatsoever due or payable upon or in respect of the said lands, tenements, hereditaments and premises or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, executions and recognizances, and of and from all manner of other charges or encumbrances whatsoever.

9. And also, that from and after default shall happen to be made of or in the payment of the said sum of money in the said proviso mentioned, or the interest thereof, or any part of such money or interest or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents and of the said proviso, then and in every such case the said mortgagor, his heirs, executors, administrators, successors and assigns and all and every other person or persons whosoever having, or lawfully claiming, or who shall or may have or lawfully claim any estate, right, title, interest or trust of, in, to or out of the lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with the appurtenances or any part thereof, by, from, under or in trust for him the said mortgagor, his heirs, executors, administrators, successors or assigns shall and will, from time to time, and at all times thereafter, at the proper costs and charges of the said mortgagee, his heirs, executors, administrators, successors and assigns, make, do, suffer and execute, or cause or procure to be made, done, suffered and executed, all and every such further and other reasonable act or acts, deed or deeds, devices, conveyances, and assurances in the law for the further, better and more perfectly and absolutely conveying and assuring the said lands,

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tenements, hereditaments and premises, with the appurtenances, unto the said mortgagee, his heirs, executors, administrators, successors and assigns, as by the said mortgagee, his heirs, executors, administrators, successors or assigns, or his or their counsel learned in the law shall or may be lawfully and reasonably devised, advised, or required, but so as no person who shall be required to make or execute such assurances shall be compelled, for the making or executing thereof, to go or travel from his usual place of abode.

10. And that the said mortgagor will produce the title deeds enumerated hereunder, and allow copies to be made at the expense of the mortgagee.

10. And also, that the said mortgagor, his heirs, executors, administrators, successors and assigns shall and will, unless prevented by fire or inevitable accident, from time to time, and at all times hereafter, at the request and proper costs and charges in the law of the said mortgagee, his heirs, executors, administrators, successors or assigns at any trial or hearing in any action or otherwise as occasion shall require, produce all, every or any deed, instrument or writing hereunder written for the manifestation, defence and support of the estate, title and possession of the said mortgagee, his heirs, executors, administrators, successors and assigns, of, in, to or out of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, and at the like request, costs and charges shall and will make and deliver, or cause or procure to be made and delivered, unto the said mortgagee, his heirs, executors, administrators, successors and assigns true and attested or other copies or abstracts of the same deeds, instruments and writings respectively, or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds by the said mortgagee, his heirs, executors, administrators, successors and assigns.

11. And that the said mortgagor has done no act to encumber the said lands.

11. And also that the said mortgagor hath not at any time heretofore made, done, committed, executed or wilfully or knowingly suffered any act, deed, matter or thing whatsoever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, or any part or parcel thereof, are, is or shall or may be in any wise impeached, charged, affected or encumbered in title, estate or otherwise howsoever.

12. And that the said mortgagor will insure the buildings on the said lands to the amount of not less than of lawful money of Canada.

12. And also that the said mortgagor or his heirs, executors, administrators, successors or assigns shall and will forthwith insure unless already insured, and during the continuance of this security keep insured against loss or damage by fire, in such proportions upon each building as may be required by the said mortgagee, his heirs, executors, administrators, successors or assigns, the messuages and buildings erected on the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, in the sum of ..... of lawful

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money of Canada, at the least, in some insurance office to be approved of by the said mortgagee, his heirs, executors, administrators, successors or assigns, and pay all premiums and sums of money necessary for such purpose, as the same shall become due, and will on demand assign, transfer and deliver over unto the said mortgagee, his heirs, executors, administrators, successors or assigns, the policy or policies of insurance, receipt or receipts thereto appertaining; and if the said mortgagee, his heirs, executors, administrators, successors or assigns, shall pay any premiums or sums of money for insurance of the said premises or any part thereof, the amount of such payment shall be added to the debt hereby secured, and shall bear interest at the same rate from the time of such payments, and shall be payable at the time appointed for the then next ensuing payment of interest on the said debt.

13. And the said mortgagor doth release to the said mortgagee all his claims upon the said lands subject to the said proviso.

13. And the said mortgagor hath released, remised and for ever quitted claim, and by these presents doth release, remise, and for ever quit claim unto the said mortgagee, his heirs, executors, administrators, successors and assigns, all and all manner of right, title, interest, claim and demand whatsoever, of, unto and out of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, and every part and parcel thereof, so as that neither the said mortgagor, his heirs, executors, administrators, successors or assigns, shall or may at any time hereafter have, claim, pretend to, challenge or demand the said lands, tenements, hereditaments and premises or any part thereof, in any manner howsoever, subject always to the said above proviso; but the said mortgagee, his heirs, executors, administrators, successors or assigns, and the said lands, tenements, hereditaments and premises, subject as aforesaid, shall from henceforth for ever hereafter be exonerated and discharged of and from all claims and demands whatsoever which the said mortgagor, his heirs, successors or assigns, might or could have upon the said mortgagee, his heirs, executors, administrators, successors or assigns, in respect of the said lands, tenements, hereditaments and premises, or upon the said lands, tenements, hereditaments and premises.

14. Provided, that the said mortgagee on default of payment for  
may on  
notice enter  
on and lease or sell  
the said lands.

14. Provided always, and it is hereby declared and agreed by and between the parties to these presents, that if the said mortgagor, his heirs, executors, administrators, successors or assigns, shall make default in any payment of the said money or interest or any part of either of the same, according to the true intent and meaning of these presents, and of the proviso in that behalf hereinbefore contained, and . . . . . shall have thereafter elapsed without such payment being made (of which default, as also of the continuance of the said principal money and interest, or some part thereof, on this security, the production of these presents shall be conclusive evidence), it shall and may be lawful to and for the said mort-

gagee, his heirs, executors, administrators, successors or assigns, after giving written notice to the said mortgagor, his heirs, executors, administrators, successors or assigns, of his or their intention in that behalf, either personally or at his or their usual or last place of residence within this Province not less than . . . . . previous, without any further consent or concurrence of the said mortgagor, his heirs, executors, administrators, successors or assigns, to enter into possession of the said lands, tenements, hereditaments and premises hereby conveyed, or mentioned or intended so to be, and to receive and take the rents, issues and profits thereof, and whether in or out of possession of the same, to make any lease or leases thereof, or of any part thereof as he or they shall think fit, and also to sell and absolutely dispose of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, or any part or parts thereof, with the appurtenances, by public auction or private contract, or partly by public auction and partly by private contract, as to him or them shall seem meet, and to convey and assure the same when so sold unto the purchaser or purchasers thereof, his or their heirs, successors or assigns, or as he or they shall direct and appoint and to execute and do all such assurances, acts, matters and things as may be found necessary for the purposes aforesaid, and the said mortgagee, his heirs, executors, administrators, successors or assigns shall not be responsible for any loss which may arise by reason of any such leasing or sale as aforesaid unless the same shall happen by reason of his or their wilful neglect or default; and it is hereby further agreed between the parties to these presents, that, until such sale or sales shall be made as aforesaid, the said mortgagee, his heirs, executors, administrators, successors or assigns shall and will stand and be possessed of and interested in the rents and profits of the said lands, tenements, hereditaments and premises, in case he or they shall take possession of the same on any default as aforesaid, and after such sale or sales shall stand and be possessed of and interested in the moneys to arise and be produced by such sale or sales, or which shall be received by the mortgagee, his heirs, executors, administrators, successors or assigns, by reason of any insurance upon the said premises or any part thereof, upon trust in the first place to pay and satisfy the costs and charges of preparing for and making sales, leases and conveyances as aforesaid, and all other costs and charges, damages and expenses which the said mortgagee, his heirs, executors, administrators, successors or assigns, shall bear, sustain, or be put to for taxes, rents, insurances and repairs, and all other costs and charges which may be incurred in and about the execution of any of the trusts in him or them hereby reposed, and in the next place to pay and satisfy the principal sum of money and interest hereby secured or mentioned or intended so to be or so much thereof as shall remain due and unsatisfied up to and inclusive of the day whereon the said principal sum shall be paid and satisfied; and after full payment and satisfaction of all such sums of money and interest as aforesaid upon

## COLUMN ONE

## COLUMN TWO

this further trust that the said mortgagee, his heirs, executors, administrators, successors or assigns, do and shall pay the surplus, if any, to the said mortgagor, his heirs, executors, administrators, successors or assigns, or as he or they shall direct and appoint, and shall also, in such event, at the request, costs and charges in the law of the said mortgagor, his heirs, executors, administrators, successors or assigns, convey and assure unto the said mortgagor, his heirs, executors, administrators, successors or assigns, or to such person or persons as he or they shall direct and appoint, all such parts of the said lands, tenements, hereditaments and premises as shall remain unsold for the purposes aforesaid, freed and absolutely discharged of and from all estate, lien, charge and encumbrance whatsoever by the said mortgagee, his heirs, executors, administrators, successors or assigns, in the meantime, but so as no person who shall be required to make or execute any such assurances, shall be compelled for the making thereof to go or travel from his usual place of abode: Provided always, and it is hereby further declared and agreed by and between the parties to these presents, that notwithstanding the power of sale and other the powers and provisions contained in these presents, the said mortgagee, his heirs, executors, administrators, successors or assigns, shall have and be entitled to his right of foreclosure of the equity of redemption of the said mortgagor, his heirs, executors, administrators, successors and assigns in the said lands, tenements, hereditaments and premises as fully and effectually as he or they might have exercised and enjoyed the same in case the power of sale, and the other former provisoes and trusts incident thereto had not been herein contained.

15. Provided that the mortgagee may distrain for arrears of interest.

15. And it is further covenanted, declared and agreed by and between the parties to these presents, that if the said mortgagor, his heirs, executors, administrators, successors or assigns, shall make default in payment of any part of the said interest at any of the days or times hereinbefore limited for the payment thereof, it shall and may be lawful for the said mortgagee, his heirs, executors, administrators, successors or assigns, to distrain therefor upon the said lands, tenements, hereditaments and premises, or any part thereof, and by distress warrant, to recover by way of rent reserved, as in the case of a demise, of the said lands, tenements, hereditaments and premises, so much of such interest as shall, from time to time, be, or remain in arrear and unpaid, together with all costs, charges and expenses attending such levy or distress, as in like cases of distress for rent.

16. Provided that in default of the payment of the interest hereby secured, the principal

16. Provided always, and it is hereby further expressly declared and agreed by and between the parties to these presents, that if any default shall at any time happen to be made of or in the payment of the interest money hereby secured or mentioned or intended so to be, or any part thereof, then and in such case the principal money hereby secured or mentioned, or intended so to be, and

## COLUMN ONE

## COLUMN TWO

hereby secured shall become payable.

every part thereof, shall forthwith become due and payable in like manner and with the like consequences and effects to all intents and purposes whatsoever, as if the time herein mentioned for payment of such principal money had fully come and expired, but that in such case the said mortgagor, his heirs, executors, administrators, successors or assigns, shall on payment of all arrears under these presents, with lawful costs and charges in that behalf, at any time before any judgment in the premises recovered or within such time as, by the practice of the Supreme Court, relief therein could be obtained be relieved from the consequences of non-payment of so much of the money secured by these presents, or mentioned, or intended so to be, as may not then have become payable by reason of lapse of time.

17. Provided that until default of payment the mortgagor shall have quiet possession of the said lands.

17. And provided also, and it is hereby further expressly declared and agreed by and between the parties to these presents, that until default shall happen to be made of or in the payment of the said sum of money hereby secured or mentioned, or intended so to be, or the interest thereof, or any part of either of the same, or the doing, observing, performing, fulfilling or keeping some one or more of the provisions, agreements or stipulations herein set forth, contrary to the true intent and meaning of these presents, it shall and may be lawful to and for the said mortgagor, his heirs, executors, administrators, successors and assigns, peaceably and quietly to have, hold, use, occupy, possess and enjoy the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be, with their and every of their appurtenances, and receive and take the rents, issues and profits thereof to his and their own use and benefit, without let, suit, hindrance, interruption, or denial of or by the said mortgagee, his heirs, executors, administrators, successors or assigns, or of or by any other person or persons whomsoever lawfully claiming, or who shall, or may lawfully claim by, from, under or in trust for him, her, them or any or either of them.

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 Short Forms of Mortgages Amendment Act, 1960*.



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*1st Reading*

January 29th, 1960

*2nd Reading*

February 5th, 1960

*3rd Reading*

February 26th, 1960

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Mr. ROBERTS

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**BILL 29**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Summary Convictions Act**

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MR. ROBERTS

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**EXPLANATORY NOTE**

The section repealed prohibits the transcription of evidence taken in summary conviction cases except when it is required by one of the **parties** to the case or the clerk of the peace or where an appeal is taken.

The effect of the repeal is to permit anyone to obtain a transcription.

BILL 29

1960

**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. Subsection 2 of section 8 of *The Summary Convictions Act* is repealed. R.S.O. 1950,  
c. 379, s. 8,  
subs. 2,  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Summary Convictions Amendment Act, 1960*. Short title

An Act to amend  
The Summary Convictions Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 29**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Summary Convictions Act**

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MR. ROBERTS

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BILL 29

1960

**An Act to amend  
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2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Summary Convictions Amendment Act, 1960*. Short title

AN ACT TO AMEND  
The Summary Convictions Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 9th, 1960

*3rd Reading*

February 22nd, 1960

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MR. ROBERTS

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**BILL 30**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Wages Act**

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MR. ROBERTS

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#### EXPLANATORY NOTE

The purpose of this new section is to provide a means whereby a judgment debtor may pay off a judgment by instalments and avoid successive garnishments of his wages.

## An Act to amend The Wages Act

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

1. *The Wages Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 415,  
amended

7a.—(1) Where a garnishment order has been made against the debtor, he may apply to the judge for an order for the release of the garnishment and for the payment of the judgment by instalments, and the judge may make the order, fixing therein the amounts and times of payment, and, so long as the debtor is not in default under the order, no further garnishment of the debtor's wages shall be had in respect of the judgment debt. Release of  
garnishment  
on terms

(2) An order under subsection 1 may be made *ex parte*, <sup>idem</sup> but the judge may vary it at any time upon at least two days notice in writing to the debtor.

2. This Act may be cited as *The Wages Amendment Act*, <sup>Short title</sup> 1960.

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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Mr. ROBERTS

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**BILL 30**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Wages Act**

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MR. ROBERTS

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

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#### EXPLANATORY NOTE

The purpose of this new section is to provide a means whereby a judgment debtor may pay off a judgment by instalments and avoid successive garnishments of his wages.

BILL 30

1960

## An Act to amend The Wages Act

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amended

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garnishment  
on terms

(2) An order under subsection 1 may be made *ex parte*, but the judge may vary it at any time upon the application of the debtor or creditor with at least two days notice in writing to the other party. Idem

(3) Forthwith after an order is made under subsection 1, a copy thereof shall be sent by prepaid mail by the clerk of the court to the judgment creditor or his agent. Copy to  
judgment  
creditor

2. This Act may be cited as *The Wages Amendment Act, 1960*. Short title

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 9th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 30**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Wages Act**

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MR. ROBERTS

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BILL 30

1960

## An Act to amend The Wages 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 Wages Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 415,  
amended

- 7a.—(1) Where a garnishment order has been made against the debtor, he may apply to the judge for an order for the release of the garnishment and for the payment of the judgment by instalments and, if the judge deems it proper in all the circumstances of the case, he may make the order, fixing therein the amounts and times of payment, and, so long as the debtor is not in default under the order, no further garnishment of the debtor's wages shall be had in respect of the judgment debt. Release of  
garnishment  
on terms
- (2) An order under subsection 1 may be made *ex parte*, but the judge may vary it at any time upon the application of the debtor or creditor with at least two days notice in writing to the other party. Idem
- (3) Forthwith after an order is made under subsection 1, a copy thereof shall be sent by prepaid mail by the clerk of the court to the judgment creditor or his agent. Copy to  
judgment  
creditor

2. This Act may be cited as *The Wages Amendment Act*, 1960. Short title

*1st Reading*

January 29th, 1960

*2nd Reading*

February 9th, 1960

*3rd Reading*

February 29th, 1960

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MR. ROBERTS

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**BILL 31**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Election Act, 1951**

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MR. BRYDEN

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EXPLANATORY NOTE

The purpose of this Bill is to require central party organizations to file audited statements of their receipts and expenditures on account of election campaigns with the Chief Election Officer, so that they will be available for public inspection.

## An Act to amend The Election Act, 1951

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

1. *The Election Act, 1951* is amended by adding thereto the following sections: 1951, c. 21, amended

204a.—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of the central organization of a political interest represented in the election by more than twenty candidates shall, within six months after the election, be made out by the treasurer or other officer responsible for the accounts of such central organization, audited by a member of The Institute of Chartered Accountants of Ontario or The Certified Public Accountants Association of Ontario and delivered as audited to the Chief Election Officer. Statement of election contributions, expenses, etc.

(2) Every treasurer or other officer who is in default of delivering an audited statement under subsection 1 is liable to a fine not exceeding \$25 for every day during which he is in default. Penalty for default in delivering statement

204b. The Chief Election Officer shall preserve all such statements and shall, during the six months following their delivery to him, permit any voter to inspect them upon payment of a fee of 25 cents. Preservation and inspection of statement

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

3. This Act may be cited as *The Election Amendment Act, 1960*. Short title



An Act to amend  
The Election Act, 1951

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. BRYDEN

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**BILL 32**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Public Lands Act**

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MR. SPOONER

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#### EXPLANATORY NOTES

SECTION 1. This new provision, together with the present section 14 of the Act, will enable the Province to set apart Crown lands as harbour areas for pleasure craft.

SECTION 2. This new section is designed to ensure a proper degree of control over the use of lands in territory without municipal organization.

## An Act to amend The Public Lands Act

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

1. Section 14 of *The Public Lands Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 309, s. 14,  
amended

- (2) The whole or part of any area of public lands covered with water that is set apart for the purposes of a harbour under subsection 1 shall border on public lands not covered with water and such lands or such part thereof as is deemed proper shall be set apart concurrently with the public lands covered with water. Small boat  
anchorages

2. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 309,  
amended

14b.—(1) The Minister may designate any area in territory without municipal organization as a restricted area, and he may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any case as he deems proper. Restricted  
areas

- (2) Except under the authority of a permit issued under this Act, no person shall erect any building or structure or make any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area. Permits

- (3) Every person who erects a building or structure or makes any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. Offences

R.S.O. 1950,  
c. 309,  
amended

**3.** *The Public Lands Act* is amended by adding thereto the following section:

- Penalty for unlawfully taking possession of public lands and erecting buildings, etc.
- 19a.—(1) Any person who enters into possession of public lands without lawful authority and erects any building or structure or makes any improvements thereon is liable to a penalty of an amount equal to twice the market value of the public land so entered as determined by the Minister.
- Recovery of penalty
- (2) A penalty imposed under subsection 1 is recoverable at the suit of the Minister in any court of competent jurisdiction.
- Idem
- (3) If a person fails to pay a penalty imposed upon him under subsection 1 and the Minister brings an action for the recovery of the penalty, it is the duty of the court,
- (a) to determine whether such person is liable to a penalty under subsection 1;
- (b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister;
- (c) to give such judgment as it deems proper; and
- (d) to make such order as to costs or otherwise as it deems proper.
- Saving
- (4) Nothing in this section limits or in any way affects any right or remedy of the Minister or the Crown at common law or under any statute.

R.S.O. 1950,  
c. 309, s. 61,  
amended

**4.** Section 61 of *The Public Lands Act*, as amended by section 2 of *The Public Lands Amendment Act, 1955*, is further amended by adding thereto the following subsection:

- Right of passage over portages
- (4) Where public lands over which a portage has existed or exists have been heretofore or are hereafter sold or otherwise disposed of under this or any other Act, any person travelling on waters connected by the portage has the right to pass over and along the portage with his effects without the permission of or payment to the owner of the lands, and any person who obstructs, hinders, delays or interferes with the exercise of such right of passage is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

SECTIONS 3 and 4. Self-explanatory.

**SECTION 5.** This condition that appeared in certain letters patent issued many years ago is obsolete and is voided in order to remove clouds from titles.

5. Where letters patent granting land to the person or persons therein named have issued containing the proviso "Provided always that if at any time or times hereafter within the space of three years from the date of these presents the said . . . . . by any Deed of Bargain and Sale release, exchange or other conveyance shall grant, bargain, sell, alien, release or convey all or any part of the said parcel or tract of land hereby granted, then and in such case this our Grant for such part of the land so given and granted to the said . . . . . and his heirs as aforesaid shall be null and void anything hereinbefore contained to the contrary thereof in anywise notwithstanding", or in words of like effect, such proviso shall be deemed to be void and of no effect.

Proviso  
in certain  
letters &  
patent void

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

Commence-  
ment

7. This Act may be cited as *The Public Lands Amendment Act, 1960*.

Short title

An Act to amend  
The Public Lands Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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**BILL 32**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Public Lands Act**

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MR. SPOONER

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*(Reprinted as amended by the Committee on Lands and Forests)*

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TORONTO  
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

**SECTION 1.** This new provision, together with the present section 14 of the Act, will enable the Province to set apart Crown lands as harbour areas for pleasure craft.

**SECTION 2.** This new section is designed to ensure a proper degree of control over the use of lands in territory without municipal organization.

## An Act to amend The Public Lands Act

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1. Section 14 of *The Public Lands Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 309, s. 14,  
amended

(2) The whole or part of any area of public lands covered with water that is set apart for the purposes of a harbour under subsection 1 shall border on public lands not covered with water and such lands or such part thereof as is deemed proper shall be set apart concurrently with the public lands covered with water. Small boat  
anchorage

2. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 309,  
amended

14b.—(1) The Minister may designate any area in territory without municipal organization as a restricted area, and he may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any case as he deems proper. Restricted  
areas

(2) Except under the authority of a permit issued under this Act, no person shall erect any building or structure or make any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area. Permits

(3) Every person who erects a building or structure or makes any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. Offences

Exception,  
mines, etc.

- (4) This section does not apply to the erection of buildings or structures or the making of improvements on lands for the purpose of the exploration or development of mines, minerals or mining rights.

R.S.O. 1950,  
c. 309,  
amended

3. *The Public Lands Act* is amended by adding thereto the following section:

Penalty for  
unlawfully  
taking  
possession  
of public  
lands and  
erecting  
buildings,  
etc.

- 19a.—(1) Any person who enters into possession of public lands without lawful authority and erects any building or structure or makes any improvements thereon is liable to a penalty of an amount equal to twice the market value of the public land so entered as determined by the Minister.

Recovery of  
penalty

- (2) A penalty imposed under subsection 1 is recoverable at the suit of the Minister in any court of competent jurisdiction.

Idem

- (3) If a person fails to pay a penalty imposed upon him under subsection 1 and the Minister brings an action for the recovery of the penalty, it is the duty of the court,

- (a) to determine whether such person is liable to a penalty under subsection 1;
- (b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister;
- (c) to give such judgment as it deems proper; and
- (d) to make such order as to costs or otherwise as it deems proper.

Saving

- (4) Nothing in this section limits or in any way affects any right or remedy of the Minister or the Crown at common law or under any statute.

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4. Section 61 of *The Public Lands Act*, as amended by section 2 of *The Public Lands Amendment Act, 1955*, is further amended by adding thereto the following subsection:

Right of  
passage over  
portages

- (4) Where public lands over which a portage has existed or exists have been heretofore or are hereafter sold or otherwise disposed of under this or any other Act, any person travelling on waters connected by the portage has the right to pass over and along the portage with his effects without the permission of or

SECTION 3 and 4. Self-explanatory.

**SECTION 5.** This condition that appeared in certain letters patent issued many years ago is obsolete and is voided in order to remove clouds from titles.

payment to the owner of the lands, and any person who obstructs, hinders, delays or interferes with the exercise of such right of passage is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

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Proviso  
in certain  
letters  
patent void

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

Commence-  
ment

7. This Act may be cited as *The Public Lands Amendment Act, 1960*.

Short title

An Act to amend  
The Public Lands Act

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 16th, 1960

*3rd Reading*

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MR. SPOONER

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*(Reprinted as amended by the  
Committee on Lands and Forests)*



**BILL 32**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Public Lands Act**

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MR. SPOONER

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## An Act to amend The Public Lands 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 14 of *The Public Lands Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 309, s. 14,  
amended

- (2) The whole or part of any area of public lands covered with water that is set apart for the purposes of a harbour under subsection 1 shall border on public lands not covered with water and such lands or such part thereof as is deemed proper shall be set apart concurrently with the public lands covered with water. Small boat  
anchorage

2. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 309,  
amended

14b.—(1) The Minister may designate any area in territory without municipal organization as a restricted area, and he may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any case as he deems proper. Restricted  
areas

- (2) Except under the authority of a permit issued under this Act, no person shall erect any building or structure or make any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area. Permits

- (3) Every person who erects a building or structure or makes any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. Offences

Exception,  
mines, etc.

- (4) This section does not apply to the erection of buildings or structures or the making of improvements on lands for the purpose of the exploration or development of mines, minerals or mining rights.

R.S.O. 1950,  
c. 309,  
amended

3. *The Public Lands Act* is amended by adding thereto the following section:

Penalty for  
unlawfully  
taking  
possession  
of public  
lands and  
erecting  
buildings,  
etc.

- 19a.—(1) Any person who enters into possession of public lands without lawful authority and erects any building or structure or makes any improvements thereon is liable to a penalty of an amount equal to twice the market value of the public land so entered as determined by the Minister.

Recovery of  
penalty

- (2) A penalty imposed under subsection 1 is recoverable at the suit of the Minister in any court of competent jurisdiction.

Idem

- (3) If a person fails to pay a penalty imposed upon him under subsection 1 and the Minister brings an action for the recovery of the penalty, it is the duty of the court,

(a) to determine whether such person is liable to a penalty under subsection 1;

(b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister;

(c) to give such judgment as it deems proper; and

(d) to make such order as to costs or otherwise as it deems proper.

Saving

- (4) Nothing in this section limits or in any way affects any right or remedy of the Minister or the Crown at common law or under any statute.

R.S.O. 1950,  
c. 309, s. 61,  
amended

4. Section 61 of *The Public Lands Act*, as amended by section 2 of *The Public Lands Amendment Act, 1955*, is further amended by adding thereto the following subsection:

Right of  
passage over  
portages

- (4) Where public lands over which a portage has existed or exists have been heretofore or are hereafter sold or otherwise disposed of under this or any other Act, any person travelling on waters connected by the portage has the right to pass over and along the portage with his effects without the permission of or

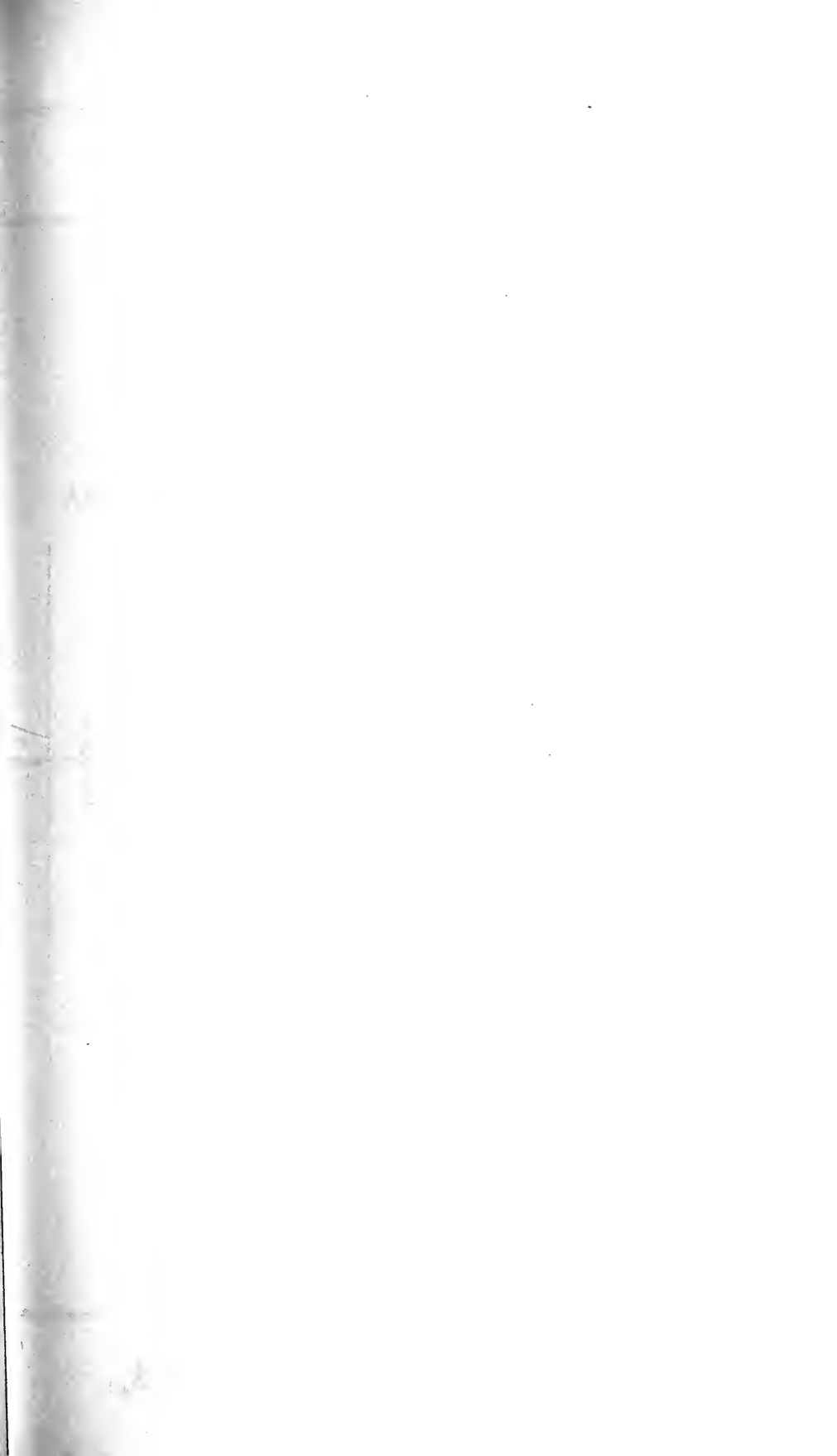
payment to the owner of the lands, and any person who obstructs, hinders, delays or interferes with the exercise of such right of passage is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

5. Where letters patent granting land to the person or persons therein named have issued containing the proviso <sup>Proviso in certain letters patent void</sup> "Provided always that if at any time or times hereafter within the space of three years from the date of these presents the said..... by any Deed of Bargain and Sale release, exchange or other conveyance shall grant, bargain, sell, alien, release or convey all or any part of the said parcel or tract of land hereby granted, then and in such case this our Grant for such part of the land so given and granted to the said ..... and his heirs as aforesaid shall be null and void anything hereinbefore contained to the contrary thereof in anywise notwithstanding", or in words of like effect, such proviso shall be deemed to be void and of no effect.

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

7. This Act may be cited as *The Public Lands Amendment* <sup>Short title</sup> Act, 1960.

THE UNIVERSITY OF CHICAGO  
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*1st Reading*

January 29th, 1960

*2nd Reading*

February 16th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 33**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Surveys Act, 1958**

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MR. SPOONER

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EXPLANATORY NOTE

The power to make regulations is extended by the addition of clauses *b* and *c*.

## An Act to amend The Surveys Act, 1958

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

1. Section 60 of *The Surveys Act, 1958* is repealed and the following substituted therefor: 1958, c. 107,  
s. 60,  
re-enacted

60. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing the methods of performing surveys and for the purpose of illustrating any method by words and sketches, or either of them;
- (b) prescribing the kind and form of monuments used to identify points in surveys and prescribing how and where they are to be used and how they are to be designated on plans of survey;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Surveys Amendment Act, 1960*. Short title

An Act to amend  
The Surveys Act, 1958

*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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**BILL 33**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Surveys Act, 1958**

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MR. SPOONER

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BILL 33

1960

## An Act to amend The Surveys Act, 1958

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

1. Section 60 of *The Surveys Act, 1958* is repealed and the following substituted therefor: 1958, c. 107,  
s. 60,  
re-enacted

60. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing the methods of performing surveys and for the purpose of illustrating any method by words and sketches, or either of them;
- (b) prescribing the kind and form of monuments used to identify points in surveys and prescribing how and where they are to be used and how they are to be designated on plans of survey;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Surveys Amendment Act, 1960*. Short title

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*1st Reading*

January 29th, 1960

*2nd Reading*

February 16th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 34**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Fair Employment Practices Act, 1951**

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MR. GROSSMAN

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**EXPLANATORY NOTE**

The purpose of this Bill is to prohibit discrimination because of age in employment practices wherever age is not an essential consideration.

**An Act to amend  
The Fair Employment Practices Act, 1951**

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

1. *The Fair Employment Practices Act, 1951* is amended by <sup>1951, c. 24, amended</sup> adding thereto the following sections:

5a. No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because of his age, if age is not an essential consideration in the circumstances. <sup>Discrimination as to age</sup>

5b. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the age of any person, if age is not an essential consideration in the circumstances. <sup>Idem</sup>

2. Subsection 1 of section 6 of *The Fair Employment Practices Act, 1951* is amended by inserting after "3" in the <sup>1951, c. 24, s. 6, subs. 1, amended</sup> fourth line "or 3a" and by inserting after "section" in the eighth line "3b or", so that the subsection shall read as follows:

(1) The Minister may on the recommendation of the Director designate a conciliation officer to inquire into the complaint of any person that he has been refused employment, discharged or discriminated against contrary to section 3 or 3a, or that he has been excluded, expelled, suspended or discriminated against contrary to section 4, or that any person has used or circulated any form or published any advertisement or made any inquiry contrary to section 3b or 5. <sup>Conciliation officer, appointment</sup>

3. This Act may be cited as *The Fair Employment Practices Amendment Act, 1960*. <sup>Short title</sup>

An Act to amend  
The Fair Employment Practices Act, 1951

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*1st Reading*

January 29th, 1960

*2nd Reading*

*3rd Reading*

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MR. GROSSMAN

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**BILL 35**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Fair Employment Practices Act, 1951**

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MR. DAVISON

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EXPLANATORY NOTE

The purpose of the amendments is to prevent discrimination in employment because of age, except within the limits set out in the provision added by subsection 2 of section 1 of this Bill.

**An Act to amend  
The Fair Employment Practices Act, 1951**

**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 3 of *The Fair Employment Practices Act, 1951*, c. 24, 1951 is amended by inserting after "his" in the fourth line <sup>s. 3,</sup> amended "age", so that the section shall read as follows:
3. No employer or person acting on behalf of an <sup>Employers</sup> employer shall refuse to employ or to continue to <sup>not to</sup> employ any person or discriminate against any person <sup>discriminate</sup> in regard to employment or any term or condition of <sup>in</sup> employment <sup>employment</sup> because of his age, race, creed, colour, <sup>practices</sup> nationality, ancestry or place of origin.
- (2) The said section 3 is further amended by adding thereto <sup>1951, c. 24,</sup> the following subsection: <sup>s. 3,</sup> amended
- (2) Nothing in subsection 1 prevents an employer from <sup>Exceptions</sup> refusing to employ or to continue to employ a person who is physically incapable of performing the work required, from retiring an employee under a *bona fide* retirement scheme or policy or from varying insurance or pension coverage according to an employee's age.
2. Section 4 of *The Fair Employment Practices Act, 1951* <sup>1951, c. 24,</sup> is amended by inserting after "of" in the third line "age", so <sup>s. 4,</sup> amended that the section shall read as follows:
4. No trade union shall exclude from membership or <sup>Membership</sup> expel or suspend any person or member or dis- <sup>in trade</sup> criminate against any person or member because of <sup>union</sup> age, race, creed, colour, nationality, ancestry or place of origin.

1951, c. 24,  
s. 5,  
amended

**3.** Section 5 of *The Fair Employment Practices Act, 1951* is amended by inserting after "the" in the fifth line "age", so that the section shall read as follows:

Employment  
applications  
and adver-  
tisements  
not to  
discriminate

5. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry which expresses either directly or indirectly any limitation, specification or preference as to the age, race, creed, colour, nationality, ancestry or place of origin of any person.

Short title

**4.** This Act may be cited as *The Fair Employment Practices Amendment Act, 1960*.









An Act to amend  
The Fair Employment Practices Act, 1951

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*1st Reading*

February 1st, 1960

*2nd Reading*

*3rd Reading*

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MR. DAVISON

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**BILL 36**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**The Professional Engineers Act, 1960**

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MR. ROBERTS

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#### EXPLANATORY NOTES

GENERAL—This is the first comprehensive revision of this Act which was first passed in 1922.

The changes made are designed to facilitate the Association of Professional Engineers of the Province of Ontario in the administration of its affairs and to bring the Act up to date in form and substance.

It is to be noted that the public continues to be protected as all by-laws of the Association must be approved by the Lieutenant-Governor in Council and the members of the profession continue to be protected as all by-laws must be approved by a majority vote of the membership of the Association.

The changes in principle are explained in the notes opposite the sections concerned.

SECTION 1. Aside from editorial changes in the interests of clarity and to conform with modern parliamentary drafting practices, the section, with two exceptions, is unchanged.

First, "person" is defined in order to restrict its ordinary statutory meaning as including a corporation.

Second, the definition of "prospector" is new. It is needed for the purposes of section 22(d) of the Bill.

## The Professional Engineers Act, 1960

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) "Association" means the Association of Professional Engineers of the Province of Ontario;
- (b) "board" means the board of examiners of the Association;
- (c) "council" means the council of the Association;
- (d) "graduate" means a graduate from a university recognized by the council in a branch of engineering or science, the practice of which constitutes professional engineering; R.S.O. 1950, c. 292, s. 1, cls. (a-d).
- (e) "licensed" means that permission has been granted by the council to a non-resident engineer to practise temporarily without being registered, and "licence" means the official certificate under the seal of the Association evidencing such permission, and "licen-see" means a person to whom such permission has been granted; R.S.O. 1950, c. 292, s. 1, cl. (e), *amended*.
- (f) "person" means a natural person; *New*.
- (g) "professional engineer" means a person who practises professional engineering; R.S.O. 1950, c. 292, s. 1, cl. (h).
- (h) "professional engineering" means the advising on, the reporting on, the designing of, or the supervising of the construction of, public utilities, industrial

works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating docks, dredges, cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steel, concrete or reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric apparatus, electrical communication systems or equipment, mineral property, mining machinery, mining development, mining operations, gas or oil developments, smelters, refineries, metallurgical machinery, or equipment or apparatus for carrying out such operations, machinery, boilers or their auxiliaries, steam engines, hydraulic turbines, pumps, internal combustion engines or other mechanical structures, chemical or metallurgical machinery, apparatus or processes, or aircraft, or generally all other engineering works, including engineering works and installations related to airports, airfields or landing strips or related to town and community planning; R.S.O. 1950, c. 292, s. 1, cl. (i), *amended*.

- (i) "prospector" means a person who prospects or explores for minerals; *New*.
- (j) "registered" means that an engineer has been admitted to membership in the Association and that his name has been enrolled in the register, and "certificate of registration" means the official certificate under the seal of the Association evidencing the same;
- (k) "registrar" means the registrar of the Association;
- (l) "secretary" means the secretary or the secretary-treasurer of the Association;
- (m) "undergraduate" means a student enrolled at but not graduated from a university recognized by the council in a course in a branch of engineering or science, the practice of which constitutes professional engineering. R.S.O. 1950, c. 292, s. 1, cls. (j-m).

Who  
constitutes  
the  
Association

2.—(1) All persons registered as professional engineers under a predecessor of this Act when this Act comes into force or thereafter registered as professional engineers under this Act constitute the "Association of Professional Engineers of



SECTIONS 2-7. No change in substance.

THE UNIVERSITY OF CHICAGO  
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the Province of Ontario", a body politic and corporate incorporated by *The Professional Engineers Act, 1922*, which 1922, c. 59 is hereby continued. R.S.O. 1950, c. 292, s. 3 (1), *amended*.

(2) The head office of the Association shall be at the City Head office of Toronto.

(3) The Association may purchase, acquire or take by gift, <sup>Property rights</sup> devise, bequest or donation for the purposes of the Association and the furtherance of its objects, but for no other purposes or objects, and may sell, mortgage, lease or otherwise dispose of, any real or personal property. R.S.O. 1950, c. 292, s. 3 (2, 3).

(4) All fees and penalties receivable and recoverable under <sup>Fees, penalties</sup> this Act or the by-laws of the Association belong to the Association. R.S.O. 1950, c. 292, s. 3 (4), *amended*.

**3.**—(1) For the purposes of representation upon the council <sup>Branches</sup> and for the registration and for such purposes only as are set out in this Act, the membership of the Association shall be divided into the following branches:

1. Civil.
2. Mechanical, Aeronautical and Industrial.
3. Chemical and Metallurgical.
4. Electrical.
5. Mining and Geology. 1954, c. 73, s. 1, *amended*.

(2) Additional branches may be established by the Lieutenant Governor in Council upon the petition of not fewer than <sup>Additional branches</sup> 100 members of the Association, if the petition is approved by the council, or upon petition of not fewer than 200 members of the Association, if such approval is not obtained. R.S.O. 1950, c. 292, s. 7.

**4.**—(1) The council shall consist of a president, a first <sup>Council</sup> vice-president, a second vice-president, an immediate past-president and three councillors from each branch of the Association, all of whom shall be members of the Association and resident in Ontario.

(2) The president, who shall be elected annually by vote <sup>President</sup> of the members of the Association, shall hold office until his successor is elected, shall act as presiding officer at the meetings of the council and of the Association, voting only when the votes are evenly divided, and, on his retirement, shall hold office as a councillor for the next following year.

Vice-presidents

(3) The vice-presidents shall be elected annually by vote of the members of the Association, and the first vice-president has all the powers of the president during his absence, and the second vice-president has all the powers of the president during the absence of the president and the first vice-president, but, if the second vice-president resides in Toronto and the first vice-president does not, the council may by resolution authorize the second vice-president to exercise all or any of the powers of the president while the president and first vice-president are absent from Toronto.

Councillors

(4) Two councillors shall be elected annually from each branch of the Association by the votes of the members in each respective branch, but any member registered before the 4th day of June, 1946, in more than one branch may vote in only one branch according to his selection, and he may transfer his vote to any other branch in which he is registered with the approval of the council, and one councillor from each branch of the Association shall be appointed by the Lieutenant Governor in Council for a term not exceeding five years. R.S.O. 1950, c. 292, s. 8 (1-4), *amended*.

Vacancies

(5) In case of the death, resignation or incapacity of the president, a vice-president or a councillor, the office shall be declared vacant by the council, and, except in the case of a councillor appointed by the Lieutenant Governor in Council, the council shall fill the vacancy in such manner as is provided by the by-laws of the Association for the balance of the term, and absence from three consecutive meetings may be treated by the council as incapacity.

Idem

(6) In the case of a vacancy in the office of a councillor appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may fill the vacancy. R.S.O. 1950, c. 292, s. 8 (6, 7), *amended*.

Powers of councillors

5.—(1) Subject to subsection 2, the councillors representing each branch shall control the conditions for registration and for licensing in their respective branches, including credentials, examinations and exemptions.

Over-riding powers of council

(2) The council may review the establishment of and the carrying out of the conditions for registration as administered by the councillors under subsection 1, and may require the councillors representing any branch to modify their administration in order to maintain a standard of such conditions satisfactory to the council.

Residual powers of council

(3) The revocation of certificates, the re-issuing of certificates, the questions of discipline, fines, suspensions, expulsions,



SECTION 8—Subsection 1. The only substantial change in this section is that heretofore the Association's funds not required for current purposes may be invested in securities authorized by law for the investment of trust funds.

Clause *o* extends the powers of investment as has been done in the case of many church and hospital organizations and the like.

finance, overlapping of practice in branches, and all matters not coming within subsection 1, shall be dealt with by the council. R.S.O. 1950, c. 292, s. 9, *amended*.

6. No action shall be brought against the council or any member or officer thereof for anything done under this Act or under any by-law passed in accordance therewith. R.S.O. 1950, c. 292, s. 29. No action  
against  
council

7. The council shall appoint a registrar and a secretary and a treasurer who shall hold office during the pleasure of the council and any two or more of such offices may be held by one person. R.S.O. 1950, c. 292, s. 8 (5). Registrar,  
secretary,  
etc.

8.—(1) The council may pass by-laws for, By-laws,  
general

- (a) the admission and registration of members and the recording of licensees, and of graduates and undergraduates; R.S.O. 1950, c. 292, s. 4 (1), cl. (a), *amended*.
- (b) the keeping of a register of members and a record of licensees, graduates and undergraduates; R.S.O. 1950, c. 292, s. 4 (1), cl. (d), *amended*.
- (c) prescribing a code of professional ethics; R.S.O. 1950, c. 292, s. 4 (1), cl. (b).
- (d) defining "unprofessional conduct", "gross negligence", "incompetence" and "serious criminal offence" for the purposes of this Act and the by-laws; R.S.O. 1950, c. 292, s. 4 (1), cl. (c), *amended*.
- (e) the government and discipline of the members;
- (f) the election of the council;
- (g) the fixing of dates and places of meeting of the Association and the council;
- (h) the remuneration and reimbursement of members of the council;
- (i) the election or appointment of the officers of the Association; R.S.O. 1950, c. 292, s. 4 (1), cls. (e-i).
- (j) the fixing, levying and collecting of a fee on each application for registration as a member or for a licence to practise or for recording as a licensee, graduate or undergraduate, and the fixing, levying

and collecting of an annual fee from each member or licensee; R.S.O. 1950, c. 292, s. 4 (1), cl. (j); 1952, c. 79, s. 1, *amended*.

- (k) the management of the property of the Association; R.S.O. 1950, c. 292, s. 4 (1), cl. (k).
- (l) prescribing the powers and duties of the registrar and the secretary; *New*.
- (m) the establishment of scholarships, bursaries and prizes;
- (n) instituting and providing means for increasing the knowledge and skill of professional engineers, for advancing their status and well-being, and for maintaining a high standard of professional ethics among them; R.S.O. 1950, c. 292, s. 4 (1), cls. (l, m).
- (o) the application of the funds of the Association for the purposes aforesaid and the furtherance of its objects, and the investment and re-investment of any of its funds not immediately required as aforesaid in any investments or securities that may from time to time be authorized investments for joint stock insurance companies and cash mutual insurance corporations under *The Corporations Act, 1953*; R.S.O. 1950, c. 292, s. 4 (1), cl. (n), *amended*.
- (p) generally all such purposes as are deemed necessary or convenient for the management of the Association and the conduct of its business. R.S.O. 1950, c. 292, s. 4 (1), cl. (o).

1953, c. 19

By-laws,  
specialists

(2) The council may pass by-laws for the establishment of a system of classification of professional engineers who are members of the Association or licensed to practise and who because of special training or qualifications are specialists in any branch of professional engineering, and in any such by-law may,

- (a) define the nature of the various classes of specialists in the various branches;
- (b) prescribe the qualifications required of specialists in the various classes;
- (c) provide for the designation of specialists upon application and examination or otherwise and for the suspension or revocation of any such designation;



Subsection 2. This provision is new. It is designed to authorize by-laws providing a proper degree of control of those members of the Association who undertake independent work in specialist fields.

Subsection 3. In order to provide encouragement for men and women technicians and technologists, the Association has developed a plan of certification in four grades: Engineering Technicians, Grade 1, Grade 2, and Grade 3, and Engineering Technologist. Qualifications for each grade have been worked out in a manner that fits into the educational system of Ontario.

This subsection formalizes the plan and protects the designations "certified engineering technician" and "certified engineering technologist".

Certification is not compulsory.

Provision is also made on the same basis for a class to be known as "engineering draftsman" which may be established in the future should conditions warrant.

- (d) regulate and prohibit the use of terms, titles or designations by professional engineers indicating specialization in any particular field or indicating a right to practise as an independent consultant;
- (e) fix and provide for the levying and collecting of a fee on each application for designation as a specialist and fix and provide for the levying and collecting of an annual fee from each person designated as a specialist.

(3) The council may pass by-laws for the establishment of a register of persons as engineering technologists, engineering technicians or engineering draftsmen, who are not members of the Association or licensed to practise, and in any such by-law may,

- (a) provide for the certification of engineering technologists, engineering technicians or engineering draftsmen;
- (b) prescribe the conditions of and qualifications for certification;
- (c) prescribe the examinations to be passed by applicants for certification and provide for the conduct of such examinations;
- (d) provide for the establishment and maintenance of a register of engineering technologists, engineering technicians or engineering draftsmen;
- (e) provide for the discipline and control of persons certified as engineering technologists, engineering technicians or engineering draftsmen, including the adoption and enforcement of a code of ethics;
- (f) provide for the investigation of any complaint that a person so certified has been guilty of misconduct or displayed such incompetence as to render it desirable in the public interest that his certification should be cancelled or suspended, and provide for suspension or cancellation of certification of any person who has been guilty of gross negligence or incompetence or continued breach of the by-laws of the Association, or any of them, and defining misconduct for the purpose of such by-laws;
- (g) fix and provide for the levying and collecting of a fee on each application for certification and fix and provide for the levying and collecting of an annual fee from each person so certified;

By-laws,  
tech-  
nologists,  
etc.

- (h) institute and provide means for increasing the knowledge and skill of engineering technologists, engineering technicians or engineering draftsmen, for advancing their status and well-being, and for maintaining a high standard of ethics among them;
- (i) provide for the application of the funds of the Association for the purposes aforesaid;
- (j) provide for the establishment of a panel of examiners or board of governors or advisory board for the purposes of certification of engineering technologists, engineering technicians or engineering draftsmen, and provide for the powers and duties of any such panel or board. *New.*

Approval  
of by-laws

(4) No by-law passed by council on or after the 4th day of June, 1946, is valid or shall be acted upon,

- (a) until it has been submitted to the members of the Association for approval by means of a letter-ballot returnable within thirty days after the mailing thereof and unless a majority of those voting within the prescribed time have approved it; and
- (b) until it has been approved by the Lieutenant Governor in Council. R.S.O. 1950, c. 292, s. 5, *amended.*

Interpre-  
tation of  
by-laws

(5) As between members of the Association, the ruling of the council on the construction and interpretation of its by-laws is final. R.S.O. 1950, c. 292, s. 4 (2).

Qualifica-  
tions for  
member-  
ship

9.—(1) Every applicant for membership who,

- (a) is resident in Ontario;
- (b) is of the full age of twenty-one years or over;
- (c) has passed the examinations prescribed by the council or is exempted therefrom pursuant to this Act;
- (d) has had six years or more experience in engineering work satisfactory to the council; and
- (e) provides satisfactory evidence of good character,

shall be registered by the council as a member. R.S.O. 1950, c. 292, s. 10 (1), *amended.*

Subsections 4 and 5. No change.

**SECTION 9.** In clause *e* of subsection 1 the experience requirement is increased from five to six years to conform with the requirement in all other provinces of Canada.

Otherwise the section is unchanged in principle.



(2) Every applicant for membership shall submit upon the forms prescribed by the council evidence of his educational qualifications and engineering experience, a proper certificate as to his age, such information as is required as to his residence, and at least three references as to his character and engineering experience, and he may be required by the council to verify the statements set out in his application by affidavit or statutory declaration. Evidence of qualification

(3) Every application for membership shall state the branch in which the applicant desires to be enrolled and the application shall be referred to those members of the council who represent that branch for their consideration, and such councillors or a majority of them shall report to the council as to whether or not they consider the engineering experience of the applicant to be satisfactory. Reference to councillors representative of branch

(4) If the applicant is a graduate in any branch of engineering or of science, the practice of which constitutes professional engineering, from a university recognized by the council, the applicant, upon presenting evidence of the actual time during which he was under instruction in the university, shall be granted the time spent under such instruction in reduction of the period of engineering experience mentioned in clause *d* of subsection 1, but the total exemption granted shall not exceed four years. Credit for time at university

(5) In determining the exemptions to be prescribed for the applicant, regard shall be had to whether or not he is a graduate of a university recognized by the council and to the examinations that he has passed to obtain his degree, and the council, on the advice of its members representing the branch to which the applicant seeks admission, or a majority of its members, may, having regard to the examinations passed by the applicant to obtain his university degree, grant exemption to him from the prescribed examinations required for registration as a member of the Association or from some of such examinations: R.S.O. 1950, c. 292, s. 10 (2-5), *amended*. Credit for university examinations

(6) A person applying for membership who has served in an engineering capacity with the armed forces of Canada or her allies during World War II shall be granted as part of the term of employment required before registration the whole time of such service or such part thereof as the council directs. R.S.O. 1950, c. 292, s. 17. Members of the armed forces

(7) Any person resident in Ontario, who is a registered member of an association of professional engineers in any province or territory of Canada similarly constituted to the Association, may upon application to the council be admitted Members of associations of other provinces

to membership upon satisfactory proof of such residence and of membership in such association. R.S.O. 1950, c. 292, s. 11, *amended*.

Members of  
other  
associations

(8) Any person resident in Ontario, who is a registered member of an association or institute in any part of the Commonwealth or in the United States of America similarly constituted to the Association and that grants reciprocal privileges, may upon application to the council be admitted to membership upon satisfactory proof of such residence and of membership in such association or institute. R.S.O. 1950, c. 292, s. 12, *amended*.

False  
registration

**10.** No person shall wilfully procure or attempt to procure for himself registration as a member of the Association by making, producing or causing to be made or produced any false representation or declaration, either verbal or written, and no person shall knowingly aid and assist him therein. R.S.O. 1950, c. 292, s. 32, *amended*.

Members'  
seals

**11.**—(1) Every member of the Association shall have a seal, the impression of which shall contain the name of the engineer and the words "Registered Professional Engineer" and "Province of Ontario", with which seal he shall stamp all official documents and plans, and the design of such seal shall be approved by the council. R.S.O. 1950, c. 292, s. 16 (2).

Idem

(2) Every such seal is the property of the Association and shall be returned forthwith by the member to the registrar when his membership ceases. *New*.

Certificate  
of member-  
ship

**12.**—(1) The registrar shall issue to every member on admission to the Association a certificate of membership signed by the president or a vice-president and the registrar, and bearing the seal of the Association.

Idem

(2) Every member shall keep his certificate of membership prominently displayed in his place of business.

Idem

(3) Every certificate of membership is the property of the Association and shall be returned forthwith by the member to the Association when his membership ceases. R.S.O. 1950, c. 292, s. 22 (1-3).

Recovery of  
annual fee

**13.** The annual fee due from a member is a debt due the Association and is recoverable with costs from such member in the name of the Association in any court of competent jurisdiction. R.S.O. 1950, c. 292, s. 24, *amended*.



SECTION 10. No change in substance.

SECTION 11—Subsection 1. No change.

Subsection 2. This requirement is new. It is considered just as important to have the seal returned as to have the certificate of membership returned when a person ceases to be a member of the Association. See section 12(3).

SECTIONS 12-21. No change in substance.



14.—(1) Where the annual fee of any member is not paid within six months from the date upon which it became due, the secretary shall send a written notice of such default by registered mail to the member's last known address as shown on the register, and, if payment is not made within one month thereafter, the registrar, upon the direction of the council, shall cause the name of the member to be erased from the register and thereupon the member ceases to be a member. <sup>Default in payment of fee</sup>

(2) Any member whose fees are paid up who desires to resign from the Association shall send written notice thereof to the secretary, whereupon the registrar shall cause the name of the member to be erased from the register and thereupon the member ceases to be a member. <sup>Resignation</sup>

(3) Any member who ceased to be a member under subsection 1, upon payment of the fees owing at the time he ceased to be a member and the fee for the current year, or any member who ceased to be a member under subsection 2, upon payment of the fee for the current year, and in either case upon production of evidence of good character satisfactory to the council, shall be re-admitted as a member. R.S.O. 1950, c. 292, s. 25. <sup>Re-admission</sup>

15. Undergraduates and graduates, who have not completed the six years of engineering experience required by this Act and who contemplate applying for registration on the completion of such experience, may be recorded with the Association, but not as members until fully qualified, and upon being recorded are subject to the control of the council and to the by-laws of the Association. R.S.O. 1950, c. 292, s. 13, *amended*. <sup>Recording of graduates</sup>

16.—(1) Any person resident in Canada outside Ontario, who is a registered member of an association of engineers of any other province or territory of Canada that is similarly constituted to the Association, may upon application obtain from the registrar a licence to practise as a professional engineer in Ontario upon production of evidence of his registry in such other province or territory. <sup>Licences to practice, residents of Canada</sup>

(2) Any person not resident in Canada, who in the opinion of the members of council in a branch is recognized as a consulting specialist in such branch of engineering and has had not fewer than ten years experience in the practice of his profession or who presents evidence to satisfy such members of council that he has qualifications equal to those required for registration in such branch of the profession, may, with the approval of the members of council in such branch, be granted a licence to practise in that branch. <sup>residents of foreign countries</sup>

residents  
where no  
association

(3) Any person, who is a professional engineer and who is resident in a province or territory of Canada in which there is no association of engineers that is similarly constituted to the Association, may be granted a licence to practise in a branch of engineering, if the members of council representing such branch approve. R.S.O. 1950, c. 292, s. 14 (1-3), *amended*.

Conditions  
of licence

(4) The registrar shall issue a licence to practise to every person entitled thereto and the licence shall specify the work upon which and the name of the employer in Ontario by whom the licensee is to be employed and the period for which it is issued, which period shall in no case extend beyond the end of the calendar year in which the licence is issued. R.S.O. 1950, c. 292, s. 22 (4), *amended*.

Appeal to  
judge

**17.** Where the council refuses,

- (a) to register an applicant for membership;
- (b) to register an applicant for re-admission; or
- (c) to issue a licence to practise to an applicant therefor,

the person aggrieved may apply to a judge of the Supreme Court who upon due cause shown may make an order directing the council to register the name of such person as a member or to grant him a licence to practise or may make such other order as may be warranted by the facts, and the council shall forthwith comply with such order and such order is final. R.S.O. 1950, c. 292, s. 26.

Board of  
examiners

**18.** The council shall appoint annually a board of examiners from nominations made by the members of the council representing each of the branches. R.S.O. 1950, c. 292, s. 19.

Examina-  
tions to be  
held  
annually

**19.**—(1) Examinations of candidates for registration or for a licence to practise shall be held at least once in every year at such place or places as the council directs.

Nature of  
examinations

(2) The board shall, subject to the approval of the council, prescribe the scope of the examinations and the methods of procedure, with special regard to the applicant's ability to design and supervise engineering works that will ensure the safety of life and property.

Examination  
of  
credentials

(3) The board shall examine all degrees, diplomas, certificates and other credentials presented for the purpose of obtaining registration or a licence to practise if referred to them by the council, and may require the holder of such

degree, diploma, certificate or other credentials to attest on oath, orally or by affidavit, concerning the matter of his application.

(4) Each candidate shall submit to an examination before the board, or before such members of the board as are deputed by the council to conduct such examination, on such branch or branches of professional engineering as the candidate selects. <sup>Examination of candidates</sup>

(5) As soon as possible after the close of each examination, the members of the board who have conducted it shall make and file with the secretary a certificate stating the results of such examination, whereupon the council shall notify each candidate of the result of his examination and of their decision upon his application. <sup>Results of examination</sup>

(6) A candidate failing on examination may after an interval of not less than nine months be examined again. <sup>Re-examination</sup>

(7) The council shall from time to time prescribe the fees payable by candidates for examination, which fees shall be paid in advance by the candidates. R.S.O. 1950, c. 292, s. 20, *amended*. <sup>Fees</sup>

**20.** The council may establish jointly with the council of any association similarly constituted in one or more of the provinces or territories of Canada a central examining board, and may delegate to such central examining board all or any of the powers or duties possessed by the council or the board respecting the examinations of candidates for admission to practise, provided that any examination conducted by such central examining board shall be held in at least one place in Ontario. R.S.O. 1950, c. 292, s. 21, *amended*. <sup>Central examining board</sup>

**21.—**(1) The council may, in its discretion, suspend or cancel the membership or licence of any person who has been guilty of unprofessional conduct, or of gross negligence or incompetence or of continued breach of the by-laws of the Association, or who has been convicted of a serious criminal offence by a court of competent jurisdiction, or may reprimand or censure any such member or licensee. <sup>Suspension, expulsion</sup>

(2) The council shall not take any such action until after a complaint under oath has been filed with the secretary or the registrar, and a copy forwarded to the member or licensee accused, who shall be given an opportunity of submitting evidence in his defence, and the council shall not suspend or cancel a membership or licence without having previously summoned the member or licensee to appear before the council, <sup>Procedure</sup>

nor without having heard evidence under oath offered in support of the complaint and on behalf of the member or licensee accused.

Powers of council

R.S.O. 1950,  
c. 308

(3) In the exercise of its powers and duties under this section, the council has all the powers that may be conferred upon commissioners under *The Public Inquiries Act* and all the evidence given in any proceeding under this section shall be taken in writing or by a shorthand reporter.

Appeal

(4) Any person whose membership or licence has been suspended or cancelled under this section may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order, and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of a Supreme Court judge presiding at a trial, and the Court of Appeal has power to confirm, vary, vacate or set aside such order or to make such other order as it deems just and to make an order for payment of the costs of the appeal.

Pending appeal

(5) Pending an appeal, the member or licensee whose membership or licence is suspended or cancelled may continue to practise, but, unless the order of suspension or cancellation is set aside, he shall not practise after the appeal has been disposed of, except that, in the case of a suspension, he may practise upon and after the expiry of the period of suspension. R.S.O. 1950, c. 292, s. 28, *amended*.

What the Act does not prevent

**22.** Nothing in this Act prevents or shall be deemed to prevent,

(a) any person from performing his duties in Her Majesty's armed forces;

R.S.O. 1950,  
c. 21

(b) any member or licensee of the Ontario Association of Architects under *The Architects Act* or any employee of such member or licensee acting under the direction and responsibility of such member or licensee from performing professional engineering services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an architect;

R.S.O. 1950,  
c. 265

(c) any person from practising his trade or calling of a stationary engineer who holds a certificate under *The Operating Engineers Act* or from so designating himself;

SECTION 22. This replaces section 2 of the present Act. It is the same in principle with two exceptions:

First, clause *e* of the present section 2 is deleted. This exempts from the Act persons who advise or report on mining claims, mining operations, gas and oil developments, smelters, refineries, etc. This deletion, together with section 31(2) of this bill, are designed to provide, in the public interest, a proper degree of control in this field.

Second, prospectors, as defined in section 1(*i*), are expressly exempted from the Act by clause (*d*).

SECTION 23. No change in substance.

SECTION 24—Subsection 1. No change.

Subsection 2. In the case of a partnership, the subsection as amended requires the practice of engineering to be done under the supervision of a partner who is a member of the Association or is licensed to practise by the Association.

SECTIONS 25 and 26. No change in substance.



- (d) any person from practising his profession, trade or calling as a bacteriologist, chemist, geologist, mineralogist, physicist or prospector; or
- (e) any person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master,

or to require any such person to become registered or licensed under this Act to so perform or practise. R.S.O. 1950, c. 292, s. 2, *amended*.

**23.** Only a person who is a member of the Association or who has obtained a licence is entitled to use the designation "Professional Engineer" or "Registered Professional Engineer", or any abbreviation thereof, or, except as otherwise provided in this Act, to use the designation "Engineer", or any abbreviation thereof, in such context or in such manner as to lead to the belief that he is a professional engineer. R.S.O. 1950, c. 292, s. 16 (1), *amended*.

Un-authorized use of designations prohibited

**24.—(1)** A partnership, an association of persons or a corporation as such is not entitled to be a member of the Association or to be licensed to practise.

Partnerships, etc., not to be members

(2) Notwithstanding anything in this Act, a partnership, an association of persons or a corporation may practise professional engineering in its own name if one of its principal and customary functions is to practise professional engineering and the practice is done under the responsibility and supervision of a member of the partnership or association or a director of the corporation who is a member of the Association or is licensed to practise, or, in the case of a corporation, if the practice is done under the responsibility and supervision of a full-time permanent employee of the corporation who is a member of the Association or is licensed to practise. 1952, c. 79, s. 2, *amended*.

Partnerships, etc., right to practise

**25.** Any person who is employed as a professional engineer by a public service corporation, public utility or government department, who is by reason of his employment required to practise as a professional engineer in provinces other than that of his residence, may so practise in Ontario without holding a licence, if he can on the demand of the council produce credentials satisfactory to the council showing that he is a member of an association of engineers that is similarly constituted in another province or territory of Canada. R.S.O. 1950, c. 292, s. 15, *amended*.

Public service engineers

Unlawful  
practices

**26.** No person, not being registered as a member of the Association or licensed to practise,

- (a) shall practise professional engineering;
- (b) shall use, verbally or otherwise, the designation "Professional Engineer", or make use of any addition to or abbreviation thereof, or of any words, name or designation that may lead to the belief that he is a professional engineer or a member or licensee of the Association, or use the designation "Engineer" in a manner that may lead to the belief that he is a professional engineer or a member or licensee of the Association; or
- (c) shall advertise or hold himself out or conduct himself in any way or by any means as a professional engineer or a member or licensee of the Association. R.S.O. 1950, c. 292, s. 30, *amended*.

Idem

**27.** No person, not being certified by the Association under a by-law passed under subsection 3 of section 8, and no corporation, partnership or association of persons,

- (a) shall use the designation "Certified Engineering Technologist" or "Certified Engineering Technician" or "Certified Engineering Draftsman";
- (b) shall advertise or hold himself out or conduct himself in any way or by any means as a person who has been certified by the Association as an engineering technologist, engineering technician or engineering draftsman; or
- (c) shall use, verbally or otherwise, any name, title, description or designation implying or that may lead to the belief that he is certified by the Association as an engineering technologist, engineering technician or engineering draftsman. *New*.

Idem

**28.—(1)** No partnership, association of persons or corporation,

- (a) shall practise professional engineering;
- (b) shall use, verbally or otherwise, any name, title, description or designation that will lead to the belief that such partnership, association of persons or corporation is entitled to practise professional engineering; or

**SECTION 27.** This section is new. It is complementary to section 8(3) of this Bill.

**SECTIONS 28-30.** These sections are designed to provide a proper degree of control over the practice of professional engineering in Ontario, especially over those who come into Ontario from other countries without regard for or knowledge of our practices.

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- (c) shall advertise, hold out or conduct itself in any way implying or intending to lead to the belief that such partnership, association of persons or corporation is entitled to practise professional engineering.

(2) No partnership, association of persons, corporation or <sup>Saving</sup> person shall be convicted of an offence for the contravention of subsection 1 if such partnership, association of persons or corporation may practise professional engineering in its own name under subsection 2 of section 24. *New.*

**29.** No person, partnership, association of persons or <sup>Idem</sup> corporation,

- (a) shall knowingly direct or permit on his or its behalf any servant, agent, employee or member to advise on, report on, design or supervise the construction of any of the works or things described in clause *h* of section 1 unless such servant, agent, employee or member,

(i) if a person, is registered as a member of the Association or is licensed to practise, or

(ii) if a partnership, association of persons or corporation, is entitled to practise professional engineering under subsection 2 of section 24;  
or

- (b) shall knowingly cause or permit any servant, agent, employee or member to use with relation to his employment or agency the designation "Professional Engineer" or any addition to or abbreviation thereof or any words, name or designation that may lead to the belief that such servant, agent, employee or member is a professional engineer or a member or licensee of the Association or to use the designation "Engineer" in a manner that may lead to the belief that such servant, agent, employee or member is a professional engineer or a member or licensee of the Association unless such servant, agent, employee or member,

(i) if a person, is registered as a member of the Association or is licensed to practise, or

(ii) if a partnership, association of persons or corporation, is entitled to practise professional engineering under subsection 2 of section 24;  
or

- (c) shall knowingly advertise or hold out any person, partnership, association of persons or corporation as a professional engineer or a member or licensee of the Association unless such person is registered as a member of the Association or is licensed to practise, or, if a partnership, association of persons or corporation, is entitled to practise engineering under subsection 2 of section 24. *New.*

Idem

**30.** No incorporated or unincorporated association or organization shall use the designation "Professional Engineer" or "Engineer" or make use of any addition to or abbreviation of such designation in its name or shall make use in any way of any words, name, title or designation that may lead to the belief that members of such association or organization are professional engineers or members or licensees of the Association unless all members of such association or organization are members or licensees of the Association. *New.*

Idem

**31.—(1)** No person, partnership, association of persons or corporation shall make, construct or otherwise execute, or cause to be made, constructed or executed, in Ontario, any works or things of the nature described in clause *h* of section 1,

- (a) unless the plans and specifications for such works or things have been prepared by a person or persons who are members of the Association or who are licensed to practise; or
- (b) unless the plans and specifications for such works or things have been prepared by a person or persons who are duly authorized to practise professional engineering under the laws of the country or the province or territory of Canada in which such plans and specifications have been prepared and such person or persons do not come into Ontario for any purposes related to such works,

and unless such works are made, constructed or executed in Ontario under the direct responsibility and supervision of a professional engineer who is a member of the Association or is licensed to practise.

Idem

(2) No person, partnership, association of persons or corporation shall submit any advice with respect to or any report upon any works or things in Ontario of the nature described in clause *h* of section 1 to any person in Ontario, and no person, partnership, association of persons or cor-

SECTION 31—Subsection 1. The present Act does not permit control of plans and specifications for structures that come into Ontario from outside Ontario. This provision is designed to provide a proper degree of control.

Subsection 2. This provision is also new and is similar in principle to subsection 1 but deals with mining reports, etc.

**SECTION 32.** The penalty provisions which appear throughout the present Act are consolidated in this section.



poration shall file such advice or report with any public board or commission in Ontario, and no such advice or report shall be acted upon by any person in Ontario,

- (a) unless such report or advice has been prepared and given by a person or persons who are members of the Association or are licensed to practise; or
- (b) unless such report or advice has been prepared and given by a person or persons who are duly authorized to practise professional engineering under the laws of the country or the province or territory of Canada in which such report or advice has been prepared and such person or persons do not come into Ontario for any purposes related to such report or advice,

and unless, in all cases where action upon such report or advice constitutes the practise of professional engineering, such reports or advice are acted upon in Ontario under the direct responsibility and supervision of a professional engineer who is a member of the Association or licensed to practise.

(3) This section does not relieve any person from compliance with any other Act or regulation or municipal by-law passed thereunder. *New.* Other laws  
not affected

**32.**—(1) Every person who contravenes any provision of this Act or of a licence to practise is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 for a first offence and to a fine of not less than \$200 and not more than \$1,000 or to imprisonment for not more than three months, or both, for any subsequent offence. Offences  
and  
penalties

(2) Where a corporation has contravened any provision in this Act, the corporation and every officer and director of the corporation shall be deemed to have been a party to the contravention and guilty of the offence and on summary conviction are each liable to the penalties enumerated in subsection 1. *New.* Idem,  
corporations

(3) Where a partnership, an association of persons or an unincorporated association or organization has contravened any provision of section 29, 30 or 31, every person who is an officer or director thereof and every person who is a member thereof at the time of such contravention is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 for a first offence and to a fine of not less than \$200 and not more than \$1,000 or to imprisonment for not more than three months, or both, for any subsequent offence. 1952, c. 79, s. 3, *amended.* Idem,  
partnerships,  
etc.

Certificate  
as evidence

**33.** A certificate purporting to be signed by the registrar under the seal of the Association is admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the registrar and without proof of the seal. *New.*

Disposition  
of fines

**34.** Every fine recovered for an offence against this Act shall be paid over by the convicting magistrate to the Association. R.S.O. 1950, c. 292, s. 33.

Contra-  
vention of Act,  
limitation  
on  
proceedings

**35.** No proceedings shall be commenced for contravention of any of the provisions of this Act or the conditions of a licence after one year from the date of the committing of such contravention. R.S.O. 1950, c. 292, s. 34, *amended.*

Idem,  
restraint  
by action

**36.** Where it appears that any person, partnership, association of persons or corporation is acting or is likely to act in contravention of any of the provisions of this Act, such contravention may, in addition to any other remedy or penalty under the law, be restrained by action in the Supreme Court at the instance of the Association, and in any such action the Supreme Court has power to grant an injunction, an interim injunction, or such other relief as seems just. *New.*

R.S.O. 1950,  
c. 292;  
1952, c. 79;  
1954, c. 73,  
repealed

**37.** *The Professional Engineers Act, The Professional Engineers Amendment Act, 1952 and The Professional Engineers Amendment Act, 1954* are repealed.

Short title

**38.** This Act may be cited as *The Professional Engineers Act, 1960.*

SECTIONS 33-35. No change.

SECTION 36. This section is new. It is designed as a means of stopping work on a structure that is being done in contravention of the Act.

*1st Reading*

February 1st, 1960

*2nd Reading*

*3rd Reading*

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Mr. ROBERTS

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**BILL 37**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to provide for Health Insurance**

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MR. THOMAS

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12A. 11

## An Act to provide for Health Insurance

**W**HEREAS it is in the public interest to establish a Preamble comprehensive plan of health insurance which will be universally available without regard to age, financial circumstances or condition of health; and whereas it is desirable to extend the powers of the Hospital Services Commission of Ontario to enable it, as soon as possible, to prepare plans for the establishment of such a plan for consideration by the Lieutenant Governor in Council and this Assembly;

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) "Commission" means the Hospital Services Commission of Ontario under *The Hospital Services Commission Act, 1957*; 1957, c. 46
- (b) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer *The Hospital Services Commission Act, 1957*.

2.—(1) The Commission is authorized and directed to Preparation of plan for health insurance and report undertake immediately such studies as may be necessary for preparing in detail suggested plans for the establishment of a comprehensive programme of health insurance including hospital care, medical, dental and optical services and the provision of prescribed drugs, to prepare such plans as soon as may be, and to report thereon to the Minister.

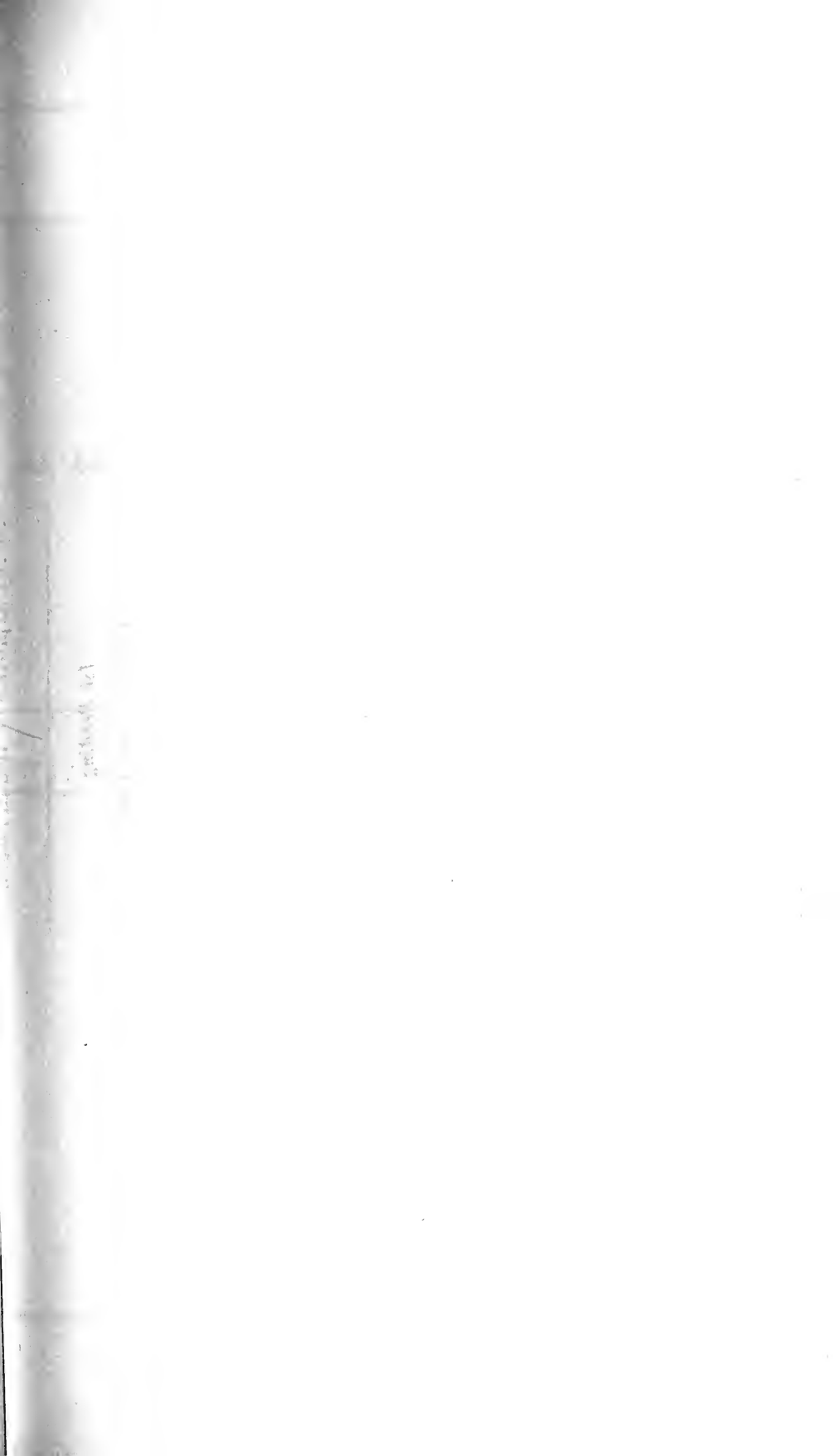
(2) The Commission may include in the plans proposals Idem for the establishment of comprehensive health insurance by stages.

- Tabling of report**      **3.** The Minister shall table the Commission's report in the Legislature,
- (a) if the Legislature is in session, within ten days after he has received the report; or
- (b) if the Legislature is not in session, within ten days after the commencement of the next session.
- Commencement**      **4.** This Act comes into force on the day it receives Royal Assent.
- Short title**        **5.** This Act may be cited as *The Health Insurance Act, 1960*.









An Act to provide for Health Insurance

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*1st Reading*

February 2nd, 1960

*2nd Reading*

*3rd Reading*

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MR. THOMAS

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**BILL 38**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to establish The Ontario Energy Board**

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MR. MACAULAY

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## An Act to establish The Ontario Energy Board

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

### INTERPRETATION

1. The interpretation section of *The Energy Act, 1960* <sup>Interpre-</sup> applies to this Act. <sup>tation</sup>  
1960, c. . . .

### THE BOARD

2.—(1) There shall be a board known as The Ontario <sup>Board</sup> Energy Board which shall consist of not less than three and <sup>established</sup> not more than five commissioners as the Lieutenant Governor in Council may from time to time determine.

(2) The commissioners shall be appointed by the Lieutenant <sup>Appoint-</sup> Governor in Council and one of them shall be designated as <sup>ment</sup> chairman.

3. Vacancies in the membership of the Board caused by <sup>Vacancies</sup> death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

4.—(1) Subject to subsections 2 and 3, two members of <sup>Quorum</sup> the Board form a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board notwithstanding that a vacancy in the membership of the Board exists or that a member is absent or unable to act.

(2) The Board may, where it appears to the chairman to <sup>One member</sup> be appropriate, authorize one member of the Board to conduct <sup>may conduct</sup> the hearing of an application and to report thereon to the Board, and the member so authorized has all the jurisdiction and powers of the Board for the purpose of the hearing.

(3) The report of such member may be adopted as the <sup>Report</sup> order of the Board by two other members of the Board, or it may be otherwise dealt with as the Board deems proper.

Power to administer oaths

**5.** Every member of the Board and its secretary has, for the purposes of this Act and every other Act under which the Board functions, the same powers as a commissioner for taking affidavits in Ontario.

Secretary

**6.**—(1) The Lieutenant Governor in Council may appoint a secretary of the Board and such assistant secretaries as are deemed necessary.

Commissioner as secretary

(2) The Lieutenant Governor in Council may designate a member of the Board as secretary.

Acting secretary

(3) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate any assistant secretary or any commissioner to act *pro tempore* in the place of the secretary.

Staff of Board

(4) The staff of the Board shall consist of such officers and employees as are deemed necessary.

Protection from being called as witnesses

**7.**—(1) Neither the members of the Board nor its secretary nor any of its staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duties.

Protection from personal liability

(2) Neither the members of the Board nor any of its staff is personally liable for anything done by it or by him under the authority of this or any other Act.

Certified copies

**8.** Upon application of any person and upon payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any order, rule or other document made by the Board.

Assistance

**9.** The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

Money

**10.** The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature.

Seal

**11.**—(1) The Board shall adopt an official seal.

Signing of orders

(2) All orders made by the Board shall be signed by the secretary or an assistant secretary or the chairman and sealed with the seal of the Board and, when purporting to be so signed and sealed, shall be judicially noticed without further proof.

R.S.O. 1950, c. 337 not to apply

(3) *The Regulations Act* does not apply to the orders of the Board.



## GENERAL JURISDICTION AND POWERS

**12.**—(1) The Board has within its jurisdiction all the powers of a court of record. Board to have powers of court of record

(2) The Board has as to all matters within its jurisdiction authority to hear and determine all questions of law and of fact. Power to determine law and fact

(3) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. Jurisdiction exclusive

**13.** The Board for the due exercise of its jurisdiction and powers and otherwise, for carrying into effect this or any other Act, has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. Powers of Supreme Court exercisable by Board

**14.**—(1) The Board shall not make any order under this or any other Act until it has held a public hearing upon notice in such manner and to such persons as the Board directs. Hearing

(2) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. Place of hearing

(3) The Board may adjourn any hearing from time to time and may make interim orders pending the final disposition of the matter before it. Adjournments and interim orders

(4) The Board in making an order may impose such terms and conditions as it deems proper. Terms and conditions

(5) The Board shall prepare written reasons for its decisions which shall be kept by the secretary and made available to any person upon the payment of the prescribed fee. Written reasons

(6) No issue of fact, which has been judicially determined by the Board in any application under section 17, may be put in issue in any subsequent application before the Board unless it can be established that events subsequent to such determination have materially changed such fact or that there is a party to the subsequent application who has a substantial interest in such determination but who had no notice of the proceedings at which such issue of fact was judicially determined. Facts previously determined

Enforcement of orders

**15.**—(1) A certified copy of any order made by the Board may be filed in the office of the Registrar of the Supreme Court and thereupon is enforceable as a judgment of the Supreme Court to the same effect.

Effect of filing

(2) Any order so filed may be rescinded or varied by the Board at any time.

Direction to sheriff

(3) An order of the Board requiring a person to pay money to the Board, any party to a proceeding before the Board or to any other person, as costs or otherwise, may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order.

Effect of direction

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against the goods of the person named in the order and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment in the Supreme Court.

Land titles

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court.

Obedience to orders of Board a good defence

**16.** An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order.

#### POWERS OF THE BOARD

Rates

**17.**—(1) The Board shall approve or fix such rates and other charges as are required by the regulations.

(2) Subject to the regulations, no corporation shall sell any hydrocarbon without the leave of the Board. Sale, leave of Board required

**18.**—(1) No franchise shall be granted, extended, assigned, revoked or renewed without the leave of the Board. Municipal franchises

(2) The Board may direct an applicant to submit any franchise for the assent of the municipal electors in the manner provided by *The Municipal Act*. Assent of municipal electors  
R.S.O. 1950,  
c. 243

**19.** The Board may authorize or may require any corporation to inject gas into, store gas in or remove gas from any designated gas storage area, and the Board may, subject to the regulations respecting compensation, authorize such corporation to enter into and upon the lands and premises in such area and to use such lands and premises for any such purpose. Gas storage

**20.** The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1960*. Payment out of Fund  
1960, c. . . .

**21.** Subject to the regulations, no corporation shall abandon any works or discontinue to supply gas or oil to any works without the leave of the Board. Abandonment of works, discontinuance of supply

#### PROCEDURE AND APPEALS

**22.** Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure. Rules

**23.**—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed. Costs

(2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed. Idem

(3) The Board may prescribe a scale under which such costs shall be taxed. Idem

(4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board. Idem

**24.** The Board may at any time and from time to time rehear or review any application before deciding it and may by order rescind or vary any order made by it or any order that the Ontario Fuel Board had power to rescind or vary under *The Ontario Fuel Board Act, 1954* and amendments thereto. Power to review  
1954, c. 63

Appeal to  
Lieutenant  
Governor  
in Council

**25.** An appeal lies to the Lieutenant Governor in Council upon the petition of any party, all parties first having been given such notice as the Lieutenant Governor in Council deems appropriate, and he may vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that he makes with respect thereto is binding upon the Board and all parties.

Stated case

**26.**—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon.

Appeal to  
Court of  
Appeal

**27.**—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

Board may  
be heard

(2) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Board to  
act on  
Court's  
opinion

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect.

Costs,  
rules of  
practice

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section.

Board not  
liable for  
costs

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section.

Orders to  
take effect  
notwith-  
standing  
appeal

(6) Every order made under section 17 takes effect at the time prescribed in the order and its operation is not suspended by an appeal.

## REGULATIONS

**28.** The Lieutenant Governor in Council may make Regulations regulations,

- (a) limiting, restricting or taking away any rights to use or consume natural gas without charge or at a reduced rate;
- (b) requiring the Board to approve or fix rates or other charges to be paid by purchasers of hydrocarbons;
- (c) prescribing the circumstances under which works may be abandoned and the supply of gas or oil may be discontinued;
- (d) designating gas storage areas;
- (e) providing for compensation and compensation procedure for the owners of the lands and premises referred to in section 19;
- (f) prescribing the duties of the secretary, assistant secretary and officers of the Board;
- (g) prescribing forms and providing for their use;
- (h) prescribing fees payable to the Board for certified copies of documents, reasons for decisions and in connection with proceedings before the Board;
- (i) exempting any person from the operation of or compliance with any provision of this Act;
- (j) requiring the Board to adjudicate on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## MISCELLANEOUS AND TRANSITIONAL

**29.**—(1) The Commission shall make a report annually <sup>Annual</sup> to the Minister containing such information as the Minister <sup>report</sup> may require.

(2) A copy of the report shall be filed with the Provincial <sup>Idem</sup> Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Existing  
regulations  
and orders  
adopted  
1954, c. 63

**30.**—(1) Every order made under *The Ontario Fuel Board Act, 1954*, which is in force on the day this Act comes into force, becomes an order under this Act and shall be deemed to have been made under this Act.

Pending  
applications

(2) Every application pending before the Ontario Fuel Board on the day this Act comes into force becomes an application before the Board.

Repeal:

**31.** The following are repealed:

1954, c. 63

1. *The Ontario Fuel Board Act, 1954.*

1955, c. 53

2. *The Ontario Fuel Board Amendment Act, 1955.*

1956, c. 57

3. *The Ontario Fuel Board Amendment Act, 1956.*

1957, c. 84

4. *The Ontario Fuel Board Amendment Act, 1957.*

1958, c. 71

5. *The Ontario Fuel Board Amendment Act, 1958.*

Commence-  
ment

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

Short title

**33.** This Act may be cited as *The Ontario Energy Board Act, 1960.*



An Act to establish  
The Ontario Energy Board

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*1st Reading*

February 2nd, 1960

*2nd Reading*

*3rd Reading*

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MR. MACAULAY

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# BILL 38

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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## An Act to establish The Ontario Energy Board

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MR. MACAULAY

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*(Reprinted as amended by the Committee on Energy)*

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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1875

1876

1877

## An Act to establish The Ontario Energy Board

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

### INTERPRETATION

1. The interpretation section of *The Energy Act, 1960* <sup>Interpretation</sup> applies to this Act. <sub>1960, c. . . .</sub>

### PART I

#### THE BOARD

2.—(1) There shall be a board known as The Ontario <sup>Board</sup> Energy Board which shall consist of not less than three and <sup>established</sup> not more than five commissioners as the Lieutenant Governor in Council may from time to time determine.

(2) The commissioners shall be appointed by the Lieutenant <sup>Appoint-</sup> Governor in Council and one of them shall be designated as <sup>ment</sup> chairman.

3. Vacancies in the membership of the Board caused by <sup>Vacancies</sup> death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

4. Two members of the Board form a quorum and are <sup>Quorum</sup> sufficient for the exercise of all the jurisdiction and powers of the Board notwithstanding that a vacancy in the membership of the Board exists or that a member is absent or unable to act.

5. Every member of the Board and its secretary has, for <sup>Power to</sup> the purposes of this Act and every other Act under which <sup>administer</sup> the Board functions, the same powers as a commissioner for <sup>oaths</sup> taking affidavits in Ontario.

- Secretary **6.**—(1) The Lieutenant Governor in Council may appoint a secretary of the Board and such assistant secretaries as are deemed necessary.
- Commissioner as secretary (2) The Lieutenant Governor in Council may designate a member of the Board as secretary.
- Acting secretary (3) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate any assistant secretary or any commissioner to act *pro tempore* in the place of the secretary.
- Staff of Board (4) The staff of the Board shall consist of such officers and employees as are deemed necessary.
- Protection from being called as witnesses **7.**—(1) Neither the members of the Board nor its secretary nor any of its staff shall be required to give testimony in any proceeding with regard to information obtained by him in the discharge of his official duties.
- Protection from personal liability (2) Neither the members of the Board nor any of its staff are personally liable for anything done by it or by him under the authority of this or any other Act.
- Certified copies **8.** Upon application of any person and upon payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any order, rule or other document made by the Board.
- Assistance **9.** The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.
- Money **10.** The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature.
- Seal **11.**—(1) The Board shall adopt an official seal.
- Signing of orders (2) All orders made by the Board shall be signed by the secretary or an assistant secretary or the chairman and sealed with the seal of the Board and, when purporting to be so signed and sealed, shall be judicially noticed without further proof.
- R.S.O. 1950, c. 337 not to apply (3) *The Regulations Act* does not apply to the orders of the Board.

## GENERAL JURISDICTION AND POWERS

**12.**—(1) The Board has as to all matters within its jurisdiction authority to hear and determine all questions of law and of fact and in all matters under this or any other Act shall proceed by order. Power to determine law and fact

(2) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. Jurisdiction exclusive

**13.** The Board for the due exercise of its jurisdiction and powers and otherwise, for carrying into effect this or any other Act, has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. Powers of Supreme Court exercisable by Board

**14.**—(1) Subject to subsection 4 of section 17, the Board shall not make any order under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs. Hearings

(2) Hearings before the Board shall be open to the public. Idem

(3) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. Place of hearing

(4) The Board may adjourn any hearing from time to time and may make interim orders pending the final disposition of the matter before it. Adjournments and interim orders

(5) The Board in making an order may impose such terms and conditions as it deems proper and an order may be general or particular in its application. Terms and conditions

(6) The Board shall prepare written reasons for its decisions which shall be kept by the secretary and made available to any person upon the payment of the prescribed fee. Written reasons

(7) No issue of fact, which has been judicially determined by the Board in any application under section 17, may be put in issue in any subsequent application before the Board unless it can be established that a factor material to such determination has materially changed or that there is a party to the

subsequent application who has a substantial interest in such determination but who had no notice of the proceedings at which such issue of fact was judicially determined.

Enforce-  
ment of  
orders

**15.**—(1) A certified copy of any order made by the Board may be filed in the office of the Registrar of the Supreme Court and thereupon is enforceable as a judgment of the Supreme Court to the same effect.

Effect of  
filing

(2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 24.

Direction  
to sheriff

(3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person, as costs or otherwise, may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order.

Effect of  
direction

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against the goods of the person named in the order and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment in the Supreme Court.

Land titles

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court.

Obedience  
to orders  
of Board  
a good  
defence

**16.** An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order.

## POWERS OF THE BOARD

**17.**—(1) Subject to the regulations, the Board may make <sup>Rates</sup> orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas.

(2) Subject to the regulations, no transmitter, distributor <sup>Idem</sup> or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board which shall not be bound by the terms of any contract.

(3) The Board shall not make any order approving rates <sup>Idem</sup> of any gas transmitter, distributor or storage company greater than those which the transmitter, distributor or storage company desires to charge.

(4) The Board may, at the request of any gas transmitter, <sup>Idem</sup> distributor or storage company, without a hearing, make an order under subsection 1, decreasing rates, effective for a period of not more than one year pending a hearing, provided that such hearing is finally disposed of within one year of the order decreasing rates.

**18.** Where the rates and other charges are those to be paid to a public-owned distributor and the Ontario Municipal Board has made an order with respect thereto, the Board shall have regard to such order. <sup>Ontario Municipal Board rate order</sup>

**19.**—(1) The Board may authorize,

(a) a person to inject gas into, store gas in and remove gas from a designated gas storage area; and <sup>Authority to store in storage area</sup>

(b) such person to enter into and upon the land in such area and use such land for the purposes mentioned in clause a.

(2) Subject to any agreement with respect thereto, the person authorized by an order under subsection 1, <sup>Compensation</sup>

(a) shall make to the owner of any gas or oil rights, or to any right to store gas in the area, fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and

(b) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order.

Arbitration (3) No action or other proceeding lies in respect of such compensation and failing agreement the amount thereof shall be determined by a board of arbitration in the manner provided in the regulations and *The Arbitration Act* does not apply.

R.S.O. 1950,  
c. 20

Payment  
out of  
Fund  
1960, c. ...

**20.** The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1960*.

Abandonment  
of  
work, etc.  
R.S.O. 1950,  
c. 320

**21.** Subject to the regulations and *The Public Utilities Act*, no corporation shall abandon any work or discontinue to supply gas to any work or appliance without the leave of the Board.

#### PROCEDURE AND APPEALS

Rules

**22.** Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure.

Costs

**23.**—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem

(2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem

(3) The Board may prescribe a scale under which such costs shall be taxed.

Idem

(4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board.

Power to  
review

**24.** The Board may at any time and from time to time rehear or review any application before deciding it and may by order rescind or vary any order made by it or any order that the Ontario Fuel Board had power to rescind or vary under *The Ontario Fuel Board Act, 1954* and amendments thereto.

1954, c. 63

Appeal to  
Lieutenant  
Governor  
in Council

**25.** An appeal lies to the Lieutenant Governor in Council upon the petition of any party, all parties first having been given such notice as the Lieutenant Governor in Council deems appropriate, and he may vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that he makes with respect thereto is binding upon the Board and all parties.

Stated case

**26.**—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the applica-



tion of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

(2) The Court of Appeal shall hear and determine the stated <sup>Idem</sup> case and remit it to the Board with the opinion of the Court thereon.

**27.**—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, <sup>Appeal to Court of Appeal</sup> but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows.

(2) The Board is entitled to be heard by counsel or other- <sup>Board may be heard</sup> wise upon the argument of any such appeal.

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive <sup>Board to act on Court's opinion</sup> in its effect.

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. <sup>Costs, rules of practice</sup>

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. <sup>Board not liable for costs</sup>

(6) Every order made under section 17 takes effect at the time prescribed in the order and its operation is not suspended by an appeal. <sup>Orders to take effect notwithstanding appeal</sup>

#### REGULATIONS

**28.** The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) limiting, restricting or taking away any rights to use or consume natural gas without charge or at a reduced rate;
- (b) requiring the Board to approve or fix rates or other charges under section 17;

- (c) prescribing the circumstances under which works may be abandoned and the supply of gas to any work or appliance may be discontinued;
- (d) designating gas storage areas;
- (e) providing for compensation procedure for the owners of gas or oil rights or land who are referred to in section 19;
- (f) prescribing the duties of the secretary, assistant secretary and officers of the Board;
- (g) prescribing forms and providing for their use;
- (h) prescribing fees payable to the Board for certified copies of documents, reasons for decisions and in connection with proceedings before the Board;
- (i) exempting any person from the operation of or compliance with any provision of this Act;
- (j) requiring the Board to adjudicate on and examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## PART II

### ENERGY RETURNS OFFICER

Energy  
Returns  
Officer

**29.**—(1) The Lieutenant Governor in Council may appoint an officer known as the Energy Returns Officer who shall assist the Board.

Staff

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary.

Information  
privileged

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty.

No  
personal  
liability

(4) Neither the Energy Returns Officer nor any of his staff shall be personally liable for anything done by him under the authority of this Act or the regulations.

(5) The moneys required for the purposes of the Energy <sup>Moneys</sup> Returns Officer shall be paid out of the moneys that are appropriated therefor by the Legislature.

(6) The Energy Returns Officer and every deputy officer <sup>May take oaths</sup> has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario.

**30.** The Lieutenant Governor in Council may appoint <sup>Assistants to Energy Returns Officer</sup> from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity.

**31.** The Energy Returns Officer may for the purposes of <sup>Production of documents, etc.</sup> this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as may be stipulated in such letter.

**32.** When authorized in writing by the chairman of the <sup>Power to enter, etc.</sup> Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such documents or records, providing that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing.

Regulations

**33.** The Lieutenant Governor in Council may make regulations for the purposes of this Part,

- (a) requiring and providing for the making of returns, statements or reports concerning energy by any person;
- (b) prescribing classes of gas transmitters, distributors and storage companies;
- (c) respecting the manner in which the accounts of gas transmitters, distributors and storage companies are to be kept;
- (d) prescribing a uniform system of accounts applicable to any of the classes of gas transmitters, distributors or storage companies;
- (e) requiring gas transmitters, distributors and storage companies to furnish all prospectuses approved by the Ontario Securities Commission and returns, and information respecting capital, revenues, and expenses, and such other information as may be required for the purposes of this Act or the regulations;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

Notify Board

**34.** The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings.

Witnesses

**35.**—(1) The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 32 and any inspector may be called as a witness by the Board.

No privilege

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege.

Owner to be party

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the maker of the return is a party to that proceeding or an associate of a party to that proceeding.

Information confidential

**36.**—(1) All information and material furnished to or received or obtained by the Energy Returns Officer, his

deputy officers and employees or any person authorized by the chairman of the Board in writing under section 32 shall be confidential.

(2) No person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of any such material. <sup>Idem</sup>

(3) Every person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000. <sup>Penalty</sup>

**37.** No document, record or photocopy thereof or any return made under this Part is admissible in evidence in any proceeding except proceedings before the Board, on appeals or other proceedings respecting an order of the Board or in summary proceedings commenced under section 38. <sup>Not evidence in certain proceedings</sup>

**38.—**(1) Every person who contravenes or fails to comply with any provision of this Part or the regulations made under this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 and not less than \$200 for each day over which the offence continues, or, in default, to imprisonment for a term of not more than two years less a day. <sup>Penalty</sup>

(2) No information may be laid under this section or under section 36 without the written permission of the Minister in the form prescribed in the regulations. <sup>Permission of the Minister</sup>

### PART III

#### MISCELLANEOUS AND TRANSITIONAL

**39.—**(1) The Commission shall make a report annually to the Minister containing such information as the Minister may require. <sup>Annual report</sup>

(2) A copy of the report shall be filed with the Provincial Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. <sup>Idem</sup>

**40.—**(1) Every order made under *The Ontario Fuel Board Act, 1954, The Fuel Supply Act, The Natural Gas Conservation Act or The Well Drillers Act*, which is in force on the day this Act comes into force, becomes an order under this Act and shall be deemed to have been made under this Act. <sup>Existing regulations and orders adopted 1954, c. 63; R.S.O. 1950, cc. 152, 251, 423</sup>

Pending applications (2) Every application pending before the Ontario Fuel Board on the day this Act comes into force becomes an application before the Board.

Reference to Ontario Fuel Board (3) Any reference in any Act to the Ontario Fuel Board shall be deemed to be a reference to The Ontario Energy Board.

Repeal: **41.** The following are repealed:

- 1954, c. 63 1. *The Ontario Fuel Board Act, 1954.*
- 1955, c. 53 2. *The Ontario Fuel Board Amendment Act, 1955.*
- 1956, c. 57 3. *The Ontario Fuel Board Amendment Act, 1956.*
- 1957, c. 84 4. *The Ontario Fuel Board Amendment Act, 1957.*
- 1958, c. 71 5. *The Ontario Fuel Board Amendment Act, 1958.*

Commencement **42.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **43.** This Act may be cited as *The Ontario Energy Board Act, 1960.*



*1st Reading*

February 2nd, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

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Mr. MACAULAY

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*(Reprinted as amended by the  
Committee on Energy)*



**BILL 38**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to establish the Ontario Energy Board**

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MR. MACAULAY

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*(Reprinted as amended by the Committee of the Whole House)*



## An Act to establish the Ontario Energy Board

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

### INTERPRETATION

**1.** The interpretation section of *The Energy Act, 1960* <sup>Interpre-</sup> applies to this Act. <sup>tation</sup>  
1960, c. . . .

### PART I

#### THE BOARD

**2.**—(1) There shall be a board known as the Ontario <sup>Board</sup> Energy Board which shall consist of not less than three and <sup>established</sup> not more than five commissioners as the Lieutenant Governor in Council may from time to time determine.

(2) The commissioners shall be appointed by the Lieutenant <sup>Appoint-</sup> Governor in Council and one of them shall be designated as <sup>ment</sup> chairman.

**3.** Vacancies in the membership of the Board caused by <sup>Vacancies</sup> death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

**4.** Two members of the Board form a quorum and are <sup>Quorum</sup> sufficient for the exercise of all the jurisdiction and powers of the Board notwithstanding that a vacancy in the membership of the Board exists or that a member is absent or unable to act.

**5.** Every member of the Board and its secretary has, for <sup>Power to</sup> the purposes of this Act and every other Act under which <sup>administer</sup> the Board functions, the same powers as a commissioner for <sup>oaths</sup> taking affidavits in Ontario.

- Secretary      **6.**—(1) The Lieutenant Governor in Council may appoint a secretary of the Board and such assistant secretaries as are deemed necessary.
- Commissioner as secretary      (2) The Lieutenant Governor in Council may designate a member of the Board as secretary.
- Acting secretary      (3) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate any assistant secretary or any commissioner to act *pro tempore* in the place of the secretary.
- Staff of Board      (4) The staff of the Board shall consist of such officers and employees as are deemed necessary.
- Protection from being called as witnesses      **7.**—(1) Neither the members of the Board nor its secretary nor any of its staff shall be required to give testimony in any proceeding with regard to information obtained by him in the discharge of his official duties.
- Protection from personal liability      (2) Neither the members of the Board nor any of its staff are personally liable for anything done by it or by him under the authority of this or any other Act.
- Certified copies      **8.** Upon application of any person and upon payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any order, rule or other document made by the Board.
- Assistance      **9.** The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.
- Money      **10.** The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature.
- Seal      **11.**—(1) The Board shall adopt an official seal.
- Signing of orders      (2) All orders made by the Board shall be signed by the secretary or an assistant secretary or the chairman and sealed with the seal of the Board and, when purporting to be so signed and sealed, shall be judicially noticed without further proof.
- R.S.O. 1950, c. 337 not to apply      (3) *The Regulations Act* does not apply to the orders of the Board.

## GENERAL JURISDICTION AND POWERS

**12.**—(1) The Board has as to all matters within its jurisdiction authority to hear and determine all questions of law and of fact and in all matters under this or any other Act shall proceed by order. Power to determine law and fact

(2) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. Jurisdiction exclusive

**13.** The Board for the due exercise of its jurisdiction and powers and otherwise, for carrying into effect this or any other Act, has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. Powers of Supreme Court exercisable by Board

**14.**—(1) Subject to subsection 4 of section 17, the Board shall not make any order under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs. Hearings

(2) Hearings before the Board shall be open to the public. Idem

(3) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. Place of hearing

(4) The Board may adjourn any hearing from time to time and may make interim orders pending the final disposition of the matter before it. Adjournments and interim orders

(5) The Board in making an order may impose such terms and conditions as it deems proper and an order may be general or particular in its application. Terms and conditions

(6) The Board shall prepare written reasons for its decisions which shall be kept by the secretary and made available to any person upon the payment of the prescribed fee. Written reasons

(7) No issue of fact, which has been judicially determined by the Board in any application under section 17, may be put in issue in any subsequent application before the Board unless it can be established that a factor material to such determination has materially changed or that there is a party to the

subsequent application who has a substantial interest in such determination but who had no notice of the proceedings at which such issue of fact was judicially determined.

Enforcement of orders

**15.**—(1) A certified copy of any order made by the Board may be filed in the office of the Registrar of the Supreme Court and thereupon is enforceable as a judgment of the Supreme Court to the same effect.

Effect of filing

(2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 24.

Direction to sheriff

(3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person, as costs or otherwise, may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order.

Effect of direction

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against the goods of the person named in the order and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment in the Supreme Court.

Land titles

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court.

Obedience to orders of Board a good defence

**16.** An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order.

## POWERS OF THE BOARD

**17.—(1)** Subject to the regulations, the Board may make <sup>Rates</sup> orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas.

(2) Subject to the regulations, no transmitter, distributor <sup>Idem</sup> or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board which shall not be bound by the terms of any contract entered into prior to the day upon which this Act comes into force.

(3) The Board shall not make any order approving rates <sup>Idem</sup> of any gas transmitter, distributor or storage company greater than those which the transmitter, distributor or storage company desires to charge.

(4) The Board may, at the request of any gas transmitter, <sup>Idem</sup> distributor or storage company, without a hearing, make an order under subsection 1 decreasing the rates charged by such gas transmitter, distributor or storage company, effective for a period of not more than one year pending a hearing, provided that such hearing is finally disposed of within one year of the order decreasing rates.

**18.** Where the rates and other charges are those to be <sup>Ontario</sup> paid to a public-owned distributor and the Ontario Municipal <sup>Board</sup> Board has made an order with respect thereto, the Board <sup>rate order</sup> shall have regard to such order.

**19.—(1)** The Board may authorize,

- (a) a person to inject gas into, store gas in and remove <sup>Authority to store in storage area</sup> gas from a designated gas storage area; and
- (b) such person to enter into and upon the land in such area and use such land for the purposes mentioned in clause a.

(2) Subject to any agreement with respect thereto, the <sup>Compensation</sup> person authorized by an order under subsection 1,

- (a) shall make to the owner of any gas or oil rights, or of any right to store gas in the area, fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and
- (b) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order.

Arbitration (3) No action or other proceeding lies in respect of such compensation and failing agreement the amount thereof shall be determined by a board of arbitration in the manner provided in the regulations and *The Arbitration Act* does not apply.

R.S.O. 1950,  
c. 20

Payment out of Fund 1960, c. . . . **20.** The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1960*.

Abandonment of work, etc. R.S.O. 1950,  
c. 320

**21.** Subject to the regulations and *The Public Utilities Act*, no corporation shall abandon any work or discontinue to supply gas to any work or appliance without the leave of the Board.

#### PROCEDURE AND APPEALS

Rules **22.** Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure.

Costs **23.—(1)** The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem (2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem (3) The Board may prescribe a scale under which such costs shall be taxed.

Idem (4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board.

Power to review 1954, c. 63 **24.** The Board may at any time and from time to time rehear or review any application before deciding it and may by order rescind or vary any order made by it or any order that the Ontario Fuel Board had power to rescind or vary under *The Ontario Fuel Board Act, 1954* and amendments thereto.

Appeal to Lieutenant Governor in Council **25.** An appeal lies to the Lieutenant Governor in Council upon the petition of any party, all parties first having been given such notice as the Lieutenant Governor in Council deems appropriate, and he may vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that he makes with respect thereto is binding upon the Board and all parties.

Stated case **26.—(1)** The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the applica-



tion of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon. Idem

**27.**—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows. Appeal to Court of Appeal

(2) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal. Board may be heard

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect. Board to act on Court's opinion

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. Costs, rules of practice

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. Board not liable for costs

(6) Every order made under section 17 takes effect at the time prescribed in the order and its operation is not suspended by an appeal. Orders to take effect notwithstanding appeal

#### REGULATIONS

**28.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) limiting, restricting or taking away any rights to use or consume natural gas without charge or at a reduced rate;
- (b) requiring the Board to approve or fix rates or other charges under section 17;

- (c) prescribing the circumstances under which works may be abandoned and the supply of gas to any work or appliance may be discontinued;
- (d) designating gas storage areas;
- (e) providing for compensation procedure for the owners of gas or oil rights or land who are referred to in section 19;
- (f) prescribing the duties of the secretary, assistant secretary and officers of the Board;
- (g) prescribing forms and providing for their use;
- (h) prescribing fees payable to the Board for certified copies of documents, reasons for decisions and in connection with proceedings before the Board;
- (i) exempting any person from the operation of or compliance with any provision of this Act;
- (j) requiring the Board to adjudicate on and examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## PART II

### ENERGY RETURNS OFFICER

Energy  
Returns  
Officer

**29.**—(1) The Lieutenant Governor in Council may appoint an officer known as the Energy Returns Officer who shall assist the Board.

Staff

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary.

Information  
privileged

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty.

No  
personal  
liability

(4) Neither the Energy Returns Officer nor any of his staff shall be personally liable for anything done by him under the authority of this Act or the regulations.

(5) The moneys required for the purposes of the Energy <sup>Moneys</sup> Returns Officer shall be paid out of the moneys that are appropriated therefor by the Legislature.

(6) The Energy Returns Officer and every deputy officer <sup>May take oaths</sup> has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario.

**30.** The Lieutenant Governor in Council may appoint <sup>Assistants to Energy Returns Officer</sup> from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity.

**31.** The Energy Returns Officer may for the purposes of <sup>Production of documents, etc.</sup> this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as may be stipulated in such letter.

**32.** When authorized in writing by the chairman of the <sup>Power to enter, etc.</sup> Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such documents or records, providing that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing.

Regulations **33.** The Lieutenant Governor in Council may make regulations for the purposes of this Part,

- (a) requiring and providing for the making of returns, statements or reports concerning energy by any person;
- (b) prescribing classes of gas transmitters, distributors and storage companies;
- (c) respecting the manner in which the accounts of gas transmitters, distributors and storage companies are to be kept;
- (d) prescribing a uniform system of accounts applicable to any of the classes of gas transmitters, distributors or storage companies;
- (e) requiring gas transmitters, distributors and storage companies to furnish all prospectuses approved by the Ontario Securities Commission and returns, and information respecting capital, revenues, and expenses, and such other information as may be required for the purposes of this Act or the regulations;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

Notify Board

**34.** The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings.

Witnesses

**35.—(1)** The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 32 and any inspector may be called as a witness by the Board.

No privilege

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege.

Owner to be party

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the maker of the return is a party to that proceeding or an associate of a party to that proceeding.

Information confidential

**36.—(1)** All information and material furnished to or received or obtained by the Energy Returns Officer, his

deputy officers and employees or any person authorized by the chairman of the Board in writing under section 32 shall be confidential.

(2) No person shall otherwise than in the ordinary course <sup>Idem</sup> of his duties communicate any such information or allow access to or inspection of any such material.

(3) Every person who contravenes any of the provisions <sup>Penalty</sup> of subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000.

**37.** No document, record or photocopy thereof or any <sup>Not evidence in certain proceedings</sup> return made under this Part is admissible in evidence in any proceeding except proceedings before the Board, on appeals or other proceedings respecting an order of the Board or in summary proceedings commenced under section 38.

**38.**—(1) Every person who contravenes or fails to comply <sup>Penalty</sup> with any provision of this Part or the regulations made under this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 and not less than \$200 for each day over which the offence continues, or, in default, to imprisonment for a term of not more than two years less a day.

(2) No information may be laid under this section or under <sup>Permission of the Minister</sup> section 36 without the written permission of the Minister in the form prescribed in the regulations.

### PART III

#### MISCELLANEOUS AND TRANSITIONAL

**39.**—(1) The Board shall make a report annually to the <sup>Annual report</sup> Minister containing such information as the Minister may require.

(2) A copy of the report shall be filed with the Provincial <sup>Idem</sup> Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**40.**—(1) Every order made under *The Ontario Fuel Board Act, 1954*, *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act*, which is in force on the day <sup>Existing regulations and orders adopted 1954, c. 63; R.S.O. 1950, c. 152, 251, 423</sup> this Act comes into force, becomes an order under this Act and shall be deemed to have been made under this Act.

- Pending applications (2) Every application pending before the Ontario Fuel Board on the day this Act comes into force becomes an application before the Board.
- Reference to Ontario Fuel Board (3) Any reference in any Act to the Ontario Fuel Board shall be deemed to be a reference to the Ontario Energy Board.
- Repeal: **41.** The following are repealed:
- 1954, c. 63 1. *The Ontario Fuel Board Act, 1954.*
- 1955, c. 53 2. *The Ontario Fuel Board Amendment Act, 1955.*
- 1956, c. 57 3. *The Ontario Fuel Board Amendment Act, 1956.*
- 1957, c. 84 4. *The Ontario Fuel Board Amendment Act, 1957.*
- 1958, c. 71, except s. 6 5. *The Ontario Fuel Board Amendment Act, 1958*, except section 6 thereof.
- Commencement **42.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title **43.** This Act may be cited as *The Ontario Energy Board Act, 1960.*



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*1st Reading*

February 2nd, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

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MR. MACAULAY

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*(Reprinted as amended by the  
Committee of the Whole House)*



**BILL 38**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to establish the Ontario Energy Board**

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MR. MACAULAY

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BILL 38

1960

## An Act to establish the Ontario Energy Board

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

### INTERPRETATION

**1.** The interpretation section of *The Energy Act, 1960* <sup>Interpre-  
tation  
1960, c. . . .</sup> applies to this Act.

### PART I

#### THE BOARD

**2.**—(1) There shall be a board known as the Ontario <sup>Board  
established</sup> Energy Board which shall consist of not less than three and not more than five commissioners as the Lieutenant Governor in Council may from time to time determine.

(2) The commissioners shall be appointed by the Lieutenant <sup>Appoint-  
ment</sup> Governor in Council and one of them shall be designated as chairman.

**3.** Vacancies in the membership of the Board caused by <sup>Vacancies</sup> death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

**4.** Two members of the Board form a quorum and are <sup>Quorum</sup> sufficient for the exercise of all the jurisdiction and powers of the Board notwithstanding that a vacancy in the membership of the Board exists or that a member is absent or unable to act.

**5.** Every member of the Board and its secretary has, for <sup>Power to  
administer  
oaths</sup> the purposes of this Act and every other Act under which the Board functions, the same powers as a commissioner for taking affidavits in Ontario.

Secretary **6.**—(1) The Lieutenant Governor in Council may appoint a secretary of the Board and such assistant secretaries as are deemed necessary.

Commissioner as secretary (2) The Lieutenant Governor in Council may designate a member of the Board as secretary.

Acting secretary (3) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate any assistant secretary or any commissioner to act *pro tempore* in the place of the secretary.

Staff of Board (4) The staff of the Board shall consist of such officers and employees as are deemed necessary.

Protection from being called as witnesses **7.**—(1) Neither the members of the Board nor its secretary nor any of its staff shall be required to give testimony in any proceeding with regard to information obtained by him in the discharge of his official duties.

Protection from personal liability (2) Neither the members of the Board nor any of its staff are personally liable for anything done by it or by him under the authority of this or any other Act.

Certified copies **8.** Upon application of any person and upon payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any order, rule or other document made by the Board.

Assistance **9.** The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

Money **10.** The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature.

Seal **11.**—(1) The Board shall adopt an official seal.

Signing of orders (2) All orders made by the Board shall be signed by the secretary or an assistant secretary or the chairman and sealed with the seal of the Board and, when purporting to be so signed and sealed, shall be judicially noticed without further proof.

R.S.O. 1950, c. 337 not to apply (3) *The Regulations Act* does not apply to the orders of the Board.

## GENERAL JURISDICTION AND POWERS

**12.**—(1) The Board has as to all matters within its jurisdiction authority to hear and determine all questions of law and of fact and in all matters under this or any other Act shall proceed by order. Power to determine law and fact

(2) The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this or any other Act. Jurisdiction exclusive

**13.** The Board for the due exercise of its jurisdiction and powers and otherwise, for carrying into effect this or any other Act, has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. Powers of Supreme Court exercisable by Board

**14.**—(1) Subject to subsection 4 of section 17, the Board shall not make any order under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs. Hearings

(2) Hearings before the Board shall be open to the public. Idem

(3) The Board may hear any application or deal with any matter at any place in Ontario that it appoints. Place of hearing

(4) The Board may adjourn any hearing from time to time and may make interim orders pending the final disposition of the matter before it. Adjournments and interim orders

(5) The Board in making an order may impose such terms and conditions as it deems proper and an order may be general or particular in its application. Terms and conditions

(6) The Board shall prepare written reasons for its decisions which shall be kept by the secretary and made available to any person upon the payment of the prescribed fee. Written reasons

(7) No issue of fact, which has been judicially determined by the Board in any application under section 17, may be put in issue in any subsequent application before the Board unless it can be established that a factor material to such determination has materially changed or that there is a party to the Facts previously determined

subsequent application who has a substantial interest in such determination but who had no notice of the proceedings at which such issue of fact was judicially determined.

Enforcement of orders

**15.**—(1) A certified copy of any order made by the Board may be filed in the office of the Registrar of the Supreme Court and thereupon is enforceable as a judgment of the Supreme Court to the same effect.

Effect of filing

(2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 24.

Direction to sheriff

(3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person, as costs or otherwise, may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order.

Effect of direction

(4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against the goods of the person named in the order and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment in the Supreme Court.

Land titles

(5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem

(6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court.

Obedience to orders of Board a good defence

**16.** An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order.

## POWERS OF THE BOARD

**17.—(1)** Subject to the regulations, the Board may make <sup>Rates</sup> orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas.

(2) Subject to the regulations, no transmitter, distributor <sup>Idem</sup> or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board which shall not be bound by the terms of any contract entered into prior to the day upon which this Act comes into force.

(3) The Board shall not make any order approving rates <sup>Idem</sup> of any gas transmitter, distributor or storage company greater than those which the transmitter, distributor or storage company desires to charge.

(4) The Board may, at the request of any gas transmitter, <sup>Idem</sup> distributor or storage company, without a hearing, make an order under subsection 1 decreasing the rates charged by such gas transmitter, distributor or storage company, effective for a period of not more than one year pending a hearing, provided that such hearing is finally disposed of within one year of the order decreasing rates.

**18.** Where the rates and other charges are those to be paid to a public-owned distributor and the Ontario <sup>Ontario Municipal Board</sup> Municipal Board has made an order with respect thereto, the Board shall have regard to such order. <sup>rate order</sup>

**19.—(1)** The Board may authorize,

- (a) a person to inject gas into, store gas in and remove gas from a designated gas storage area; and <sup>Authority to store in storage area</sup>
- (b) such person to enter into and upon the land in such area and use such land for the purposes mentioned in clause a.

(2) Subject to any agreement with respect thereto, the <sup>Compensation</sup> person authorized by an order under subsection 1,

- (a) shall make to the owner of any gas or oil rights, or of any right to store gas in the area, fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and
- (b) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order.

Arbitration (3) No action or other proceeding lies in respect of such compensation and failing agreement the amount thereof shall be determined by a board of arbitration in the manner provided in the regulations and *The Arbitration Act* does not apply.

R.S.O. 1950,  
c. 20

Payment out of Fund 1960, c. ... **20.** The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act, 1960*.

Abandonment of work, etc. R.S.O. 1950, c. 320

**21.** Subject to the regulations and *The Public Utilities Act*, no corporation shall abandon any work or discontinue to supply gas to any work or appliance without the leave of the Board.

#### PROCEDURE AND APPEALS

Rules **22.** Subject to the approval of the Lieutenant Governor in Council, the Board may make rules regulating its practice and procedure.

Costs **23.—**(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem (2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem (3) The Board may prescribe a scale under which such costs shall be taxed.

Idem (4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board.

Power to review 1954, c. 63 **24.** The Board may at any time and from time to time rehear or review any application before deciding it and may by order rescind or vary any order made by it or any order that the Ontario Fuel Board had power to rescind or vary under *The Ontario Fuel Board Act, 1954* and amendments thereto.

Appeal to Lieutenant Governor in Council **25.** An appeal lies to the Lieutenant Governor in Council upon the petition of any party, all parties first having been given such notice as the Lieutenant Governor in Council deems appropriate, and he may vary or rescind any order of the Board whether the order was made *inter partes* or otherwise, and any order that he makes with respect thereto is binding upon the Board and all parties.

Stated case **26.—**(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the applica-



tion of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the Court thereon. <sup>Idem</sup>

**27.**—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the Court within one month of the making of the order sought to be appealed from or within such further time as the Court under the special circumstances of the case allows. <sup>Appeal to Court of Appeal</sup>

(2) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal. <sup>Board may be heard</sup>

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect. <sup>Board to act on Court's opinion</sup>

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, but until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. <sup>Costs, rules of practice</sup>

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. <sup>Board not liable for costs</sup>

(6) Every order made under section 17 takes effect at the time prescribed in the order and its operation is not suspended by an appeal. <sup>Orders to take effect notwithstanding appeal</sup>

#### REGULATIONS

**28.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) limiting, restricting or taking away any rights to use or consume natural gas without charge or at a reduced rate;
- (b) requiring the Board to approve or fix rates or other charges under section 17;

- (c) prescribing the circumstances under which works may be abandoned and the supply of gas to any work or appliance may be discontinued;
- (d) designating gas storage areas;
- (e) providing for compensation procedure for the owners of gas or oil rights or land who are referred to in section 19;
- (f) prescribing the duties of the secretary, assistant secretary and officers of the Board;
- (g) prescribing forms and providing for their use;
- (h) prescribing fees payable to the Board for certified copies of documents, reasons for decisions and in connection with proceedings before the Board;
- (i) exempting any person from the operation of or compliance with any provision of this Act;
- (j) requiring the Board to adjudicate on and examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## PART II

### ENERGY RETURNS OFFICER

Energy  
Returns  
Officer

**29.**—(1) The Lieutenant Governor in Council may appoint an officer known as the Energy Returns Officer who shall assist the Board.

Staff

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary.

Information  
privileged

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty.

No  
personal  
liability

(4) Neither the Energy Returns Officer nor any of his staff shall be personally liable for anything done by him under the authority of this Act or the regulations.

(5) The moneys required for the purposes of the Energy <sup>Moneys</sup> Returns Officer shall be paid out of the moneys that are appropriated therefor by the Legislature.

(6) The Energy Returns Officer and every deputy officer <sup>May take oaths</sup> has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario.

30. The Lieutenant Governor in Council may appoint <sup>Assistants to Energy Returns Officer</sup> from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity.

31. The Energy Returns Officer may for the purposes of <sup>Production of documents, etc.</sup> this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as may be stipulated in such letter.

32. When authorized in writing by the chairman of the <sup>Power to enter, etc.</sup> Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such documents or records, providing that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing.

**Regulations** **33.** The Lieutenant Governor in Council may make regulations for the purposes of this Part,

- (a) requiring and providing for the making of returns, statements or reports concerning energy by any person;
- (b) prescribing classes of gas transmitters, distributors and storage companies;
- (c) respecting the manner in which the accounts of gas transmitters, distributors and storage companies are to be kept;
- (d) prescribing a uniform system of accounts applicable to any of the classes of gas transmitters, distributors or storage companies;
- (e) requiring gas transmitters, distributors and storage companies to furnish all prospectuses approved by the Ontario Securities Commission and returns, and information respecting capital, revenues, and expenses, and such other information as may be required for the purposes of this Act or the regulations;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

**Notify Board**

**34.** The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings.

**Witnesses**

**35.—(1)** The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 32 and any inspector may be called as a witness by the Board.

**No privilege**

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege.

**Owner to be party**

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the maker of the return is a party to that proceeding or an associate of a party to that proceeding.

**Information confidential**

**36.—(1)** All information and material furnished to or received or obtained by the Energy Returns Officer, his

deputy officers and employees or any person authorized by the chairman of the Board in writing under section 32 shall be confidential.

(2) No person shall otherwise than in the ordinary course <sup>Idem</sup> of his duties communicate any such information or allow access to or inspection of any such material.

(3) Every person who contravenes any of the provisions <sup>Penalty</sup> of subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000.

**37.** No document, record or photocopy thereof or any <sup>Not</sup> return made under this Part is admissible in evidence in any <sup>evidence in</sup> proceeding except proceedings before the Board, on appeals <sup>certain</sup> or other proceedings respecting an order of the Board or in <sup>proceedings</sup> summary proceedings commenced under section 38.

**38.**—(1) Every person who contravenes or fails to comply <sup>Penalty</sup> with any provision of this Part or the regulations made under this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 and not less than \$200 for each day over which the offence continues, or, in default, to imprisonment for a term of not more than two years less a day.

(2) No information may be laid under this section or under <sup>Permission</sup> section 36 without the written permission of the Minister in <sup>of the</sup> the form prescribed in the regulations.

### PART III

#### MISCELLANEOUS AND TRANSITIONAL

**39.**—(1) The Board shall make a report annually to the <sup>Annual</sup> Minister containing such information as the Minister may <sup>report</sup> require.

(2) A copy of the report shall be filed with the Provincial <sup>Idem</sup> Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**40.**—(1) Every order made under *The Ontario Fuel Board Act, 1954, The Fuel Supply Act, The Natural Gas Conservation Act* or *The Well Drillers Act*, which is in force on the day this Act comes into force, becomes an order under this Act and shall be deemed to have been made under this Act. <sup>Existing regulations and orders adopted 1954, c. 63; R.S.O. 1950, cc. 152, 251, 423</sup>

- Pending applications** (2) Every application pending before the Ontario Fuel Board on the day this Act comes into force becomes an application before the Board.
- Reference to Ontario Fuel Board** (3) Any reference in any Act to the Ontario Fuel Board shall be deemed to be a reference to the Ontario Energy Board.
- Repeal:** **41.** The following are repealed:
- 1954, c. 63 1. *The Ontario Fuel Board Act, 1954.*
  - 1955, c. 53 2. *The Ontario Fuel Board Amendment Act, 1955.*
  - 1956, c. 57 3. *The Ontario Fuel Board Amendment Act, 1956.*
  - 1957, c. 84 4. *The Ontario Fuel Board Amendment Act, 1957.*
  - 1958, c. 71, except s. 6 5. *The Ontario Fuel Board Amendment Act, 1958, except section 6 thereof.*
- Commencement** **42.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title** **43.** This Act may be cited as *The Ontario Energy Board Act, 1960.*



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*1st Reading*

February 2nd, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

April 11th, 1960

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MR. MACAULAY

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**BILL 39**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act respecting Energy**

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MR. MACAULAY

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



## An Act respecting Energy

**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 and in *The Ontario Energy Board Act, 1960*, <sup>Interpre-</sup>  
<sup>tation</sup>  
1960, c. . . .
  1. "appliance" means any device using gas or fuel oil and includes all piping, vents, tanks, fittings and other devices attached or to be attached thereto;
  2. "associate" means any person, whether directly or indirectly through one or more intermediaries,
    - i. who has the power to direct or to cause to be directed the management and policies of any corporation,
    - ii. whose management and policies any corporation has the power to direct or to cause to be directed,
    - iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any corporation;
  3. "Board" means The Ontario Energy Board;
  4. "contractor" means a person,
    - i. who carries on the business of installing, repairing or servicing appliances; or
    - ii. who sells appliances and agrees to install the same;

5. "corporation" means a corporation or a natural person that has authority or seeks authority to acquire, drill for, produce, manufacture, store, process, refine, transmit, measure, sell or otherwise dispose of or distribute any hydrocarbon;
6. "Department" means the Department of Energy Resources;
7. "distributor" means a person who supplies gas to a consumer and "distribute" and "distribution" have corresponding meanings;
8. "franchise" means any right or privilege to transmit any hydrocarbon in or through a municipality or to construct works therefor or to distribute gas by pipe line in a municipality or to construct works therefor;
9. "fuel oil" means any hydrocarbon within the meaning of Specification 3-GP. 2A of the Canadian Government Specification Board that has a flash-point of not less than 100°F.;
10. "gas" means any hydrocarbon that, at a temperature of 60°F. and a pressure of 30 inches of mercury absolute, is in a gaseous state;
11. "hydrocarbon" means any chemical compound of carbon and hydrogen and includes any gas to be used as fuel;
12. "inspector" means an inspector appointed under this Act;
13. "land" includes any interest in land;
14. "licence" means a licence issued under this Act;
15. "Minister" means the Minister of Energy Resources;
16. "oil" means any hydrocarbon, other than gas or fuel oil;
17. "owner" includes mortgagee, lessee, tenant, occupant, or any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest therein is vested;
18. "permit" means a permit issued under this Act;

19. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality; R.S.O. 1950,  
c. 184
20. "pipe line", except in Part III, means any pipe that carries any hydrocarbon;
21. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;
22. "registered" means registered under this Act, and "registration" has a corresponding meaning;
23. "regulations" means the regulations made under this Act and *The Ontario Energy Board Act, 1960*; 1960, c. ...
24. "transmitter" means a person who carries any hydrocarbon by pipe line other than as a producer or as a distributor, and "transmit" and "transmission" have corresponding meanings;
25. "utility line" means a telephone, telegraph, electric power, gas or water line or any other line that supplies a service or commodity to the public;
26. "well" means a well drilled or bored for gas or oil, and includes holes drilled or bored for the testing of sub-surface structure, injection wells, wells for the disposal of waste substances and other types of service wells and wells for the storage of any hydrocarbon but does not include wells for the extraction of salt or brine or wells for the supply of water provided that where gas or oil is encountered during any drilling or boring operation the operation thereupon becomes a well;
27. "work" means every well, machine for drilling or boring wells, pipe line, appliance or equipment and every part thereof and adjunct thereto that is used in the drilling for, production, manufacture, processing, refining, transmission, distribution, measurement, storage or consumption of hydrocarbons.

## PART I

### REGULATION AND INSPECTION

- 2.—(1) The Lieutenant Governor in Council may appoint Inspectors,  
appoint-  
ment  
inspectors.

Power of  
inspectors

(2) Every inspector may, for the purposes of this Act and the regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

- (a) enter in or upon, take up or use any property, real or personal, at any time;
- (b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;
- (c) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and
- (d) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's  
instructions

(4) Every inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Not required  
to testify

(5) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty.

No personal  
liability

(6) No inspector shall be personally liable for anything done by him under the authority of this Act or the regulations.

Inspectors  
may tag  
works

**3.—(1)** Every inspector may tag any work in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being or is about to be committed by attaching a tag in the prescribed form to some part of such work.

Tag not  
to be  
removed,  
etc.

(2) No person other than an inspector shall alter, deface or destroy any such tag and no person other than an inspector shall remove any such tag unless first authorized in writing by an inspector.

Work not  
to be used

(3) Except when authorized by an inspector, no person shall operate, or remove gas or oil from, or knowingly supply gas

or oil to, or use in any manner whatsoever, a work that has been tagged.

4. In any prosecution under this Act or in any application before the Board, a certificate purporting to be signed by an inspector is *prima facie* proof of the facts set out therein without any proof of office or signature.

Certificate  
of inspector  
*prima facie*  
proof

5.—(1) No person shall,

Prohibitions

- (a) lease gas or oil rights from an owner other than the Crown; or
- (b) produce gas or oil; or
- (c) transmit or distribute gas; or
- (d) transmit oil or fuel oil; or
- (e) conduct any geophysical or geochemical exploration for gas or oil,

unless he is the holder of a licence for such purpose.

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed.

Boring  
machine  
to be  
licensed

(3) No person shall bore or drill any well other than for the testing of sub-surface structure, unless he is the holder of a permit for such purpose.

Permit to  
bore or  
drill

(4) Subject to the regulations, no person shall obtain gas unless he is the holder of a permit for such purpose.

Permit to  
obtain gas

(5) No person shall manufacture, buy, sell or install any appliance or have or use any portable appliance or any appliance in a trailer or any other vehicle that does not bear,

Gas  
appliances

- (a) the seal of approval of an organization designated in the regulations; or
- (b) a label issued by the Minister.

(6) No person, other than a registered contractor, his employee or agent, shall install, repair, service or remove any appliance.

Instal-  
lations, etc.

(7) No person shall install or have installed any appliance that is to be supplied with gas by a distributor without first giving notice to the distributor of the address of the premises at which the installation is to be made and the type of appliance to be installed.

Idem

- Idem** (8) No person shall install or have installed any appliance that is to be supplied with gas unless permission has first been given to the distributor to inspect such installation at any time and from time to time.
- Inspection of appliance** (9) Subject to the regulations no distributor shall knowingly supply gas to a vented appliance until he has inspected the installation thereof and is satisfied that it complies with the regulations.
- Removal of gas from Ontario** (10) No person who produces gas in Ontario or who purchases or otherwise acquires or has entered into a contract to purchase or otherwise acquire property in gas in Ontario may remove any part of such gas, or cause it to be removed, from Ontario unless he is the holder of a permit for such purpose.
- Emergency measures** **6.** Where the Lieutenant Governor in Council has declared that an emergency exists, the Minister may, notwithstanding anything in this or any other Act, make such orders as the Minister considers necessary to maintain the supply of gas to the public.
- Offences and penalties** **7.** Every person who,
- (a) contravenes any provision of this Act or the regulations or any order of the Board; or
  - (b) fails to carry out the instructions of an inspector under section 2; or
  - (c) unduly wastes or causes to be unduly wasted any gas or oil; or
  - (d) tampers or interferes with any work without authority to do so; or
  - (e) knowingly makes a false statement in any application, return or statement or other material required under this Act or the regulations; or
  - (f) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,
- is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day over which the offence continues, or to imprisonment for a term of not more than one year, or to both.



8.—(1) The Minister may grant or refuse to grant a licence or permit to any person and he may, in granting a licence or permit, impose such terms and conditions as he deems proper. Powers of Minister as to licences, etc.

(2) The Minister may register or refuse to register any person under this Act or the regulations and he may, in granting any such registration, impose such terms and conditions as he deems proper. Registration

(3) Upon the recommendation of the Board, the Minister may revoke, suspend or reinstate any licence, permit or registration. Revocation, suspension, etc.

(4) Where a licence, permit or registration is revoked or suspended, the Minister shall notify the holder in writing at his last known address by registered mail of such revocation or suspension and the holder shall forthwith forward to the Minister his licence, permit or registration certificate. Notice re revocation or suspension

9.—(1) The Lieutenant Governor in Council may make regulations, Regulations

1. for the conservation of gas or oil;
2. prescribing areas where drilling for gas or oil is prohibited;
3. prescribing classes of hydrocarbons and classes of works and classes of corporations and classes of associates;
4. prescribing conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon;
5. regulating the construction, erection, alteration, installation, removal, acquisition of, operation of or maintenance of works or any class thereof;
6. regulating the location and spacing of wells;
7. prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;
8. requiring the keeping of drilling and production samples;

9. requiring persons who drill wells to furnish reports, returns, geological and other information and samples;
10. requiring dry or abandoned wells to be plugged or replugged and prescribing the methods, equipment and materials to be used in plugging or replugging wells;
11. prescribing the methods, equipment and materials to be used in shutting in wells;
12. regulating the repressuring, the maintenance of pressure in, or the injection of gas, oil, water or any other substance into, gas or oil horizons;
13. regulating the allocation of a just and equitable share of the market demand for gas or oil to the several sources thereof and the several interests within a field or pool;
14. to provide for the designation of drainage units and requiring and regulating the joining of the various interests within a drainage unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation;
15. requiring and regulating the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation;
16. regulating the use of wells for the disposal of waste substances;
17. subject to *The Boilers and Pressure Vessels Act, 1951* and *The Gasoline Handling Act*, regulating the installation, use, removal, storage, handling and filling of pressure vessels for liquefied petroleum gas;
18. regulating the terms of agreements between distributors and consumers;
19. prescribing classes of appliances and regulating the types, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them, and prescribing when and where meters are to be used;

1951, c. 7;  
R.S.O. 1950,  
c. 156

20. prohibiting the sale, installation or use of appliances, or any class of them;
21. requiring the registration of persons who sell appliances, or any class of them;
22. designating organizations to test appliances to specifications approved by the Minister, and to indicate their approval of any such appliances by placing a seal of approval thereon;
23. regulating safety standards in the drilling for, production, manufacture, processing, refining, storage, transmission, distribution, measurement and consumption of any hydrocarbon, or any class of them;
24. requiring and providing for the inspection of appliances by distributors and prescribing the time at which and the manner in which such inspection shall be made;
25. providing for the issue of licences, permits and labels;
26. prescribing classes of contractors and requiring and providing for the registration of them, or any class of them;
27. prescribing classes of meters and requiring and providing for the registration of meters, or any class of them;
28. prescribing classes of licences, permits and labels and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made;
29. prescribing the fee payable for any licence, permit, label or registration;
30. prescribing fees to be paid by corporations, or any class of them, for the inspection of their works and services;
31. requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;
32. requiring and providing for guarantees or other security by bond or other means that works com-

menced under permit will be completed in accordance with this Act, the regulations or any order of the Board;

33. creating a fund to be known as the Abandoned Works Fund for the completion of works and prescribing the procedures for payment of money into and out of the fund;
34. permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of sale to expenses incurred in the doing of anything required to be done to or with such works;
35. permitting the Crown to cause anything to be done which the Board has ordered any person to do and permitting the Crown to recover expenses from such person;
36. prescribing forms and tags and providing for their use;
37. requiring and providing for the keeping of records and the making of returns, statements or reports on the drilling for, production, storage, manufacture, processing, refining, transmission, distribution, measurement or consumption of any hydrocarbon, or any class of them;
38. regulating the acquisition, preparation, transportation, distribution and use of coal, coke, lignite or wood to be used as fuel;
39. regulating the acquisition, storing, transportation, distribution, sale, processing, preparation and use of uranium;
40. exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
41. exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
42. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Codes

(2) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council

considers necessary, any code and may require compliance with any code that is so adopted.

(3) Any regulation may designate any organization to authorize the use of its seal of approval on any work that complies with its code. <sup>Seal of approval</sup>

(4) Any regulation may be general or particular in its application. <sup>Scope of regulations</sup>

## PART II

### PIPE LINES

**10.** In this Part, "line" or "pipe line" means a pipe line for the transmission of hydrocarbons and includes any work appurtenant thereto and a branch line, but does not include gathering lines, flow lines, distribution lines and other lines within or contiguous to an oil refinery, oil storage depot or pipe line terminal. <sup>Interpretation</sup>

**11.** No corporation shall construct a pipe line without first obtaining from the Board an order granting leave to construct the line under section 12. <sup>Prerequisite to construction of line</sup>

**12.—(1)** An applicant for leave to construct a pipe line shall file with its application a map showing the general location of the proposed line and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the line is to pass. <sup>Route map</sup>

(2) Notice of an application under this section shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs. <sup>Notice of application</sup>

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based. <sup>Objections</sup>

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection. <sup>Reply</sup>

(5) An application under this section shall not be disposed of by the Board until after a public hearing has been held, and the hearing shall not be held until a period of at least <sup>Public hearing</sup>

sixty days has elapsed after the application has been filed with the Board, except that, where no objection is filed, the Board may abridge such period.

Notice of hearing

(6) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2.

Power to grant leave

(7) Where after the hearing the Board is of the opinion that the construction of the line is in the public interest, it may make an order granting leave to construct the line.

Right-of-way agreements

(8) Leave to construct the line shall not be granted until the applicant satisfies the Board that it will offer to each land owner an agreement in a form approved by the Board.

Terms and conditions

(9) In granting leave to construct a line, the Board may impose such terms and conditions as it considers proper.

Right to enter land

(10) When the Board has granted leave to construct a line, the corporation, through its officers, employees and agents, may enter into or upon any land lying in the intended route of the line and may make such surveys and examinations as are necessary for fixing the site of the line, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 14.

Expropriation

**13.**—(1) Where a corporation has leave to construct a pipe line, it may apply to the Board for authority to expropriate land for the purposes of the line and the Board shall thereupon set a date for the hearing of such application and such date shall be not less than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land.

Procedure

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board may direct.

Power to make order

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land.

Method of expropriation

(4) Where a corporation that has been authorized to expropriate land desires so to do, it shall register in the proper registry or land titles office,

(a) a copy of the order of the Board made under subsection 3 certified by the secretary of the Board; and

(b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf and signed by an Ontario land surveyor,

and thereupon the land vests in the corporation.

(5) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, <sup>Where interest limited</sup> the plan and description so registered 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, when so registered, the right of possession for such limited time, or such limited estate, right or interest, thereupon vests in the corporation.

(6) In the case of any omission, misstatement or erroneous <sup>Correction of errors</sup> description in any plan or description, a correct plan and description may be registered with the same effect as if the original plan and description had been correct.

**14.—**(1) The corporation shall make to the owner of land <sup>Compensation</sup> acquired by expropriation fair, just and equitable compensation under this Part for any damage resulting therefrom and for any further loss suffered by the owner due to any reasonable disposition of chattels made necessary by the dislocation of his business, beyond any advantage that the owner may derive from the work for which the land has been acquired by expropriation.

(2) The corporation shall make to the owner of land or <sup>Idem</sup> property injuriously affected in the carrying out of the purposes of this Part fair, just and equitable compensation under this Part for any damage resulting therefrom, beyond any advantage that the owner may derive from the work for which the land has been acquired by expropriation.

(3) No action or other proceeding lies in respect of such <sup>Determination of amount</sup> compensation and, failing agreement between the corporation and the owner, the amount thereof shall be determined in the manner provided in this section and *The Arbitration Act* <sup>R.S.O. 1950, c. 20</sup> does not apply.

(4) The Minister shall appoint one or more persons as a <sup>Board of arbitration</sup> board of arbitration to determine in a summary manner the amount of such compensation.

(5) Where the board of arbitration is composed of more <sup>Chairman</sup> than one person, the Minister shall designate one of them as chairman.

- Procedure (6) The practice and procedure of the Ontario Municipal Board applies to any arbitration under this section.
- Decision (7) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members fail to agree upon any matter, the decision of the chairman upon such matter is the decision of the board.
- Appeal (8) An appeal lies to the Ontario Municipal Board from the award of the board of arbitration.
- Notice of appeal (9) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, shall allow.
- Nature of appeal  
R.S.O. 1950,  
c. 262 (10) The hearing of an appeal under this section shall be a hearing *de novo* and the provisions of *The Ontario Municipal Board Act* apply thereto.
- Further appeal (11) An appeal within the meaning of section 98 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case the provisions of that section apply.
- Crossings with leave **15.**—(1) Where a corporation has leave to construct a pipe line, it may apply to the Board for authority to construct the line upon, under or over a highway, utility line or ditch.
- Procedure (2) The procedure set forth in subsections 1 and 2 of section 13 applies *mutatis mutandis* to an application under this section.
- Order (3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the corporation so to do upon such terms and conditions as it considers proper.
- Right to compensation for damages during construction **16.** Where a corporation has acquired land for the purposes of its pipe line by agreement with the owner of the land, the corporation shall make to the owner of the land due compensation for any damages resulting from the exercise of its rights under the agreement, and, if the compensation is not agreed upon by the corporation and the owner, it shall be determined in the manner prescribed by section 14.



**17.** Where a corporation requires at any time to enter upon any land to gain access to the right-of-way established under this Act for the purpose of maintaining, repairing, renewing or removing the line or part of it, the corporation has the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 14.

Right of entry and compensation

**18.** The decision of the Board on any application to it under this Act is final and conclusive.

Board's decision final

**19.—(1)** The powers that may be conferred upon a corporation under this Act are not in derogation of but are in addition to the powers it may otherwise possess.

Nature of powers

(2) Where leave to construct a line has been granted under this Act, section 59 of *The Public Utilities Act* does not apply to such line.

Where R.S.O. 1950, c. 320, s. 59, not to apply

**20.—(1)** One or more inspectors may be appointed under *The Public Service Act* for the purposes of this Part.

Inspectors R.S.O. 1950, c. 317

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors.

Idem

### PART III

#### ENERGY RETURNS OFFICER

**21.—(1)** The Lieutenant Governor in Council may appoint an officer known as the Energy Returns Officer.

Energy Returns Officer

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are deemed necessary.

Staff

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty.

Information privileged

(4) Neither the Energy Returns Officer nor any of his staff shall be personally liable for anything done by him under the authority of this Act or the regulations.

No personal liability

(5) The moneys required for the purposes of the Energy Returns Officer shall be paid out of the moneys that are appropriated therefor by the Legislature.

Moneys

May take  
oaths

(6) The Energy Returns Officer and every deputy officer has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario.

Assistants  
to Energy  
Returns  
Officer

**22.** The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of the matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity.

Production  
of docu-  
ments, etc.

**23.** The Energy Returns Officer may for the purposes of this Act and the regulations, by registered letter or by a demand served personally, require from any corporation or associate any information or additional information or further explanation of information or the production, or the production on oath, of any document or record connected with its business within such reasonable time as may be stipulated in such letter.

Power to  
enter, etc.

**24.** The Energy Returns Officer and every person authorized by him in writing may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any corporation or associate is carrying on business or keeps any document or record connected with its business or does or has done anything to any document or record; and may examine any such document or record, and may conduct audits, and may require any such corporation or associate or its employees or agents to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any document or record from such premises or place for the purposes of photostating such document or record, provided that such photostating is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such corporation or associate and the return thereof is acknowledged in writing.

Regulations

**25.** The Lieutenant Governor in Council may make regulations for the purposes of this Part,

- (a) requiring and providing for the making of returns, statements or reports concerning energy by any person;
- (b) prescribing classes of corporations and classes of associates;

- (c) respecting the manner in which the accounts of corporations and associates are to be kept;
- (d) prescribing a uniform system of accounts applicable to any of the classes of corporations or associates;
- (e) requiring corporations and associates to furnish all prospectuses and returns, and information respecting capital, revenues, and expenses, and such other information as may be required for the purposes of this Act or the regulations;
- (f) requiring corporations and associates to file advance notice of such intended change in capital structure or disposition of assets as are prescribed, and providing for the prohibition of any such change or disposition;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

**26.** The Energy Returns Officer may commence any proceeding before the Board and is a party to every proceeding before the Board. <sup>Party to proceedings</sup>

**27.** The Energy Returns Officer shall have access to all information acquired under this Act and may call any inspector as a witness in a proceeding before the Board. <sup>Access to information, etc.</sup>

**28.** In a proceeding before the Board, the Energy Returns Officer shall adduce such evidence as is relevant to such proceeding, and no document or photostat thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the grounds of privilege. <sup>Evidence</sup>

**29.** No document, record or return in the hands of the Energy Returns Officer is a public document nor shall any such document, record or return be admitted in evidence in a proceeding in any court, except in a proceeding before the Board. <sup>Documents, etc., not public</sup>

**30.** Every person who contravenes or fails to comply with any provision of this Part or the regulations made under this Part is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000 and not less than \$200 for each day over which the offence continues, or to imprisonment for a term of not more than two years less a day, or to both. <sup>Penalty</sup>

## PART IV

## MISCELLANEOUS AND TRANSITIONAL

- Conflict           **31.** In the event of conflict between this Act and any other general or special Act, this Act prevails.
- 1958, c. 78,  
repealed           **32.** *The Pipe Lines Act, 1958* is repealed.
- Commence-  
ment               **33.** This Act comes into force on a day to be named by the Lieutenant Governor by his Proclamation.
- Short title       **34.** This Act may be cited as *The Energy Act, 1960*.





1891

1891

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*1st Reading*

February 2nd, 1960

*2nd Reading*

*3rd Reading*

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MR. MACAULAY

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**BILL 39**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act respecting Energy**

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MR. MACAULAY

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*(Reprinted as amended by the Committee on Energy)*



## An Act respecting Energy

HER 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 and in *The Ontario Energy Board Act, 1960*,<sup>Interpretation 1960, c. . . .</sup>

1. "appliance" means any device using gas or fuel oil as fuel only and includes all gas or fuel oil piping, vents, tanks and controls attached or to be attached thereto, but excludes boilers and pressure vessels as defined by *The Boilers and Pressure Vessels Act, 1951*;<sup>1951, c. 7</sup>
2. "associate" means a person, whether directly or indirectly through one or more intermediaries,
  - i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,
  - ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,
  - iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;
3. "Board" means the Ontario Energy Board;
4. "contractor" means a person,
  - i. who carries on the business of installing, repairing or servicing appliances, or
  - ii. who sells appliances and agrees to install the same;

5. "corporation" means a person who has the authority or seeks authority to drill for or produce gas or oil or to store, distribute or manufacture gas or to transmit any hydrocarbon;
6. "Department" means the Department of Energy Resources;
7. "distributor" means a person who supplies gas to a consumer, and "distribute" and "distribution" have corresponding meanings;
8. "fuel oil" means any hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 110°F.;
9. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;
10. "hydrocarbon" means any chemical compound of carbon and hydrogen, and includes any gaseous substance to be used as fuel;
11. "inspector" means an inspector appointed under this Act;
12. "land" includes any interest in land;
13. "licence" means a licence issued under this Act;
14. "manufactured gas" means manufactured gas distributed by a public utility;
15. "Minister" means the Minister of Energy Resources;
16. "oil" means crude oil and includes any hydrocarbon which can be recovered in liquid form from a pool through a well;
17. "owner" includes a mortgagee, lessee, tenant or occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;
18. "permit" means a permit issued under this Act;
19. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

20. "pipe line", except in Part II, means any pipe that carries any hydrocarbon;
21. "pressure vessel" means pressure vessel as defined by *The Boilers and Pressure Vessels Act, 1951*; 1951, c. 7
22. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;
23. "registered" means registered under this Act, and "registration" has a corresponding meaning;
24. "regulations" means the regulations made under this Act and *The Ontario Energy Board Act, 1960*; 1960, c. ...
25. "storage company" means a person engaged in the business of storing gas;
26. "transmitter" means a person who carries any hydrocarbon by line as defined in Part II other than as a producer or as a distributor, and "transmit" and "transmission" have corresponding meanings;
27. "utility line" means a telephone, telegraph, electric power, gas or water line or any other line that supplies a service or commodity to the public;
28. "well" means a well drilled or bored for gas or oil, and includes holes drilled or bored for the testing of sub-surface structure, injection wells, wells for the disposal of waste substances and other types of service wells and wells for the storage of any hydrocarbon but does not include wells for the extraction of salt or brine or wells for the supply of water provided that where gas or oil is encountered during any drilling or boring operation the operation thereupon becomes a well;
29. "work" means every well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or the transmission of any hydrocarbon or the manufacture of manufactured gas.

## PART I

### REGULATION AND INSPECTION

- 2.—(1) The Lieutenant Governor in Council may appoint inspectors. Inspectors,  
appoint-  
ment

Power of  
inspectors

(2) An inspector may, for the purposes of this Act and the regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

- (a) enter in or upon, take up or use any property, real or personal, at any time;
- (b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;
- (c) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and
- (d) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's  
instructions

(4) An inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Written  
instructions

(5) If any person to whom an inspector gives oral instructions under subsection 4 requests that such instructions be put in writing, the inspector shall put such instructions in writing.

Not  
required  
to testify

(6) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty except with the written permission of the Minister.

No personal  
liability

(7) No inspector is personally liable for anything done by him under the authority of this Act or the regulations.

Inspectors  
may tag  
works

3.—(1) An inspector may tag any work or appliance in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being or is about to be committed by attaching a tag in the prescribed form to some part of such work or appliance.

(2) An inspector who has tagged a work or appliance shall <sup>Idem</sup> forthwith notify in writing the person who appears to have the care or custody of the work or appliance of such tagging.

(3) No person other than an inspector shall alter, deface <sup>Tag not to be removed</sup> or destroy any such tag and no person other than an inspector or a registered contractor who has remedied or repaired the work or appliance in accordance with requirements of the inspector shall remove any such tag.

(4) Where a tag is removed by a registered contractor, he <sup>Forward tag to inspector</sup> shall endorse his name and address thereon and forward the tag by registered mail to the inspector who attached the tag.

(5) Except when authorized by an inspector, no person <sup>Work not to be used</sup> shall operate, or remove hydrocarbons from, or knowingly supply hydrocarbons to, or use in any manner whatsoever, a work or appliance that has been tagged.

**4.—**(1) The Lieutenant Governor in Council may appoint <sup>Chief inspectors</sup> chief inspectors.

(2) A person who has just cause to believe that to comply <sup>Appeal to chief inspector</sup> with,

(a) any instruction given under subsection 4 of section 2; or

(b) a tag attached under section 3,

would cause physical injury to any person or would cause an unreasonable interference with the property or services of any person may appeal therefrom by giving oral notice thereof forthwith to a chief inspector.

(3) Such oral notice may be given by telephone. <sup>Idem</sup>

(4) The chief inspector so notified may vary, rescind or <sup>Idem</sup> confirm such instruction or instruct the removal of or compliance with such tag.

**5.—**(1) No person shall, <sup>Prohibitions</sup>

(a) lease gas or oil rights from an owner other than the Crown; or

(b) produce gas or oil; or

(c) transmit or distribute gas; or

- (d) transmit hydrocarbons other than gas; or
- (e) conduct any geophysical or geochemical exploration for gas or oil; or
- (f) transfer liquefied petroleum gas to a pressure vessel,

unless he is the holder of a licence for such purpose; provided that the failure on the part of any person to comply with this subsection shall not affect the validity of any contract.

Boring  
machine  
to be  
licensed

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed.

Permit to  
bore or  
drill

(3) No person shall bore or drill any well other than for the exploring of sub-surface structure, unless he is the holder of a permit for such purpose.

Permit to  
obtain gas

(4) Subject to the regulations, no industrial consumer shall use gas unless he is the holder of a permit for such purpose.

Gas  
appliances

(5) Subject to the regulations, no person shall buy, sell or install any appliance or have or use any portable appliance or any appliance in a trailer or any other vehicle that does not bear,

- (a) the seal of approval of an organization designated in the regulations; or
- (b) a label issued by the Minister.

Instal-  
lations, etc.

(6) Subject to the regulations, no person, other than a registered contractor, his employee or agent, shall install, repair, service or remove any appliance, or any class or classes thereof.

Idem

(7) No person shall install or have installed any appliance that is to be supplied with gas by a distributor without first giving notice to the distributor of the address of the premises at which the installation is to be made and the type of appliance to be installed.

Inspection  
by  
distributor

(8) Where the supply of gas to a meter is turned on, no person shall use any appliance connected thereto until the distributor that supplies gas to the meter has inspected all appliances.

Idem

(9) Every distributor shall inspect at least once every three years all appliances to which it supplies gas.



(10) A distributor shall have free access, at all reasonable times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance, within or without the building, or for placing meters upon any pipe or connection within or without the building as he may deem expedient and for that purpose, or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or any pipe, and may alter or disconnect any pipe.

(11) No person who produces natural gas in Ontario or who purchases or otherwise acquires or has entered into a contract to purchase or otherwise acquire property in such natural gas in Ontario may remove any part of such natural gas, or cause it to be removed, from Ontario unless he is the holder of a permit for such purpose.

6. Where the Lieutenant Governor in Council has declared that an emergency exists, the Minister may, notwithstanding anything in this or any other Act, make such orders as the Minister considers necessary to maintain the supply of gas to the public, or any class or classes thereof.

7.—(1) Every person who,

- (a) contravenes any provision of this Act or the regulations or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any gas or oil; or
- (c) tampers or interferes with any work or appliance without authority to do so; or
- (d) knowingly makes a false statement in any application, return or statement or other material required under this Act or the regulations; or
- (e) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day over which the offence continues, or to imprisonment for a term of not more than one year, or to both.

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations.

Powers of  
Minister as  
to licences,  
etc.

8.—(1) The Minister may grant or refuse to grant a licence or permit to any person and he may, in granting a licence or permit, impose such terms and conditions as he deems proper.

Registration

(2) The Minister may register or refuse to register any person under this Act or the regulations and he may, in granting any such registration, impose such terms and conditions as he deems proper.

Revocation,  
suspension,  
etc.

(3) Upon the order of the Board, the Minister shall revoke, suspend or reinstate any licence, permit or registration or grant or refuse to grant a permit to bore or drill a well in a designated gas storage area.

Notice re  
revocation or  
suspension

(4) Where a licence, permit or registration is revoked or suspended, the Minister shall notify the holder in writing at his last known address by registered mail of such revocation or suspension and the holder shall forthwith forward to the Minister his licence, permit or registration certificate.

Appeal

(5) In an appeal from any order of the Board made under this section, the Court of Appeal may consider any question of law, jurisdiction or fact.

Regulations

9.—(1) The Lieutenant Governor in Council may make regulations,

1. for the conservation of gas or oil;
2. prescribing areas where drilling for gas or oil is prohibited;
3. prescribing classes of hydrocarbons and classes of works and classes of corporations and classes of associates;
4. prescribing statutory conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon;
5. regulating the construction, erection, alteration, installation, removal, operation or maintenance of any work or appliance or any class thereof;
6. regulating the location and spacing of wells;
7. prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;
8. requiring the keeping of drilling and production samples;

9. requiring persons who drill wells to furnish reports, returns, geological and other information and samples;
10. requiring dry or abandoned wells to be plugged or replugged and prescribing the methods, equipment and materials to be used in plugging or replugging wells;
11. prescribing the methods, equipment and materials to be used in shutting in wells;
12. regulating the repressuring, the maintenance of pressure in, or the injection of gas, oil, water or any other substance into, gas or oil horizons;
13. regulating the allocation of a just and equitable share of the market demand for gas or oil to the several sources thereof and the several interests within a field or pool;
14. to provide for the designation of drainage units and requiring and regulating the joining of the various interests within a drainage unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation;
15. requiring and regulating the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation;
16. regulating the use of wells for the disposal of waste substances;
17. subject to *The Boilers and Pressure Vessels Act, 1951* <sup>1951, c. 7;</sup> and *The Gasoline Handling Act*, regulating the in- <sup>R.S.O. 1950,</sup> <sup>c. 156</sup>   
 installation, use, removal, storage, handling and filling of pressure vessels for liquefied petroleum gas, and piping and attachments thereto;
18. regulating the conditions of agreements between distributors and consumers;
19. prescribing classes of appliances and regulating the types, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them;

20. prohibiting the sale, installation or use of appliances, or any class of them;
21. designating organizations to test appliances to specifications approved by the Minister, and to indicate their approval of any such appliances by placing a seal of approval thereon;
22. subject to *The Boilers and Pressure Vessels Act, 1951* and *The Gasoline Handling Act*, regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, manufacture, processing, refining, storage, transmission, distribution, measurement, carriage by pipe line and consumption of any hydrocarbon, or any class of them;
23. requiring and providing for the inspection of appliances by distributors and prescribing the frequency with which and the manner in which such inspection shall be made;
24. providing for the issue of licences, permits and labels;
25. prescribing classes of contractors and requiring and providing for the registration of them, or any class of them;
26. prescribing classes of meters and requiring and providing for the registration of meters, or any class of them;
27. prescribing classes of licences, permits and labels and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made;
28. prescribing the fee payable for any licence, permit, label or registration;
29. prescribing fees to be paid by corporations, or any class of them, for the inspection of works and appliances;
30. requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;
31. requiring and providing for guarantees or other security by bond or other means that works com-

1951, c. 7;  
R.S.O. 1950,  
c. 156

menced under permit will be completed in accordance with this Act, the regulations or any order of the Board;

32. creating a fund to be known as the Abandoned Works Fund for the completion or removal of works and prescribing the procedures for payment of money into and out of the fund;
33. permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of sale to expenses incurred in the doing of anything required to be done to or with such works;
34. permitting the Crown to cause anything to be done which the Board has ordered any person to do and permitting the Crown to recover expenses from such person;
35. prescribing forms and tags and providing for their use;
36. requiring and providing for the keeping of records and the making of returns, statements or reports on the drilling for or production of gas or oil or the storage, distribution or transmission of gas or the manufacture of manufactured gas;
37. regulating the acquisition, preparation, transportation, distribution and use of coal, coke, lignite or wood to be used as fuel;
38. regulating the acquisition, storing, transportation, distribution, sale, processing, preparation and use of uranium;
39. exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
40. exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
41. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may adopt by reference, in whole or in <sup>Codes</sup> part with such changes as the Lieutenant Governor in Council

considers necessary, any code and may require compliance with any code that is so adopted.

Seal of approval

(3) Any regulation may designate any organization to authorize the use of its seal of approval on any work or appliance that complies with its code.

Scope of regulations

(4) Any regulation may be general or particular in its application.

## PART II

### PIPE LINES

Interpretation

**10.** In this Part, "line" or "pipe line" means a pipe line for the transmission of hydrocarbons and includes any work appurtenant thereto and a branch line, but does not include gathering lines, flow lines or distribution lines and does not include other lines within or contiguous to an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal.

Prerequisite to construction of line

**11.** No corporation shall construct a pipe line without first obtaining from the Board an order granting leave to construct the line under section 12.

Route map

**12.—(1)** An applicant for leave to construct a pipe line shall file with its application a map showing the general location of the proposed line and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the line is to pass.

Notice of application

(2) Notice of an application under this section shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs.

Objections

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based.

Reply

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection.

Public hearing

(5) An application under this section shall not be disposed of by the Board until after a public hearing has been held, and the hearing shall not be held until a period of at least

sixty days has elapsed after the application has been filed with the Board, except that, where no objection is filed, the Board may abridge such period.

(6) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2. Notice of hearing

(7) Where after the hearing the Board is of the opinion that the construction of the line is in the public interest, it may make an order granting leave to construct the line. Power to grant leave

(8) Leave to construct the line shall not be granted until the applicant satisfies the Board that it will offer to each land owner an agreement in a form approved by the Board. Right-of-way agreements

(9) In granting leave to construct a line, the Board may impose such terms and conditions as it considers proper. Terms and conditions

(10) When the Board has granted leave to construct a line, the corporation, through its officers, employees and agents, may enter into or upon any land lying in the intended route of the line and may make such surveys and examinations as are necessary for fixing the site of the line, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 14. Right to enter land

**13.—**(1) Where a corporation has leave to construct a pipe line under this Act or under *The Pipe Lines Act, 1958* or where a certificate has been granted under *The Gas Pipe Lines Act, 1951*, it may apply to the Board for authority to expropriate land for the purposes of the line and the Board shall thereupon set a date for the hearing of such application and such date shall be not less than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. Expropriation 1958, c. 78; 1951, c. 30

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board may direct. Procedure

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. Power to make order

(4) Where a corporation that has been authorized to expropriate land desires so to do, it shall register in the proper registry or land titles office, Method of expropriation

(a) a copy of the order of the Board made under subsection 3 certified by the secretary of the Board; and

(b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf and signed by an Ontario land surveyor,

and thereupon the land vests in the corporation.

Where  
interest  
limited

(5) 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 registered 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, when so registered, the right of possession for such limited time, or such limited estate, right or interest, thereupon vests in the corporation.

Correction  
of errors

(6) In the case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be registered with the same effect as if the original plan and description had been correct.

Compensation  
1958, c. 78;  
1951, c. 30

**14.**—(1) The corporation shall make to the owner of land acquired by expropriation under this Act, or under *The Pipe Lines Act, 1958*, or under *The Gas Pipe Lines Act, 1951*, due compensation for the land and for any damages resulting from the exercise of such power.

Determina-  
tion of  
amount

(2) No action or other proceeding lies in respect of such compensation and, failing agreement between the corporation and the owner, the amount thereof shall be determined in the manner provided in this section and *The Arbitration Act* does not apply.

R.S.O. 1950,  
c. 20

Board of  
arbitration

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation.

Chairman

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman.

Procedure

(5) The Lieutenant Governor in Council may make regulations governing the practice and procedure of the board of arbitration and, until such regulations are made, the practice and procedure of the Ontario Municipal Board apply to any arbitration under this section.

Decision

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members



fail to agree upon any matter, the decision of the chairman upon such matter is the decision of the board.

(7) An appeal lies to the Ontario Municipal Board from the award of the board of arbitration. Appeal

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, shall allow. Notice of appeal

(9) The hearing of an appeal under this section shall be a hearing *de novo* and the provisions of *The Ontario Municipal Board Act* apply thereto. Nature of appeal  
R.S.O. 1950,  
c. 262

(10) An appeal within the meaning of section 98 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case the provisions of that section apply. Further appeal

**15.**—(1) Where a corporation has leave to construct a pipe line, it may apply to the Board for authority to construct the line upon, under or over a highway, utility line or ditch. Crossings with leave

(2) The procedure set forth in subsections 1 and 2. of section 13 applies *mutatis mutandis* to an application under this section. Procedure

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the corporation to do upon such terms and conditions as it considers proper. Order

**16.** Where a corporation has acquired land for the purposes of its pipe line by agreement with the owner of the land, the corporation shall make to the owner of the land due compensation for any damages resulting from the exercise of its rights under the agreement, and, if the compensation is not agreed upon by the corporation and the owner, it shall be determined in the manner prescribed by section 14. Right to compensation for damages during construction

**17.** Where a corporation requires at any time to enter upon any land to gain access to the right-of-way established under this Act, *The Pipe Lines Act, 1958* or *The Gas Pipe Lines Act, 1951*, for the purpose of maintaining, repairing, renewing or removing the line or part of it, the corporation Right of entry and compensation  
1958, c. 78;  
1951, c. 30

has the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 14.

Board's  
decision  
final

**18.** The decision of the Board on any application to it under this Part is final and conclusive.

Nature of  
powers

**19.**—(1) The powers that may be conferred upon a corporation under this Part are not in derogation of but are in addition to the powers it may otherwise possess.

Where  
R.S.O. 1950,  
c. 320, s. 59,  
not to apply

(2) Where leave to construct a line has been granted under this Part, section 59 of *The Public Utilities Act* does not apply to such line.

Inspectors  
R.S.O. 1950,  
c. 317

**20.**—(1) One or more inspectors may be appointed under *The Public Service Act* for the purposes of this Part.

Idem

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors.

### PART III

#### MISCELLANEOUS AND TRANSITIONAL

Conflict

**21.**—(1) In the event of conflict between this Act and any other general or special Act, this Act prevails.

Idem

(2) This Act and the regulations prevail over any by-law passed by a municipality.

1958, c. 78,  
repealed

**22.** *The Pipe Lines Act, 1958* is repealed.

Commence-  
ment

**23.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**24.** This Act may be cited as *The Energy Act, 1960*.

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**18.** The decision of the Board on any application to it under this Part is final and conclusive.

Nature of  
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**19.**—(1) The powers that may be conferred upon a corporation under this Part are not in derogation of but are in addition to the powers it may otherwise possess.

Where  
R.S.O. 1950,  
c. 320, s. 59,  
not to apply

(2) Where leave to construct a line has been granted under this Part, section 59 of *The Public Utilities Act* does not apply to such line.

Inspectors  
R.S.O. 1950,  
c. 317

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*1st Reading*

February 2nd, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

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MR. MACAULAY

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*(Reprinted as amended by the  
Committee on Energy)*

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1960

**BILL 39**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act respecting Energy**

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MR. MACAULAY

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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





## An Act respecting Energy

HER 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 and in *The Ontario Energy Board Act, 1960*, <sup>Interpre-  
tation  
1960, c. . . .</sup>
  1. "appliance" means any device using gas or fuel oil as fuel only and includes all gas or fuel oil piping, vents, tanks and controls attached or to be attached thereto, but excludes boilers and pressure vessels as defined by *The Boilers and Pressure Vessels Act, 1951*; 1951, c. 7
  2. "associate" means a person, whether directly or indirectly through one or more intermediaries,
    - i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,
    - ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,
    - iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;
  3. "Board" means the Ontario Energy Board;
  4. "contractor" means a person,
    - i. who carries on the business of installing, repairing or servicing appliances, or
    - ii. who sells appliances and agrees to install the same;

5. "corporation" means a person who has the authority or seeks authority to drill for or produce gas or oil or to store, distribute or manufacture gas or to transmit any hydrocarbon;
6. "Department" means the Department of Energy Resources;
7. "distributor" means a person who supplies gas to a consumer, and "distribute" and "distribution" have corresponding meanings;
8. "fuel oil" means any hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 110°F.;
9. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;
10. "hydrocarbon" means any chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;
11. "inspector" means an inspector appointed under this Act;
12. "land" includes any interest in land;
13. "licence" means a licence issued under this Act;
14. "manufactured gas" means manufactured gas distributed by a public utility;
15. "Minister" means the Minister of Energy Resources;
16. "oil" means crude oil and includes any hydrocarbon which can be recovered in liquid form from a pool through a well;
17. "owner" includes a mortgagee, lessee, tenant or occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;
18. "permit" means a permit issued under this Act;
19. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

20. "pipe line", except in Part II, means any pipe that carries any hydrocarbon;
21. "pressure vessel" means pressure vessel as defined by *The Boilers and Pressure Vessels Act, 1951*; 1951, c. 7
22. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;
23. "registered" means registered under this Act, and "registration" has a corresponding meaning;
24. "regulations" means the regulations made under this Act and *The Ontario Energy Board Act, 1960*; 1960, c. ...
25. "storage company" means a person engaged in the business of storing gas;
26. "transmitter" means a person who carries any hydrocarbon by line as defined in Part II other than as a producer or as a distributor, and "transmit" and "transmission" have corresponding meanings;
27. "utility line" means a telephone, telegraph, electric power, gas or water line or any other line that supplies a service or commodity to the public;
28. "well" means a well drilled or bored for gas or oil, and includes holes drilled or bored for the testing of sub-surface structure, injection wells, wells for the disposal of waste substances and other types of service wells and wells for the storage of any hydrocarbon but does not include wells for the extraction of salt or brine or wells for the supply of water provided that where gas or oil is encountered during any drilling or boring operation the operation thereupon becomes a well;
29. "work" means every well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or the transmission of any hydrocarbon or the manufacture of manufactured gas.

## PART I

### REGULATION AND INSPECTION

- 2.—(1) The Lieutenant Governor in Council may appoint Inspectors,  
appoint-  
ment inspectors.

Power of  
inspectors

(2) An inspector may, for the purposes of this Act and the regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

- (a) enter in or upon, take up or use any property, real or personal, at any time;
- (b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;
- (c) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and
- (d) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's  
instructions

(4) An inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Written  
instructions

(5) If any person to whom an inspector gives oral instructions under subsection 4 requests that such instructions be put in writing, the inspector shall put such instructions in writing.

Not  
required  
to testify

(6) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty except with the written permission of the Minister.

No personal  
liability

(7) No inspector is personally liable for anything done by him under the authority of this Act or the regulations.

Inspectors  
may tag  
works

**3.**—(1) An inspector may tag any work or appliance in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being or is about to be committed by attaching a tag in the prescribed form to some part of such work or appliance.

(2) An inspector who has tagged a work or appliance shall <sup>Idem</sup> forthwith notify in writing the person who appears to have the care or custody of the work or appliance of such tagging.

(3) No person other than an inspector shall alter, deface <sup>Tag not to be removed</sup> or destroy any such tag and no person other than an inspector or a registered contractor who has remedied or repaired the work or appliance in accordance with requirements of the inspector shall remove any such tag.

(4) Where a tag is removed by a registered contractor, he <sup>Forward tag to inspector</sup> shall endorse his name and address thereon and forward the tag by registered mail to the inspector who attached the tag.

(5) Except when authorized by an inspector, no person <sup>Work not to be used</sup> shall operate, or remove hydrocarbons from, or knowingly supply hydrocarbons to, or use in any manner whatsoever, a work or appliance that has been tagged.

**4.**—(1) The Lieutenant Governor in Council may appoint <sup>Chief inspectors</sup> chief inspectors.

(2) A person who has just cause to believe that to comply <sup>Appeal to chief inspector</sup> with,

(a) any instruction given under subsection 4 of section 2; or

(b) a tag attached under section 3,

would cause physical injury to any person or would cause an unreasonable interference with the property or services of any person may appeal therefrom by giving oral notice thereof forthwith to a chief inspector.

(3) Such oral notice may be given by telephone. Idem

(4) The chief inspector so notified may vary, rescind or <sup>Idem</sup> confirm such instruction or instruct the removal of or compliance with such tag.

**5.**—(1) No person shall, Prohibitions

(a) lease gas or oil rights from an owner other than the Crown; or

(b) produce gas or oil; or

(c) transmit or distribute gas; or

- (d) transmit hydrocarbons other than gas; or
- (e) conduct any geophysical or geochemical exploration for gas or oil; or
- (f) transfer liquefied petroleum gas to a pressure vessel,

unless he is the holder of a licence for such purpose, provided that the failure on the part of any person to comply with this subsection shall not affect the validity of any contract.

Boring  
machine  
to be  
licensed

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed.

Permit to  
bore or  
drill

(3) No person shall bore or drill any well other than for the exploring of sub-surface structure, unless he is the holder of a permit for such purpose.

Permit to  
obtain gas

(4) Subject to the regulations, no industrial consumer shall use gas unless he is the holder of a permit for such purpose.

Gas  
appliances

(5) Subject to the regulations, no person shall buy, sell or install any appliance or have or use any portable appliance or any appliance in a trailer or any other vehicle that does not bear,

(a) the seal of approval of an organization designated in the regulations; or

(b) a label issued by the Minister.

Instal-  
lations, etc.

(6) Subject to the regulations, no person, other than a registered contractor, his employee or agent, shall install, repair, service or remove any appliance, or any class or classes thereof.

Idem

(7) No person shall install or have installed any appliance that is to be supplied with gas by a distributor without first giving notice to the distributor of the address of the premises at which the installation is to be made and the type of appliance to be installed.

Inspection  
by  
distributor

(8) Where the supply of gas to a meter is turned on, no person shall use any appliance connected thereto until the distributor that supplies gas to the meter has inspected all appliances.

Idem

(9) Every distributor shall inspect at least once every three years all appliances to which it supplies gas.

(10) A distributor shall have free access, at all reasonable <sup>Idem</sup> times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance, within or without the building, or for placing meters upon any pipe or connection within or without the building as he may deem expedient and for that purpose, or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or any pipe, and may alter or disconnect any pipe.

(11) No person who produces natural gas in Ontario or who purchases or otherwise acquires or has entered into a contract to purchase or otherwise acquire property in such natural gas in Ontario may remove any part of such natural gas, or cause it to be removed, from Ontario unless he is the holder of a permit for such purpose. <sup>Removal of natural gas from Ontario</sup>

**6.** Where the Lieutenant Governor in Council has declared that an emergency exists, the Minister may, notwithstanding anything in this or any other Act, make such orders as the Minister considers necessary to maintain the supply of gas to the public, or any class or classes thereof. <sup>Emergency measures</sup>

**7.—(1)** Every person who,

<sup>Offences and penalties</sup>

- (a) contravenes any provision of this Act or the regulations or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any gas or oil; or
- (c) tampers or interferes with any work or appliance without authority to do so; or
- (d) knowingly makes a false statement in any application, return or statement or other material required under this Act or the regulations; or
- (e) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day over which the offence continues, or to imprisonment for a term of not more than one year, or to both.

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. <sup>Permission of the Minister</sup>

Powers of  
Minister as  
to licences,  
etc.

8.—(1) The Minister may grant or refuse to grant a licence or permit to any person and he may, in granting a licence or permit, impose such terms and conditions as he deems proper.

Registration

(2) The Minister may register or refuse to register any person under this Act or the regulations and he may, in granting any such registration, impose such terms and conditions as he deems proper.

Revocation,  
suspension,  
etc.

(3) Upon the order of the Board, the Minister shall revoke, suspend or reinstate any licence, permit or registration or grant or refuse to grant a permit to bore or drill a well in a designated gas storage area.

Notice re  
revocation or  
suspension

(4) Where a licence, permit or registration is revoked or suspended, the Minister shall notify the holder in writing at his last known address by registered mail of such revocation or suspension and the holder shall forthwith forward to the Minister his licence, permit or registration certificate.

Appeal

(5) In an appeal from any order of the Board made under this section, the Court of Appeal may consider any question of law, jurisdiction or fact.

Regulations

9.—(1) The Lieutenant Governor in Council may make regulations,

1. for the conservation of gas or oil;
2. prescribing areas where drilling for gas or oil is prohibited;
3. prescribing classes of hydrocarbons and classes of works and classes of corporations and classes of associates;
4. prescribing statutory conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon;
5. regulating the construction, erection, alteration, installation, removal, operation or maintenance of any work or appliance or any class thereof;
6. regulating the location and spacing of wells;
7. prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;
8. requiring the keeping of drilling and production samples;



9. requiring persons who drill wells to furnish reports, returns, geological and other information and samples;
10. requiring dry or abandoned wells to be plugged or replugged and prescribing the methods, equipment and materials to be used in plugging or replugging wells;
11. prescribing the methods, equipment and materials to be used in shutting in wells;
12. regulating the repressuring, the maintenance of pressure in, or the injection of gas, oil, water or any other substance into, gas or oil horizons;
13. regulating the allocation of a just and equitable share of the market demand for gas or oil to the several sources thereof and the several interests within a field or pool;
14. to provide for the designation of drainage units and requiring and regulating the joining of the various interests within a drainage unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation;
15. requiring and regulating the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation;
16. regulating the use of wells for the disposal of waste substances;
17. subject to *The Boilers and Pressure Vessels Act, 1951* <sup>1951, c. 7;</sup> and *The Gasoline Handling Act*, regulating the in- <sup>R.S.O. 1950, c. 156</sup> installation, use, removal, storage, handling and filling of pressure vessels for liquefied petroleum gas, and piping and attachments thereto;
18. regulating the conditions of agreements between distributors and consumers;
19. prescribing classes of appliances and regulating the types, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them;

20. prohibiting the sale, installation or use of appliances, or any class of them;
21. designating organizations to test appliances to specifications approved by the Minister, and to indicate their approval of any such appliances by placing a seal of approval thereon;
22. subject to *The Boilers and Pressure Vessels Act, 1951* and *The Gasoline Handling Act*, regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, manufacture, processing, refining, storage, transmission, distribution, measurement, carriage by pipe line and consumption of any hydrocarbon, or any class of them;
23. requiring and providing for the inspection of appliances by distributors and prescribing the frequency with which and the manner in which such inspection shall be made;
24. providing for the issue of licences, permits and labels;
25. prescribing classes of contractors and requiring and providing for the registration of them, or any class of them;
26. prescribing classes of meters and requiring and providing for the registration of meters, or any class of them;
27. prescribing classes of licences, permits and labels and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made;
28. prescribing the fee payable for any licence, permit, label or registration;
29. prescribing fees to be paid by corporations, or any class of them, for the inspection of works and appliances;
30. requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;
31. requiring and providing for guarantees or other security by bond or other means that works com-

1951, c. 7;  
R.S.O. 1950,  
c. 156

menced under permit will be completed in accordance with this Act, the regulations or any order of the Board;

32. creating a fund to be known as the Abandoned Works Fund for the completion or removal of works and prescribing the procedures for payment of money into and out of the fund;
33. permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of sale to expenses incurred in the doing of anything required to be done to or with such works;
34. permitting the Crown to cause anything to be done which the Board has ordered any person to do and permitting the Crown to recover expenses from such person;
35. prescribing forms and tags and providing for their use;
36. requiring and providing for the keeping of records and the making of returns, statements or reports on the drilling for or production of gas or oil or the storage, distribution or transmission of gas or the manufacture of manufactured gas;
37. regulating the acquisition, preparation, transportation, distribution and use of coal, coke, lignite or wood to be used as fuel;
38. regulating the acquisition, storing, transportation, distribution, sale, processing, preparation and use of uranium;
39. exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
40. exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
41. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council Codes

considers necessary, any code and may require compliance with any code that is so adopted.

Seal of approval

(3) Any regulation may designate any organization to authorize the use of its seal of approval on any work or appliance that complies with its code.

Scope of regulations

(4) Any regulation may be general or particular in its application.

## PART II

### PIPE LINES

Interpretation

**10.** In this Part, "line" or "pipe line" means a pipe line for the transmission of hydrocarbons and includes any work appurtenant thereto and a branch line, but does not include gathering lines, flow lines or distribution lines and does not include other lines within or contiguous to an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal.

Prerequisite to construction of line

**11.** No corporation shall construct a pipe line without first obtaining from the Board an order granting leave to construct the line under section 12.

Route map

**12.—(1)** An applicant for leave to construct a pipe line shall file with its application a map showing the general location of the proposed line and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the line is to pass.

Notice of application

(2) Notice of an application under this section shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs.

Objections

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based.

Reply

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection.

Public hearing

(5) An application under this section shall not be disposed of by the Board until after a public hearing has been held, and the hearing shall not be held until a period of at least

sixty days has elapsed after the application has been filed with the Board, except that, where no objection is filed, the Board may abridge such period.

(6) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2. Notice of hearing

(7) Where after the hearing the Board is of the opinion that the construction of the line is in the public interest, it may make an order granting leave to construct the line. Power to grant leave

(8) Leave to construct the line shall not be granted until the applicant satisfies the Board that it will offer to each land owner an agreement in a form approved by the Board. Right-of-way agreements

(9) In granting leave to construct a line, the Board may impose such terms and conditions as it considers proper. Terms and conditions

(10) When the Board has granted leave to construct a line, the corporation, through its officers, employees and agents, may enter into or upon any land lying in the intended route of the line and may make such surveys and examinations as are necessary for fixing the site of the line, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 14. Right to enter land

**13.—**(1) Where a corporation has leave to construct a pipe line under this Act or under *The Pipe Lines Act, 1958* or where a certificate has been granted under *The Gas Pipe Lines Act, 1951*, it may apply to the Board for authority to expropriate land for the purposes of the line and the Board shall thereupon set a date for the hearing of such application and such date shall be not less than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. Expropriation 1958, c. 78; 1951, c. 30

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board may direct. Procedure

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. Power to make order

(4) Where a corporation that has been authorized to expropriate land desires so to do, it shall register in the proper registry or land titles office, Method of expropriation

(a) a copy of the order of the Board made under subsection 3 certified by the secretary of the Board; and

- (b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf and signed by an Ontario land surveyor,

and thereupon the land vests in the corporation.

Where  
interest  
limited

(5) 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 registered 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, when so registered, the right of possession for such limited time, or such limited estate, right or interest, thereupon vests in the corporation.

Correction  
of errors

(6) In the case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be registered with the same effect as if the original plan and description had been correct.

Compensation  
1958, c. 78;  
1951, c. 30

**14.**—(1) The corporation shall make to the owner of land acquired by expropriation under this Act, or under *The Pipe Lines Act, 1958*, or under *The Gas Pipe Lines Act, 1951*, due compensation for the land and for any damages resulting from the exercise of such power.

Determina-  
tion of  
amount

(2) No action or other proceeding lies in respect of such compensation and, failing agreement between the corporation and the owner, the amount thereof shall be determined in the manner provided in this section and *The Arbitration Act* does not apply.

R.S.O. 1950,  
c. 20

Board of  
arbitration

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation.

Chairman

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman.

Procedure

(5) The Lieutenant Governor in Council may make regulations governing the practice and procedure of the board of arbitration and, until such regulations are made, the practice and procedure of the Ontario Municipal Board apply to any arbitration under this section.

Decision

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members

fail to agree upon any matter, the decision of the chairman upon such matter is the decision of the board.

(7) An appeal lies to the Ontario Municipal Board from the award of the board of arbitration. Appeal

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, shall allow. Notice of appeal

(9) The hearing of an appeal under this section shall be a hearing *de novo* and the provisions of *The Ontario Municipal Board Act* apply thereto. Nature of appeal R.S.O. 1950, c. 262

(10) An appeal within the meaning of section 98 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case the provisions of that section apply. Further appeal

**15.**—(1) Where a corporation has leave to construct a pipe line, it may apply to the Board for authority to construct the line upon, under or over a highway, utility line or ditch. Crossings with leave

(2) The procedure set forth in subsections 1 and 2 of section 13 applies *mutatis mutandis* to an application under this section. Procedure

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the corporation so to do upon such terms and conditions as it considers proper. Order

**16.** Where a corporation has acquired land for the purposes of its pipe line by agreement with the owner of the land, the corporation shall make to the owner of the land due compensation for any damages resulting from the exercise of its rights under the agreement, and, if the compensation is not agreed upon by the corporation and the owner, it shall be determined in the manner prescribed by section 14. Right to compensation for damages during construction

**17.** Where a corporation requires at any time to enter upon any land to gain access to the right-of-way established under this Act, *The Pipe Lines Act, 1958* or *The Gas Pipe Lines Act, 1951*, for the purpose of maintaining, repairing, renewing or removing the line or part of it, the corporation Right of entry and compensation 1958, c. 78; 1951, c. 30

has the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 14.

Board's  
decision  
final

**18.** The decision of the Board on any application to it under this Part is final and conclusive.

Nature of  
powers

**19.**—(1) The powers that may be conferred upon a corporation under this Part are not in derogation of but are in addition to the powers it may otherwise possess.

Where  
R.S.O. 1950,  
c. 320, s. 59,  
not to apply

(2) Where leave to construct a line has been granted under this Part, section 59 of *The Public Utilities Act* does not apply to such line.

Inspectors  
R.S.O. 1950,  
c. 317

**20.**—(1) One or more inspectors may be appointed under *The Public Service Act* for the purposes of this Part.

Idem

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors.

### PART III

#### MISCELLANEOUS AND TRANSITIONAL

Conflict

**21.**—(1) In the event of conflict between this Act and any other general or special Act, this Act prevails.

Idem

(2) This Act and the regulations prevail over any by-law passed by a municipality.

1958, c. 78,  
repealed

**22.** *The Pipe Lines Act, 1958* is repealed.

Commence-  
ment

**23.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**24.** This Act may be cited as *The Energy Act, 1960*.





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*1st Reading*

February 2nd, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

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MR. MACAULAY

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*(Reprinted as amended by the  
Committee of the Whole House)*

**BILL 39**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act respecting Energy**

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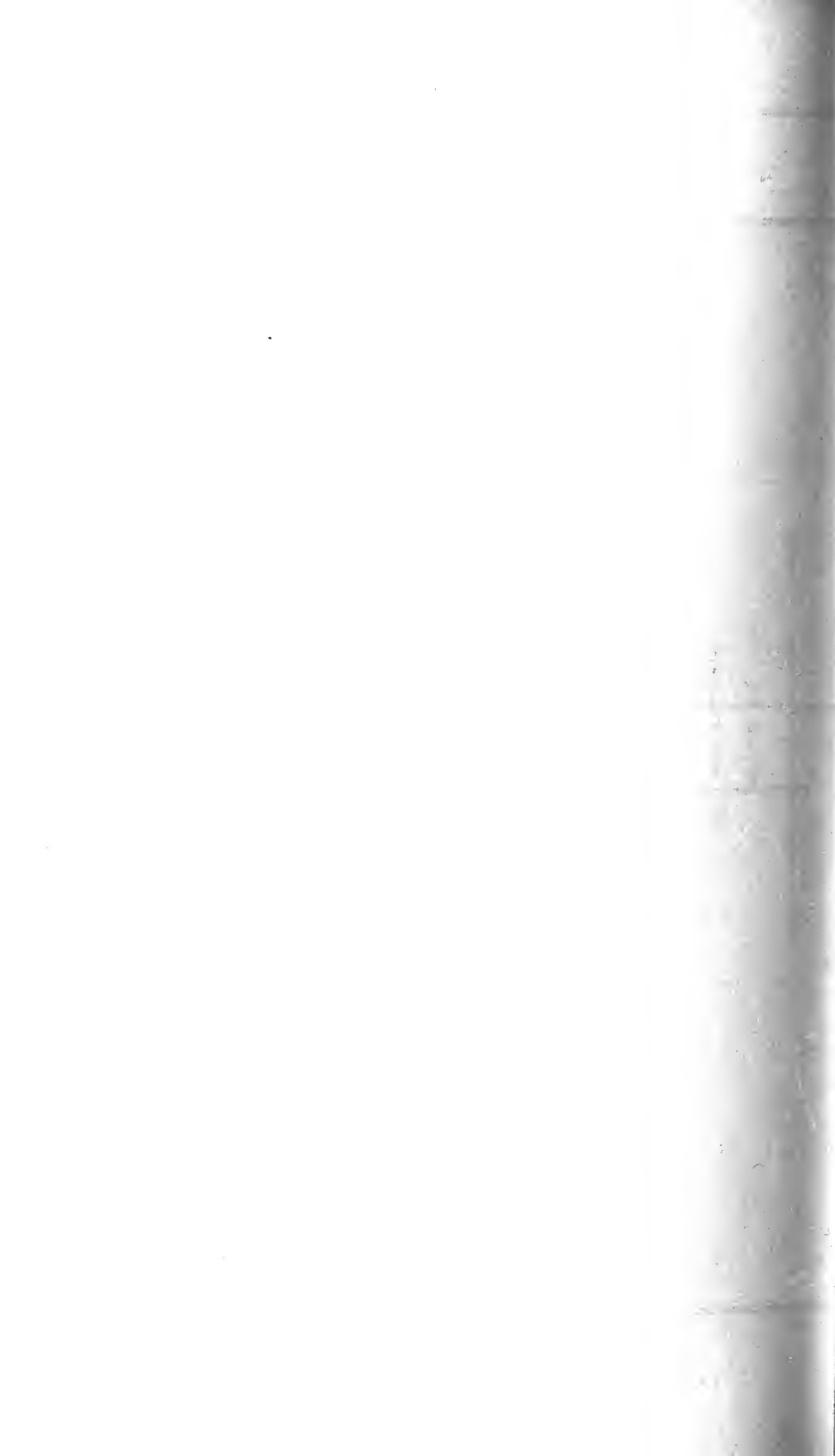
MR. MACAULAY

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



## An Act respecting Energy

HER 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 and in *The Ontario Energy Board Act, 1960*, <sup>Interpretation</sup> 1960, c. ...
  1. "appliance" means any device using gas or fuel oil as fuel only and includes all gas or fuel oil piping, vents, tanks and controls attached or to be attached thereto, but excludes boilers and pressure vessels as defined by *The Boilers and Pressure Vessels Act, 1951*; 1951, c. 7
  2. "associate" means a person, whether directly or indirectly through one or more intermediaries,
    - i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,
    - ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,
    - iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;
  3. "Board" means the Ontario Energy Board;
  4. "contractor" means a person,
    - i. who carries on the business of installing, repairing or servicing appliances, or
    - ii. who sells appliances and agrees to install the same;

5. "corporation" means a person who has the authority or seeks authority to drill for or produce gas or oil or to store, distribute or manufacture gas or to transmit any hydrocarbon;
6. "Department" means the Department of Energy Resources;
7. "distributor" means a person who supplies gas to a consumer, and "distribute" and "distribution" have corresponding meanings;
8. "fuel oil" means any hydrocarbon within the meaning of Specification 3-GP. 2C of the Canadian Government Specification Board that has a flash-point of not less than 110°F.;
9. "gas" means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;
10. "hydrocarbon" means any chemical compound of carbon and hydrogen, and includes any gaseous substance that may be used as fuel;
11. "inspector" means an inspector appointed under this Act;
12. "land" includes any interest in land;
13. "licence" means a licence issued under this Act;
14. "manufactured gas" means manufactured gas distributed by a public utility;
15. "Minister" means the Minister of Energy Resources;
16. "oil" means crude oil and includes any hydrocarbon which can be recovered in liquid form from a pool through a well;
17. "owner" includes a mortgagee, lessee, tenant or occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;
18. "permit" means a permit issued under this Act;
19. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;

20. "pipe line", except in Part II, means any pipe that carries any hydrocarbon;
21. "pressure vessel" means pressure vessel as defined by *The Boilers and Pressure Vessels Act, 1951*; 1951, c. 7
22. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;
23. "registered" means registered under this Act, and "registration" has a corresponding meaning;
24. "regulations" means the regulations made under this Act and *The Ontario Energy Board Act, 1960*; 1960, c. ...
25. "storage company" means a person engaged in the business of storing gas;
26. "transmitter" means a person who carries any hydrocarbon by line as defined in Part II other than as a producer or as a distributor, and "transmit" and "transmission" have corresponding meanings;
27. "utility line" means a telephone, telegraph, electric power, gas or water line or any other line that supplies a service or commodity to the public;
28. "well" means a well drilled or bored for gas or oil, and includes holes drilled or bored for the testing of sub-surface structure, injection wells, wells for the disposal of waste substances and other types of service wells and wells for the storage of any hydrocarbon but does not include wells for the extraction of salt or brine or wells for the supply of water provided that where gas or oil is encountered during any drilling or boring operation the operation thereupon becomes a well;
29. "work" means every well, equipment or pipe line and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or the transmission of any hydrocarbon or the manufacture of manufactured gas.

## PART I

### REGULATION AND INSPECTION

- 2.—(1) The Lieutenant Governor in Council may appoint inspectors. Inspectors, appointment

Power of inspectors

(2) An inspector may, for the purposes of this Act and the regulations and for the purposes of any other Act or regulation that confers any function on an inspector,

- (a) enter in or upon, take up or use any property, real or personal, at any time;
- (b) require the production of any licence, permit or registration certificate, notice, document or record required by this Act or the regulations and examine and copy the same;
- (c) make such examinations, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with; and
- (d) exercise such other powers and do such other acts and things as are necessary for the carrying out of this Act and the regulations.

Idem

(3) The owner of any property and his servants, agents and employees shall furnish all means in his or their power required by the inspector for entry, inspection, testing and inquiry in the exercise of his powers and duties.

Inspector's instructions

(4) An inspector may give instructions orally or in writing to any person with respect to any matter or thing regulated, controlled or required by this Act or the regulations or by any order of the Board and may require that his instructions be carried out within such time as he specifies.

Written instructions

(5) If any person to whom an inspector gives oral instructions under subsection 4 requests that such instructions be put in writing, the inspector shall put such instructions in writing.

Not required to testify

(6) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty except with the written permission of the Minister.

No personal liability

(7) No inspector is personally liable for anything done by him under the authority of this Act or the regulations.

Inspectors may tag works

**3.—**(1) An inspector may tag any work or appliance in relation to which he has reason to believe that an offence against this Act or the regulations has been, is being or is about to be committed by attaching a tag in the prescribed form to some part of such work or appliance.



(2) An inspector who has tagged a work or appliance shall <sup>Idem</sup> forthwith notify in writing the person who appears to have the care or custody of the work or appliance of such tagging.

(3) No person other than an inspector shall alter, deface <sup>Tag not to be removed</sup> or destroy any such tag and no person other than an inspector or a registered contractor who has remedied or repaired the work or appliance in accordance with requirements of the inspector shall remove any such tag.

(4) Where a tag is removed by a registered contractor, he <sup>Forward tag to inspector</sup> shall endorse his name and address thereon and forward the tag by registered mail to the inspector who attached the tag.

(5) Except when authorized by an inspector, no person <sup>Work not to be used</sup> shall operate, or remove hydrocarbons from, or knowingly supply hydrocarbons to, or use in any manner whatsoever, a work or appliance that has been tagged.

**4.—**(1) The Lieutenant Governor in Council may appoint <sup>Chief inspectors</sup> chief inspectors.

(2) A person who has just cause to believe that to comply <sup>Appeal to chief inspector</sup> with,

(a) any instruction given under subsection 4 of section 2;  
or

(b) a tag attached under section 3,

would cause physical injury to any person or would cause an unreasonable interference with the property or services of any person may appeal therefrom by giving oral notice thereof forthwith to a chief inspector.

(3) Such oral notice may be given by telephone. <sup>Idem</sup>

(4) The chief inspector so notified may vary, rescind or <sup>Idem</sup> confirm such instruction or instruct the removal of or compliance with such tag.

**5.—**(1) No person shall, <sup>Prohibitions</sup>

(a) lease gas or oil rights from an owner other than the Crown; or

(b) produce gas or oil; or

(c) transmit or distribute gas; or

(d) transmit hydrocarbons other than gas; or

(e) conduct any geophysical or geochemical exploration for gas or oil; or

(f) transfer liquefied petroleum gas to a pressure vessel,

unless he is the holder of a licence for such purpose, provided that the failure on the part of any person to comply with this subsection shall not affect the validity of any contract.

Boring  
machine  
to be  
licensed

(2) No person shall operate a machine for boring or drilling wells unless the machine is licensed.

Permit to  
bore or  
drill

(3) No person shall bore or drill any well other than for the exploring of sub-surface structure, unless he is the holder of a permit for such purpose.

Permit to  
obtain gas

(4) Subject to the regulations, no industrial consumer shall use gas unless he is the holder of a permit for such purpose.

Gas  
appliances

(5) Subject to the regulations, no person shall buy, sell or install any appliance or have or use any portable appliance or any appliance in a trailer or any other vehicle that does not bear,

(a) the seal of approval of an organization designated in the regulations; or

(b) a label issued by the Minister.

Instal-  
lations, etc.

(6) Subject to the regulations, no person, other than a registered contractor, his employee or agent, shall install, repair, service or remove any appliance, or any class or classes thereof.

Idem

(7) No person shall install or have installed any appliance that is to be supplied with gas by a distributor without first giving notice to the distributor of the address of the premises at which the installation is to be made and the type of appliance to be installed.

Inspection  
by  
distributor

(8) Where the supply of gas to a meter is turned on, no person shall use any appliance connected thereto until the distributor that supplies gas to the meter has inspected all appliances.

Idem

(9) Every distributor shall inspect at least once every three years all appliances to which it supplies gas.

(10) A distributor shall have free access, at all reasonable <sup>Idem</sup> times and upon reasonable notice given and request made, to all parts of every building or other premises to which gas is supplied for the purpose of inspecting or repairing or of altering or disconnecting any appliance, within or without the building, or for placing meters upon any pipe or connection within or without the building as he may deem expedient and for that purpose, or for the purpose of protecting or regulating the use of a meter, may set it or alter the position of it, or any pipe, and may alter or disconnect any pipe.

(11) No person who produces natural gas in Ontario or who purchases or otherwise acquires or has entered into a contract to purchase or otherwise acquire property in such natural gas in Ontario may remove any part of such natural gas, or cause it to be removed, from Ontario unless he is the holder of a permit for such purpose. <sup>Removal of natural gas from Ontario</sup>

**6.** Where the Lieutenant Governor in Council has declared that an emergency exists, the Minister may, notwithstanding anything in this or any other Act, make such orders as the Minister considers necessary to maintain the supply of gas to the public, or any class or classes thereof. <sup>Emergency measures</sup>

**7.—(1)** Every person who,

<sup>Offences and penalties</sup>

- (a) contravenes any provision of this Act or the regulations or any order of the Board; or
- (b) unduly wastes or causes to be unduly wasted any gas or oil; or
- (c) tampers or interferes with any work or appliance without authority to do so; or
- (d) knowingly makes a false statement in any application, return or statement or other material required under this Act or the regulations; or
- (e) wilfully delays or obstructs an inspector in the execution of his duties under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day over which the offence continues, or to imprisonment for a term of not more than one year, or to both.

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. <sup>Permission of the Minister</sup>

Powers of  
Minister as  
to licences,  
etc.

**8.—(1)** The Minister may grant or refuse to grant a licence or permit to any person and he may, in granting a licence or permit, impose such terms and conditions as he deems proper.

Registration

(2) The Minister may register or refuse to register any person under this Act or the regulations and he may, in granting any such registration, impose such terms and conditions as he deems proper.

Revocation,  
suspension,  
etc.

(3) Upon the order of the Board, the Minister shall revoke, suspend or reinstate any licence, permit or registration or grant or refuse to grant a permit to bore or drill a well in a designated gas storage area.

Notice re  
revocation or  
suspension

(4) Where a licence, permit or registration is revoked or suspended, the Minister shall notify the holder in writing at his last known address by registered mail of such revocation or suspension and the holder shall forthwith forward to the Minister his licence, permit or registration certificate.

Appeal

(5) In an appeal from any order of the Board made under this section, the Court of Appeal may consider any question of law, jurisdiction or fact.

Regulations

**9.—(1)** The Lieutenant Governor in Council may make regulations,

1. for the conservation of gas or oil;
2. prescribing areas where drilling for gas or oil is prohibited;
3. prescribing classes of hydrocarbons and classes of works and classes of corporations and classes of associates;
4. prescribing statutory conditions of gas or oil leases and requiring and providing for the making of statements or reports thereon;
5. regulating the construction, erection, alteration, installation, removal, operation or maintenance of any work or appliance or any class thereof;
6. regulating the location and spacing of wells;
7. prescribing the methods, equipment and materials to be used in boring, drilling, completing or operating wells;
8. requiring the keeping of drilling and production samples;

9. requiring persons who drill wells to furnish reports, returns, geological and other information and samples;
10. requiring dry or abandoned wells to be plugged or replugged and prescribing the methods, equipment and materials to be used in plugging or replugging wells;
11. prescribing the methods, equipment and materials to be used in shutting in wells;
12. regulating the repressuring, the maintenance of pressure in, or the injection of gas, oil, water or any other substance into, gas or oil horizons;
13. regulating the allocation of a just and equitable share of the market demand for gas or oil to the several sources thereof and the several interests within a field or pool;
14. to provide for the designation of drainage units and requiring and regulating the joining of the various interests within a drainage unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation;
15. requiring and regulating the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation;
16. regulating the use of wells for the disposal of waste substances;
17. subject to *The Boilers and Pressure Vessels Act, 1951* <sup>1951, c. 7;</sup> and *The Gasoline Handling Act*, regulating the in- <sup>R.S.O. 1950, c. 156</sup> stallation, use, removal, storage, handling and filling of pressure vessels for liquefied petroleum gas, and piping and attachments thereto;
18. regulating the conditions of agreements between distributors and consumers;
19. prescribing classes of appliances and regulating the types, construction, installation, repair, maintenance, replacement, inspection, use or removal of them, or any class of them;

20. prohibiting the sale, installation or use of appliances, or any class of them;
21. designating organizations to test appliances to specifications approved by the Minister, and to indicate their approval of any such appliances by placing a seal of approval thereon;
22. subject to *The Boilers and Pressure Vessels Act, 1951* and *The Gasoline Handling Act*, regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, manufacture, processing, refining, storage, transmission, distribution, measurement, carriage by pipe line and consumption of any hydrocarbon, or any class of them;
23. requiring and providing for the inspection of appliances by distributors and prescribing the frequency with which and the manner in which such inspection shall be made;
24. providing for the issue of licences, permits and labels;
25. prescribing classes of contractors and requiring and providing for the registration of them, or any class of them;
26. prescribing classes of meters and requiring and providing for the registration of meters, or any class of them;
27. prescribing classes of licences, permits and labels and prescribing the terms and conditions upon which licences, permits or labels may be issued or registrations made;
28. prescribing the fee payable for any licence, permit, label or registration;
29. prescribing fees to be paid by corporations, or any class of them, for the inspection of works and appliances;
30. requiring and providing for the bonding or insuring of holders of licences, permits or registration certificates;
31. requiring and providing for guarantees or other security by bond or other means that works com-

1951, c. 7;  
R.S.O. 1950,  
c. 156

menced under permit will be completed in accordance with this Act, the regulations or any order of the Board;

32. creating a fund to be known as the Abandoned Works Fund for the completion or removal of works and prescribing the procedures for payment of money into and out of the fund;
33. permitting the sale by the Crown of abandoned works and permitting the application of the proceeds of sale to expenses incurred in the doing of anything required to be done to or with such works;
34. permitting the Crown to cause anything to be done which the Board has ordered any person to do and permitting the Crown to recover expenses from such person;
35. prescribing forms and tags and providing for their use;
36. requiring and providing for the keeping of records and the making of returns, statements or reports on the drilling for or production of gas or oil or the storage, distribution or transmission of gas or the manufacture of manufactured gas;
37. regulating the acquisition, preparation, transportation, distribution and use of coal, coke, lignite or wood to be used as fuel;
38. regulating the acquisition, storing, transportation, distribution, sale, processing, preparation and use of uranium;
39. exempting any person or any class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
40. exempting any appliances, or any class of them, from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
41. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council Codes

considers necessary, any code and may require compliance with any code that is so adopted.

Seal of approval

(3) Any regulation may designate any organization to authorize the use of its seal of approval on any work or appliance that complies with its code.

Scope of regulations

(4) Any regulation may be general or particular in its application.

## PART II

### PIPE LINES

Interpretation

**10.** In this Part, "line" or "pipe line" means a pipe line for the transmission of hydrocarbons and includes any work appurtenant thereto and a branch line, but does not include gathering lines, flow lines or distribution lines and does not include other lines within or contiguous to an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal.

Prerequisite to construction of line

**11.** No corporation shall construct a pipe line without first obtaining from the Board an order granting leave to construct the line under section 12.

Route map

**12.**—(1) An applicant for leave to construct a pipe line shall file with its application a map showing the general location of the proposed line and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the line is to pass.

Notice of application

(2) Notice of an application under this section shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture, the Department of Municipal Affairs, the Department of Highways and such persons as the Board directs.

Objections

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based.

Reply

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection.

Public hearing

(5) An application under this section shall not be disposed of by the Board until after a public hearing has been held, and the hearing shall not be held until a period of at least



sixty days has elapsed after the application has been filed with the Board, except that, where no objection is filed, the Board may abridge such period.

(6) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2. Notice of hearing

(7) Where after the hearing the Board is of the opinion that the construction of the line is in the public interest, it may make an order granting leave to construct the line. Power to grant leave

(8) Leave to construct the line shall not be granted until the applicant satisfies the Board that it will offer to each land owner an agreement in a form approved by the Board. Right-of-way agreements

(9) In granting leave to construct a line, the Board may impose such terms and conditions as it considers proper. Terms and conditions

(10) When the Board has granted leave to construct a line, the corporation, through its officers, employees and agents, may enter into or upon any land lying in the intended route of the line and may make such surveys and examinations as are necessary for fixing the site of the line, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 14. Right to enter land

**13.—**(1) Where a corporation has leave to construct a pipe line under this Act or under *The Pipe Lines Act, 1958* or where a certificate has been granted under *The Gas Pipe Lines Act, 1951*, it may apply to the Board for authority to expropriate land for the purposes of the line and the Board shall thereupon set a date for the hearing of such application and such date shall be not less than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. Expropriation 1958, c. 78; 1951, c. 30

(2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board may direct. Procedure

(3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. Power to make order

(4) Where a corporation that has been authorized to expropriate land desires so to do, it shall register in the proper registry or land titles office, Method of expropriation

(a) a copy of the order of the Board made under subsection 3 certified by the secretary of the Board; and

(b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf and signed by an Ontario land surveyor,

and thereupon the land vests in the corporation.

Where  
interest  
limited

(5) 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 registered 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, when so registered, the right of possession for such limited time, or such limited estate, right or interest, thereupon vests in the corporation.

Correction  
of errors

(6) In the case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be registered with the same effect as if the original plan and description had been correct.

Compensation  
1958, c. 78;  
1951, c. 30

**14.**—(1) The corporation shall make to the owner of land acquired by expropriation under this Act, or under *The Pipe Lines Act, 1958*, or under *The Gas Pipe Lines Act, 1951*, due compensation for the land and for any damages resulting from the exercise of such power.

Determina-  
tion of  
amount

(2) No action or other proceeding lies in respect of such compensation and, failing agreement between the corporation and the owner, the amount thereof shall be determined in the manner provided in this section and *The Arbitration Act* does not apply.

R.S.O. 1950,  
c. 20

Board of  
arbitration

(3) The Minister shall appoint one or more persons as a board of arbitration to determine in a summary manner the amount of such compensation.

Chairman

(4) Where the board of arbitration is composed of more than one person, the Minister shall designate one of them as chairman.

Procedure

(5) The Lieutenant Governor in Council may make regulations governing the practice and procedure of the board of arbitration and, until such regulations are made, the practice and procedure of the Ontario Municipal Board apply to any arbitration under this section.

Decision

(6) Where the board of arbitration is composed of more than one person, the decision of the majority of the members is the decision of the board, and, if a majority of the members

fail to agree upon any matter, the decision of the chairman upon such matter is the decision of the board.

(7) An appeal lies to the Ontario Municipal Board from the award of the board of arbitration. <sup>Appeal</sup>

(8) Notice of an appeal under this section shall set forth the grounds of appeal and shall be sent by registered mail by the party appealing to the secretary of the Ontario Municipal Board and to the other party within fourteen days after the making of the award or within such further time as the Ontario Municipal Board, under the special circumstances of the case, shall allow. <sup>Notice of appeal</sup>

(9) The hearing of an appeal under this section shall be a hearing *de novo* and the provisions of *The Ontario Municipal Board Act* apply thereto. <sup>Nature of appeal</sup> R.S.O. 1950, c. 262

(10) An appeal within the meaning of section 98 of *The Ontario Municipal Board Act* lies from the Ontario Municipal Board to the Court of Appeal, in which case the provisions of that section apply. <sup>Further appeal</sup>

**15.**—(1) Where a corporation has leave to construct a pipe line, it may apply to the Board for authority to construct the line upon, under or over a highway, utility line or ditch. <sup>Crossings with leave</sup>

(2) The procedure set forth in subsections 1 and 2 of section 13 applies *mutatis mutandis* to an application under this section. <sup>Procedure</sup>

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the corporation so to do upon such terms and conditions as it considers proper. <sup>Order</sup>

**16.** Where a corporation has acquired land for the purposes of its pipe line by agreement with the owner of the land, the corporation shall make to the owner of the land due compensation for any damages resulting from the exercise of its rights under the agreement, and, if the compensation is not agreed upon by the corporation and the owner, it shall be determined in the manner prescribed by section 14. <sup>Right to compensation for damages during construction</sup>

**17.** Where a corporation requires at any time to enter upon any land to gain access to the right-of-way established under this Act, *The Pipe Lines Act, 1958* or *The Gas Pipe Lines Act, 1951*, for the purpose of maintaining, repairing, renewing or removing the line or part of it, the corporation <sup>Right of entry and compensation</sup> 1958, c. 78; 1951, c. 30

has the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 14.

Board's  
decision  
final

**18.** The decision of the Board on any application to it under this Part is final and conclusive.

Nature of  
powers

**19.**—(1) The powers that may be conferred upon a corporation under this Part are not in derogation of but are in addition to the powers it may otherwise possess.

Where  
R.S.O. 1950,  
c. 320, s. 59,  
not to apply

(2) Where leave to construct a line has been granted under this Part, section 59 of *The Public Utilities Act* does not apply to such line.

Inspectors  
R.S.O. 1950,  
c. 317

**20.**—(1) One or more inspectors may be appointed under *The Public Service Act* for the purposes of this Part.

Idem

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors.

### PART III

#### MISCELLANEOUS AND TRANSITIONAL

Conflict

**21.**—(1) In the event of conflict between this Act and any other general or special Act, this Act prevails.

Idem

(2) This Act and the regulations prevail over any by-law passed by a municipality.

1958, c. 78,  
repealed

**22.** *The Pipe Lines Act, 1958* is repealed.

Commence-  
ment

**23.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**24.** This Act may be cited as *The Energy Act, 1960*.



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*1st Reading*

February 2nd, 1960

*2nd Reading*

February 15th, 1960

*3rd Reading*

April 11th, 1960

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MR. MACAULAY

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**BILL 40**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Hours of Work and Vacations with Pay Act**

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MR. GIBBORN

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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 increase the mandatory vacation with pay period from one week a year to two weeks a year during the first four years on the job and to three weeks a year thereafter.



## An Act to amend The Hours of Work and Vacations with Pay Act

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

1. Subsections 2, 3 and 4 of section 2 of *The Hours of Work and Vacations with Pay Act* are repealed and the following substituted therefor: R.S.O. 1950,  
c. 173, s. 2,  
subss. 2-4,  
re-enacted

(2) Every employee in an industrial undertaking is entitled, Vacation  
with pay

(a) after each year of his employment with any one employer, during the first five years of such employment, to a vacation of at least two weeks with pay;

(b) after each year of his employment with any one employer, after the first five years of such employment, to a vacation of at least three weeks with pay.

(3) The vacation pay shall be the average wage of the employee during the year immediately preceding the date upon which the vacation commences for the period of the vacation. Calculation  
of vacation  
pay

(4) The employer may determine the period when the employee may take the vacation provided for in subsection 1, but the period shall not be later than ten months after the end of the work year to which the vacation relates. When  
vacation  
to be  
taken

(5) Subject to subsection 4, where an employee who is entitled to a vacation of two weeks wishes to take his vacation, Vacation  
pay, when  
payable

(a) in one period of two weeks, his vacation pay shall be paid to him in full by his employer

during the fourteen days immediately preceding the commencement of his vacation; or

- (b) in two periods of one week each, one-half of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the two periods.

Idem

- (6) Subject to subsection 4, where an employee who is entitled to a vacation of three weeks wishes to take his vacation,

- (a) in one period of three weeks, his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of his vacation;

- (b) in one period of two weeks and one period of one week,

- (i) two-thirds of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of two weeks, and

- (ii) one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of one week;

- (c) in three periods of one week each, one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the three periods; or

- (d) in two periods of more than one week but less than two weeks each, the sum that bears the same proportion to his vacation pay as the number of days comprising the period bears to twenty-one shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period to which the pay relates.

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 Hours of Work and Vacations with Pay Amendment Act, 1960.*



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The Hours of Work and  
Vacations with Pay Act

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*1st Reading*

February 2nd, 1960

*2nd Reading*

*3rd Reading*

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MR. GISBORN

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**BILL 41**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Lord's Day (Ontario) Act**

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MR. ROBERTS

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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 legalize concerts, recitals and other musical performances of an artistic and cultural nature at which an admission fee is charged on Sundays between 1.30 p.m. and 6 p.m. local time, produced by non-profit organizations.



**An Act to amend  
The Lord's Day (Ontario) 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 Lord's Day (Ontario) Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 218,  
amended

7.—(1) It is lawful for any person between half-past one and six o'clock in the afternoon of the Lord's Day to provide, engage in or be present at any concert, recital or other musical performance of an artistic and cultural nature produced by a non-profit organization at which an admission fee is charged and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such concert, recital or other musical performance which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada). Sunday  
musical  
concerts  
lawful

(2) If and so long as the time commonly observed in the municipality in which a concert, recital or other musical performance is produced under subsection 1 is one hour in advance of standard time, the times mentioned in subsection 1 shall be reckoned in accordance with the time so commonly observed and not standard time. Where  
daylight  
saving time  
in effect

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Lord's Day (Ontario) Amendment Act, 1960*. Short title

*1st Reading*

February 4th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 41**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Lord's Day (Ontario) Act**

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MR. ROBERTS

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



**An Act to amend  
The Lord's Day (Ontario) 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 Lord's Day (Ontario) Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 218,  
amended

7.—(1) It is lawful for any person between half-past one and six o'clock in the afternoon of the Lord's Day to provide, engage in or be present at any concert, recital or other musical performance of an artistic and cultural nature produced by a non-profit organization at which an admission fee is charged and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such concert, recital or other musical performance which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada). Sunday  
musical  
concerts  
lawful  
  
R.S.C. 1952  
c. 171

(2) If and so long as the time commonly observed in the municipality in which a concert, recital or other musical performance is produced under subsection 1 is one hour in advance of standard time, the times mentioned in subsection 1 shall be reckoned in accordance with the time so commonly observed and not standard time. Where  
daylight  
saving time  
in effect

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Lord's Day (Ontario) Amendment Act, 1960*. Short title

The Lord's Day (Ontario) Act

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*1st Reading*

February 4th, 1960

*2nd Reading*

February 9th, 1960

*3rd Reading*

February 26th, 1960

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MR. ROBERTS

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**BILL 42**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Police Act**

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MR. ROBERTS

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#### EXPLANATORY NOTE

The present subsection does not permit villages and townships having a population of under 5,000 to form boards of police commissioners. The subsection is re-enacted to permit these townships and villages to form their own boards with the consent of the Attorney General.



## 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. Subsection 1 of section 7 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 279, s. 7,  
subs. 1,  
re-enacted

(1) Notwithstanding any special Act, every city shall have a board and,

Constitution  
of boards

(a) any county or town;

(b) any village or township having a population in excess of 5,000 according to the last revised assessment roll; and

(c) with the consent of the Attorney General, any village or township having a population that does not exceed 5,000 according to the last revised assessment roll,

may, by by-law, constitute a board.

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

Commence-  
ment

3. This Act may be cited as *The Police Amendment Act, 1960*.

Short title

*1st Reading*

February 4th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 42**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Police Act**

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MR. ROBERTS

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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. The present subsection does not permit villages and townships having a population of under 5,000 to form boards of police commissioners. The subsection is re-enacted to permit these townships and villages to form their own boards with the consent of the Attorney General.

SECTIONS 2 and 3. Where a collective bargaining agreement cannot be reached in the case of a police force having five or more members, the matters in dispute go to a board of arbitration of three members, and in the case of a police force having fewer than five members the matters in dispute are referred to a single arbitrator.

The purpose of these amendments is to draw the line at ten rather than five members.

## 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. Subsection 1 of section 7 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 279, s. 7, subs. 1, re-enacted

(1) Notwithstanding any special Act, every city shall have a board and, Constitution of boards

(a) any county or town;

(b) any village or township having a population in excess of 5,000 according to the last revised assessment roll; and

(c) with the consent of the Attorney General, any village or township having a population that does not exceed 5,000 according to the last revised assessment roll,

may, by by-law, constitute a board.

2. Subsection 1 of section 28 of *The Police Act* is amended by striking out "less than five" in the first and second lines and inserting in lieu thereof "fewer than ten", so that the subsection shall read as follows: R.S.O. 1950, c. 279, s. 28, subs. 1, amended

(1) Except in the case of a police force having fewer than ten members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members Board of arbitration

in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

R.S.O. 1950,  
c. 279, s. 29  
(1956, c. 65,  
s. 3),  
subs. 1,  
amended

**3.** Subsection 1 of section 29 of *The Police Act*, as re-enacted by section 3 of *The Police Amendment Act, 1956*, is amended by striking out "five" in the second line and inserting in lieu thereof "ten", so that the subsection shall read as follows:

Arbitrator

- (1) In the case of a police force having fewer than ten members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a single arbitrator who shall be appointed by the parties.

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 Police Amendment Act, 1960*.









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*1st Reading*

February 4th, 1960

*2nd Reading*

February 9th, 1960

*3rd Reading*

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MR. ROBERTS

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

**BILL 42**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Police Act**

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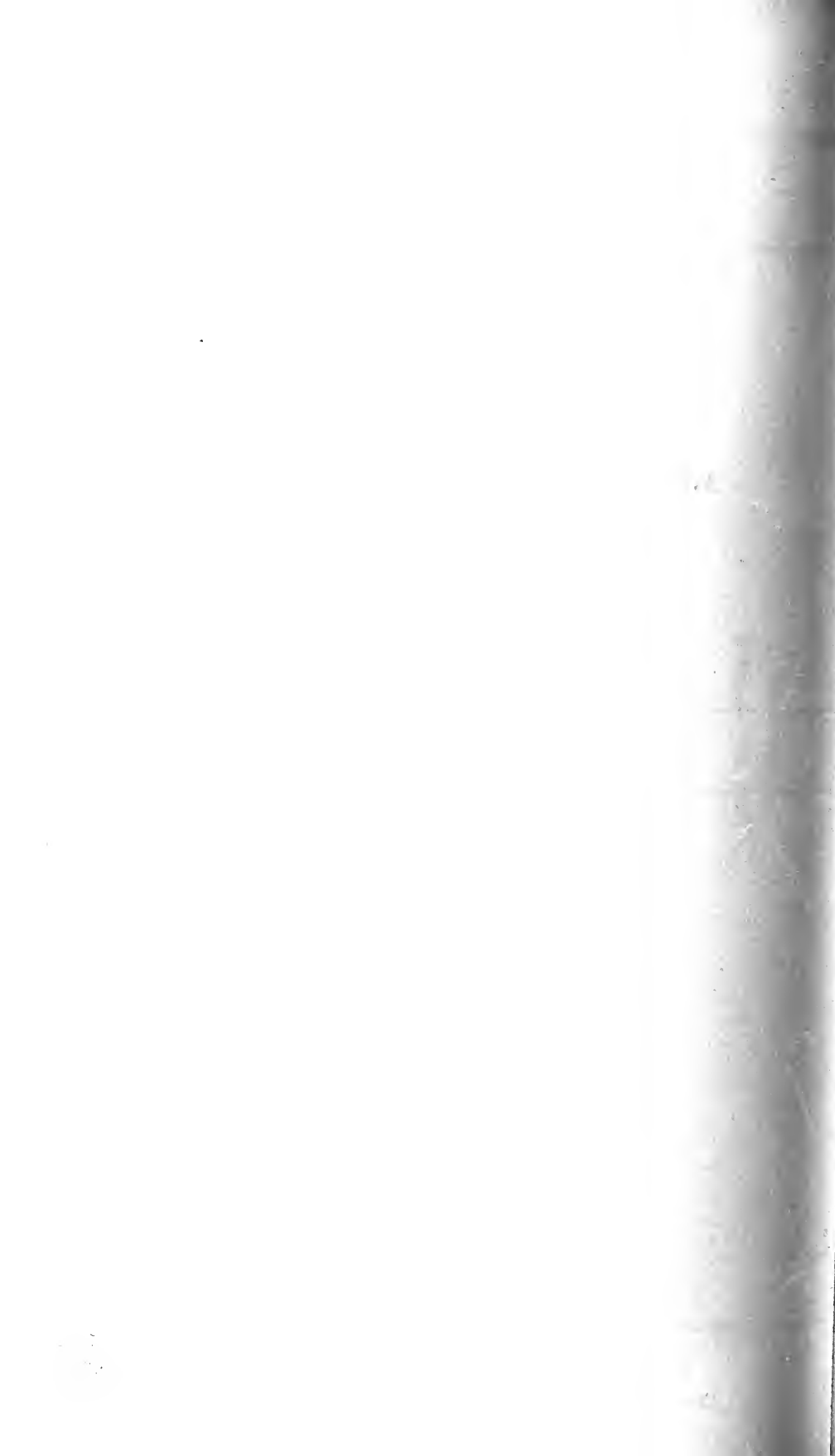
MR. ROBERTS

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## 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. Subsection 1 of section 7 of *The Police Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 279, s. 7,  
subs. 1,  
re-enacted

(1) Notwithstanding any special Act, every city shall have a board and,

Constitution  
of boards

(a) any county or town;

(b) any village or township having a population in excess of 5,000 according to the last revised assessment roll; and

(c) with the consent of the Attorney General, any village or township having a population that does not exceed 5,000 according to the last revised assessment roll,

may, by by-law, constitute a board.

2. Subsection 1 of section 28 of *The Police Act* is amended by striking out "less than five" in the first and second lines and inserting in lieu thereof "fewer than ten", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 279, s. 28,  
subs. 1,  
amended

(1) Except in the case of a police force having fewer than ten members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members

Board of  
arbitration



in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

R.S.O. 1950,  
c. 279, s. 29  
(1956, c. 65,  
s. 3),  
subs. 1,  
amended

**3.** Subsection 1 of section 29 of *The Police Act*, as re-enacted by section 3 of *The Police Amendment Act, 1956*, is amended by striking out "five" in the second line and inserting in lieu thereof "ten", so that the subsection shall read as follows:

Arbitrator

(1) In the case of a police force having fewer than ten members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a single arbitrator who shall be appointed by the parties.

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 Police Amendment Act, 1960*.









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*1st Reading*

February 4th, 1960

*2nd Reading*

February 9th, 1960

*3rd Reading*

March 1st, 1960

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MR. ROBERTS

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**BILL 43**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Trees Act**

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MR. SPOONER

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#### EXPLANATORY NOTE

The purpose of the Bill is to authorize counties and townships to use any of their lands for reforestation purposes rather than only lands acquired for that specific purpose, and to use any of such lands for forestry purposes as defined.

## An Act to amend The Trees Act

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

1. *The Trees Act* is amended by renumbering section 1 as section 1a and by adding thereto the following section: R.S.O. 1950,  
c. 399,  
amended

1. In this Act, "forestry purposes" means primarily the production of wood and wood products and includes such secondary purposes as proper environmental conditions for wild life, protection against floods and erosion, recreation, or the protection and production of water supplies. Interpre-  
tation

2. Section 6 of *The Trees Act*, as amended by section 1 of *The Trees Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 399, s. 6,  
re-enacted

6. The council of any county may pass by-laws, County  
by-laws for  
acquiring  
lands for  
forestry  
purposes
- (a) for acquiring by purchase, lease or otherwise land for forestry purposes;
- (b) for declaring land that is owned by the municipality to be required by the municipality for forestry purposes;
- (c) for planting and protecting trees on any land acquired for or declared to be required for forestry purposes;
- (d) for the management of any land acquired for or declared to be required for forestry purposes and the sale or other disposition of the trees thereon;
- (e) for the issuing of debentures, without the assent of the electors but subject to the

approval of the Ontario Municipal Board, from time to time for the purpose of providing for the purchase of land for forestry purposes to an amount not exceeding \$25,000 to be owing at any one time;

- (f) for entering into agreements for the management of any land acquired for or declared to be required for forestry purposes;
- (g) for leasing, selling or otherwise disposing of any land acquired for or declared to be required for forestry purposes.

R.S.O. 1950,  
c. 399, s. 7,  
subs. 1,  
amended

**3.** Subsection 1 of section 7 of *The Trees Act*, as amended by subsection 1 of section 3 of *The Trees Amendment Act, 1952*, is further amended by striking out "e and f" in the third line and inserting in lieu thereof "d, f and g", so that the subsection shall read as follows:

Powers of  
township  
councils

- (1) The council of any township having a population of less than 10,000 shall have all the powers, privileges and authority conferred by clauses a, b, c, d, f and g of section 6 on the council of a county.

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 Trees Amendment Act, 1960*.







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*1st Reading*

February 5th, 1960

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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**BILL 43**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Trees Act**

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MR. SPOONER

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## An Act to amend The Trees 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 Trees Act* is amended by renumbering section 1 as section 1a and by adding thereto the following section: R.S.O. 1950, c. 399, amended

1. In this Act, "forestry purposes" means primarily the production of wood and wood products and includes such secondary purposes as proper environmental conditions for wild life, protection against floods and erosion, recreation, or the protection and production of water supplies. Interpretation

2. Section 6 of *The Trees Act*, as amended by section 1 of *The Trees Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950 c. 399, s. 6. re-enacted

6. The council of any county may pass by-laws, County by-laws for acquiring lands for forestry purposes
- (a) for acquiring by purchase, lease or otherwise land for forestry purposes;
  - (b) for declaring land that is owned by the municipality to be required by the municipality for forestry purposes;
  - (c) for planting and protecting trees on any land acquired for or declared to be required for forestry purposes;
  - (d) for the management of any land acquired for or declared to be required for forestry purposes and the sale or other disposition of the trees thereon;
  - (e) for the issuing of debentures, without the assent of the electors but subject to the

approval of the Ontario Municipal Board, from time to time for the purpose of providing for the purchase of land for forestry purposes to an amount not exceeding \$25,000 to be owing at any one time;

(f) for entering into agreements for the management of any land acquired for or declared to be required for forestry purposes;

(g) for leasing, selling or otherwise disposing of any land acquired for or declared to be required for forestry purposes.

R.S.O. 1950,  
c. 399, s. 7,  
subs. 1,  
amended

**3.** Subsection 1 of section 7 of *The Trees Act*, as amended by subsection 1 of section 3 of *The Trees Amendment Act, 1952*, is further amended by striking out "e and f" in the third line and inserting in lieu thereof "d, f and g", so that the subsection shall read as follows:

Powers of  
township  
councils

(1) The council of any township having a population of less than 10,000 shall have all the powers, privileges and authority conferred by clauses a, b, c, d, f and g of section 6 on the council of a county.

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 Trees Amendment Act, 1960*.









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*1st Reading*

February 5th, 1960

*2nd Reading*

February 16th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 44**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Corporations Act, 1953**

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MR. PHILLIPS

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EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The section is re-enacted in order to give to Quebec corporations carrying on business in Ontario the same power to hold land in Ontario as Ontario corporations now have to hold land in Quebec.

**An Act to amend  
The Corporations Act, 1953**

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

**1.** *The Corporations Act, 1953* is amended by adding thereto 1953, c. 19,  
amended the following section:

289a.—(1) Notwithstanding this or any other Act or law, no corporation that has objects in whole or in part of a social nature, other than a corporation commonly known as a service club, shall change the location of any of its premises without the prior consent in writing of the Provincial Secretary. Social clubs, change of premises

(2) The giving of the consent mentioned in subsection 1 Idem is in the discretion of the Provincial Secretary.

**2.** Section 352 of *The Corporations Act, 1953*, as amended 1953, c. 19,  
s. 352, by section 21 of *The Corporations Amendment Act, 1955*, is re-enacted repealed and the following substituted therefor:

352. Every extra-provincial corporation having a licence under this Part or a predecessor of this Part, and every extra-provincial corporation exempted under subsection 1 of section 344 from this Part, has power, subject to its Act or instrument of incorporation, to acquire by purchase, lease or otherwise, to hold, to mortgage, to sell, to alienate and to convey any land or interest therein in Ontario necessary for its actual use and occupation or for carrying on its undertaking. Power to hold land

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

**4.** This Act may be cited as *The Corporations Amendment Act, 1960*. Short title

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*1st Reading*

February 5th, 1960

*2nd Reading*

*3rd Reading*

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MR. PHILLIPS

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**BILL 44**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Corporations Act, 1953**

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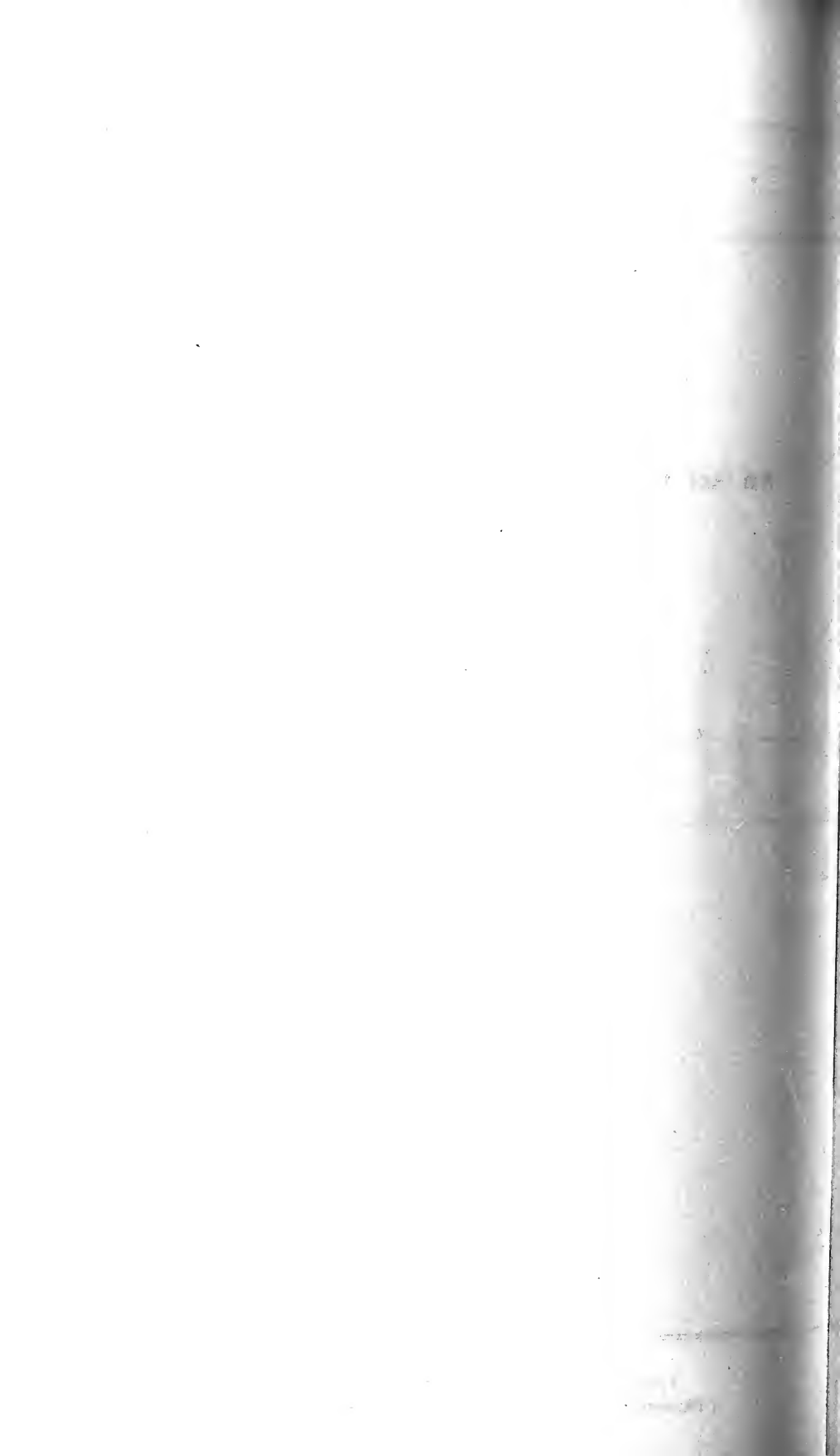
MR. PHILLIPS

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## An Act to amend The Corporations Act, 1953

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

1. *The Corporations Act, 1953* is amended by adding thereto the following section: 1953, c. 19, amended

289a.—(1) Notwithstanding this or any other Act or law, no corporation that has objects in whole or in part of a social nature, other than a corporation commonly known as a service club, shall change the location of any of its premises without the prior consent in writing of the Provincial Secretary. Social clubs, change of premises

(2) The giving of the consent mentioned in subsection 1 is in the discretion of the Provincial Secretary. Idem

2. Section 352 of *The Corporations Act, 1953*, as amended by section 21 of *The Corporations Amendment Act, 1955*, is repealed and the following substituted therefor: 1953, c. 19, s. 352, re-enacted

352. Every extra-provincial corporation having a licence under this Part or a predecessor of this Part, and every extra-provincial corporation exempted under subsection 1 of section 344 from this Part, has power, subject to its Act or instrument of incorporation, to acquire by purchase, lease or otherwise, to hold, to mortgage, to sell, to alienate and to convey any land or interest therein in Ontario necessary for its actual use and occupation or for carrying on its undertaking. Power to hold land

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

4. This Act may be cited as *The Corporations Amendment Act, 1960*. Short title

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*1st Reading*

February 5th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

February 22nd, 1960

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MR. PHILLIPS

**BILL 45**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Department of Education Act, 1954**

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MR. ROBERTS

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EXPLANATORY NOTES

SECTION 1. The amendment authorizes the form of contract between a board and an itinerant teacher to be prescribed by regulation.

SECTION 2. The amendment provides authority to establish additional schools for the deaf and schools for the blind.

BILL 45

1960

**An Act to amend  
The Department of Education Act, 1954**

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

1. Clause *j* of subsection 1 of section 12 of *The Department of Education Act, 1954* is amended by inserting after "teacher" where it occurs the second time in the third line "or an itinerant teacher", so that the clause shall read as follows:

1954, c. 20,  
s. 12, subs. 1,  
cl. *j*,  
amended

(*j*) prescribing the form of contract which shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher or an itinerant teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract.

2. Section 15 of *The Department of Education Act, 1954* is amended by adding thereto the following subsection:

1954, c. 20,  
s. 15,  
amended

(2*a*) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind and shall designate the name of each school.

Additional  
schools

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

Commence-  
ment

4. This Act may be cited as *The Department of Education Amendment Act, 1960*.

Short title

*1st Reading*

February 5th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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**BILL 45**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Department of Education Act, 1954**

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MR. ROBARTS

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BILL 45

1960

**An Act to amend  
The Department of Education Act, 1954**

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

**1.** Clause *j* of subsection 1 of section 12 of *The Department of Education Act, 1954* is amended by inserting after "teacher", <sup>1954, c. 20, s. 12, subs. 1,</sup> where it occurs the second time in the third line "or an <sup>cl. *j*,</sup> itinerant teacher", so that the clause shall read as follows: <sup>amended</sup>

(*j*) prescribing the form of contract which shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher or an itinerant teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract.

**2.** Section 15 of *The Department of Education Act, 1954* is <sup>1954, c. 20, s. 15,</sup> amended by adding thereto the following subsection: <sup>amended</sup>

(*2a*) Subject to the approval of the Lieutenant Governor <sup>Additional</sup> in Council, the Minister may establish, maintain <sup>Schools</sup> and operate one or more additional schools for the deaf or schools for the blind and shall designate the name of each school.

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

**4.** This Act may be cited as *The Department of Education* <sup>Short title</sup> *Amendment Act, 1960.*

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*1st Reading*

February 5th, 1960

*2nd Reading*

February 22nd, 1960

*3rd Reading*

February 29th, 1960

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MR. ROBARTS

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**BILL 46**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Public Libraries Act**

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MR. ROBARTS

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**EXPLANATORY NOTES**

**SECTION 1.** The amendment provides a maximum fee that may be charged by a board that supplies library service to another board.

**SECTION 2.** The amendment is to clarify the voting procedure on a library board.

BILL 46

1960

## An Act to amend The Public Libraries Act

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

1. Section 21a of *The Public Libraries Act*, as enacted by section 3 of *The Public Libraries Amendment Act, 1959*, is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 310, s. 21<sup>a</sup>  
(1959, c. 82,  
s. 3),  
amended

(2) Where a board supplies library service to another board, it may charge a per capita fee for such service based on the population in the area under the jurisdiction of the board receiving the service, but such fee shall not exceed the per capita cost of operation, excluding the capital cost of land, buildings, furnishings, bookmobiles and other equipment, of the board supplying the service based on the population in the area under the jurisdiction of such board. Fee for  
library  
service

2. Section 26 of *The Public Libraries Act*, as re-enacted by section 4 of *The Public Libraries Amendment Act, 1959*, is amended by adding thereto the following subsections: R.S.O. 1950,  
c. 310, s. 26  
(1959, c. 82,  
s. 4),  
amended

(5) The chairman or acting chairman of the board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Voting

(6) The presence of a majority of all the members comprising the board is necessary to form a quorum, and a vote of the majority of a quorum is necessary to bind the board. Quorum

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Public Libraries Amendment Act, 1960*. Short title

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*1st Reading*

February 5th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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**BILL 46**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Public Libraries Act**

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MR. ROBARTS

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BILL 46

1960

## An Act to amend The Public Libraries Act

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

1. Section 21a of *The Public Libraries Act*, as enacted by R.S.O. 1950, section 3 of *The Public Libraries Amendment Act, 1959*, is <sup>c. 310, s. 21<sup>a</sup></sup> (1959, c. 82, <sup>s. 3</sup>), amended

(2) Where a board supplies library service to another board, it may charge a per capita fee for such service <sup>Fee for library service</sup> based on the population in the area under the jurisdiction of the board receiving the service, but such fee shall not exceed the per capita cost of operation, excluding the capital cost of land, buildings, furnishings, bookmobiles and other equipment, of the board supplying the service based on the population in the area under the jurisdiction of such board.

2. Section 26 of *The Public Libraries Act*, as re-enacted by R.S.O. 1950, section 4 of *The Public Libraries Amendment Act, 1959*, is <sup>c. 310, s. 26</sup> (1959, c. 82, <sup>s. 4</sup>), amended

(5) The chairman or acting chairman of the board may <sup>Voting</sup> vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

(6) The presence of a majority of all the members <sup>Quorum</sup> comprising the board is necessary to form a quorum, and a vote of the majority of a quorum is necessary to bind the board.

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

4. This Act may be cited as *The Public Libraries Amend-* <sup>Short title</sup> *ment Act, 1960.*

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*1st Reading*

February 5th, 1960

*2nd Reading*

February 22nd, 1960

*3rd Reading*

February 29th, 1960

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Mr. ROBARTS

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**BILL 47**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Teachers' Superannuation Act**

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MR. ROBARTS

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#### EXPLANATORY NOTES

SECTION 1. The purpose of this new clause is to enable full-time secretaries of school boards' and school trustees' organizations to come within the Act in the same way as full-time secretaries of teachers' organizations now do.

SECTION 2. This amendment will enable the actuarial valuation of the Teachers' Superannuation Fund now being done to be completed as of the end of 1958 instead of 1957.

SECTION 3. The purpose of the new section is to authorize the Commission, in proper cases, to recompute a partial disability pension as a total disability pension for the purposes of a dependant's pension.

## An Act to amend The Teachers' Superannuation 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 *d* of section 1 of *The Teachers' Superannuation Act* is amended by striking out "or" at the end of subclause vii and by adding thereto the following subclause:

R.S.O. 1950,  
c. 384, s. 1,  
cl. d,  
amended

(viiia) as an officer of an association or body of boards or of school trustees and ratepayers engaged in advancing the interests of education and designated by the regulations; or

. . . . .

2. Subsection 3 of section 5 of *The Teachers' Superannuation Act*, as re-enacted by section 2 of *The Teachers' Superannuation Amendment Act, 1959*, is amended by striking out "1957" in the third line and inserting in lieu thereof "1958", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 384, s. 5,  
subs. 3  
(1959, c. 99,  
s. 2),  
amended

(3) The actuary of the Commission shall make an actuarial valuation of the fund as of the 31st day of December, 1958, and as of the 31st day of December of each third year thereafter, but the Minister may direct him to make additional actuarial valuations of the fund at any time.

Actuarial  
valuation

3. *The Teachers' Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1950,  
c. 384,  
amended

31a. Where a person referred to in subclause ii of clause *a* or subclause ii of clause *b* of subsection 1 of section 31 was receiving a disability allowance under section 29 at the time of his death and provision was made for a special medical re-examination and no decision

Recomputa-  
tion of "CE"  
to "C"  
pension  
for  
purposes  
of "D"  
pension

was made by the Commission on such re-examination, the Commission may, if it is of the opinion, having regard to the facts established at the time of his death, that the person should have been receiving a disability allowance under section 28, recompute his allowance under section 28 as of the date of his death for the purposes of a dependant's allowance under section 31.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 57 of *The Teachers' Superannuation Act* is amended by adding thereto the following clause:

(bb) designating associations or bodies of boards or of school trustees and ratepayers within the meaning of subclause viia of clause *d* of section 1.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1, cl. *o*  
(1953, c. 103,  
s. 26,  
subs. 1),  
subcl. v,  
re-enacted

(2) Subclause *v* of clause *o* of subsection 1 of the said section 57, as re-enacted by subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor:

(v) in order to take a course of study approved by the Commission.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
cl. *o*  
(1953, c. 103,  
s. 26,  
subs. 1),  
amended

(3) Clause *o* of subsection 1 of the said section 57, as re-enacted by subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953* and amended by subsection 2 of section 4 of *The Teachers' Superannuation Amendment Act, 1959*, is further amended by adding "or" at the end of subclause *vi* and by adding thereto the following subclause:

(vii) in order to travel, where the purpose of the travel is approved by the Commission.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
amended

(4) Subsection 1 of the said section 57 is amended by adding thereto the following clause:

(oo) governing persons who ceased to be employed,

(i) because of ill-health,

(ii) because of pregnancy,

(iii) because of duties as members of the Legislative Assembly of Ontario or the House of Commons of Canada,

SECTION 4—Subsection 1. See note to section 1 of this Bill. This new clause is complementary.

Subsections 2 to 4. The authority of the Lieutenant Governor in Council to make regulations is extended and clarified as to rights of contributors to make payments in respect of periods of absence from teaching for the reasons specified.

Subsection 5. This will accommodate the case of a secretary who took office before the authority to make the regulation was passed.



(iv) in order to take a course of study approved by the Commission, or

(v) in order to travel, where the purpose of the travel is approved by the Commission,

and who are again employed and providing for and regulating the payment of contributions to the fund in respect of such periods of unemployment.

(5) Any regulation made under the authority of clause *bb* Regulation may be retroactive of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as enacted by subsection 1, may be made effective from the 1st day of September, 1959.

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

6. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1960*. Short title

The Teachers' Superannuation Act

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*1st Reading*

February 5th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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**BILL 47**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Teachers' Superannuation Act**

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MR. ROBERTS

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



**An Act to amend  
The Teachers' Superannuation 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 *d* of section 1 of *The Teachers' Superannuation Act* is amended by striking out "or" at the end of subclause vii and by adding thereto the following subclause: R.S.O. 1950, c. 384, s. 1, cl. *d*, amended

(viii) as an officer of an association or body of boards or of school trustees and ratepayers engaged in advancing the interests of education and designated by the regulations; or

. . . . .

2. Subsection 3 of section 5 of *The Teachers' Superannuation Act*, as re-enacted by section 2 of *The Teachers' Superannuation Amendment Act, 1959*, is amended by striking out "1957" in the third line and inserting in lieu thereof "1958", so that the subsection shall read as follows: R.S.O. 1950, c. 384, s. 5, subs. 3 (1959, c. 99, s. 2), amended

(3) The actuary of the Commission shall make an actuarial valuation of the fund as of the 31st day of December, 1958, and as of the 31st day of December of each third year thereafter, but the Minister may direct him to make additional actuarial valuations of the fund at any time. Actuarial valuation

3. *The Teachers' Superannuation Act* is amended by adding thereto the following section: R.S.O. 1950, c. 384, amended

31a. Where a person referred to in subclause ii of clause *a* or subclause ii of clause *b* of subsection 1 of section 31 was receiving a disability allowance under section 29 at the time of his death and provision was made for a special medical re-examination and no decision Recomputa-  
tion of "CE"  
to "C"  
pension  
for  
purposes  
of "D"  
pension

was made by the Commission on such re-examination, the Commission may, if it is of the opinion, having regard to the facts established at the time of his death, that the person should have been receiving a disability allowance under section 28, recompute his allowance under section 28 as of the date of his death for the purposes of a dependant's allowance under section 31.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 57 of *The Teachers' Superannuation Act* is amended by adding thereto the following clause:

(bb) designating associations or bodies of boards or of school trustees and ratepayers within the meaning of subclause viia of clause d of section 1.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1, cl. o  
(1953, c. 103,  
s. 26,  
subs. 1),  
subcl. v,  
re-enacted

(2) Subclause v of clause o of subsection 1 of the said section 57, as re-enacted by subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953*, is repealed and the following substituted therefor:

(v) in order to take a course of study approved by the Commission.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
cl. o  
(1953, c. 103,  
s. 26,  
subs. 1),  
amended

(3) Clause o of subsection 1 of the said section 57, as re-enacted by subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953* and amended by subsection 2 of section 4 of *The Teachers' Superannuation Amendment Act, 1959*, is further amended by adding "or" at the end of subclause vi and by adding thereto the following subclause:

(vii) in order to travel, where the purpose of the travel is approved by the Commission.

R.S.O. 1950,  
c. 384, s. 57,  
subs. 1,  
amended

(4) Subsection 1 of the said section 57 is amended by adding thereto the following clause:

(oo) governing persons who ceased to be employed,

(i) because of ill-health,

(ii) because of pregnancy,

(iii) because of duties as members of the Legislative Assembly of Ontario or the House of Commons of Canada,

(iv) in order to take a course of study approved by the Commission, or

(v) in order to travel, where the purpose of the travel is approved by the Commission,

and who are again employed and providing for and regulating the payment of contributions to the fund in respect of such periods of unemployment.

(5) Any regulation made under the authority of clause *bb* <sup>Regulation may be retroactive</sup> of subsection 1 of section 57 of *The Teachers' Superannuation Act*, as enacted by subsection 1, may be made effective from the 1st day of September, 1959.

**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 Teachers' Superannuation* <sup>Short title</sup> *Amendment Act, 1960.*







*1st Reading*

February 5th, 1960

*2nd Reading*

February 22nd, 1960

*3rd Reading*

February 29th, 1960

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MR. ROBARTS

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**BILL 48**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Andrew Mercer Reformatory Act**

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MR. WARDROPE

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

#### EXPLANATORY NOTES

SECTIONS 1, 2 AND 9. The designation "inspector" is obsolete. These amendments substitute "Deputy Minister", thus bringing the Act into line with present administrative practices.

SECTION 3. The provision repealed is obsolete. The former rules for the keeping of conduct records are now in the regulations made under section 4 of the Act and the parole procedures are now provided for in *The Parole Act*.

SECTIONS 4 AND 5. The amendments standardize the procedure for transferring prisoners.

**An Act to amend  
The Andrew Mercer Reformatory 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 1 of *The Andrew Mercer Reformatory Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

R.S.O. 1950,  
c. 17, s. 1,  
amended

(a) "Deputy Minister" means the Deputy Minister of Reform Institutions.

2.—(1) Subsection 1 of section 5 of *The Andrew Mercer Reformatory Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
c. 17, s. 5,  
subs. 1,  
amended

(2) Subsection 2 of the said section 5 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
c. 17, s. 5,  
subs. 2,  
amended

3. Section 6 of *The Andrew Mercer Reformatory Act* is repealed.

R.S.O. 1950,  
c. 17, s. 6,  
repealed

4. Section 7 of *The Andrew Mercer Reformatory Act* is amended by striking out "the inspector" in the third line and inserting in lieu thereof "an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

R.S.O. 1950,  
c. 17, s. 7,  
amended

R.S.O. 1950,  
c. 273

7. A female detained in a common jail under sentence of imprisonment for an offence against any Act of the Legislature may, by the direction and warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, be conveyed by a female bailiff appointed for that purpose from such common jail to the reformatory for the unexpired portion of the term of imprisonment to which she was sentenced or committed,

Transfer  
from jail  
to reformatory

R.S.O. 1950,  
c. 273

SECTION 8. The persons prohibited from having financial dealings with inmates are extended to officers and employees of the Department.

SECTION 10. The section repealed provides for transferring a mentally defective inmate to a suitable institution upon discharge from the reformatory. This is provided for under *The Mental Hospitals Act*.

any other person, provide, furnish or supply any materials, goods or provisions for the use of the reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

8. Section 15 of *The Andrew Mercer Reformatory Act* is amended by striking out "The superintendent shall not nor shall any officer or employee" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the section shall read as follows:

R.S.O. 1950,  
c. 17, s. 15,  
amended

15. No officer or employee of the Department of Reform Institutions shall buy from or sell to any inmate in the reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any prisoner or visitor or any other person, or employ any inmate in working for him.

Officers not  
to engage  
in trade,  
etc., in the  
reformatory

9. Section 20 of *The Andrew Mercer Reformatory Act* is amended by striking out "inspector" in the sixth line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
c. 17, s. 20,  
amended

10. Section 21 of *The Andrew Mercer Reformatory Act* is repealed.

R.S.O. 1950,  
c. 17, s. 21,  
repealed

11. This Act may be cited as *The Andrew Mercer Reformatory Amendment Act, 1960*.

Short title

*1st Reading*

February 8th, 1960

*2nd Reading*

*3rd Reading*

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MR. WARDROPE

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**BILL 48**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Andrew Mercer Reformatory Act**

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MR. WARDROPE

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## An Act to amend The Andrew Mercer Reformatory Act

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

1. Section 1 of *The Andrew Mercer Reformatory Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "Deputy Minister" means the Deputy Minister of Reform Institutions.

2.—(1) Subsection 1 of section 5 of *The Andrew Mercer Reformatory Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister".

(2) Subsection 2 of the said section 5 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister".

3. Section 6 of *The Andrew Mercer Reformatory Act* is repealed.

4. Section 7 of *The Andrew Mercer Reformatory Act* is amended by striking out "the inspector" in the third line and inserting in lieu thereof "an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

7. A female detained in a common jail under sentence of imprisonment for an offence against any Act of the Legislature may, by the direction and warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, be conveyed by a female bailiff appointed for that purpose from such common jail to the reformatory for the unexpired portion of the term of imprisonment to which she was sentenced or committed,

and such female shall thereupon be imprisoned in the reformatory for the residue of the term and shall be subject to all the regulations of the reformatory.

R.S.O. 1950,  
c. 17, s. 9,  
subs. 1,  
amended

5. Subsection 1 of section 9 of *The Andrew Mercer Reformatory Act* is amended by striking out "The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof "An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the subsection shall read as follows:

Retransfer  
to jail may  
be directed  
R.S.O. 1950,  
c. 273

- (1) An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* may by warrant direct the removal from the reformatory back to the common jail of any female under sentence of imprisonment for an offence against any Act of the Legislature, and the female shall thereupon be conveyed to the common jail by the female bailiff.

R.S.O. 1950,  
c. 17, s. 12,  
amended

6. Section 12 of *The Andrew Mercer Reformatory Act* is amended by striking out "shall reside within the institution and shall be the chief executive officer of it and as such shall have, under the direction of the inspector" in the first, second and third lines and inserting in lieu thereof "shall be the chief executive officer of the institution and as such shall have, under the direction of the Deputy Minister", so that the section shall read as follows:

Powers and  
duties of  
superin-  
tendent

12. The superintendent shall be the chief executive officer of the institution and as such shall have, under the direction of the Deputy Minister, the execution, control and management of its affairs, subject to the regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution.

R.S.O. 1950,  
c. 17, s. 14,  
subs. 1,  
amended

7. Subsection 1 of section 14 of *The Andrew Mercer Reformatory Act* is amended by striking out "The inspector shall not, nor shall the superintendent or other officer or employee of the reformatory" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the subsection shall read as follows:

Officers not  
to be  
interested  
in any  
contract

- (1) No officer or employee of the Department of Reform Institutions shall, either in his own name or in the name of or in connection with or as the agent of

any other person, provide, furnish or supply any materials, goods or provisions for the use of the reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

8. Section 15 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, amended by striking out "The superintendent shall not nor c. 17, s. 15, amended shall any officer or employee" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the section shall read as follows:

15. No officer or employee of the Department of Reform Institutions shall buy from or sell to any inmate in the reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any prisoner or visitor or any other person, or employ any inmate in working for him. Officers not to engage in trade, etc., in the reformatory

9. Section 20 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, amended by striking out "inspector" in the sixth line and inserting in lieu thereof "Deputy Minister". c. 17, s. 20, amended

10. Section 21 of *The Andrew Mercer Reformatory Act* is R.S.O. 1950, repealed. c. 17, s. 21, repealed

11. This Act may be cited as *The Andrew Mercer Reformatory Amendment Act, 1960*. Short title





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*1st Reading*

February 8th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

February 22nd, 1960

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MR. WARDROPE

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**BILL 49**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Industrial Farms Act**

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MR. WARDROPE

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#### EXPLANATORY NOTES

SECTION 1. The amendment standardizes the procedure for transferring prisoners.

SECTION 2. The subsection repealed provides for the Province to share with municipalities the cost of maintaining municipal industrial farms. This is brought into line with the current provincial-municipal financial arrangements under *The Municipal Unconditional Grants Act, 1953*.

## An Act to amend The Industrial Farms Act

HER 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 5 of *The Industrial Farms Act* is amended by striking out "an officer authorized by the Lieutenant-Governor in that behalf, or" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1950, c. 178, s. 5, subs. 1, amended

- (1) Prisoners who are convicted of offences against any Act of the Legislature or against a municipal by-law, or who may be lawfully committed for offences against the criminal law, may be transferred on a warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, from any common or district jail, or from any other place of legal custody, to an industrial farm. Transfer from jail to industrial farm

2.—(1) Subsection 1 of section 12 of *The Industrial Farms Act* is repealed. R.S.O. 1950, c. 178, s. 12, subs. 1, repealed

(2) Subsection 2 of the said section 12 is amended by striking out "costs and expenses mentioned in subsection 1" in the third and fourth lines and inserting in lieu thereof "cost of the maintenance of the joint industrial farm, including the salaries of the superintendent and officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental thereto", so that the subsection shall read as follows: R.S.O. 1950, c. 178, s. 12, subs. 2, amended

- (2) In the case of a joint industrial farm, the counties or cities by which it is established shall provide, by agreement, the proportions in which the cost of the maintenance of the joint industrial farm, including the salaries of the superintendent and officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental In case of joint farms

thereto, shall be borne by them respectively, and by which of them such costs and expenses shall be paid in the first instance, and the terms of the agreement may be varied from time to time as occasion may require, and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Municipal Act*, but no such variation, except by agreement, shall be made more often than once in every five years.

R.S.O. 1950,  
c. 243

Short title

**3.** This Act may be cited as *The Industrial Farms Amendment Act, 1960*.





VI. 1871

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*1st Reading*

February 8th, 1960

*2nd Reading*

*3rd Reading*

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MR. WARDROPE

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**BILL 49**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Industrial Farms Act**

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MR. WARDROPE

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1754

## An Act to amend The Industrial Farms Act

HER 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 5 of *The Industrial Farms Act* is amended by striking out "an officer authorized by the Lieutenant-Governor in that behalf, or" in the fourth and fifth lines, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 178, s. 5,  
subs. 1,  
amended

(1) Prisoners who are convicted of offences against any Act of the Legislature or against a municipal by-law, or who may be lawfully committed for offences against the criminal law, may be transferred on a warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*, from any common or district jail, or from any other place of legal custody, to an industrial farm.

Transfer  
from jail  
to industrial  
farm

R.S.O. 1950,  
c. 273

2.—(1) Subsection 1 of section 12 of *The Industrial Farms Act* is repealed.

R.S.O. 1950,  
c. 178, s. 12,  
subs. 1,  
repealed

(2) Subsection 2 of the said section 12 is amended by striking out "costs and expenses mentioned in subsection 1" in the third and fourth lines and inserting in lieu thereof "cost of the maintenance of the joint industrial farm, including the salaries of the superintendent and officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental thereto", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 178, s. 12,  
subs. 2,  
amended

(2) In the case of a joint industrial farm, the counties or cities by which it is established shall provide, by agreement, the proportions in which the cost of the maintenance of the joint industrial farm, including the salaries of the superintendent and officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental

In case  
of joint  
farms

thereto, shall be borne by them respectively, and by which of them such costs and expenses shall be paid in the first instance, and the terms of the agreement may be varied from time to time as occasion may require, and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Municipal Act*, but no such variation, except by agreement, shall be made more often than once in every five years.

R.S.O. 1950,  
c. 243

Short title

**3.** This Act may be cited as *The Industrial Farms Amendment Act, 1960*.







*1st Reading*

February 8th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

February 22nd, 1960

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Mr. WARDROPE

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**BILL 50**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Fair Accommodation Practices Act, 1954**

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MR. GIBBORN

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#### EXPLANATORY NOTES

SECTION 1. The new clause *aa* defines the terms "living accommodation" and "owner".

SECTION 2. The new subsections prohibit discrimination in selling or renting living accommodation as defined in section 1, but excepts religious or denominational institutions.

BILL 50

1960

**An Act to amend  
The Fair Accommodation Practices Act, 1954**

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

1. Section 1 of *The Fair Accommodation Practices Act, 1954* <sup>1954, c. 28, s. 1,</sup> is amended by relettering clause *a* as clause *aa* and by adding <sup>amended</sup> thereto the following clauses:

(a) "living accommodation" means a self-contained one-family dwelling unit in a building having three or more of such dwelling units or a house consisting of a self-contained one-family residence owned by a person who is an owner of at least two other such houses for the purpose of rental or sale;

. . . . .

(c) "owner" means a person who is a necessary party to a rental or sale of real property, and "owned" has a corresponding meaning.

2. Section 2 of *The Fair Accommodation Practices Act, 1954* <sup>1954, c. 28, s. 2,</sup> is amended by adding thereto the following subsections: <sup>amended</sup>

(2) No person shall refuse to rent or sell living accommodation to any person or class of persons because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. <sup>Living accommodation</sup>

(3) Nothing in this section shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes that is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving <sup>Application to religious and denominational institutions</sup>

preference to persons of the same religion or denomination or for making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

Commence-  
ment

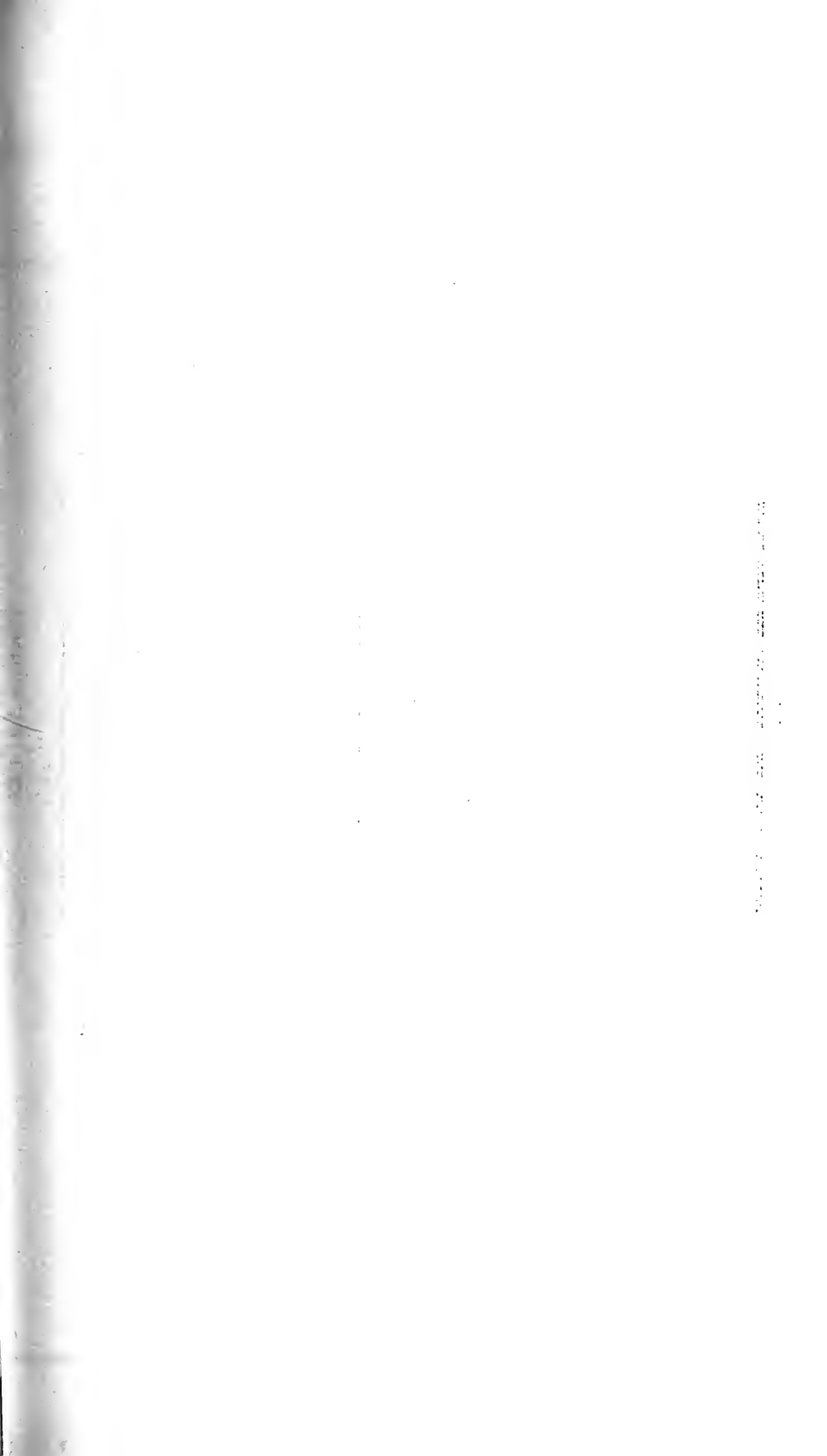
**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Fair Accommodation Practices Amendment Act, 1960*.







An Act to amend  
The Fair Accommodation  
Practices Act, 1954

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*1st Reading*

February 9th, 1960

*2nd Reading*

*3rd Reading*

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MR. GIBBORN

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**BILL 51**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Summary Convictions Act**

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MR. THOMPSON

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EXPLANATORY NOTE

The amendment requires pre-sentence reports for persons between sixteen and twenty-one years of age who may be sentenced to imprisonment.

BILL 51

1960

## 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. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 379,  
amended

7c. Where a person who is over sixteen and under twenty-one years of age and who has not been previously convicted of an offence is convicted of an offence for which the penalty is or may be by imprisonment, the presiding justice shall not pass sentence until he has considered a pre-sentence report concerning the convicted person prepared by a probation officer. Pre-sentence  
report

2. This Act may be cited as *The Summary Convictions Amendment Act, 1960*. Short title

An Act to amend  
The Summary Convictions Act

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*1st Reading*

February 11th, 1960

*2nd Reading*

*3rd Reading*

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MR. THOMPSON

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**BILL 52**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Training Schools Act**

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MR. WARDROPE

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#### EXPLANATORY NOTES

SECTION 1. The amendment removes incorrigibility as a grounds upon which a child may be sent to a training school.

SECTION 2. The purpose of the amendment is to remove any doubts that a parent continues to be responsible for the maintenance and education of his child in a training school where the child is over sixteen years of age.

SECTION 3. The amendment authorizes the recall of a child who is the ward of a school and placed in a foster home.

BILL 52

1960

## An Act to amend The Training Schools Act

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

1. Clause *g* of subsection 1 of section 7 of *The Training Schools Act* is amended by striking out "or incorrigible", so that the clause shall read as follows: R.S.O. 1950, c. 396, s. 7, subs. 1, cl. *g*, amended

(*g*) proves unmanageable.

2. Subsection 3 of section 14 of *The Training Schools Act*, as enacted by section 2 of *The Training Schools Amendment Act, 1957*, is amended by inserting after "part" in the sixth line "and whether or not the boy or girl is over the age of sixteen years", so that the subsection shall read as follows: R.S.O. 1950, c. 396, s. 14, subs. 3 (1957, c. 124, s. 2), amended

(3) Where the judge finds, having regard to all the circumstances, that a parent is able to contribute to the maintenance and education of the boy or girl, he may, in any order made under this Act, order such parent to refund to the municipality in whole or in part and whether or not the boy or girl is over the age of sixteen years the charges that the municipality has been ordered to pay, but nothing herein relieves the municipality from liability for the charges. Contribution from parent ordered

3. Section 22 of *The Training Schools Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 396, s. 22, amended

(2) The Board and superintendent, with the approval of the Minister, may require a boy or girl who has left a training school under subsection 1 to return to the training school at any time while the boy or girl is a ward of the training school. Recall

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

5. This Act may be cited as *The Training Schools Amendment Act, 1960*. Short title

The Training Schools Act

---

*1st Reading*

February 16th, 1960

*2nd Reading*

*3rd Reading*

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MR. WARDROPE

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**BILL 52**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Training Schools Act**

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MR. WARDROPE

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



## An Act to amend The Training Schools Act

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

1. Clause *g* of subsection 1 of section 7 of *The Training Schools Act* is amended by striking out "or incorrigible", so that the clause shall read as follows: R.S.O. 1950, c. 396, s. 7, subs. 1, cl. g, amended

(*g*) proves unmanageable.

2. Subsection 3 of section 14 of *The Training Schools Act*, as enacted by section 2 of *The Training Schools Amendment Act, 1957*, is amended by inserting after "part" in the sixth line "and whether or not the boy or girl is over the age of sixteen years", so that the subsection shall read as follows: R.S.O. 1950, c. 396, s. 14, subs. 3 (1957, c. 124, s. 2), amended

(3) Where the judge finds, having regard to all the circumstances, that a parent is able to contribute to the maintenance and education of the boy or girl, he may, in any order made under this Act, order such parent to refund to the municipality in whole or in part and whether or not the boy or girl is over the age of sixteen years the charges that the municipality has been ordered to pay, but nothing herein relieves the municipality from liability for the charges. Contribution from parent ordered

3. Section 22 of *The Training Schools Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 396, s. 22, amended

(2) The Board and superintendent, with the approval of the Minister, may require a boy or girl who has left a training school under subsection 1 to return to the training school at any time while the boy or girl is a ward of the training school. Recall

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

5. This Act may be cited as *The Training Schools Amendment Act, 1960*. Short title

An Act to amend  
The Training Schools Act

---

*1st Reading*

February 16th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

February 22nd, 1960

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MR. WARDROPE

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**BILL 53**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to repeal**

**Extramural Employment of Persons under Sentence Act**

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MR. WARDROPE

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EXPLANATORY NOTE

The provisions of the repealed Act are obsolete and the subject-matter is dealt with elsewhere in particular Acts governing penal institutions.

BILL 53

1960

**An Act to repeal  
The Extramural Employment of Persons  
under Sentence 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 Extramural Employment of Persons under Sentence Act* is repealed. R.S.O. 1950,  
c. 123,  
repealed

2. This Act may be cited as *The Extramural Employment of Persons under Sentence Repeal Act, 1960*. Short title

All Act to appear  
The Extramural Employment  
of Persons under Sentence Act

---

*1st Reading*

February 16th, 1960

*2nd Reading*

*3rd Reading*

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MR. WARDROPE

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**BILL 53**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to repeal  
Extramural Employment of Persons under Sentence Act**

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MR. WARDROPE

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TORONTO  
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL 53

1960

**An Act to repeal  
The Extramural Employment of Persons  
under Sentence 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 Extramural Employment of Persons under Sentence Act* is repealed. R.S.O. 1950,  
c. 123,  
repealed
2. This Act may be cited as *The Extramural Employment of Persons under Sentence Repeal Act, 1960*. Short title

An Act to repeal  
The Extramural Employment  
of Persons under Sentence Act

---

*1st Reading*

February 16th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

February 22nd, 1960

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MR. WARDROPE

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**BILL 54**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Hospital Services Commission Act, 1957**

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MR. DYMOND

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EXPLANATORY NOTE

This Bill will bring the Act into line with the Federal-Provincial arrangements.

BILL 54

1960

**An Act to amend  
The Hospital Services Commission Act, 1957**

**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 15<sup>f</sup> of *The Hospital Services Commission Act, 1957*, c. 46, as enacted by section 7 of *The Hospital Services Commission Amendment Act, 1958*, is repealed. s. 15<sup>f</sup> (1958, c. 39, s. 7), subs. 3, repealed
2. This Act shall be deemed to have come into force on the 1st day of January, 1960. Commencement
3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1960*. Short title

*1st Reading*

February 16th, 1960

*2nd Reading*

*3rd Reading*

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MR. DYMOND

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**BILL 54**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Hospital Services Commission Act, 1957**

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MR. DYMOND

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BILL 54

1960

**An Act to amend  
The Hospital Services Commission Act, 1957**

**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 15f of *The Hospital Services Commission Act, 1957*, as enacted by section 7 of *The Hospital Services Commission Amendment Act, 1958*, is repealed. 1957, c. 46,  
s. 15f  
(1958, c. 39,  
s. 7), subs. 3  
repealed
2. This Act shall be deemed to have come into force on the 1st day of January, 1960. Commence-  
ment
3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1960*. Short title

An Act to amend The Hospital Services  
Commission Act, 1957

---

*1st Reading*

February 16th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

February 22nd, 1960

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MR. DYMOND

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**BILL 55**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Nursing Act, 1951**

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MR. DYMOND

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#### EXPLANATORY NOTE

The purpose of this Bill is to repeal all the provisions of the Act that relate to the regulation, supervision, etc., of training courses for practical nurses as this field is now regulated by the Department of Education.

The Department of Health will, of course, continue to administer the legislation that relates to the training of candidates for registration as registered nurses and that relates to the training of candidates for certification as certified nursing assistants.

BILL 55

1960

## An Act to amend The Nursing Act, 1951

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 Nursing Act, 1951*, as enacted by section 1 of *The Nursing Amendment Act, 1957*, is repealed. 1951, c. 59,  
s. 1, cl. *e*  
(1957, c. 82,  
s. 1),  
repealed
2. Clauses *h, i, j, k, l, m* and *n* of section 5 of *The Nursing Act, 1951*, as enacted by section 3 of *The Nursing Amendment Act, 1957*, are repealed. 1951, c. 59,  
s. 5,  
cls. *h-n*  
(1957,  
c. 82, s. 3),  
repealed
3. Section 8*a* of *The Nursing Act, 1951*, as enacted by section 4 of *The Nursing Amendment Act, 1957*, is repealed. 1951, c. 59,  
s. 8*a*  
(1957, c. 82,  
s. 4),  
repealed
4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
5. This Act may be cited as *The Nursing Amendment Act, 1960*. Short title

---

*1st Reading*

February 16th, 1960

*2nd Reading*

*3rd Reading*

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MR. DYMOND

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**BILL 55**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Nursing Act, 1951**

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MR. DYMOND

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103-104

103-104

BILL 55

1960

## An Act to amend The Nursing Act, 1951

**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 Nursing Act, 1951*, as enacted by section 1 of *The Nursing Amendment Act, 1957*, is repealed. 1951, c. 59,  
s. 1, cl. *e*  
(1957, c. 82,  
s. 1),  
repealed
2. Clauses *h, i, j, k, l, m* and *n* of section 5 of *The Nursing Act, 1951*, as enacted by section 3 of *The Nursing Amendment Act, 1957*, are repealed. 1951, c. 59,  
s. 5,  
cls. *h-n*  
(1957,  
c. 82, s. 3),  
repealed
3. Section 8*a* of *The Nursing Act, 1951*, as enacted by section 4 of *The Nursing Amendment Act, 1957*, is repealed. 1951, c. 59,  
s. 8*a*  
(1957, c. 82,  
s. 4),  
repealed
4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
5. This Act may be cited as *The Nursing Amendment Act, 1960*. Short title

An Act to amend  
The Nursing Act, 1951

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*1st Reading*

February 16th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

March 17th, 1960

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MR. DYMOND

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**BILL 56**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Sanatoria for Consumptives Act**

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MR. DYMOND

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TORONTO  
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#### EXPLANATORY NOTE

The purpose of this Bill is to repeal an obsolete section of the Act which provides for the establishment of special treatment units in sanatoria for chest surgery not associated with tuberculosis. This type of surgery is no longer performed in sanatoria.

BILL 56

1960

**An Act to amend  
The Sanatoria for Consumptives 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 49a of *The Sanatoria for Consumptives Act*, as enacted by section 5 of *The Sanatoria for Consumptives Amendment Act, 1956*, is repealed. R.S.O. 1950,  
c. 346, s. 49a  
(1956, c. 79,  
s. 5),  
repealed

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

**3.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1960*. Short title

The Sanatoria for Consumptives Act

---

*1st Reading*

February 16th, 1960

*2nd Reading*

*3rd Reading*

---

MR. DYMOND

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**BILL 56**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9, ELIZABETH II, 1960

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**An Act to amend  
The Sanatoria for Consumptives Act**

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MR. DYMOND

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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

100

BILL 56

1960

**An Act to amend  
The Sanatoria for Consumptives 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 49a of *The Sanatoria for Consumptives Act*, as enacted by section 5 of *The Sanatoria for Consumptives Amendment Act, 1956*, is repealed. R.S.O. 1950,  
c. 346, s. 49a  
(1956, c. 79,  
s. 5),  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1960*. Short title

AN ACT to amend  
The Sanatoria for Consumptives Act

---

*1st Reading*

February 16th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

February 22nd, 1960

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MR. DYMOND

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**BILL 57**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to facilitate Cornea Transplants from the Bodies  
of Deceased Persons to Living Persons**

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MR. DYMOND

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TORONTO  
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#### EXPLANATORY NOTE

This Bill has been prepared by the Conference of Commissioners on Uniformity of Legislation in Canada in co-operation with The Canadian National Institute for the Blind. It is based upon the *Corneal Grafting Act, 1952* (Imperial).

The purpose of the Bill is to provide proper and expeditious procedures to facilitate the functioning of "eye banks" and to remove the uncertainties and strictures of the common law in this field.

**An Act to facilitate Cornea Transplants  
from the Bodies of Deceased Persons  
to Living Persons**

**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, "person lawfully in possession of the body" <sup>Interpretation</sup> does not include,

- (a) a coroner in possession of a body for the purpose of investigation; or
- (b) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition.

**2.** Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a hospital, the administrative head of the hospital, or the person acting in that capacity, may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose. <sup>Removal of eyes on deceased's request, death in hospital</sup>

**3.** Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose. <sup>Idem, death outside hospital</sup>

Removal  
of eyes  
without  
deceased's  
request

**4.** Where a person has not made a request under section 2 or 3 and dies either in or outside a hospital, his spouse or, if none, any of this children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize, the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Authority  
sufficient

**5.** An authority given under section 2, 3 or 4 is sufficient warrant for the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Exception

**6.** An authority shall not be given under section 2 or 3 if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

Idem

**7.** An authority shall not be given under section 2, 3 or 4 if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

Lawful  
dealings  
not  
affected

**8.** Nothing in this Act makes unlawful any dealing with the body of a deceased person that would be lawful if this Act had not been passed.

Short title

**9.** This Act may be cited as *The Cornea Transplant Act, 1960*.









AN ACT to facilitate Cornea Transplants  
from the Bodies of Deceased Persons  
to Living Persons

---

*1st Reading*

February 16th, 1960

*2nd Reading*

*3rd Reading*

---

Mr. DYMOND

---

# BILL 57

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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## An Act to facilitate Cornea Transplants from the Bodies of Deceased Persons to Living Persons

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MR. DYMOND

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*(Reprinted as amended by the Committee on Health and Welfare)*

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TORONTO  
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#### EXPLANATORY NOTE

This Bill has been prepared by the Conference of Commissioners on Uniformity of Legislation in Canada in co-operation with The Canadian National Institute for the Blind. It is based upon the *Corneal Grafting Act, 1952* (Imperial).

The purpose of the Bill is to provide proper and expeditious procedures to facilitate the functioning of "eye banks" and to remove the uncertainties and strictures of the common law in this field.

**An Act to facilitate Cornea Transplants  
from the Bodies of Deceased Persons  
to Living Persons**

**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, "person lawfully in possession of the body"<sup>Interpre-  
tation</sup> does not include,

- (a) a coroner in possession of a body for the purpose of investigation; or
- (b) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition.

2. Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a hospital, the administrative head of the hospital, or the person acting in that capacity, may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose. <sup>Removal  
of eyes on  
deceased's  
request,  
death in  
hospital</sup>

3. Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose. <sup>Idem,  
death  
outside  
hospital</sup>

Removal  
of eyes  
without  
deceased's  
request

**4.** Where a person has not made a request under section 2 or 3 and dies either in or outside a hospital, his spouse or, if none, any of this children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Authority  
sufficient

**5.** An authority given under section 2, 3 or 4 is sufficient warrant for the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Exception

**6.—**(1) An authority shall not be given under section 2 or 3 if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

Idem

(2) An authority shall not be given under section 4 if the person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto.

Idem

**7.** An authority shall not be given under section 2, 3 or 4 if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

Lawful  
dealings  
not  
affected

**8.** Nothing in this Act makes unlawful any dealing with the body of a deceased person that would be lawful if this Act had not been passed.

Short title

**9.** This Act may be cited as *The Cornea Transplant Act, 1960*.









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*1st Reading*

February 16th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

---

MR. DYMOND

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(Reprinted as amended by the  
*Committee on Health and Welfare*)

**BILL 57**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to facilitate Cornea Transplants from the Bodies  
of Deceased Persons to Living Persons**

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MR. DYMOND

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TORONTO  
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**An Act to facilitate Cornea Transplants  
from the Bodies of Deceased Persons  
to Living Persons**

**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, "person lawfully in possession of the body"<sup>Interpre-  
tation</sup> does not include,

- (a) a coroner in possession of a body for the purpose of investigation; or
- (b) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition.

**2.** Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a hospital, the administrative head of the hospital, or the person acting in that capacity, may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose.<sup>Removal  
of eyes on  
deceased's  
request,  
death in  
hospital</sup>

**3.** Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a place other than a hospital, his spouse or, if none, any of his children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose.<sup>Idem,  
death  
outside  
hospital</sup>

Removal  
of eyes  
without  
deceased's  
request

**4.** Where a person has not made a request under section 2 or 3 and dies either in or outside a hospital, his spouse or, if none, any of this children of full age or, if none, either of his parents or, if none, any of his brothers or sisters or, if none, the person lawfully in possession of the body of the deceased person may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Authority  
sufficient

**5.** An authority given under section 2, 3 or 4 is sufficient warrant for the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

Exception

**6.—(1)** An authority shall not be given under section 2 or 3 if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

Idem

**(2)** An authority shall not be given under section 4 if the person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto.

Idem

**7.** An authority shall not be given under section 2, 3 or 4 if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

Lawful  
dealings  
not  
affected

**8.** Nothing in this Act makes unlawful any dealing with the body of a deceased person that would be lawful if this Act had not been passed.

Short title

**9.** This Act may be cited as *The Cornea Transplant Act, 1960.*









An Act to Facilitate Colored Transparencies  
from the Bodies of Deceased Persons  
to Living Persons

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*1st Reading*

February 16th, 1960

*2nd Reading*

February 18th, 1960

*3rd Reading*

March 17th, 1960

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MR. DYMOND

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**BILL 58**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Reformatories Act**

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MR. WARDROPE

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#### EXPLANATORY NOTES

SECTIONS 1, 4 and 13. The designation "inspector" is obsolete. These amendments substitute "Deputy Minister", thus bringing the Act into line with present administrative practices.

SECTIONS 2, 3, 7 and 8. The office of director of industries is abolished and his duties taken over by the superintendent to reflect modern departmental practice.

BILL 58

1960

## An Act to amend The Reformatories 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 1 of *The Reformatories Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 335, s. 1,  
amended

(aa) "Deputy Minister" means the Deputy Minister of Reform Institutions.

2. Section 3 of *The Reformatories Act* is amended by striking out "a director of industries" in the second line, so that the section shall read as follows: R.S.O. 1950,  
c. 335, s. 3,  
amended

3. The Lieutenant Governor in Council may appoint for each reformatory a superintendent, a surgeon, a bursar, an accountant, a storekeeper and such other officers as may be necessary. Appointment  
of officers

3. Section 4 of *The Reformatories Act* is amended by striking out "director of industries" in the fourth line, so that the section shall read as follows: R.S.O. 1950,  
c. 335, s. 4,  
amended

4. The Lieutenant Governor in Council may make regulations for the management and discipline of reformatories and for prescribing the duties and conduct of the superintendent, officers and employees therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein. Regulations

4.—(1) Subsection 1 of section 5 of *The Reformatories Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister" and by striking R.S.O. 1950,  
c. 335, s. 5,  
subs. 1,  
amended

out "the" in the fourth line and inserting in lieu thereof "an", so that the subsection shall read as follows:

Power of  
Deputy  
Minister  
over  
officers

- (1) The Deputy Minister may summarily suspend any officer for misconduct, of which the Minister shall be at once notified, and the suspension shall continue until the pleasure of the Lieutenant Governor is known, and an inspector may, until such pleasure has been intimated to him, cause any such officer so suspended to be removed beyond the precincts of the the reformatory.

R.S.O. 1950,  
c. 335, s. 5,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 5 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
c. 335, s. 6,  
amended

5. Section 6 of *The Reformatories Act* is amended by striking out "the inspector" in the third line and inserting in lieu thereof "an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

Transfer  
from  
common jail  
to re-  
formatory

6. A male person confined in a common jail under sentence of imprisonment for an offence against any Act of the Legislature may by the direction and warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* be transferred from the common jail to a reformatory for the unexpired portion of the term of imprisonment to which he was sentenced or committed, and he shall thereupon be imprisoned in a reformatory for the residue of the term and shall be subject to all the regulations of the reformatory.

R.S.O. 1950,  
c. 273

6. Section 8 of *The Reformatories Act* is amended by striking out "The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof "An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

R.S.O. 1950,  
c. 335, s. 8,  
amended

Transfer of  
prisoners  
R.S.O. 1950,  
c. 273

8. An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* may by warrant direct the removal from a reformatory back to the common jail, or from an industrial school for boys or an industrial farm to a reformatory, of any person detained therein under the authority of any Act of the Legislature.



SECTIONS 5 and 6. The amendment standardizes the procedure for transferring prisoners.

SECTION 9. The persons prohibited from having an interest in contracts to supply reformatories are extended to officers and employees of the Department.

SECTION 10. The persons prohibited from having financial dealings with inmates are extended to officers and employees of the Department.

SECTION 11. The provision repealed is obsolete. The parole procedures are now provided for under *The Parole Act*.

SECTION 12. The words deleted refer to an obsolete procedure.

7. Section 11 of *The Reformatories Act* is repealed.

R.S.O. 1950,  
c. 335, s. 11,  
repealed

8. Section 12 of *The Reformatories Act* is amended by striking out "the director of industries" in the first line, so that the section shall read as follows:

R.S.O. 1950,  
c. 335, s. 12,  
amended

12. The superintendent, the bursar, the accountant, and every storekeeper and steward of a reformatory shall give security to the satisfaction of the Minister and for such amount as he shall direct.

Security by  
officers

9. Subsection 1 of section 13 of *The Reformatories Act* is amended by striking out "The inspector shall not nor shall any officer or employee in a reformatory" in the first and second lines and inserting it in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 335, s. 13,  
subs. 1,  
amended

(1) No officer or employee of the Department of Reform Institutions shall, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

Officers not  
to be  
interested  
in any  
prison  
contract

10. Section 14 of *The Reformatories Act* is amended by striking out "The superintendent or the director of industries of a reformatory shall not nor shall any officer or employee" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the section shall read as follows:

R.S.O. 1950,  
c. 335, s. 14,  
amended

14. No officer or employee of the Department of Reform Institutions shall buy from or sell to any inmate in the reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any inmate or visitor or any other person, or employ any inmate in working for him.

Officers not  
to trade,  
etc., in the  
reformatory

11. Subsection 2 of section 18 of *The Reformatories Act* is repealed.

R.S.O. 1950,  
c. 335, s. 18,  
subs. 2,  
repealed

12. Subsection 2 of section 19 of *The Reformatories Act* is amended by striking out "and to such other regulations of the superintendent as may be prescribed by the inspector" in

R.S.O. 1950,  
c. 335, s. 19,  
subs. 2,  
amended

the third and fourth lines, so that the subsection shall read as follows:

Conditions  
of  
employment

(2) Every such inmate during such employment shall be subject to all the provisions of this Act and the regulations and discipline of the reformatory.

R.S.O. 1950,  
c. 335, s. 24,  
amended

**13.** Section 24 of *The Reformatories Act* is amended by striking out "inspector" in the seventh line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
c. 335, ss. 25,  
26, repealed

**14.** Sections 25 and 26 of *The Reformatories Act* are repealed.

Short title

**15.** This Act may be cited as *The Reformatories Amendment Act, 1960*.

SECTION 14. The sections repealed authorize a separate account for revenue from reformatory industries. All such revenue is now paid to the Consolidated Revenue Fund.





An Act to amend  
The Reformatories Act

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*1st Reading*

February 16th, 1960

*2nd Reading*

*3rd Reading*

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MR. WARDROPE

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**BILL 58**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Reformatories Act**

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MR. WARDROPE

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BILL 58

1960

## An Act to amend The Reformatories 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 1 of *The Reformatories Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 335, s. 1,  
amended

(aa) "Deputy Minister" means the Deputy Minister of Reform Institutions.

**2.** Section 3 of *The Reformatories Act* is amended by striking out "a director of industries" in the second line, so that the section shall read as follows: R.S.O. 1950,  
c. 335, s. 3,  
amended

**3.** The Lieutenant Governor in Council may appoint for each reformatory a superintendent, a surgeon, a bursar, an accountant, a storekeeper and such other officers as may be necessary. Appointment  
of officers

**3.** Section 4 of *The Reformatories Act* is amended by striking out "director of industries" in the fourth line, so that the section shall read as follows: R.S.O. 1950,  
c. 335, s. 4,  
amended

**4.** The Lieutenant Governor in Council may make regulations for the management and discipline of reformatories and for prescribing the duties and conduct of the superintendent, officers and employees therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein. Regulations

**4.—(1)** Subsection 1 of section 5 of *The Reformatories Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister" and by striking R.S.O. 1950,  
c. 335, s. 5,  
subs. 1,  
amended

out "the" in the fourth line and inserting in lieu thereof "an", so that the subsection shall read as follows:

Power of  
Deputy  
Minister  
over  
officers

- (1) The Deputy Minister may summarily suspend any officer for misconduct, of which the Minister shall be at once notified, and the suspension shall continue until the pleasure of the Lieutenant Governor is known, and an inspector may, until such pleasure has been intimated to him, cause any such officer so suspended to be removed beyond the precincts of the reformatory.

R.S.O. 1950,  
c. 335, s. 5,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 5 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
c. 335, s. 6,  
amended

5. Section 6 of *The Reformatories Act* is amended by striking out "the inspector" in the third line and inserting in lieu thereof "an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

Transfer  
from  
common jail  
to re-  
formatory

6. A male person confined in a common jail under sentence of imprisonment for an offence against any Act of the Legislature may by the direction and warrant of an officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* be transferred from the common jail to a reformatory for the unexpired portion of the term of imprisonment to which he was sentenced or committed, and he shall thereupon be imprisoned in a reformatory for the residue of the term and shall be subject to all the regulations of the reformatory.

R.S.O. 1950,  
c. 335, s. 8,  
amended

6. Section 8 of *The Reformatories Act* is amended by striking out "The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof "An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act*", so that the section shall read as follows:

Transfer of  
prisoners  
R.S.O. 1950,  
c. 273

8. An officer designated under subsection 1 of section 9 of *The Penal and Reform Institutions Inspection Act* may by warrant direct the removal from a reformatory back to the common jail, or from an industrial school for boys or an industrial farm to a reformatory, of any person detained therein under the authority of any Act of the Legislature.

7. Section 11 of *The Reformatories Act* is repealed.

R.S.O. 1950,  
c. 335, s. 11,  
repealed

8. Section 12 of *The Reformatories Act* is amended by striking out "the director of industries" in the first line, so that the section shall read as follows:

R.S.O. 1950,  
c. 335, s. 12,  
amended

12. The superintendent, the bursar, the accountant, and every storekeeper and steward of a reformatory shall give security to the satisfaction of the Minister and for such amount as he shall direct.

Security by  
officers

9. Subsection 1 of section 13 of *The Reformatories Act* is amended by striking out "The inspector shall not nor shall any officer or employee in a reformatory" in the first and second lines and inserting it in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 335, s. 13,  
subs. 1,  
amended

(1) No officer or employee of the Department of Reform Institutions shall, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

Officers not  
to be  
interested  
in any  
prison  
contract

10. Section 14 of *The Reformatories Act* is amended by striking out "The superintendent or the director of industries of a reformatory shall not nor shall any officer or employee" in the first and second lines and inserting in lieu thereof "No officer or employee of the Department of Reform Institutions shall", so that the section shall read as follows:

R.S.O. 1950,  
c. 335, s. 14,  
amended

14. No officer or employee of the Department of Reform Institutions shall buy from or sell to any inmate in the reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any inmate or visitor or any other person, or employ any inmate in working for him.

Officers not  
to trade,  
etc., in the  
reformatory

11. Subsection 2 of section 18 of *The Reformatories Act* is repealed.

R.S.O. 1950,  
c. 335, s. 18,  
subs. 2,  
repealed

12. Subsection 2 of section 19 of *The Reformatories Act* is amended by striking out "and to such other regulations of the superintendent as may be prescribed by the inspector" in

R.S.O. 1950,  
c. 335, s. 19,  
subs. 2,  
amended

the third and fourth lines, so that the subsection shall read as follows:

Conditions  
of  
employment

(2) Every such inmate during such employment shall be subject to all the provisions of this Act and the regulations and discipline of the reformatory.

R.S.O. 1950,  
c. 335, s. 24,  
amended

**13.** Section 24 of *The Reformatories Act* is amended by striking out "inspector" in the seventh line and inserting in lieu thereof "Deputy Minister".

R.S.O. 1950,  
o. 335, ss. 25,  
26, repealed

**14.** Sections 25 and 26 of *The Reformatories Act* are repealed.

Short title

**15.** This Act may be cited as *The Reformatories Amendment Act, 1960*.



An Act to amend  
The Reformatories Act

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*1st Reading*

February 16th, 1960

*2nd Reading*

February 26th, 1960

*3rd Reading*

March 1st, 1960

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MR. WARDROPE

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**BILL 59**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Time Act, 1958**

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MR. WHICHER

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

#### EXPLANATORY NOTE

The new section authorizes municipalities to adopt daylight saving time and requires that daylight saving time when adopted be for a uniform period throughout the Province.

BILL 59

1960

## An Act to amend The Time Act, 1958

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

1. *The Time Act, 1958* is amended by adding thereto the 1958, c. 112,  
amended following section:
  - 2a. The council of a local municipality may by by-law Daylight  
saving  
time advance standard time one hour in the municipality for a period that shall begin at 2 a.m. on the last Sunday in April and end at 2 a.m. on the Sunday before Labour Day in any year.
2. This Act comes into force on the day it receives Royal Commence-  
ment Assent.
3. This Act may be cited as *The Time Amendment Act, 1960*. Short title

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*1st Reading*

February 16th, 1960

*2nd Reading*

*3rd Reading*

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MR. WHICHER

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**BILL 60**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Liquor Control Act**

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MR. ROBERTS

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TORONTO  
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PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

#### EXPLANATORY NOTES

SECTION 1. Section 8 of the Act, which states that no regulation of the Liquor Control Board is valid unless it is assented to by the Chief Commissioner, is in conflict with *The Regulations Act* which states that no regulation is valid until filed with the Registrar of Regulations.

Section 8 is therefore repealed.

SECTION 2. The purpose of the amendment is to bring the section into line with administrative practices. Proceeds of sales in beer-only stores and wine-only stores are not in fact paid to the Liquor Control Board.

SECTION 3. The purpose of the new subsections is to make it clear in what circumstances liquor may be lawfully conveyed.

SECTION 4. Subsection 3 of section 38 of the Act, which prohibits a person who has been convicted of keeping, frequenting or being an inmate of a disorderly house from having a liquor permit for a year after the conviction, is repealed, as in most of these cases liquor offences are not involved.

BILL 60

1960

## 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. Section 8 of *The Liquor Control Act* is repealed. R.S.O. 1950,  
c. 210, s. 8,  
repealed
2. Section 19 of *The Liquor Control Act* is amended by adding at the commencement thereof "Except at stores for the sale of beer only and stores for the sale of Ontario wine only", so that the section shall read as follows: R.S.O. 1950,  
c. 210, s. 19,  
amended
  19. Except at stores for the sale of beer only and stores for the sale of Ontario wine only, all moneys received from the sale of liquor at Government stores and from licence and permit fees, or otherwise arising in the administration of this Act and the regulations, shall be paid to the Board. Disposition  
of Govern-  
ment  
stores  
receipts
3. Section 37 of *The Liquor Control Act* is amended by adding thereto the following subsections: R.S.O. 1950,  
c. 210, s. 37,  
amended
  - (2) A purchaser of liquor or his duly authorized agent may carry or convey it from the premises where it may be lawfully kept or sold to the residence of the purchaser and such carriage or conveyance need not be direct if the package or vessel containing the liquor is unopened and the seal unbroken. Conveyance  
of liquor
  - (3) A person lawfully in possession of liquor may carry or convey it from a residence occupied by him to a residence to be occupied by him, even where the package or vessel containing the liquor has been opened and the seal broken. Idem
4. Subsection 3 of section 38 of *The Liquor Control Act* is repealed. R.S.O. 1950,  
c. 210, s. 38,  
subs. 3,  
repealed

R.S.O. 1950,  
c. 210, s. 43,  
subs. 1,  
re-enacted

5. Subsection 1 of section 43 of *The Liquor Control Act* is repealed and the following substituted therefor:

Where  
liquor  
may be  
kept, etc.  
R.S.O. 1950,  
c. 211

- (1) Liquor may be kept, had, given or consumed only in a residence of the purchaser or of a donee under section 45a, except as otherwise provided by *The Liquor Licence Act* or this Act or the regulations under this Act or that Act.

R.S.O. 1950,  
c. 210,  
amended

6. *The Liquor Control Act* is amended by adding thereto the following sections:

Gifts of  
liquor

45a. Notwithstanding anything in this Act but subject to section 70, a person may make or receive a *bona fide* gift of liquor,

- (a) if the donor is in lawful possession of the liquor; and
- (b) if the donee is not a person who is prohibited from possessing or consuming liquor,

and the donee may have, keep, carry, convey or consume liquor received under this section as if he had purchased it in accordance with this Act and the regulations.

Liquor from  
outside  
Ontario

45b. A person who is entitled to possess or consume liquor may lawfully possess not more than one bottle of spirits or wine or not more than twenty-four pints of beer that was purchased outside Ontario,

- (a) if the bottle containing the liquor was purchased outside Canada and has been stamped or marked by a Canadian customs officer; or
- (b) if the liquor was purchased from a liquor board, commission or similar body in any other part of Canada.

R.S.O. 1950,  
c. 210, s. 81,  
subs. 2,  
amended

7.—(1) Subsection 2 of section 81 of *The Liquor Control Act* is amended by inserting after "sold" in the first line "or supplied", so that the subsection shall read as follows:

Idem

- (2) No liquor shall be sold or supplied to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of twenty-one years.



SECTION 5. The subsection is re-enacted in order to clarify the situation with respect to the keeping, having, giving and consuming of liquor in a residence.

SECTION 6. The new section 45*a* is designed to legalize the giving of liquor in the circumstances mentioned.

The new section 45*b* is designed to legalize the possession of spirits, wine or beer purchased outside Ontario.

SECTION 7—Subsection 1. The amendment brings the language of subsection 2 into line with that of subsection 1.

Subsection 2. The amendment strengthens the intent of the subsection.

SECTION 8. The subsection repealed is unnecessary as its subject-matter is fully covered in the preceding subsections.

SECTION 9. The new section provides for the registration of agents and representatives of distillers, etc.

SECTION 10. The effect of this amendment is to transfer the penalties applicable for certain offences to the general penalty section, which provides a minimum of \$10 and a maximum of \$500 for a first offence, as being more appropriate for offences under present-day conditions.

SECTION 11. The provision repealed provides, in certain cases, for an additional penalty to be imposed on an accused who refuses to divulge information relevant to the case.

SECTION 12. It is felt that this section places an unfair and unnecessary burden on landlords, etc., under present-day conditions. It is therefore repealed.

SECTION 13—Subsection 1. The provision repealed, which deals with the disposition of forfeited liquor, is obsolete.

Subsection 2. Self-explanatory.

(2) Subsection 3 of the said section 81 is amended by inserting after "shall" in the first line "consume", so that the subsection shall read as follows: R.S.O. 1950, c. 210, s. 81, subs. 3, amended

(3) No person under the age of twenty-one years shall consume, apply for, attempt to purchase, purchase or otherwise obtain liquor. Minors may not purchase, etc., liquor

8. Subsection 4 of section 89 of *The Liquor Control Act* is repealed. R.S.O. 1950, c. 210, s. 89, subs. 4, repealed

9. *The Liquor Control Act* is amended by adding thereto the following section: R.S.O. 1950, c. 210, amended

90a. No person shall directly or indirectly hold himself out or act as an agent or representative of a distiller, brewer or a producer of wine or Ontario wine unless he is registered with the Board as an agent or representative of such distiller, brewer or producer. Representatives to be registered

10. Subsection 4 of section 104 of *The Liquor Control Act* is amended by striking out "sections 35, 36, 57, 59, 60, 61, subsection 2 of section 69 or section 82, 87, 89, 90 or 91" in the second and third lines and inserting in lieu thereof "section 82, 87 or 91", so that the subsection shall read as follows: R.S.O. 1950, c. 210, s. 104, subs. 4, amended

(4) Every person who violates any of the provisions of section 82, 87 or 91 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not more than \$1,000, and in default of immediate payment shall be imprisoned for a term of three months, and for a second or subsequent offence to imprisonment for three months. Penalties for Ontario offences

11. Subsection 3 of section 105 of *The Liquor Control Act* is repealed. R.S.O. 1950, c. 210, s. 105, subs. 3, repealed

12. Section 108 of *The Liquor Control Act* is repealed. R.S.O. 1950, c. 210, s. 108, repealed

13.—(1) Subsection 2 of section 116 of *The Liquor Control Act* is repealed. R.S.O. 1950, c. 210, s. 116, subs. 2, repealed

(2) Subsection 3 of the said section 116 is amended by striking out "which is found to be unsuitable for sale in Government stores" in the first and second lines, so that the subsection shall read as follows: R.S.O. 1950, c. 210, s. 116, subs. 3, amended

(3) All forfeited liquor shall be destroyed under competent supervision as may from time to time be directed by the Board. Destruction of forfeited liquor

R.S.O. 1950,  
c. 210,  
s. 122,  
re-enacted

**14.** Section 122 of *The Liquor Control Act* is repealed and the following substituted therefor:

When in-  
formation  
to be laid

122. The information for the prosecution of any offence against this Act or the regulations shall be laid in writing within three months after the commission of the offence and not afterwards.

Commence-  
ment

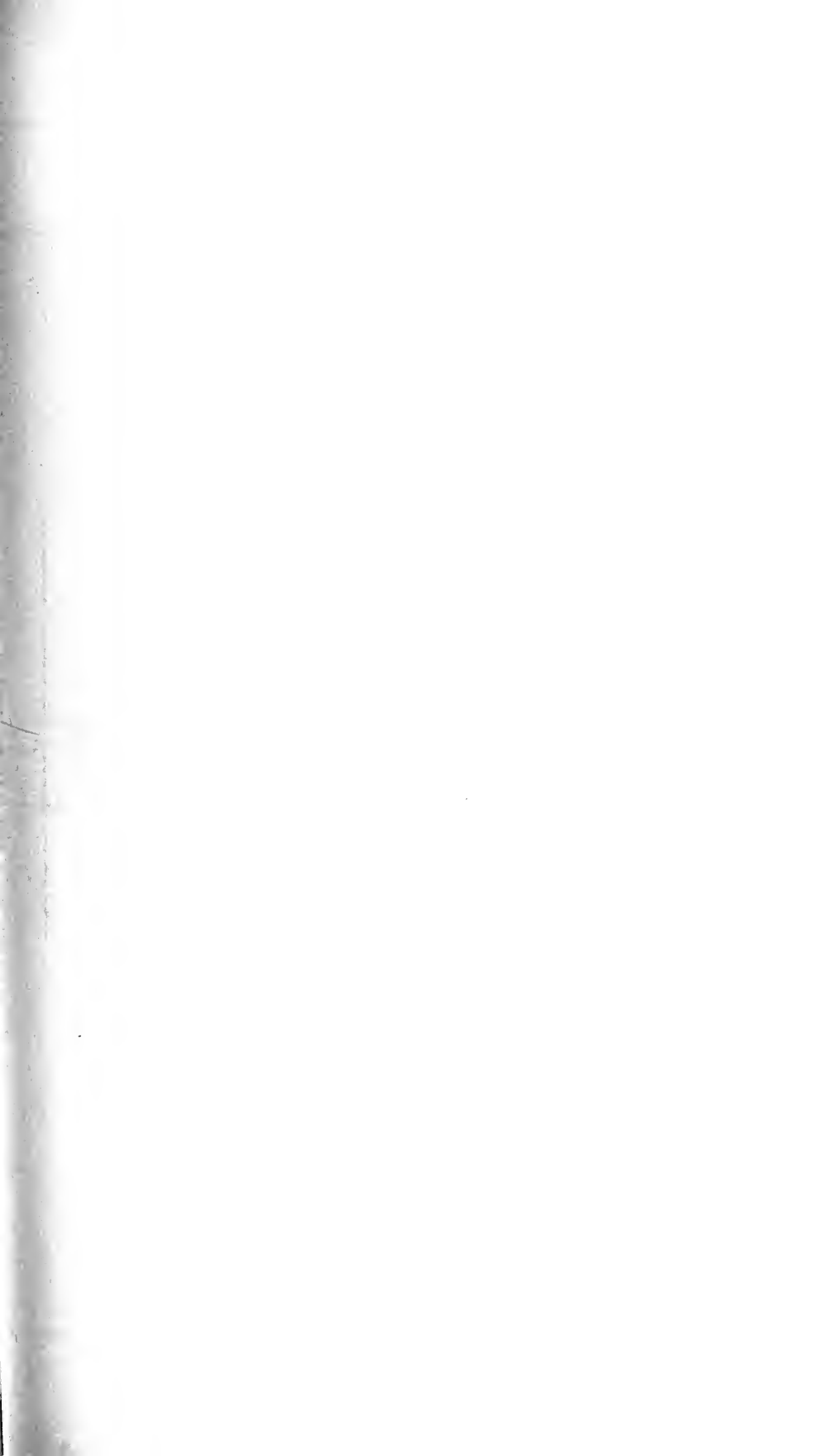
**15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** This Act may be cited as *The Liquor Control Amendment Act, 1960*.

**SECTION 14.** Section 122 is re-enacted in order to bring it into line with the general provisions applicable to summary conviction offences.





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*1st Reading*

February 18th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 60**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Liquor Control Act**

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MR. ROBERTS

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117.

## 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. Section 8 of *The Liquor Control Act* is repealed. R.S.O. 1950,  
c. 210, s. 8,  
repealed
2. Section 19 of *The Liquor Control Act* is amended by adding at the commencement thereof "Except at stores for the sale of beer only and stores for the sale of Ontario wine only", so that the section shall read as follows: R.S.O. 1950,  
c. 210, s. 19,  
amended
  19. Except at stores for the sale of beer only and stores for the sale of Ontario wine only, all moneys received from the sale of liquor at Government stores and from licence and permit fees, or otherwise arising in the administration of this Act and the regulations, shall be paid to the Board. Disposition  
of Govern-  
ment  
stores  
receipts
3. Section 37 of *The Liquor Control Act* is amended by adding thereto the following subsections: R.S.O. 1950,  
c. 210, s. 37,  
amended
  - (2) A purchaser of liquor or his duly authorized agent may carry or convey it from the premises where it may be lawfully kept or sold to the residence of the purchaser and such carriage or conveyance need not be direct if the package or vessel containing the liquor is unopened and the seal unbroken. Conveyance  
of liquor
  - (3) A person lawfully in possession of liquor may carry or convey it from a residence occupied by him to a residence to be occupied by him, even where the package or vessel containing the liquor has been opened and the seal broken. Idem
4. Subsection 3 of section 38 of *The Liquor Control Act* is repealed. R.S.O. 1950,  
c. 210, s. 38,  
subs. 3,  
repealed

R.S.O. 1950,  
c. 210, s. 43,  
subs. 1,  
re-enacted

5. Subsection 1 of section 43 of *The Liquor Control Act* is repealed and the following substituted therefor:

Where  
liquor  
may be  
kept, etc.  
R.S.O. 1950,  
c. 211

- (1) Liquor may be kept, had, given or consumed only in a residence of the purchaser or of a donee under section 45a, except as otherwise provided by *The Liquor Licence Act* or this Act or the regulations under this Act or that Act.

R.S.O. 1950,  
c. 210,  
amended

6. *The Liquor Control Act* is amended by adding thereto the following sections:

Gifts of  
liquor

45a. Notwithstanding anything in this Act but subject to section 70, a person may make or receive a *bona fide* gift of liquor,

- (a) if the donor is in lawful possession of the liquor; and  
(b) if the donee is not a person who is prohibited from possessing or consuming liquor,

and the donee may have, keep, carry, convey or consume liquor received under this section as if he had purchased it in accordance with this Act and the regulations.

Liquor from  
outside  
Ontario

45b. A person who is entitled to possess or consume liquor may lawfully possess not more than one bottle of spirits or wine or not more than twenty-four pints of beer that was purchased outside Ontario,

- (a) if the bottle containing the liquor was purchased outside Canada and has been stamped or marked by a Canadian customs officer; or  
(b) if the liquor was purchased from a liquor board, commission or similar body in any other part of Canada.

R.S.O. 1950,  
c. 210, s. 81,  
subs. 2,  
amended

7.—(1) Subsection 2 of section 81 of *The Liquor Control Act* is amended by inserting after "sold" in the first line "or supplied", so that the subsection shall read as follows:

Idem

- (2) No liquor shall be sold or supplied to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

(2) Subsection 3 of the said section 81 is amended by inserting after "shall" in the first line "consume", so that the subsection shall read as follows: R.S.O. 1950, c. 210, s. 81, subs. 3, amended

(3) No person under the age of twenty-one years shall consume, apply for, attempt to purchase, purchase or otherwise obtain liquor. Minors may not purchase, etc., liquor

8. Subsection 4 of section 89 of *The Liquor Control Act* is repealed. R.S.O. 1950, c. 210, s. 89, subs. 4, repealed

9. *The Liquor Control Act* is amended by adding thereto the following section: R.S.O. 1950, c. 210, amended

90a. No person shall directly or indirectly hold himself out or act as an agent or representative of a distiller, brewer or a producer of wine or Ontario wine unless he is registered with the Board as an agent or representative of such distiller, brewer or producer. Representatives to be registered

10. Subsection 4 of section 104 of *The Liquor Control Act* is amended by striking out "sections 35, 36, 57, 59, 60, 61, subsection 2 of section 69 or section 82, 87, 89, 90 or 91" in the second and third lines and inserting in lieu thereof "section 82, 87 or 91", so that the subsection shall read as follows: R.S.O. 1950, c. 210, s. 104, subs. 4, amended

(4) Every person who violates any of the provisions of section 82, 87 or 91 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not more than \$1,000, and in default of immediate payment shall be imprisoned for a term of three months, and for a second or subsequent offence to imprisonment for three months. Penalties for Ontario offences

11. Subsection 3 of section 105 of *The Liquor Control Act* is repealed. R.S.O. 1950, c. 210, s. 105, subs. 3, repealed

12. Section 108 of *The Liquor Control Act* is repealed. R.S.O. 1950, c. 210, s. 108, repealed

13.—(1) Subsection 2 of section 116 of *The Liquor Control Act* is repealed. R.S.O. 1950, c. 210, s. 116, subs. 2, repealed

(2) Subsection 3 of the said section 116 is amended by striking out "which is found to be unsuitable for sale in Government stores" in the first and second lines, so that the subsection shall read as follows: R.S.O. 1950, c. 210, s. 116, subs. 3, amended

(3) All forfeited liquor shall be destroyed under competent supervision as may from time to time be directed by the Board. Destruction of forfeited liquor

R.S.O. 1950,  
c. 210,  
s. 122,  
re-enacted

**14.** Section 122 of *The Liquor Control Act* is repealed and the following substituted therefor:

When in-  
formation  
to be laid

122. The information for the prosecution of any offence against this Act or the regulations shall be laid in writing within three months after the commission of the offence and not afterwards.

Commence-  
ment

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

Short title

**16.** This Act may be cited as *The Liquor Control Amendment Act, 1960*.



---

*1st Reading*

February 18th, 1960

*2nd Reading*

March 17th, 1960

*3rd Reading*

March 25th, 1960

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Mr. ROBERTS

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# BILL 61

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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## An Act to amend The Liquor Licence Act

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MR. ROBERTS

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TORONTO  
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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of “club” is extended by the addition of subclause vii in order to prevent “mushroom” clubs from applying for a licence.

Subsection 2. The word “urban” is deleted as it serves no useful purpose and has led to difficulties in interpretation.

SECTION 2. The section as re-enacted will enable one member of the Board to hold annual meetings for licence renewals.

SECTION 3. The section is re-enacted in order to conform with section 32 as re-enacted.

## An Act to amend The Liquor Licence 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 *c* of section 1 of *The Liquor Licence Act* is <sup>R.S.O. 1950,</sup> amended by striking out “and” at the end of subclause v, <sup>c. 211, s. 1,</sup> by adding “and” at the end of subclause vi and by adding <sup>cl. 6,</sup> thereto the following subclause: <sup>amended</sup>

- (vii) that has been organized and in active operation for not less than one year prior to the time of application for a licence.

(2) Subclause *i* of clause *g* of the said section 1 is amended <sup>R.S.O. 1950,</sup> by striking out “urban” in the first line, so that the subclause <sup>c. 211, s. 1,</sup> shall read as follows: <sup>cl. 6,</sup> <sup>subcl. i,</sup> <sup>amended</sup>

- (i) in municipalities with a population of over 100,000, not less than 50 bedrooms.

2. Section 32 of *The Liquor Licence Act* is repealed and <sup>R.S.O. 1950,</sup> the following substituted therefor: <sup>c. 211, s. 32,</sup> <sup>re-enacted</sup>

32. A member of the Board shall hold a meeting annually, <sup>Meeting to</sup> at a convenient place determined by the Board, for <sup>be held</sup> each licensing district between the 1st day of October <sup>annually</sup> and the 31st day of January in the year next follow- <sup>for each</sup> ing. <sup>licensing</sup> <sup>district</sup>

3. Section 34 of *The Liquor Licence Act* is repealed and the <sup>R.S.O. 1950,</sup> following substituted therefor: <sup>c. 211, s. 34,</sup> <sup>re-enacted</sup>

34. After a meeting has been held pursuant to section 32, <sup>Renewal of</sup> the Board shall review and determine applications <sup>licences</sup> for the renewal of licences.

R.S.O. 1950, c. 211, s. 35, amended 4.—(1) Section 35 of *The Liquor Licence Act* is amended by inserting after "Board" in the first line "or a member thereof", so that subsection 1 of the section, exclusive of the clauses, shall read as follows:

Special meetings

(1) The Board or a member thereof may hold such special meetings as it deems necessary for the hearing and determination of,

. . . . .

R.S.O. 1950, c. 211, s. 35, amended

(2) The said section 35 is further amended by adding thereto the following subsection:

Idem

(2) After a meeting has been held pursuant to subsection 1, the Board shall review and determine the applications or other matters before the Board at such meeting.

R.S.O. 1950, c. 211, s. 44, subs. 2 (1953, c. 58, s. 4, subs. 1), amended

5.—(1) Subsection 2 of section 44 of *The Liquor Licence Act*, as re-enacted by subsection 1 of section 4 of *The Liquor Licence Amendment Act, 1953*, is amended by striking out "Treasurer of Ontario" in the second line and inserting in lieu thereof "Liquor Control Board of Ontario", so that the subsection shall read as follows:

Transfer fee

(2) Upon a transfer of a licence, the transferor shall pay to the Liquor Control Board of Ontario at the time of the transfer such fee as the regulations prescribe.

R.S.O. 1950, c. 211, s. 44, subs. 4, amended

(2) Subsection 4 of the said section 44 is amended by striking out "Treasurer of Ontario" in the first line and in the second and third lines, respectively, and inserting in lieu thereof "Liquor Control Board of Ontario", so that the subsection shall read as follows:

Amount payable to Liquor Control Board to constitute debt due Board

(4) The amount payable to the Liquor Control Board of Ontario under subsection 2 shall constitute a debt due to the Liquor Control Board of Ontario and shall be recoverable by action in any court of competent jurisdiction.

R.S.O. 1950, c. 211, s. 51, subs. 3, amended

6. Subsection 3 of section 51 of *The Liquor Licence Act* is amended by inserting after "sold" in the first line "or supplied", so that the subsection shall read as follows:

Intoxicated persons

(3) No liquor shall be sold or supplied on or at any licensed premises to or for any person who is apparently in an intoxicated condition.

SECTION 4. The provision is amended in order to enable one member of the Board to hold special meetings.

The new subsection 2 is necessary because of subsection 1.

SECTION 5. These amendments are designed to simplify administration.

SECTION 6. The amendment brings the language of subsection 3 of section 51 into line with that of subsections 1 and 2.

SECTION 7. Self-explanatory.

SECTION 8--Subsection 1. Complementary to section 7 of this Bill\*

Subsection 2. The new subsection establishes the penalty for the new offence created by section 7 of this Bill.

SECTION 9. Self-explanatory.

7. Section 55 of *The Liquor Licence Act* is amended by adding thereto the following subsection: R.S.O. 1950, c. 211, s. 55, amended

- (2) No licensee, his agent or employee shall, either directly or indirectly, request, demand or receive any financial or material inducement, discount or rebate mentioned in subsection 1. Inducements, taking of, prohibited

8.—(1) Subsection 2 of section 59 of *The Liquor Licence Act* is amended by inserting after "violates" in the first line "subsection 1 of", so that the subsection shall read as follows: R.S.O. 1950, c. 211, s. 59, subs. 2, amended

- (2) Every person who violates subsection 1 of section 55 shall be guilty of an offence and liable to a penalty of not more than \$10,000. Idem

(2) The said section 59 is amended by adding thereto the following subsection: R.S.O. 1950, c. 211, s. 59, amended

- (2a) Every person who violates subsection 2 of section 55 shall be guilty of an offence and liable to a penalty of not more than \$1,000. Idem

9. Section 68 of *The Liquor Licence Act* is amended by inserting after "Act" where it occurs the first time in the seventh line "being chapter 215 of the Revised Statutes of Ontario, 1914", so that the section shall read as follows: R.S.O. 1950, c. 211, s. 68, amended

68. Except as provided by this Act and the regulations, no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or any other Act was in force prohibiting the sale of liquor by retail until a vote has been taken in the manner provided in section 69. Where no liquor outlets may be established 1916, c. 50 R.S.O. 1914, c. 215

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

11. This Act may be cited as *The Liquor Licence Amendment Act, 1960*. Short title

---

*1st Reading*

February 18th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 61**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Liquor Licence Act**

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MR. ROBERTS

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## An Act to amend The Liquor Licence 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 *c* of section 1 of *The Liquor Licence Act* is amended by striking out “and” at the end of subclause v, by adding “and” at the end of subclause vi and by adding thereto the following subclause:

- (vii) that has been organized and in active operation for not less than one year prior to the time of application for a licence.

(2) Subclause *i* of clause *g* of the said section 1 is amended by striking out “urban” in the first line, so that the subclause shall read as follows:

- (i) in municipalities with a population of over 100,000, not less than 50 bedrooms.

2. Section 32 of *The Liquor Licence Act* is repealed and the following substituted therefor:

32. A member of the Board shall hold a meeting annually, at a convenient place determined by the Board, for each licensing district between the 1st day of October and the 31st day of January in the year next following.

3. Section 34 of *The Liquor Licence Act* is repealed and the following substituted therefor:

34. After a meeting has been held pursuant to section 32, the Board shall review and determine applications for the renewal of licences.

R.S.O. 1950,  
c. 211, s. 35,  
amended

4.—(1) Section 35 of *The Liquor Licence Act* is amended by inserting after "Board" in the first line "or a member thereof", so that subsection 1 of the section, exclusive of the clauses, shall read as follows:

Special  
meetings

(1) The Board or a member thereof may hold such special meetings as it deems necessary for the hearing and determination of,

. . . . .

R.S.O. 1950,  
c. 211, s. 35,  
amended

(2) The said section 35 is further amended by adding thereto the following subsection:

Idem

(2) After a meeting has been held pursuant to subsection 1, the Board shall review and determine the applications or other matters before the Board at such meeting.

R.S.O. 1950,  
c. 211, s. 44,  
subs. 2  
(1953, c. 58,  
s. 4, subs. 1),  
amended

5.—(1) Subsection 2 of section 44 of *The Liquor Licence Act*, as re-enacted by subsection 1 of section 4 of *The Liquor Licence Amendment Act, 1953*, is amended by striking out "Treasurer of Ontario" in the second line and inserting in lieu thereof "Liquor Control Board of Ontario", so that the subsection shall read as follows:

Transfer  
fee

(2) Upon a transfer of a licence, the transferor shall pay to the Liquor Control Board of Ontario at the time of the transfer such fee as the regulations prescribe.

R.S.O. 1950,  
c. 211, s. 44,  
subs. 4,  
amended

(2) Subsection 4 of the said section 44 is amended by striking out "Treasurer of Ontario" in the first line and in the second and third lines, respectively, and inserting in lieu thereof "Liquor Control Board of Ontario", so that the subsection shall read as follows:

Amount  
payable to  
Liquor  
Control  
Board  
to  
constitute  
debt due  
Board

(4) The amount payable to the Liquor Control Board of Ontario under subsection 2 shall constitute a debt due to the Liquor Control Board of Ontario and shall be recoverable by action in any court of competent jurisdiction.

R.S.O. 1950,  
c. 211, s. 51,  
subs. 3,  
amended

6. Subsection 3 of section 51 of *The Liquor Licence Act* is amended by inserting after "sold" in the first line "or supplied", so that the subsection shall read as follows:

Intoxicated  
persons

(3) No liquor shall be sold or supplied on or at any licensed premises to or for any person who is apparently in an intoxicated condition.

7. Section 55 of *The Liquor Licence Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 211, s. 55,  
amended

- (2) No licensee, his agent or employee shall, either directly or indirectly, request, demand or receive any financial or material inducement, discount or rebate mentioned in subsection 1. Inducements,  
taking of,  
prohibited

8.—(1) Subsection 2 of section 59 of *The Liquor Licence Act* is amended by inserting after "violates" in the first line "subsection 1 of", so that the subsection shall read as follows: R.S.O. 1950,  
c. 211, s. 59,  
subs. 2,  
amended

- (2) Every person who violates subsection 1 of section 55 shall be guilty of an offence and liable to a penalty of not more than \$10,000. Idem

(2) The said section 59 is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 211, s. 59,  
amended

- (2a) Every person who violates subsection 2 of section 55 shall be guilty of an offence and liable to a penalty of not more than \$1,000. Idem

9. Section 68 of *The Liquor Licence Act* is amended by inserting after "Act" where it occurs the first time in the seventh line "being chapter 215 of the Revised Statutes of Ontario, 1914", so that the section shall read as follows: R.S.O. 1950,  
c. 211, s. 68,  
amended

68. Except as provided by this Act and the regulations, no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or any other Act was in force prohibiting the sale of liquor by retail until a vote has been taken in the manner provided in section 69. Where no  
liquor  
outlets  
may be  
established  
1916, c. 50  
R.S.O. 1914,  
c. 215

10. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

11. This Act may be cited as *The Liquor Licence Amendment Act, 1960*. Short title





An Act to amend  
The Liquor Licence Act

---

*1st Reading*

February 18th, 1960

*2nd Reading*

March 17th, 1960

*3rd Reading*

March 25th, 1960

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MR. ROBERTS

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**BILL 62**

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**1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960**

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**An Act to amend The Time Act, 1958**

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**MR. WHITE**

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#### EXPLANATORY NOTE

The purpose of this Bill is to make uniform the duration of daylight saving time in the municipalities in which it is observed.

The dates mentioned will coincide with the spring and autumn train schedules of the railways.

BILL 62

1960

## An Act to amend The Time Act, 1958

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

**1.** *The Time Act, 1958* is amended by adding thereto the following section: 1958, c. 112,  
amended

**2a.** Where daylight saving time is commonly observed in a municipality during a part of a year, it shall commence at 2 a.m. on the last Sunday in April and end at 2 a.m. on the last Sunday in October. Daylight  
saving  
time

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

**3.** This Act may be cited as *The Time Amendment Act, 1960*. Short title

An Act to amend  
The Time Act, 1958

---

*1st Reading*

February 18th, 1960

*2nd Reading*

*3rd Reading*

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MR. WHITE

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**BILL 63**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Department of Highways Act, 1957**

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MR. CASS

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#### EXPLANATORY NOTE

The present section names the Acts that the Minister administers. It serves no purpose because the reader never knows whether or not it is up to date. In fact, even when it is brought up to date at every opportunity, it may be misleading because of administrative changes by executive action between sessions of the Legislature.

The new section, being general in its terms, obviates these difficulties.

BILL 63

1960

**An Act to amend  
The Department of Highways Act, 1957**

**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 Department of Highways Act, 1957* is repealed and the following substituted therefor: 1957, c. 24,  
s. 3,  
re-enacted

3. The Minister is responsible for the administration of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council. Adminis-  
tration of  
Acts

2. This Act may be cited as *The Department of Highways Amendment Act, 1960*. Short title

An Act to amend  
The Department of Highways Act, 1957

---

*1st Reading*

February 19th, 1960

*2nd Reading*

*3rd Reading*

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MR. CASS

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**BILL 63**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Department of Highways Act, 1957**

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MR. CASS

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BILL 63

1960

**An Act to amend  
The Department of Highways Act, 1957**

**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 Department of Highways Act, 1957* is 1957, c. 24,  
s. 3,  
re-enacted repealed and the following substituted therefor:
3. The Minister is responsible for the administration Adminis-  
tration of  
Acts of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council.
2. This Act may be cited as *The Department of Highways* Short title *Amendment Act, 1960*.

An Act to amend  
The Department of Highways Act, 1957

---

*1st Reading*

February 19th, 1960

*2nd Reading*

February 26th, 1960

*3rd Reading*

March 1st, 1960

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Mr. Cass

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**BILL 64**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Statute Labour Act**

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MR. CASS

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### EXPLANATORY NOTES

SECTION 1. Clauses *b* and *c* are new; they are self-explanatory.

SECTION 2. The subsection repealed limits the amount that may be paid to a road commissioner to two days labour at the rate fixed by the commissioners.

The effect of the amendment will be that road commissioners may be paid in accordance with the work performed beyond what they are required to perform in respect of their own property.

BILL 64

1960

## An Act to amend The Statute Labour 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 14 of *The Statute Labour Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 372, s. 14, re-enacted

14. The notice calling the meeting (Form 1), Notice of meeting

(a) shall be posted up in at least six conspicuous places and at each post office and public school house in the township, townships or locality, as the case may be; or

(b) shall be mailed by registered letter to all landholders in the township, townships or locality addressed to their last known place of residence; or

(c) shall be published once a week for at least three weeks in a newspaper having general circulation in the township, townships or locality,

and the day named in the notice shall be at least ten days from the date of the last posting, mailing or publication, as the case may be.

2. Subsection 2 of section 26 of *The Statute Labour Act* is repealed. R.S.O. 1950, c. 372, s. 26, subs. 2, repealed

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

4. This Act may be cited as *The Statute Labour Amendment Act, 1960*. Short title

An Act to amend  
The Statute Labour Act

---

*1st Reading*

February 19th, 1960

*2nd Reading*

*3rd Reading*

---

MR. CASS

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**BILL 64**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Statute Labour Act**

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MR. CASS

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BILL 64

1960

## An Act to amend The Statute Labour 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 14 of *The Statute Labour Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 372, s. 14, re-enacted

14. The notice calling the meeting (Form 1), Notice of meeting

- (a) shall be posted up in at least six conspicuous places and at each post office and public school house in the township, townships or locality, as the case may be; or
- (b) shall be mailed by registered letter to all landholders in the township, townships or locality addressed to their last known place of residence; or
- (c) shall be published once a week for at least three weeks in a newspaper having general circulation in the township, townships or locality,

and the day named in the notice shall be at least ten days from the date of the last posting, mailing or publication, as the case may be.

2. Subsection 2 of section 26 of *The Statute Labour Act* is repealed. R.S.O. 1950, c. 372, s. 26, subs. 2, repealed

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

4. This Act may be cited as *The Statute Labour Amendment Act, 1960*. Short title

An Act to amend  
The Statute Labour Act

---

*1st Reading*

February 19th, 1960

*2nd Reading*

February 26th, 1960

*3rd Reading*

March 1st, 1960

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MR. CASS

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**BILL 65**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Highway Improvement Act, 1957**

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MR. CASS

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#### EXPLANATORY NOTES

SECTION 1. Connecting-link agreements may now be made between the Province and cities, towns and villages with respect to highways under the jurisdiction and control of such municipalities.

This section of the Bill extends this principle to a highway in a city, town or village and under the jurisdiction and control of the county.

**An Act to amend  
The Highway Improvement Act, 1957**

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

1. Section 22 of *The Highway Improvement Act, 1957*, as amended by section 1 of *The Highway Improvement Amendment Act, 1958* and section 1 of *The Highway Improvement Amendment Act, 1959*, is repealed and the following substituted therefor:

- 22.—(1) Where it is deemed by the Minister that a highway that is under the jurisdiction and control of a city, town or village or that is in a city, town or village and under the control of the county should be constructed as a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Lieutenant Governor in Council may designate such highway as a connecting link or as an extension, as the case may be, to be constructed by the city, town, village or county, and the council of the city, town, village or county may pass by-laws for issuing and may issue debentures under *The Municipal Act*, payable in such period as the Minister approves but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of the highway, but in the case of a city, town or village it is not necessary for the council to obtain the assent of the electors to any such by-laws for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*.
- (2) In the case of a city, town or village, work required to be constructed under subsection 1 may be undertaken as a local improvement under *The Local Improvement Act*, and in that case the council may

Connecting  
links,  
cities,  
towns,  
villages  
and  
counties

R.S.O. 1950,  
c. 243

Work as  
local im-  
provement  
R.S.O. 1950,  
c. 215

by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper.

Agreement  
for work,  
towns and  
villages

- (3) The Minister and the council of a town, not being a separated town, or of a village may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of a highway designated under subsection 1.

Idem,  
cities and  
separated  
towns

- (4) The Minister and the council of a city or of a separated town may enter into an agreement for the construction therein by the municipality or by the Department of a highway designated under subsection 1.

Idem,  
counties

- (5) The Minister and the council of a county may enter into an agreement, in the case of a highway in a town, not being a separated town, or a village, for the construction by the county or by the Department of a highway designated under subsection 1, and, in the case of a highway in a city or separated town, for the construction therein by the county or by the Department of a highway designated under subsection 1.

Cost of  
work

- (6) An agreement under subsection 3, 4 or 5 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village or county, as the case may be, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village having a population of not more than 2,500, a sum equal to the cost of construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;

(b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500, a sum equal to 75 per cent of the cost of the construction of a roadway



of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway having a width of not more than 48 feet; and

- (c) where the highway is in a city or separated town, a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet.
- (7) Notwithstanding clause *b* of subsection 6, where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500 and the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that is to be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement. <sup>Idem, bridges and culverts</sup>
- (8) An agreement under subsection 3, 4 or 5 may provide for the construction and maintenance or for the construction, as the case may be, of roadways or additional widths of roadways necessary to permit the proper interchange of traffic at intersections of the highway designated under subsection 1 with any other highway, and in that case the agreement may provide that a proportion of the cost of the construction and maintenance or construction, as the case may be, of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village or county, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed, <sup>Idem, additional roadways and widths</sup>
- (a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village having a population of not more than 2,500, a sum equal to the cost of the construction and maintenance of the work;
- (b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population

of more than 2,500, a sum equal to 75 per cent of the cost of the construction and maintenance of the work; and

- (c) where the highway is in a city or separated town, a sum equal to 50 per cent of the cost of the construction of the work.

Determina-  
tion of  
cost of  
work

- (9) For the purposes of an agreement entered into under subsection 3 or 4, the owner's share of the cost of local improvements shall not be included in the cost of the work without the consent of the Minister, nor may any other contribution received from any source be so included without the consent of the Minister.

Jurisdiction  
and control  
unchanged

- (10) A highway does not, by reason of its having been constructed or maintained under this section, become the property of the Crown, but every such highway remains under the jurisdiction and control of the city, town, village or county, as the case may be.

1957, c. 43,  
amended

2. *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Highway  
needs  
study  
report

22a. The Minister and the council of a city, town or village may enter into an agreement for the preparation of a report, being a study of the development and improvement of the road system in the city, town or village in relation to the King's Highway, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.

1957, c. 43,  
s. 42,  
subs. 5,  
amended

3. Subsection 5 of section 42 of *The Highway Improvement Act, 1957* is amended by adding at the commencement thereof "Notwithstanding *The Municipal Act*", so that the subsection shall read as follows:

Members of  
councils  
not to be  
appointed  
R.S.O. 1950,  
c. 243

- (5) Notwithstanding *The Municipal Act*, no member of the county council and no member of the council of a local municipality in the county shall be appointed or act as county road superintendent or be employed by the county road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

**SECTION 2.** This new section will enable the Province to give financial aid to urban municipalities to assist them in making studies of their highway problems.

**SECTIONS 3 and 4.** These amendments are designed to avoid conflict with the provisions of *The Municipal Act* dealing with disqualification of members of council.



4. Subsection 5 of section 70 of *The Highway Improvement Act, 1957* is amended by adding at the commencement thereof "Notwithstanding *The Municipal Act*", so that the subsection shall read as follows:

(5) Notwithstanding *The Municipal Act*, no member of the council of the township shall be appointed or act as township road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

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

6. This Act may be cited as *The Highway Improvement Amendment Act, 1960*.

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An Act to amend  
The Highway Improvement Act, 1957

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*1st Reading*

February 19th, 1960

*2nd Reading*

*3rd Reading*

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MR. CASS

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**BILL 65**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Highway Improvement Act, 1957**

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MR. CASS

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



**An Act to amend  
The Highway Improvement Act, 1957**

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

1. Section 22 of *The Highway Improvement Act, 1957*, as 1957, c. 43, amended by section 1 of *The Highway Improvement Amendment Act, 1958* and section 1 of *The Highway Improvement Amendment Act, 1959*, is repealed and the following substituted therefor:

- 22.—(1) Where it is deemed by the Minister that a highway that is under the jurisdiction and control of a city, town or village or that is in a city, town or village and under the control of the county should be constructed as a connecting link between parts of the King's Highway or as an extension of the King's Highway, the Lieutenant Governor in Council may designate such highway as a connecting link or as an extension, as the case may be, to be constructed by the city, town, village or county, and the council of the city, town, village or county may pass by-laws for issuing and may issue debentures under *The Municipal Act*, payable in such period as the Minister approves but not exceeding twenty years from the time or times when the debentures are issued, for an amount sufficient to pay the municipality's share of the cost of the construction of the highway, but in the case of a city, town or village it is not necessary for the council to obtain the assent of the electors to any such by-laws for the issue of debentures or to observe the formalities in relation thereto prescribed by *The Municipal Act*.
- (2) In the case of a city, town or village, work required to be constructed under subsection 1 may be undertaken as a local improvement under *The Local Improvement Act*, and in that case the council may

Connecting  
links,  
cities,  
towns,  
villages  
and  
counties

R.S.O. 1950,  
c. 243

Work as  
local im-  
provement  
R.S.O. 1950,  
c. 215

by by-law fix the proportion of the cost of the work to be borne by the municipality at large as the council deems proper.

Agreement  
for work,  
towns and  
villages

- (3) The Minister and the council of a town, not being a separated town, or of a village may enter into an agreement for the construction and maintenance therein by the municipality or by the Department of a highway designated under subsection 1.

Idem,  
cities and  
separated  
towns

- (4) The Minister and the council of a city or of a separated town may enter into an agreement for the construction therein by the municipality or by the Department of a highway designated under subsection 1.

Idem,  
counties

- (5) The Minister and the council of a county may enter into an agreement, in the case of a highway in a town, not being a separated town, or a village, for the construction by the county or by the Department of a highway designated under subsection 1, and, in the case of a highway in a city or separated town, for the construction therein by the county or by the Department of a highway designated under subsection 1.

Cost of  
work

- (6) An agreement under subsection 3, 4 or 5 may provide that a proportion of the cost of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village or county, as the case may be, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed,

(a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village having a population of not more than 2,500, a sum equal to the cost of construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway of a width of not more than 48 feet;

(b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500, a sum equal to 75 per cent of the cost of the construction of a roadway

of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway having a width of not more than 48 feet; and

- (c) where the highway is in a city or separated town, a sum equal to 50 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet.
- (7) Notwithstanding clause *b* of subsection 6, where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500 and the work consists of the construction or maintenance of a bridge or culvert, the agreement may provide that the proportion of the cost of the work that is to be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert that is properly chargeable to road improvement. <sup>Idem, bridges and culverts</sup>
- (8) An agreement under subsection 3, 4 or 5 may provide for the construction and maintenance or for the construction, as the case may be, of roadways or additional widths of roadways necessary to permit the proper interchange of traffic at intersections of the highway designated under subsection 1 with any other highway, and in that case the agreement may provide that a proportion of the cost of the construction and maintenance or construction, as the case may be, of the work shall be paid out of the moneys appropriated therefor by the Legislature and that the remainder shall be borne and paid by the city, town, village or county, but the proportion to be paid out of the moneys appropriated therefor by the Legislature shall not exceed, <sup>Idem, additional roadways and widths</sup>
- (a) where the highway is in a town, not being a separated town, having a population of not more than 2,500 or in a village having a population of not more than 2,500, a sum equal to the cost of the construction and maintenance of the work;
- (b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population

of more than 2,500, a sum equal to 75 per cent of the cost of the construction and maintenance of the work; and

- (c) where the highway is in a city or separated town, a sum equal to 50 per cent of the cost of the construction of the work.

Determina-  
tion of  
cost of  
work

- (9) For the purposes of an agreement entered into under subsection 3 or 4, the owner's share of the cost of local improvements shall not be included in the cost of the work without the consent of the Minister, nor may any other contribution received from any source be so included without the consent of the Minister.

Jurisdiction  
and control  
unchanged

- (10) A highway does not, by reason of its having been constructed or maintained under this section, become the property of the Crown, but every such highway remains under the jurisdiction and control of the city, town, village or county, as the case may be.

1957, c. 43,  
amended

**2.** *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Highway  
needs  
study  
report

- 22a. The Minister and the council of a city, town or village may enter into an agreement for the preparation of a report, being a study of the development and improvement of the road system in the city, town or village in relation to the King's Highway, and the Minister may direct payment out of the moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.

1957, c. 43,  
s. 42,  
subs. 5,  
amended

**3.** Subsection 5 of section 42 of *The Highway Improvement Act, 1957* is amended by adding at the commencement thereof "Notwithstanding *The Municipal Act*", so that the subsection shall read as follows:

Members of  
councils  
not to be  
appointed  
R.S.O. 1950,  
c. 243

- (5) Notwithstanding *The Municipal Act*, no member of the county council and no member of the council of a local municipality in the county shall be appointed or act as county road superintendent or be employed by the county road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

**4.** Subsection 5 of section 70 of *The Highway Improvement Act, 1957* is amended by adding at the commencement thereof "Notwithstanding *The Municipal Act*", so that the subsection shall read as follows:

- (5) Notwithstanding *The Municipal Act*, no member of the council of the township shall be appointed or act as township road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or acts or is employed in contravention of this subsection forfeits his seat and is disqualified from sitting or voting in the council of which he was a member at the time of the contravention.

1957, c. 43,  
s. 70,  
subs. 5,  
amended  
Members of  
councils  
not to be  
appointed  
R.S.O. 1950  
c. 243

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

Commence-  
ment

**6.** This Act may be cited as *The Highway Improvement Amendment Act, 1960*.

Short title

An Act to amend  
The Highway Improvement Act, 1957

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*1st Reading*

February 19th, 1960

*2nd Reading*

February 26th, 1960

*3rd Reading*

March 1st, 1960

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MR. CASS

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**BILL 66**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Workmen's Compensation Act**

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MR. DALEY

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#### EXPLANATORY NOTE

In 1953 the compensation payable to dependants of workmen who died as a result of injuries was increased. However, the increase applied only to cases where the death occurred on or after April 2, 1953.

The purpose of this Bill is to have the increase also apply to cases where the death occurred before April 2, 1953. The increased payments for this group will commence in May, 1960.

BILL 66

1960

**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.** Section 4 of *The Workmen's Compensation Amendment Act, 1953*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1955*, is repealed and the following substituted therefor: 1953, c. 109, s. 4 (1955, c. 93, s. 2), re-enacted

**4.** Section 3 applies where the death of the workman resulting from an injury occurred on or after the 2nd day of April, 1953, and on and after the 1st day of April, 1960, section 3 also applies where the death of the workman resulting from an injury occurred before the 2nd day of April, 1953. Application of s. 3

**2.** Where the death of the workman occurred before the 2nd day of April, 1953, the increased amounts of compensation that are payable to the dependants entitled thereto as a result of the re-enactment of section 4 of *The Workmen's Compensation Amendment Act, 1953* by section 1 of this Act shall commence to be paid on the proper date for payment in the month of May, 1960. Commencement of increased compensation to dependants where death occurred before April 2, 1953

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

**4.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1960*. Short title

An Act to amend  
The Workmen's Compensation Act

---

*1st Reading*

February 23rd, 1960

*2nd Reading*

*3rd Reading*

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MR. DALEY

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**BILL 66**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Workmen's Compensation Act**

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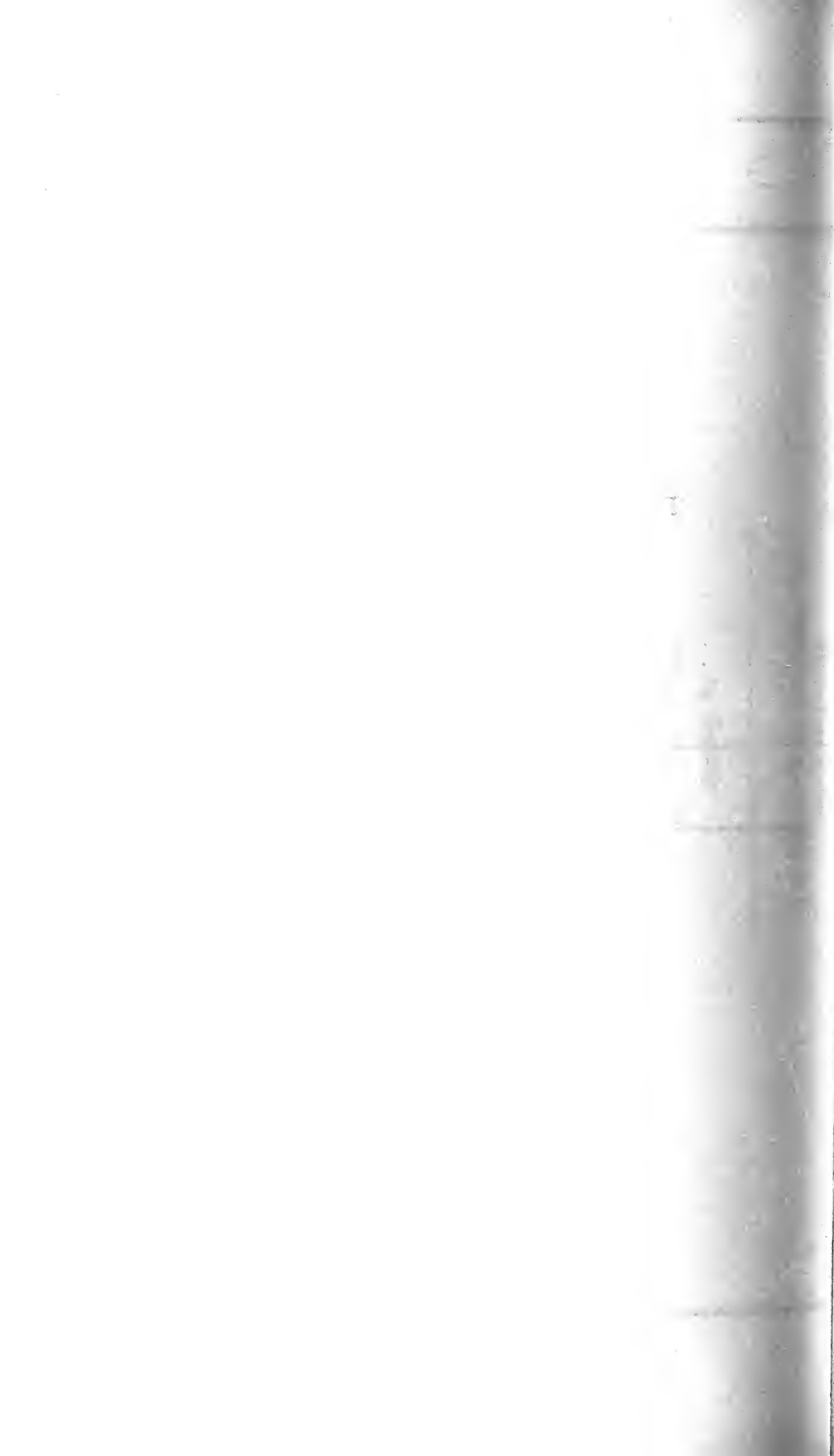
MR. DALEY

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BILL 66

1960

**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.** Section 4 of *The Workmen's Compensation Amendment Act, 1953*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1955*, is repealed and the following substituted therefor: 1953, c.'109, s. 4 (1955, c. 93, s. 2), re-enacted

**4.** Section 3 applies where the death of the workman resulting from an injury occurred on or after the 2nd day of April, 1953, and on and after the 1st day of April, 1960, section 3 also applies where the death of the workman resulting from an injury occurred before the 2nd day of April, 1953. Application of s. 3

**2.** Where the death of the workman occurred before the 2nd day of April, 1953, the increased amounts of compensation that are payable to the dependants entitled thereto as a result of the re-enactment of section 4 of *The Workmen's Compensation Amendment Act, 1953* by section 1 of this Act shall commence to be paid on the proper date for payment in the month of May, 1960. Commencement of increased compensation to dependants where death occurred before April 2, 1953

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

**4.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1960*. Short title

---

*1st Reading*

February 23rd, 1960

*2nd Reading*

February 29th, 1960

*3rd Reading*

March 8th, 1960

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MR. DALEY

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**BILL 67**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Department of Labour Act**

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MR. DALEY

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#### EXPLANATORY NOTES

SECTION 1. The present section names the Acts administered by the Department. It serves no purpose because the reader never knows whether or not it is up to date. In fact, even when it is brought up to date at every opportunity, it may be misleading because of administrative changes by executive action between sessions of the Legislature.

The new section, being general in its terms, obviates these difficulties.

SECTION 2. The fees authorized by this amendment will compensate in part for the expense involved in providing inspection services.

BILL 67

1960

## An Act to amend The Department of Labour 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 5 of *The Department of Labour Act*, as amended R.S.O. 1950, c. 95, s. 5, re-enacted by section 2 of *The Department of Labour Amendment Act, 1957*, is repealed and the following substituted therefor:

5. The Minister is responsible for the administration Adminis-  
tration of  
Acts of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council.

2. Subsection 1 of section 10 of *The Department of Labour Act* is amended by adding at the end thereof "and may make R.S.O. 1950, c. 95, s. 10, subs. 1, amended regulations providing for and prescribing the fees to be paid for inspection services furnished in connection with any work mentioned in this subsection", so that the subsection shall read as follows:

- (1) The Minister, with the approval of the Lieutenant Regulations  
for pro-  
tection of  
workmen Governor in Council, may make such regulations as may be deemed necessary for the safety and protection of persons engaged,
- (a) on work in the construction of which men are employed in compressed air;
  - (b) in the construction of tunnels and open caisson work;
  - (c) in the construction of coffer dams and crib work in water or other places where pressure of sand, water or soil is likely to endanger human life,

and may make regulations providing for and prescribing the fees to be paid for inspection services

furnished in connection with any work mentioned in this subsection.

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 Department of Labour Amendment Act, 1960*.







An Act to amend  
The Department of Labour Act

---

*1st Reading*

February 23rd, 1960

*2nd Reading*

*3rd Reading*

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MR. DALEY

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**BILL 67**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Department of Labour Act**

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MR. DALEY

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BILL 67

1960

## An Act to amend The Department of Labour 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 5 of *The Department of Labour Act*, as amended by section 2 of *The Department of Labour Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 95, s. 5,  
re-enacted

5. The Minister is responsible for the administration of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council. Adminis-  
tration of  
Acts

2. Subsection 1 of section 10 of *The Department of Labour Act* is amended by adding at the end thereof "and may make regulations providing for and prescribing the fees to be paid for inspection services furnished in connection with any work mentioned in this subsection", so that the subsection shall read as follows: R.S.O. 1950,  
c. 95, s. 10,  
subs. 1,  
amended

(1) The Minister, with the approval of the Lieutenant Governor in Council, may make such regulations as may be deemed necessary for the safety and protection of persons engaged, Regulations  
for pro-  
tection of  
workmen

(a) on work in the construction of which men are employed in compressed air;

(b) in the construction of tunnels and open caisson work;

(c) in the construction of coffer dams and crib work in water or other places where pressure of sand, water or soil is likely to endanger human life,

and may make regulations providing for and prescribing the fees to be paid for inspection services

furnished in connection with any work mentioned in this subsection.

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 Department of Labour Amendment Act, 1960*.







---

*1st Reading*

February 23rd, 1960

*2nd Reading*

February 29th, 1960

*3rd Reading*

March 17th, 1960

---

MR. DALEY

---



**BILL 68**

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**1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960**

---

**An Act to amend  
The Boilers and Pressure Vessels Act, 1951**

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**MR. DALEY**

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**EXPLANATORY NOTE**

The amendment authorizes the Lieutenant Governor in Council to prescribe a fee as set out.

BILL 68

1960

**An Act to amend  
The Boilers and Pressure Vessels Act, 1951**

**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 44 of *The Boilers and Pressure Vessels Act, 1951* is amended by adding thereto the following clause: 1951, c. 7, s. 44, subs. 1, amended

(ss) prescribing the fee to be paid on the approval of procedures to be followed in the welding of boilers or pressure vessels.

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

**3.** This Act may be cited as *The Boilers and Pressure Vessels Amendment Act, 1960*. Short title

An Act to amend  
The Boilers and Pressure Vessels Act, 1951

---

*1st Reading*

February 23rd, 1960

*2nd Reading*

*3rd Reading*

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MR. DALEY

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**BILL 68**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Boilers and Pressure Vessels Act, 1951**

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MR. DALEY

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BILL 68

1960

**An Act to amend  
The Boilers and Pressure Vessels Act, 1951**

**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 44 of *The Boilers and Pressure Vessels Act, 1951* is amended by adding thereto the following <sup>1951, c. 7, s. 44, subs. 1,</sup> amended clause:

(ss) prescribing the fee to be paid on the approval of procedures to be followed in the welding of boilers or pressure vessels.

**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 Boilers and Pressure Vessels Amendment Act, 1960*. <sup>Short title</sup>

An Act to amend  
The Boilers and Pressure Vessels Act, 1951

---

*1st Reading*

February 23rd, 1960

*2nd Reading*

February 29th, 1960

*3rd Reading*

March 17th, 1960

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MR. DALEY

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**BILL 69**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**The Employment Agencies Act, 1960**

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MR. DALEY

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EXPLANATORY NOTE

This is a complete revision of this Act. It was last revised in 1927.

The Act is designed to enable the Department of Labour to license and regulate employment agencies.

BILL 69

1960

## The Employment Agencies Act, 1960

**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) "employment agency" means the business of procuring for a fee, reward or other remuneration,

(i) persons for employment, or

(ii) employment for persons,

and includes the business of counselling or testing persons for a fee, reward or other remuneration to assist them in securing employment;

(b) "licence" means a licence under this Act;

(c) "regulations" means the regulations made under this Act;

(d) "supervisor" means the supervisor of employment agencies.

**2.** No person shall carry on an employment agency unless licensed so to do by the supervisor.

Employment  
agencies  
to be  
licensed

**3.** Where an applicant,

Issue of  
licence

(a) applies in the prescribed form;

(b) pays the prescribed fee;

(c) furnishes such security as is prescribed by the regulations; and

(d) complies with the qualifications prescribed by the regulations,

the supervisor, if satisfied that the applicant is worthy of public confidence, may issue a licence to the applicant to carry on an employment agency or the class thereof described in the licence.

Term of licence

**4.** A licence expires on the 31st day of March next following its date of issue, unless it is sooner suspended or revoked.

Branches, etc.

**5.** Where an employment agency is carried on in or from more than one place of business, a separate licence shall be obtained in respect of each place of business.

Refusal to issue, suspension, etc.

**6.—(1)** The supervisor, after a hearing, may refuse to issue or may suspend or revoke a licence if he is satisfied that the applicant or licensee, as the case may be, is in breach of this Act or the regulations or for any other reason is not worthy of public confidence.

Notice of revocation, etc., of licence

(2) Where the supervisor refuses to issue or suspends or revokes a licence, he shall send notice of the refusal, suspension or revocation to the applicant or licensee, as the case may be, by registered mail addressed to him at his last known address.

Appeal

(3) If the applicant or licensee, as the case may be, is dissatisfied with the decision of the supervisor, he may, within ten days after receipt of the notice of the decision, apply to the judge of the county or district court of the county or district in which he intended to carry on or carried on business for an order reversing the decision of the supervisor.

Idem

(4) On an application under subsection 3, the judge shall hold a hearing upon such notice as he deems proper and, after hearing the applicant, the supervisor and any evidence either of them produces, he may dismiss the application if he is not satisfied that the applicant is worthy of public confidence or he may order the supervisor to issue or reinstate the licence if he is satisfied that the applicant is worthy of public confidence.

Display of licence

**7.** Every licensee shall display his licence in a conspicuous place in the premises in which he carries on business.

Offence

**8.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$500.

**9.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the qualifications of applicants for licences;
- (b) classifying employment agencies;
- (c) prescribing the nature and amount of the security to be furnished by employment agencies or any class thereof;
- (d) limiting and prescribing the nature of the business that shall be carried on by employment agencies or any class thereof;
- (e) regulating and controlling the manner in which the business of employment agencies or any class thereof shall be carried on;
- (f) prescribing the records, books and accounts that shall be kept by employment agencies or any class thereof;
- (g) prescribing the fee, reward or other remuneration that may be charged by employment agencies or any class thereof for their services;
- (h) requiring, providing for and prescribing the annual or other returns that shall be made to the supervisor by employment agencies or any class thereof;
- (i) fixing the fees to be paid for licences for employment agencies or any class thereof;
- (j) providing for the inspection of employment agencies or any class thereof;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter or thing necessary or advisable to carry out effectively the intent and purpose of this Act.

**10.** *The Employment Agencies Act* is repealed.

R.S.O. 1950,  
c. 114,  
repealed

**11.** This Act may be cited as *The Employment Agencies Act, 1960*. Short title

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*1st Reading*

February 23rd, 1960

*2nd Reading*

*3rd Reading*

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MR. DALEY

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**BILL 69**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**The Employment Agencies Act, 1960**

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MR. DALEY

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



## The Employment Agencies Act, 1960

**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) "employment agency" means the business of procuring for a fee, reward or other remuneration,

(i) persons for employment, or

(ii) employment for persons,

and includes the business of counselling or testing persons for a fee, reward or other remuneration to assist them in securing employment;

(b) "licence" means a licence under this Act;

(c) "regulations" means the regulations made under this Act;

(d) "supervisor" means the supervisor of employment agencies.

**2.** No person shall carry on an employment agency unless licensed so to do by the supervisor.

Employment  
agencies  
to be  
licensed

**3.** Where an applicant,

Issue of  
licence

(a) applies in the prescribed form;

(b) pays the prescribed fee;

(c) furnishes such security as is prescribed by the regulations; and

(d) complies with the qualifications prescribed by the regulations,

the supervisor, if satisfied that the applicant is worthy of public confidence, may issue a licence to the applicant to carry on an employment agency of the class described in the licence.

Term of  
licence

4. A licence expires on the 31st day of March next following its date of issue, unless it is sooner suspended or revoked.

Branches,  
etc.

5. Where an employment agency is carried on in or from more than one place of business, a separate licence shall be obtained in respect of each place of business.

Refusal to  
issue,  
suspension,  
etc.

6.—(1) The supervisor, after a hearing, may refuse to issue or may suspend or revoke a licence if he is satisfied that the applicant or licensee, as the case may be, is in breach of this Act or the regulations or for any other reason is not worthy of public confidence.

Notice of  
revocation,  
etc., of  
licence

(2) Where the supervisor refuses to issue or suspends or revokes a licence, he shall send notice of the refusal, suspension or revocation to the applicant or licensee, as the case may be, by registered mail addressed to him at his last known address.

Appeal

(3) If the applicant or licensee, as the case may be, is dissatisfied with the decision of the supervisor, he may, within ten days after receipt of the notice of the decision, apply to the judge of the county or district court of the county or district in which he intended to carry on or carried on business for an order reversing the decision of the supervisor.

Idem

(4) On an application under subsection 3, the judge shall hold a hearing upon such notice as he deems proper and, after hearing the applicant, the supervisor and any evidence either of them produces, he may dismiss the application if he is not satisfied that the applicant is worthy of public confidence or he may order the supervisor to issue or reinstate the licence if he is satisfied that the applicant is worthy of public confidence.

Display of  
licence

7. Every licensee shall display his licence in a conspicuous place in the premises in which he carries on business.

Offence

8. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$500.

**9.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the qualifications of applicants for licences;
- (b) classifying employment agencies;
- (c) prescribing the nature and amount of the security to be furnished by employment agencies or any class thereof;
- (d) limiting and prescribing the nature of the business that shall be carried on by employment agencies or any class thereof;
- (e) regulating and controlling the manner in which the business of employment agencies or any class thereof shall be carried on;
- (f) prescribing the records, books and accounts that shall be kept by employment agencies or any class thereof;
- (g) prescribing the fee, reward or other remuneration that may be charged by employment agencies or any class thereof for their services;
- (h) requiring, providing for and prescribing the annual or other returns that shall be made to the supervisor by employment agencies or any class thereof;
- (i) fixing the fees to be paid for licences for employment agencies or any class thereof;
- (j) providing for the inspection of employment agencies or any class thereof;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter or thing necessary or advisable to carry out effectively the intent and purpose of this Act.

**10.** *The Employment Agencies Act* is repealed.

R.S.O. 1950,  
c. 114,  
repealed

**11.** This Act may be cited as *The Employment Agencies Act, 1960.* Short title

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The Employment Agencies Act, 1960

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*1st Reading*

February 23rd, 1960

*2nd Reading*

February 29th, 1960

*3rd Reading*

April 11th, 1960

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MR. DALEY

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**BILL 70**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Fair Accommodation Practices Act, 1954**

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MR. THOMPSON

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

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTIONS 2 and 3. The amendments extend the prohibition against discrimination to apply to the renting of living accommodation and the sale of realty.

BILL 70

1960

**An Act to amend  
The Fair Accommodation Practices Act, 1954**

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

1. The preamble to *The Fair Accommodation Practices Act, 1954*, c. 28, is amended by striking out "WHEREAS it is public policy in Ontario that places to which the public is customarily admitted be open to all without regard to race, creed, colour, nationality, ancestry or place of origin" in the first to fourth lines and inserting in lieu thereof "WHEREAS it is against public policy in Ontario to practise discrimination on account of race, creed, colour, nationality, ancestry, place of origin or for any reason whatsoever", so that the preamble shall read as follows:

WHEREAS it is against public policy in Ontario to practise discrimination on account of race, creed, colour, nationality, ancestry, place of origin or for any reason whatsoever; whereas it is desirable to enact a measure to promote observance of this principle; and whereas to do so is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations.

2. Section 1 of *The Fair Accommodation Practices Act, 1954* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "living accommodation" means the whole of a self-contained residential dwelling unit.

3. Section 2 of *The Fair Accommodation Practices Act, 1954* is amended by adding thereto the following subsections:

(2) No person shall refuse to rent living accommodation to any person because of the race, creed, colour, nationality, ancestry or place of origin of such person.

Discrimination in selling

- (3) No person shall refuse to sell or transfer to any person any interest in land or in any building or part thereof because of the race, creed, colour, nationality, ancestry or place of origin of such person.

1954, c. 28, s. 3, subs. 1, cl. b, amended

4. Clause *b* of subsection 1 of section 3 of *The Fair Accommodation Practices Act, 1954* is amended by inserting after "station" in the third line "or television station", so that the clause shall read as follows:

- (b) permit to be published or displayed on lands or premises or in a newspaper, through a radio broadcasting station or television station or by means of any other medium which he owns or controls.

1954, c. 28, s. 5, subs. 1, amended

5. Subsection 1 of section 5 of *The Fair Accommodation Practices Act, 1954* is amended by inserting after "persons" in the third line "who are not employed in the public service", so that the subsection shall read as follows:

Commission, appointment

- (1) If the officer is unable to effect a settlement of the matter complained of, the Minister may appoint a commission composed of one or more persons who are not employed in the public service and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

Commencement

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

Short title

7. This Act may be cited as *The Fair Accommodation Practices Amendment Act, 1960*.

SECTION 4. The amendment emphasizes that the prohibition against discrimination in advertising applies also to television broadcasts.

SECTION 5. Section 5 of *The Fair Accommodation Practices Act, 1954* provides for the appointment of a commission to inquire into and settle a complaint of discrimination in contravention of the Act.

The purpose of the amendment is to prohibit persons in the public service from serving on the commission.





An Act to amend  
The Fair Accommodation Practices  
Act, 1954

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*1st Reading*

February 23rd, 1960

*2nd Reading*

*3rd Reading*

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MR. THOMPSON

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**BILL 71**

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**1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960**

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**An Act to amend The Power Commission Act**

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**MR. MACAULAY**

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EXPLANATORY NOTES

SECTION 1. The section is re-enacted in order to bring up to date the composition of the sinking fund.

BILL 71

1960

**An Act to amend  
The Power Commission 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 17 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 281, s. 17,  
re-enacted

17. The Commission shall set apart annually as a sinking fund, Sinking  
Fund

- (a) such sums as are received by the Commission from municipal corporations under clause *c* of section 74, and section 75, and, subject to subsection 2 of section 84, such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power under section 68 to persons within the area of a municipal corporation that has contracted with the Commission for a supply of power at cost;
- (b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power in rural power districts;
- (c) such sums as are appropriated by the Commission for sinking fund purposes for the repayment of any indebtedness incurred or assumed by the Commission in respect of the cost of administrative service buildings and equipment, and for the restoration of any reserve or other funds of the Commission utilized for the payment of the cost thereof.

R.S.O. 1950,  
c. 281, s. 20,  
subs. 7,  
amended

**2.** Subsection 7 of section 20 of *The Power Commission Act* is amended by adding at the end thereof "and such fund may be invested in investments authorized by section 207 of *The Corporations Act, 1953* for joint stock insurance companies", so that the subsection shall read as follows:

Adminis-  
tration and  
investment  
of fund

- (7) The fund shall be maintained and administered by the Commission and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and shall be chargeable accordingly, and such fund may be invested in investments authorized by section 207 of *The Corporations Act, 1953* for joint stock insurance companies.

1953, c. 19

R.S.O. 1950,  
c. 281, s. 23,  
repealed

**3.** Section 23 of *The Power Commission Act* is repealed.

R.S.O. 1950,  
c. 281, s. 32,  
subs. 5,  
re-enacted

**4.—(1)** Subsection 5 of section 32 of *The Power Commission Act* is repealed and the following substituted therefor:

Appointment  
and  
powers of  
board of  
valuation

- (5) The Lieutenant Governor in Council may from time to time appoint a board of valuation consisting of as many members as he from time to time determines, one of whom shall be named chairman, who shall receive their reasonable and necessary travelling and other expenses and such fees as may be fixed by the Lieutenant Governor in Council, and the same shall be paid by the Commission as part of its general administration expense, and, when no agreement is arrived at as to the amount of compensation to be paid to the owner, the board of valuation shall, as soon as conveniently may be after a request to them either from the owner or the Commission, secure from the Commission a description of the land, right or easement that the Commission requires or has taken from the owner and make such inquiries and inspection and procure such expert advice as they may think desirable and in accordance with subsection 3 fix and determine the compensation to be paid for such land, right or easement, or property damage, and notify by registered letter the owner and the Commission of such finding, and three members of the board of valuation shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the board.

R.S.O. 1950,  
c. 281, s. 32,  
subs. 6,  
amended

(2) Subsection 6 of the said section 32 is amended by striking out "30" in the third line and inserting in lieu thereof "sixty" and by striking out "valuator" in the fourth line and inserting in lieu thereof "board of valuation".

SECTION 2. Pension fund moneys may be invested in the same investments as the moneys of joint stock insurance companies.

SECTION 3. The section repealed is obsolete; it is also redundant as the same field is adequately covered by section 22 of the Act. It enabled the Commission to make reports to the Lieutenant Governor in Council concerning the acquisition and development of water power sites.

SECTION 4—Subsection 1. A board of three or more valuers is substituted for the present valuator. His duty is to determine the compensation payable for transmission line easements. The procedures are unchanged.

Subsection 2. This amendment extends the time for appeal from the board of valuers to the Ontario Municipal Board from 30 to 60 days.

Subsections 3 to 6. Complementary to subsection 1.

SECTION 5. Complementary to section 4 of the Bill.

SECTION 6—Subsection 1. Self-explanatory.



(3) Subsection 7 of the said section 32 is amended by striking out "valuator" in the first line and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 32, subs. 7, amended

(4) Subsection 9 of the said section 32 is amended by striking out "valuator" in the third and fifth lines respectively and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 32, subs. 9, amended

(5) Subsection 10 of the said section 32 is amended by striking out "valuator" in the fourth line and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 32, subs. 10, amended

(6) Subsection 11 of the said section 32, as amended by subsection 2 of section 3 of *The Power Commission Amendment Act, 1956*, is further amended by striking out "valuator" in the sixth line and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 32, subs. 11, amended

5. Subsection 2 of section 35 of *The Power Commission Act* is amended by striking out "valuator" in the fourth, fifth and tenth lines respectively and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 35, subs. 2, amended

6.—(1) Section 52 of *The Power Commission Act* is amended by inserting after "Ontario" in the eighth line "or the Deputy Provincial Treasurer", so that subsection 1 of the said section shall read as follows: R.S.O. 1950, c. 281, s. 52, amended

(1) The Lieutenant Governor in Council is authorized, on such terms as may be approved by Order in Council, to agree to guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant Governor in Council may approve, and the guarantee or guarantees shall be signed by the Treasurer of Ontario or the Deputy Provincial Treasurer, or such other officer or officers as may be designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario shall become liable for the payment of the principal and interest of the bonds, debentures and securities guaranteed, according to the tenor thereof, and the Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of the guarantee or guarantees, and to advance the amount necessary for that purpose, out of the public funds of the Province, and, in the hands of any holder of any such bonds, debentures or securities, any guarantee so signed shall be conclusive evidence that the terms of this section have been complied with. Guaranteeing bonds of Commission

R.S.O. 1950, c. 281, s. 52, amended (2) The said section 52 is further amended by adding thereto the following subsection:

Signatures may be mechanically reproduced

- (2) The signature of the Treasurer of Ontario or of the Deputy Provincial Treasurer or of such other officer or officers provided for in subsection 1 may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically-reproduced signature of any such person shall be deemed for all purposes the signature of such person and shall be binding upon the Province of Ontario notwithstanding that the person whose signature is so reproduced may not have held office at the date of the bonds, debentures or other securities or at the date of the delivery thereof and notwithstanding any change in any of the persons holding any such office between the time when any such signature is affixed and the date of delivery of the bonds, debentures or other securities.

R.S.O. 1950, c. 281, amended 7. *The Power Commission Act* is amended by adding thereto the following section:

R.S.O. 1950, c. 243, s. 301, not to apply 58a. Section 301 of *The Municipal Act* does not apply to any contract between the Commission and a municipal corporation for the supply of power.

R.S.O. 1950, c. 281, s. 68, subs. 3, re-enacted 8. Subsection 3 of section 68 of *The Power Commission Act* is repealed and the following substituted therefor:

Application of net surplus

- (3) Any net surplus made by the Commission in supplying power under subsection 1 to persons within the areas of municipal corporations and police villages excluded from the Southern Ontario Rural Power District by subsection 2 of section 84 that have contracted with the Commission for the supply of power at cost shall be applied in reduction of the cost of power to such municipal corporations and police villages; and subject to subsection 3 of section 59a any net surplus made by the Commission in supplying power under subsection 1 to other persons shall be applied in reduction of the cost of power in rural power districts.

R.S.O. 1950, c. 281, s. 81 (1958, c. 80, s. 2), amended 9. Section 81 of *The Power Commission Act*, as re-enacted by section 2 of *The Power Commission Amendment Act, 1958*, is amended by adding thereto the following subsection:

Power of township to extend application of street lighting agreement

- (5a) Where under this section a township has entered into a contract with the Commission for the lighting of streets in one or more areas, the township may



Subsection 2. This provision will enable the signatures on securities to be reproduced mechanically.

SECTION 7. Self-explanatory. Section 301 of *The Municipal Act* gives the Ontario Municipal Board authority to approve the duration of contracts for the supply of public utilities. It was never intended that this authority should apply to Hydro-municipal agreements for the supply of power.

SECTION 8. This section brings up to date the provision that allocates net surplus made by the Commission in supplying power to other than municipal corporations.

SECTION 9. The purpose of this subsection is to make it clear that, where a township has a street lighting agreement with Ontario Hydro for certain areas of the township, the agreement may be extended to include other areas of the township.

**SECTION 10. Self-explanatory.**

**SECTION 11. Ontario Hydro operates on a calendar-year basis as do municipalities. It is therefore appropriate that the amendments, which affect Ontario Hydro and many municipalities, should be in force for the whole of the current calendar year.**

from time to time, without petition and without the assent of the electors, pass a similar by-law to provide that the contract shall also apply to any other street lighting area or areas in the township.

**10.** Subsection 2 of section 84 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 281, s. 84,  
subs. 2,  
re-enacted

- (2) There shall be two rural power districts, namely, Defining  
power  
districts
- (a) the Northern Ontario Rural Power District comprising the Northeastern and Northwestern Regions as defined from time to time by the Commission; and
  - (b) the Southern Ontario Rural Power District comprising the remaining territory of Ontario,

and there shall be excluded from each of the rural power districts the areas of all municipal corporations and police villages that have contracted with the Commission for the supply of power at cost under section 58, 59, 63 or 66, or that hereafter so contract, except that all persons who are supplied with power under section 68 and who are within the area of any such municipal corporation excluded from the Northern Ontario Rural Power District shall be deemed to be within the Northern Ontario Rural Power District.

**11.** This Act shall be deemed to have come into force on the 1st day of January, 1960. Commence-  
ment

**12.** This Act may be cited as *The Power Commission Amendment Act, 1960*. Short title

An Act to amend  
The Power Commission Act

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*1st Reading*

February 23rd, 1960

*2nd Reading*

*3rd Reading*

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MR. MACAULAY

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**BILL 71**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Power Commission Act**

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MR. MACAULAY

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BILL 71

1960

## An Act to amend The Power Commission Act

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

1. Section 17 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 281, s. 17,  
re-enacted

17. The Commission shall set apart annually as a sinking fund, Sinking  
Fund

- (a) such sums as are received by the Commission from municipal corporations under clause *c* of section 74, and section 75, and, subject to subsection 2 of section 84, such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power under section 68 to persons within the area of a municipal corporation that has contracted with the Commission for a supply of power at cost;
- (b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power in rural power districts;
- (c) such sums as are appropriated by the Commission for sinking fund purposes for the repayment of any indebtedness incurred or assumed by the Commission in respect of the cost of administrative service buildings and equipment, and for the restoration of any reserve or other funds of the Commission utilized for the payment of the cost thereof.

R.S.O. 1950,  
c. 281, s. 20,  
subs. 7,  
amended

**2.** Subsection 7 of section 20 of *The Power Commission Act* is amended by adding at the end thereof "and such fund may be invested in investments authorized by section 207 of *The Corporations Act, 1953* for joint stock insurance companies", so that the subsection shall read as follows:

Adminis-  
tration and  
investment of fund

- (7) The fund shall be maintained and administered by the Commission and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and shall be chargeable accordingly, and such fund may be invested in investments authorized by section 207 of *The Corporations Act, 1953* for joint stock insurance companies.

1953, c. 19

R.S.O. 1950,  
c. 281, s. 23,  
repealed

**3.** Section 23 of *The Power Commission Act* is repealed.

R.S.O. 1950,  
c. 281, s. 32,  
subs. 5,  
re-enacted

**4.—(1)** Subsection 5 of section 32 of *The Power Commission Act* is repealed and the following substituted therefor:

Appointment  
and  
powers of  
board of  
valuation

- (5) The Lieutenant Governor in Council may from time to time appoint a board of valuation consisting of as many members as he from time to time determines, one of whom shall be named chairman, who shall receive their reasonable and necessary travelling and other expenses and such fees as may be fixed by the Lieutenant Governor in Council, and the same shall be paid by the Commission as part of its general administration expense, and, when no agreement is arrived at as to the amount of compensation to be paid to the owner, the board of valuation shall, as soon as conveniently may be after a request to them either from the owner or the Commission, secure from the Commission a description of the land, right or easement that the Commission requires or has taken from the owner and make such inquiries and inspection and procure such expert advice as they may think desirable and in accordance with subsection 3 fix and determine the compensation to be paid for such land, right or easement, or property damage, and notify by registered letter the owner and the Commission of such finding, and three members of the board of valuation shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the board.

R.S.O. 1950,  
c. 281, s. 32,  
subs. 6,  
amended

(2) Subsection 6 of the said section 32 is amended by striking out "30" in the third line and inserting in lieu thereof "sixty" and by striking out "valuator" in the fourth line and inserting in lieu thereof "board of valuation".



(3) Subsection 7 of the said section 32 is amended by striking out "valuator" in the first line and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 32, subs. 7 amended

(4) Subsection 9 of the said section 32 is amended by striking out "valuator" in the third and fifth lines respectively and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 32, subs. 9, amended

(5) Subsection 10 of the said section 32 is amended by striking out "valuator" in the fourth line and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 32, subs. 10, amended

(6) Subsection 11 of the said section 32, as amended by subsection 2 of section 3 of *The Power Commission Amendment Act, 1956*, is further amended by striking out "valuator" in the sixth line and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 32, subs. 11, amended

5. Subsection 2 of section 35 of *The Power Commission Act* is amended by striking out "valuator" in the fourth, fifth and tenth lines respectively and inserting in lieu thereof "board of valuation". R.S.O. 1950, c. 281, s. 35, subs. 2, amended

6.—(1) Section 52 of *The Power Commission Act* is amended by inserting after "Ontario" in the eighth line "or the Deputy Provincial Treasurer", so that subsection 1 of the said section shall read as follows: R.S.O. 1950, c. 281, s. 52, amended

- (1) The Lieutenant Governor in Council is authorized, on such terms as may be approved by Order in Council, to agree to guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant Governor in Council may approve, and the guarantee or guarantees shall be signed by the Treasurer of Ontario or the Deputy Provincial Treasurer, or such other officer or officers as may be designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario shall become liable for the payment of the principal and interest of the bonds, debentures and securities guaranteed, according to the tenor thereof, and the Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of the guarantee or guarantees, and to advance the amount necessary for that purpose, out of the public funds of the Province, and, in the hands of any holder of any such bonds, debentures or securities, any guarantee so signed shall be conclusive evidence that the terms of this section have been complied with. Guaranteeing bonds of Commission

R.S.O. 1950, c. 281, s. 52, amended (2) The said section 52 is further amended by adding thereto the following subsection:

Signatures may be mechanically reproduced

- (2) The signature of the Treasurer of Ontario or of the Deputy Provincial Treasurer or of such other officer or officers provided for in subsection 1 may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically-reproduced signature of any such person shall be deemed for all purposes the signature of such person and shall be binding upon the Province of Ontario notwithstanding that the person whose signature is so reproduced may not have held office at the date of the bonds, debentures or other securities or at the date of the delivery thereof and notwithstanding any change in any of the persons holding any such office between the time when any such signature is affixed and the date of delivery of the bonds, debentures or other securities.

R.S.O. 1950, c. 281, amended **7.** *The Power Commission Act* is amended by adding thereto the following section:

R.S.O. 1950, c. 243, s. 301, not to apply 58a. Section 301 of *The Municipal Act* does not apply to any contract between the Commission and a municipal corporation for the supply of power.

R.S.O. 1950, c. 281, s. 68, subs. 3, re-enacted **8.** Subsection 3 of section 68 of *The Power Commission Act* is repealed and the following substituted therefor:

Application of net surplus

- (3) Any net surplus made by the Commission in supplying power under subsection 1 to persons within the areas of municipal corporations and police villages excluded from the Southern Ontario Rural Power District by subsection 2 of section 84 that have contracted with the Commission for the supply of power at cost shall be applied in reduction of the cost of power to such municipal corporations and police villages; and subject to subsection 3 of section 59a any net surplus made by the Commission in supplying power under subsection 1 to other persons shall be applied in reduction of the cost of power in rural power districts.

R.S.O. 1950, c. 281, s. 81 (1958, c. 80, s. 2), amended **9.** Section 81 of *The Power Commission Act*, as re-enacted by section 2 of *The Power Commission Amendment Act, 1958*, is amended by adding thereto the following subsection:

Power of township to extend application of street lighting agreement

- (5a) Where under this section a township has entered into a contract with the Commission for the lighting of streets in one or more areas, the township may

from time to time, without petition and without the assent of the electors, pass a similar by-law to provide that the contract shall also apply to any other street lighting area or areas in the township.

**10.** Subsection 2 of section 84 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 281, s. 84,  
subs. 2,  
re-enacted

- (2) There shall be two rural power districts, namely, Defining  
power  
districts
- (a) the Northern Ontario Rural Power District comprising the Northeastern and Northwestern Regions as defined from time to time by the Commission; and
- (b) the Southern Ontario Rural Power District comprising the remaining territory of Ontario,

and there shall be excluded from each of the rural power districts the areas of all municipal corporations and police villages that have contracted with the Commission for the supply of power at cost under section 58, 59, 63 or 66, or that hereafter so contract, except that all persons who are supplied with power under section 68 and who are within the area of any such municipal corporation excluded from the Northern Ontario Rural Power District shall be deemed to be within the Northern Ontario Rural Power District.

**11.** This Act shall be deemed to have come into force on the 1st day of January, 1960. Commence-  
ment

**12.** This Act may be cited as *The Power Commission Amendment Act, 1960*. Short title

An Act to amend  
The Power Commission Act

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*1st Reading*

February 23rd, 1960

*2nd Reading*

March 3rd, 1960

*3rd Reading*

March 8th, 1960

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MR. MACAULAY

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**BILL 72**

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**1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960**

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**An Act respecting Presqu'ile Provincial Park**

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**MR. SPOONER**

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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 expunge part of an obsolete plan of survey of lands that have been acquired by the Crown for Presqu'ile Provincial Park and to remove any trusts or clouds on title that may have been created by the plan.

## An Act respecting Presqu'ile Provincial Park

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

1. The part of the plan of survey of the Townplot of Newcastle by Alex. Aitken, Deputy Surveyor, dated November, 1797, a certified copy of which was registered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland on the 9th day of April, 1953, as Plan No. 135, shown outlined in red on a plan and field notes of survey by J. K. Benner, Ontario Land Surveyor, dated the 20th day of February, 1959, and of record in the office of the Surveyor General at Toronto, is expunged, and the land contained within the limits so described is vested in Her Majesty the Queen in right of Ontario in fee simple, free of any right, title, interest or trust that may have been created by such plan of survey. Part of  
Aitken  
plan  
expunged
2. A certified copy of the plan and field notes of survey by J. K. Benner mentioned in section 1 shall be registered by the Surveyor General in the Registry Office for the Registry Division for the East Riding of the County of Northumberland, and the land outlined in red thereon shall be designated as Block J according to such plan. Benner  
plan to be  
registered
3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
4. This Act may be cited as *The Presqu'ile Provincial Park Act, 1960*. Short title

An Act respecting  
Presqu'île Provincial Park

---

*1st Reading*

February 23rd, 1960

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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**BILL 72**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act respecting Presqu'ile Provincial Park**

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MR. SPOONER

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## An Act respecting Presqu'ile Provincial Park

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

**1.** The part of the plan of survey of the Townplot of Newcastle by Alex. Aitken, Deputy Surveyor, dated November, 1797, a certified copy of which was registered in the Registry Office for the Registry Division of the East Riding of the County of Northumberland on the 9th day of April, 1953, as Plan No. 135, shown outlined in red on a plan and field notes of survey by J. K. Benner, Ontario Land Surveyor, dated the 20th day of February, 1959, and of record in the office of the Surveyor General at Toronto, is expunged, and the land contained within the limits so described is vested in Her Majesty the Queen in right of Ontario in fee simple, free of any right, title, interest or trust that may have been created by such plan of survey. <sup>Part of Aitken plan expunged</sup>

**2.** A certified copy of the plan and field notes of survey by J. K. Benner mentioned in section 1 shall be registered by the Surveyor General in the Registry Office for the Registry Division for the East Riding of the County of Northumberland, and the land outlined in red thereon shall be designated as Block J according to such plan. <sup>Benner plan to be registered</sup>

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

**4.** This Act may be cited as *The Presqu'ile Provincial Park Act, 1960*. <sup>Short title</sup>

An Act respecting  
Presqu'île Provincial Park

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*1st Reading*

February 23rd, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 73**

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**1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960**

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**An Act to amend The Provincial Parks Act, 1958**

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**MR. SPOONER**

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**TORONTO  
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EXPLANATORY NOTE

Self-explanatory.

**An Act to amend  
The Provincial Parks Act, 1958**

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

**1.** *The Provincial Parks Act, 1958* is amended by adding 1958, c. 83,  
amended thereto the following section:

- 4a.**—(1) The Minister and any municipality, with the approval of the Ontario Parks Integration Board, may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction and control of the municipality for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature. Access roads to provincial parks, in municipalities
- (2) A road constructed, reconstructed or maintained Idem under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality.
- (3) The Minister, with the approval of the Ontario Parks Integration Board, may arrange with the road commissioners elected under *The Statute Labour Act* Idem, in unorganized territory R.S.O. 1950, c. 372 or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature.

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

**3.** This Act may be cited as *The Provincial Parks Amendment Act, 1960*. Short title

An Act to amend  
The Provincial Parks Act, 1958

---

*1st Reading*

February 23rd, 1960

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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**BILL 73**

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**1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960**

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**An Act to amend The Provincial Parks Act, 1958**

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**MR. SPOONER**

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**TORONTO**  
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**PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY**



BILL 73

1960

**An Act to amend  
The Provincial Parks Act, 1958**

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

1. *The Provincial Parks Act, 1958* is amended by adding 1958, c. 83,  
amended thereto the following section:

- 4a.—(1) The Minister and any municipality, with the approval of the Ontario Parks Integration Board, may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction and control of the municipality for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature. Access roads to provincial parks, in municipalities
- (2) A road constructed, reconstructed or maintained under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality. Idem
- (3) The Minister, with the approval of the Ontario Parks Integration Board, may arrange with the road commissioners elected under *The Statute Labour Act* or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature. Idem, in unorganized territory R.S.O. 1950, c. 372

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

3. This Act may be cited as *The Provincial Parks Amendment Act, 1960*. Short title

An Act to amend  
The Provincial Parks Act, 1958

---

*1st Reading*

February 23rd, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 17th, 1960

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MR. SPOONER

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**BILL 74**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Labour Relations Act**

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MR. DALEY

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## EXPLANATORY NOTES

GENERAL. The purposes of this Bill are as follows:

(1) To implement certain of the recommendations of the Select Committee on Labour Relations including, among others,

- (a) expediting of the arbitration process and improving the administrative machinery for dealing with it (section 15);
- (b) the vesting in the Labour Relations Board of authority to deal with discharge and discrimination cases as a step towards providing the Board with enforcement powers (section 31);
- (c) the establishment of machinery for dealing with trusteeships and jurisdictional disputes (sections 29 and 31);
- (d) the establishment of a method of enforcing decisions of arbitrators, of jurisdictional disputes commissions and of the Labour Relations Board in discharge and discrimination cases (sections 15 and 31);
- (e) the giving of more precise expression to certain unfair practices (sections 25 and 27);
- (f) the further protection of employees against discriminatory action by employers and unions (section 16);
- (g) provision for the issuing of financial statements by unions and for the filing of financial statements of pension and welfare funds (sections 30 and 40);
- (h) a number of miscellaneous matters (sections 1, 2, 4, 7, 17, 26 and 39).

(2) To improve the administration of the Act in the light of experience,

- (a) by clarifying the powers of the Board to deal with certain procedural matters and expediting the certification process by means of prehearing votes (sections 3, 5, 6, 8, 20, 21 and subsection 2 of section 36);
- (b) by expediting the conciliation process and improving the administrative machinery for dealing with conciliation and providing an alternative for conciliation in the form of private mediation (sections 9, 10, 11, 12, 13);
- (c) on a number of miscellaneous matters (sections 18, 19, 34 and 36).

SECTION 1. This section is self-explanatory.

SECTION 2. The Act is made applicable to employees and employers as specified.

SECTION 3. This section simplifies the arrangement of the provisions of the Act relating to certification. Certain provisions are transferred from section 40 and cover the situation where there is an incumbent bargaining agent. Subsection 1 of the new section 5 deals with the situation where there is no incumbent bargaining agent.

BILL 74

1960

## An Act to amend The Labour Relations 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 Labour Relations Act* is amended by adding at the commencement thereof the following preamble: R.S.O. 1950, c. 194, amended

The intent and purpose of this Act is to promote harmonious relations between employers and employees through collective bargaining by their freely chosen representatives. Preamble

2.—(1) Clause *b* of section 2 of *The Labour Relations Act* is amended by striking out "horticulture" in the first line. R.S.O. 1950, c. 194, s. 2, cl. b, amended

(2) The said section 2 is amended by adding thereto the following clause: R.S.O. 1950, c. 194, s. 2, amended

(*bb*) to any person, other than an employee of a municipality or a person employed in silvaculture, who is employed in horticulture by an employer whose primary business is agriculture or horticulture.

3. Section 5 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 5, re-enacted

5.—(1) Where no trade union has been certified as bargaining agent of the employees of an employer in a unit that a trade union claims to be appropriate for collective bargaining and the employees in the unit are not bound by a collective agreement, a trade union may, subject to section 44, apply at any time to the Board for certification as bargaining agent of the employees in the unit. Application for new certification

(2) Where a collective agreement is for a term of not more than two years, a trade union may apply to the Board for certification as bargaining agent of Idem

any of the employees in the bargaining unit defined in the agreement only after the commencement of the last two months of its operation.

Idem

- (3) Where a collective agreement is for a term of more than two years, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be.

Idem

- (4) Where a collective agreement referred to in subsection 2 or 3 provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement during the further term or successive terms only during the last two months of each year that it so continues to operate, or after the commencement of the last two months of its operation, as the case may be.

R.S.O. 1950,  
c. 194, s. 6,  
subs. 2,  
amended

4. Subsection 2 of section 6 of *The Labour Relations Act*, as amended by subsection 2 of section 2 of *The Labour Relations Amendment Act, 1954*, is further amended by adding at the end of the amendment of 1954 "but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made", so that the subsection shall read as follows:

Craft units

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining



SECTION 4. Subsection 2 of section 6 of the present Act deals with the craft rights of craft unions. Under this section of the Bill the craft rights of craft unions are preserved as they have been in the past where employees are not represented by any bargaining agent. Where, however, the employees in the craft group are already represented by a bargaining agent, the Board is given a discretion to determine whether the craft principle is to override other considerations in the determination of the appropriate bargaining unit.

**SECTION 5—Subsection 1.** Complementary to section 39 and subsection 2 of section 36 of the Bill.

Subsection 2. This subsection is made necessary by the change in language in subsection 1.

**SECTION 6.** This section is designed to expedite the certification process. It empowers the Board in certain circumstances to conduct a prehearing vote. Safeguards are provided where difficulties concerning the bargaining unit or other issues may arise.

to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made.

5.—(1) Subsection 1 of section 7 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 7, subs. 1, re-enacted

(1) Upon an application for certification, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and the number of employees in such unit who were members of the trade union at such time as is determined under clause *i* of subsection 2 of section 67. Determination of number of members in bargaining unit

(2) Subsection 2 of the said section 7 is amended by striking out "on an examination under subsection 1" in the first line, so that the subsection shall read as follows: R.S.O. 1950, c. 194, s. 7, subs. 2, amended

(2) If the Board is satisfied that not less than 45 per cent and not more than 55 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and, if the Board is satisfied that more than 55 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken. Representation vote

6.<sup>5f</sup> *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950, c. 194, amended

7a.—(1) Upon an application for certification, the trade union may request that a pre-hearing representation vote be taken. Pre-hearing votes

(2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board, on an examination of the records of the trade union and the records of the employer, that not less than 45 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency. Voting constituency

(3) The Board may direct that the ballot box containing the ballots cast in a representation vote taken under subsection 2 shall be sealed and that the ballots shall Sealing of ballot box

not be counted until the parties have been given full opportunity to present their evidence and make their submissions.

Effect of  
pre-hearing  
vote

- (4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 45 per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

R.S.O. 1950,  
c. 194, s. 9,  
amended

7. Section 9 of *The Labour Relations Act* is amended by adding at the end thereof "or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin", so that the section shall read as follows:

What unions  
not to be  
certified

9. The Board shall not certify any trade union if any employer or any employers' organization has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

R.S.O. 1950,  
c. 194, s. 12  
(1954, c. 42,  
s. 5),  
re-enacted;  
s. 13,  
repealed

8. Section 12, as re-enacted by section 5 of *The Labour Relations Act, 1954* and amended by section 1 of *The Labour Relations Amendment Act, 1956* and section 2 of *The Labour Relations Amendment Act, 1957*, and section 13, as amended by section 6 of *The Labour Relations Amendment Act, 1954* and section 3 of *The Labour Relations Amendment Act, 1957*, of *The Labour Relations Act* are repealed and the following substituted therefor:

Request for  
conciliation  
services

- 12.—(1) Either party may file with the Board a request that conciliation services be made available to the parties.

Where  
request  
may be  
granted

- (2) Where thirty-five or more days have elapsed from the giving of the notice under section 10 or 38 or upon the joint request of the parties or where the Board is satisfied that no progress in bargaining is being made, the Board shall grant the request, but before doing so it may postpone the granting of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

**SECTION 7.** This section brings the language of the Act into conformity with the language of *The Fair Employment Practices Act, 1951*.

**SECTION 8.** Subsections 1, 2 and 3 of section 12 as set out in section 8 of the Bill contain the substance of subsections 1, 1a and 2 of section 13 of the present Act (which is repealed) in simplified form and remove certain inconsistencies in the language of these subsections. Subsections 4, 5 and 6 of section 12 as set out in section 8 of the Bill reaffirm the principle embodied in section 12 of the present Act that the participation of employees in the bargaining committee is desirable; the Board may deny an application for conciliation services where during bargaining the union has not been represented by a committee including employees of the employer. However, the Board is given a wider discretion in granting conciliation services in the absence of employee participation in the committee.

SECTION 9—Subsection 1. Subsection 1 of section 14 of the present Act is amended by this subsection to provide an alternative for conciliation in certain instances. Where the parties to negotiations are entitled to conciliation, they may request that the Minister, instead of following the present procedure, appoint a mediator jointly selected by the parties who would discharge the functions of both a conciliation officer and a conciliation board.

- (3) Where the parties have met and bargained, the Board may grant the request for conciliation services notwithstanding the failure of the trade union to give written notice under section 10 or the failure of either party to give written notice under section 38. Idem
- (4) The Board may deny the request where during bargaining the trade union has not been represented by a bargaining committee. Where request may be denied
- (5) A bargaining committee, Composition of bargaining committee
- (a) shall consist of employees of the employer who are in the bargaining unit; or
- (b) in the case of bargaining between a trade union and an employers' organization, shall consist of employees of one or more members of such organization who are in the bargaining unit; or
- (c) in the case of bargaining between a trade union and a group of employers bargaining jointly or through representatives of such employers, shall consist of employees of one or more of the employers in such group who are in the bargaining unit; or
- (d) in the case of bargaining between a council of trade unions and an employer, an employers' organization or a group of employers bargaining jointly, shall consist of employees of the employer or of one or more members of such organization or of one or more of the employers in such group, as the case may be, who are in the bargaining unit,
- and in any case a bargaining committee may include one or more officers or other representatives of the trade union.
- (6) Notwithstanding subsection 5, where a bargaining unit consists of not more than fifteen employees, the bargaining committee may consist of one of such employees. Idem

9.—(1) Subsection 1 of section 14 of *The Labour Relations Act* is amended by adding at the end thereof "or, upon the joint request of the parties in writing, he may appoint a R.S.O. 1950, c. 194, s. 14, subs. 1, amended

mediator selected by them jointly", so that the subsection shall read as follows:

Appoint-  
ment of  
conciliation  
officer or  
mediator

- (1) Where the Board grants a request for conciliation services, the Minister shall forthwith appoint a conciliation officer or, upon the joint request of the parties in writing, he may appoint a mediator selected by them jointly.

R.S.O. 1950,  
c. 194, s. 14,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 14 is amended by striking out "The conciliation officer" in the first line and inserting in lieu thereof "Where a conciliation officer is appointed, he", so that the subsection shall read as follows:

duties

- (2) Where a conciliation officer is appointed, he shall confer with the parties and endeavour to effect a collective agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Minister.

R.S.O. 1950,  
c. 194, s. 18,  
amended

- 10.** Section 18 of *The Labour Relations Act* is amended by adding thereto the following subsections:

Appoint-  
ment of  
new member  
in place  
of member

- (2) If in the opinion of the Minister a member of a conciliation board has failed to enter on his duties so as to enable it to report to the Minister within a reasonable time after its appointment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person.

Appoint-  
ment of  
new  
chairman in  
place of  
chairman

- (3) If the chairman of a conciliation board is unable to enter on his duties so as to enable it to report to the Minister within a reasonable time after its appointment, he shall advise the Minister of his inability and the Minister may appoint a person to act as chairman in his place.

R.S.O. 1950,  
c. 194,  
amended

- 11.** *The Labour Relations Act* is amended by adding thereto the following section:

Minister  
to be  
informed  
of first  
sitting

- 23a. The chairman of a conciliation board shall in writing, immediately upon the conclusion of its first sitting, inform the Minister of the date on which such sitting was held.

R.S.O. 1950,  
c. 194, s. 27,  
subs. 1, 2,  
re-enacted

- 12.**—(1) Subsections 1 and 2 of section 27 of *The Labour Relations Act* are repealed and the following substituted therefor:

When  
report to  
be made

- (1) A conciliation board shall report its findings and recommendations to the Minister within thirty days after its first sitting.



Subsection 2. This subsection amends subsection 2 of section 14 of the present Act to bring it into conformity with the amendment made by subsection 1 of this section of the Bill.

SECTION 10. The Minister is given power to replace a member of a conciliation board or the chairman of a conciliation board where the continuance in office of the original appointee would result in undue delay.

SECTION 11. This section is made necessary by the provisions of section 12 of the Bill which make the time for filing the report of a conciliation board run from the date of the first sitting of the board.

SECTION 12—Subsection 1. This subsection fixes the time limit within which a conciliation board must report and provides an opportunity to enlarge the time in certain circumstances by agreement of the parties or consent of the Minister. Subsection 2a of section 27 sets out what shall constitute the report of a conciliation board where the members are unable to arrive at a unanimous report or to report within the prescribed time limits.

Subsection 2. This subsection is made necessary by the provision for the appointment of a mediator.

SECTION 13. This section defines the functions and powers of a mediator and provides for the method of payment of a mediator.

(2) The period mentioned in subsection 1 may be extended, Extension of 30-day period

(a) by agreement of the parties for such further period, not exceeding ninety days except with the consent of the Minister, as they deem desirable; or

(b) by the Minister at the request of the chairman of the conciliation board for such further period, not exceeding thirty days, as the chairman deems desirable.

(2a) The report of the majority constitutes the report of the conciliation board, but, where there is no majority agreement or where the board is unable to report within the time allowed under subsection 1 or 2, the chairman shall notify the Minister in writing that there has been no agreement or that the board is unable to report, as the case may be, and in either of such cases the notification constitutes the report of the board. Report

(2) Subsection 4 of the said section 27 is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 27, subs. 4, re-enacted

(4) On receipt of the report of the conciliation board or the mediator, the Minister shall forthwith release a copy thereof to each of the parties. Copies of reports to parties

**13.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950, c. 194, amended

28.—(1) Where a mediator is appointed, he shall confer with the parties and endeavour to effect a collective agreement. Duty of mediator

(2) A mediator has all the powers of a conciliation board under section 26. Powers

(3) Sections 24a and 27 apply *mutatis mutandis* to a mediator. Sections 24a and 27 apply

(4) The report of a mediator has the same effect as the report of a conciliation board. Report

(5) The remuneration and expenses of the mediator shall be borne equally by the parties. Remuneration

R.S.O. 1950,  
c. 194, s. 29,  
amended

**14.** Section 29 of *The Labour Relations Act* is amended by striking out "or conciliation board" in the first line and by striking out "or conciliation board or terminate the authority of the conciliation board under this Act" in the fourth and fifth lines, so that the section shall read as follows:

Failure of  
conciliation  
officer to  
report

29. Failure of a conciliation officer to report to the Minister within the time provided in this Act shall not invalidate the proceedings of the conciliation officer.

R.S.O. 1950,  
c. 194, s. 32,  
amended

**15.** Section 32 of *The Labour Relations Act*, as amended by section 8 of *The Labour Relations Amendment Act, 1954* and section 1 of *The Labour Relations Amendment Act, 1958*, is further amended by adding thereto the following subsections:

Where  
decision of  
arbitrator  
unduly  
delayed

(3c) Where a difference has been submitted to arbitration under this section and a party to the arbitration complains to the Minister that the arbitrator or the arbitration board, as the case may be, has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the arbitrator or the arbitration board, issue whatever order he deems necessary in the circumstances to ensure that a decision will be rendered in the matter without further undue delay.

Powers of  
arbitrators,  
chairmen of  
arbitration  
boards, and  
arbitration  
boards

(3d) An arbitrator or the chairman of an arbitration board, as the case may be, has power,

(a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath in the same manner as a court of record in civil cases; and

(b) to administer oaths,

and an arbitrator or an arbitration board, as the case may be, has power,

(c) to accept such oral or written evidence as the arbitrator or the arbitration board, as the case may be, in its discretion deems proper, whether admissible in a court of law or not;

(d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken

SECTION 14. This section is amended to bring it into conformity with section 12 of the Bill.

SECTION 15. Subsection 3c is added to section 32 to eliminate undue delays in the rendering of decisions of arbitrators.

Subsection 3d confers upon arbitrators powers similar to those now possessed by conciliation boards under section 26 of the Act.

Subsection 4a makes a decision of an arbitrator enforceable in the Supreme Court, upon the filing of the operative part of the decision.

SECTION 16—Subsection 1. This subsection is made necessary by reason of subsection 3 of this section of the Bill.

Subsection 2. The grounds upon which an employer may not discharge an employee, notwithstanding the provisions of a collective agreement which make membership in the union a condition of employment, are extended.

place concerning any of the differences submitted to him or it, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences;

- (e) to authorize any person to do anything that the arbitrator or arbitration board may do under clause d and to report to the arbitrator or the arbitration board thereon.

. . . . .

- (4a) Where a party, employer, trade union or employee has failed to comply with any of the terms of the decision of an arbitrator or arbitration board, any party, employer, trade union or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the prescribed form, and thereupon the decision is enforceable as a judgment or order of that court. Enforcement of arbitration decisions

16.—(1) Subsection 1 of section 33 of *The Labour Relations Act*, as amended by section 9 of *The Labour Relations Amendment Act, 1954*, is further amended by inserting after "Act" in the first line "but subject to subsection 3", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950, c. 194, s. 33, subs. 1, amended

- (1) Notwithstanding anything in this Act, but subject to subsection 3, the parties to a collective agreement may include in it provisions, Permissive provisions

. . . . .

(2) Subsection 2 of the said section 33 is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 33, subs. 2, re-enacted

- (2) No employer shall discharge an employee, Where employee may not be discharged
  - (a) who has been expelled or suspended from membership in the trade union mentioned in clause a of subsection 1; or

- (b) to or from whom membership in the trade union mentioned in clause *a* of subsection 1 has been denied or withheld,

because he was or is a member in another trade union or has engaged in activity against the trade union mentioned in clause *a* of subsection 1 or on behalf of another trade union.

Union  
security  
provision  
in first  
agreement

- (3) Where a trade union has not been certified as the bargaining agent of the employees of an employer in a bargaining unit or has not been a party to or bound by a collective agreement with the employer for at least one year, the trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 55 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

- (a) to an employer who becomes a member of an employers' organization that has entered into a collective agreement with a trade union or council of trade unions containing such a provision and agrees with the trade union or council of trade unions to be bound by such agreement; or

- (b) to any employer or employee engaged in the construction, alteration, decoration, repair or demolition of a building, structure, road, sewer, water or gas main, pipe line, tunnel, bridge, canal, or other work at the site thereof.

R.S.O. 1950,  
c. 194, s. 34,  
cl. b,  
amended

**17.** Clause *b* of section 34 of *The Labour Relations Act* is amended by striking out "or" in the second line and by adding at the end thereof "colour, nationality, ancestry or place of origin", so that the clause shall read as follows:

- (b) if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.



Subsection 3. The permissive provisions of subsection 1 of section 33 of the present Act are narrowed.

SECTION 17. This section brings the language of the Act into conformity with the language of *The Fair Employment Practices Act, 1951*.

SECTION 18. This section deals with the termination date of a collective agreement where an employer joins an employers' organization and adheres to a collective agreement in mid-term.

SECTION 19. The amendments in this section make more precise provision as to the effect of a notice of desire to bargain for the renewal of an agreement where employers or trade unions cease to be members of their respective organizations during the term of the agreement.

**18.** Section 37 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 194, s. 37,  
amended

- (3a) Notwithstanding anything in this section, where an employer joins an employers' organization that is a party to a collective agreement with a trade union or council of trade unions and he agrees with the trade union or council of trade unions to be bound by the collective agreement between the trade union or council of trade unions and the employers' organization, the agreement ceases to be binding upon the employer and the trade union or council of trade unions at the same time as the agreement between the employers' organization and the trade union or council of trade unions ceases to be binding.

**19.**—(1) Subsection 3 of section 38 of *The Labour Relations Act*, as amended by subsection 1 of section 11 of *The Labour Relations Amendment Act, 1954*, is further amended by adding at the end thereof "or who has ceased to be a member of the employers' organization but has not notified the trade union or council of trade unions in writing that he has ceased to be a member", so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 38,  
subs. 3,  
amended

- (3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union or council of trade unions, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement or who has ceased to be a member of the employers' organization but has not notified the trade union or council of trade unions in writing that he has ceased to be a member. Effect of  
notice

(2) Subsection 4 of the said section 38, as enacted by subsection 2 of section 11 of *The Labour Relations Amendment Act, 1954*, is amended by adding at the end thereof "or that has ceased to be a member or affiliate of the council of trade unions but has not notified the employer or employers' organization in writing that it has ceased to be a member or affiliate", so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 38,  
subs. 4  
(1954, c. 42,  
s. 11,  
subs. 2),  
amended

- (4) Where notice is given by or to a council of trade unions that has a collective agreement with an employer or employers' organization, it shall be deemed to be a notice given by or to each member or affiliate of the council of trade unions that is bound by the agreement or that has ceased to be a member or affiliate of the council of trade unions Idem

but has not notified the employer or employers' organization in writing that it has ceased to be a member or affiliate.

R.S.O. 1950, c. 194, s. 40, subs. 1-3 (1958, c. 47, s. 2), repealed  
**20.**—(1) Subsections 1, 2 and 3 of section 40 of *The Labour Relations Act*, as re-enacted by section 2 of *The Labour Relations Amendment Act, 1958*, are repealed.

R.S.O. 1950, c. 194, s. 40, subs. 4, amended  
 (2) Subsection 4 of the said section 40 is amended by striking out "1, 2, or 3" in the second line and inserting in lieu thereof "2, 3 or 4 of section 5".

R.S.O. 1950, c. 194, s. 41, subs. 3, re-enacted  
**21.**—(1) Subsection 3 of section 41 of *The Labour Relations Act*, as amended by subsection 1 of section 4 of *The Labour Relations Amendment Act, 1957*, is repealed and the following substituted therefor:

Representation vote

(3) Upon an application under subsection 1 or 2, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and whether not less than 50 per cent of the employees in the bargaining unit have voluntarily signified in writing at such time as is determined under clause *i* of subsection 2 of section 67 that they no longer wish to be represented by the trade union, and, if not less than 50 per cent have so signified, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

R.S.O. 1950, c. 194, s. 41, subs. 4, amended

(2) Subsection 4 of the said section 41, as amended by subsection 2 of section 4 of *The Labour Relations Amendment Act, 1957*, is further amended by striking out "and in other cases if the Board is satisfied that more than 50 per cent of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union" in the amendment of 1957, so that the subsection shall read as follows:

Declaration of termination of representation

(4) If on the taking of the representation vote more than 50 per cent of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

SECTION 20. This section is made necessary by the provisions of section 3 of the Bill.

SECTION 21—Subsection 1. Complementary to section 39 and subsection 2 of section 36 of the Bill. In addition, the section is amended further to make it clear that the signification of desire by the employees must be voluntary, and brings the section into conformity with the principle embodied in section 9 of the present Act relating to certification.

Subsection 2. The amendment is made necessary by the provisions of subsections 1 and 3 of section 21 of the Bill.

Subsection 3. This subsection confers upon the Board authority in a case where, upon an application for a declaration to terminate bargaining rights, the incumbent trade union notifies the Board that it has abandoned its bargaining rights.

Subsection 4. This amendment is made necessary by the provisions of subsection 3 of this section of the Bill.

SECTION 22. This heading, although it does not form part of the Act (see *The Interpretation Act*, section 9), is inserted to give it better balance having regard to the headings already in the Act and to disassociate the section to which it applies from preceding sections under another heading.

SECTION 23. This section of the Bill was made necessary by the provisions for the appointment of a mediator.

(3) The said section 41 is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 194, s. 41,  
amended

(4a) Upon an application under subsection 1 or 2, where the trade union concerned informs the Board that it does not desire to continue to represent the employees in the bargaining unit, the Board may declare that the trade union no longer represents the employees in the bargaining unit. Idem

(4) Subsection 6 of the said section 41 is amended by inserting after "4" in the second line "or, 4a", so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 41,  
subs. 6,  
amended

(6) Upon the Board making a declaration under subsection 4 or 4a, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. Declaration  
to terminate  
agreement

**22.** *The Labour Relations Act* is amended by inserting at the head of section 44 the following heading: R.S.O. 1950,  
c. 194,  
amended

#### TIMELINESS OF REPRESENTATION APPLICATIONS

**23.**—(1) Clause *a* of subsection 1 of section 44 of *The Labour Relations Act*, as re-enacted by section 12 of *The Labour Relations Amendment Act, 1954*, is amended by striking out "conciliation board has reported to the Minister" in the second and third lines and inserting in lieu thereof "report of the conciliation board or the mediator has been released by the Minister to the parties", so that the clause shall read as follows: R.S.O. 1950  
c. 194, s. 44  
(1954, c. 42,  
s. 12),  
subs. 1,  
cl. a,  
amended

(a) unless a conciliation board has been appointed and thirty days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties; or

(2) Subclause ii of clause *b* of subsection 2 of the said section 44 is amended by striking out "conciliation board has reported to the Minister" in the third and fourth lines and inserting in lieu thereof "report of the conciliation board or the mediator has been released by the Minister to the parties", so that the subclause shall read as follows: R.S.O. 1950,  
c. 194, s. 44  
(1954, c. 42,  
s. 12),  
subs. 2,  
cl. b, subcl. ii,  
amended

(ii) a conciliation board has been appointed and thirty days have elapsed after the report of the conciliation

board or the mediator has been released by the Minister to the parties, or

R.S.O. 1950, c. 194, amended **24.** *The Labour Relations Act* is amended by inserting at the head of section 44a the following heading:

SUCCESSOR RIGHTS

R.S.O. 1950, c. 194, s. 45, re-enacted **25.** Section 45 of *The Labour Relations Act* is repealed and the following substituted therefor:

Employers, etc., not to interfere with unions

45. No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation, selection or administration of a trade union or the representation of employees by a trade union or contribute financial or other support to a trade union, but nothing in this section shall be deemed to deprive an employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence.

R.S.O. 1950, c. 194, s. 49, subs. 2, amended **26.**—(1) Subsection 2 of section 49 of *The Labour Relations Act*, as amended by section 14 of *The Labour Relations Amendment Act, 1954*, is further amended by striking out "the conciliation board has reported to the Minister" in the eighth and ninth lines and inserting in lieu thereof "the report of the conciliation board has been released by the Minister to the parties", so that the subsection shall read as follows:

No agreement

(2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer or, in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

R.S.O. 1950, c. 194, s. 49, amended (2) The said section 49 is amended by adding thereto the following subsection:

Strike vote to be secret

(3) A strike vote taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.



SECTION 24. See note to section 22.

SECTION 25. This section clarifies the extent to which an employer may lawfully express his views on matters affecting industrial relations.

SECTION 26—Subsection 1. Subsection 2 of section 49 of the Act is amended to indicate the date when a strike or lockout may lawfully be instituted following conciliation.

Subsection 2. Self-explanatory.

SECTION 27. This section deals with the situation where a person does an act which causes other persons to go on an unlawful strike or lockout. Acts done in connection with a lawful strike or lockout are not prohibited by this section but are left to be dealt with by the general law.

SECTION 28. This section is made necessary by the provision for the appointment of a mediator.

SECTION 29. This section requires the filing of a statement as to the terms of a trusteeship and also provides for the duration of a trusteeship.

**27.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

51a.—(1) No person shall do any act if he knows or ought to know that, as a probable consequence of the act, another person or persons will engage in an unlawful strike or an unlawful lockout. Causing  
unlawful  
strikes,  
lockouts

(2) Subsection 1 does not apply to any act done in connection with a lawful strike or lawful lockout. Application  
of subs. 1

**28.** Clause *a* of subsection 1 of section 53 of *The Labour Relations Act*, as re-enacted by section 16 of *The Labour Relations Amendment Act, 1954*, is amended by striking out “conciliation board has reported to the Minister” in the second and third lines and inserting in lieu thereof “report of the conciliation board or the mediator has been released by the Minister to the parties”, so that the clause shall read as follows: R.S.O. 1950,  
c. 194, s. 53  
(1954, c. 42,  
s. 16),  
subs. 1,  
cl. a,  
amended

(a) until conciliation services have been granted and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board; or

. . . . .

**29.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

53a.—(1) A provincial, national or international trade union that assumes supervision or control over a subordinate trade union, whereby the autonomy of such subordinate trade union under the constitution or by-laws of the provincial, national or international trade union is suspended, shall, within sixty days after it has assumed supervision or control over the subordinate trade union, file with the Board a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Board, file such additional information concerning such supervision and control as the Minister from time to time requires. Trusteeship  
over local  
unions

(2) Where a provincial, national or international trade union has assumed supervision or control over a subordinate trade union, such supervision or control Duration of  
trusteeship

shall not continue for more than twelve months from the date of such assumption, but such supervision or control may be continued for a further period of twelve months with the consent of the Board.

Existing  
trusteeship

- (3) Notwithstanding anything in this section, where supervision or control over a subordinate trade union has been assumed by a provincial, national or international trade union before the date on which this section came into force, the report required by subsection 1 shall be filed within sixty days after such date and the supervision or control shall not continue for more than twelve months from such date, but the supervision or control may be continued for a further period of twelve months with the consent of the Board.

R.S.O. 1950,  
c. 194,  
amended

**30.** *The Labour Relations Act* is amended by adding thereto the following section:

Duty of  
union to  
furnish  
financial  
statement  
to members

- 55a. Every trade union shall upon the request of any member furnish him, without charge, with a copy of the audited financial statement of its affairs to the end of its last fiscal year certified by its treasurer or other officer responsible for the handling and administration of its funds to be a true copy, and, upon the complaint of any member that the trade union has failed to furnish such a statement to him, the Board may direct the trade union to file with the Registrar, within such time as the Board determines, a copy of the audited financial statement of its affairs to the end of its last fiscal year verified by the affidavit of its treasurer or other officer responsible for the handling and administration of its funds and to furnish a copy of such statement to such members of the trade union as the Board in its discretion directs, and the trade union shall comply with such direction according to its terms.

R.S.O. 1950,  
c. 194,  
ss. 57, 58,  
re-enacted

**31.** Sections 57 and 58 of *The Labour Relations Act* are repealed and the following substituted therefor:

Inquiry by  
field officer

- 57.—(1) The Board may authorize a field officer to inquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act.

Duties

- (2) The field officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

**SECTION 30.** This section requires unions to furnish to each of their members on request an annual audited financial statement. It is not intended that the auditing of such statements would have to be done by a professional accountant.

**SECTION 31.** The new section 57 transfers to the Board the authority vested in the Minister under sections 57 and 58 of the present Act, to deal with complaints that a person has been refused employment or has been discharged, discriminated against, etc. The new section 57 also makes the determination of the Board in relation to these matters enforceable in the Supreme Court.

The new section 58 provides for reference of a work assignment dispute to a jurisdictional disputes commission which has authority to deal with the issue of work assignment. Provision is made for review by the Board of the decisions of a jurisdictional disputes commission in certain instances. The new section 58 also makes the decision of a jurisdictional disputes commission enforceable in the Supreme Court.



- (3) The field officer shall report the results of his inquiry <sup>Report</sup> and endeavours to the Board.
- (4) Where the field officer is unable to effect a settlement <sup>Remedy for discrimination</sup> of the matter complained of, the Board may inquire into the complaint and, if it is satisfied that the person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act, it shall determine the action to be taken by the employer and the trade union or either of them with respect to the employment of such person, which, in its discretion, may, notwithstanding the provisions of a collective agreement, include reinstatement in employment with or without compensation by the employer and the trade union or either of them for loss of earnings and other employment benefits, and the employer and the trade union shall do or abstain from doing anything required of them by the determination.
- (5) Where the employer or the trade union has failed to <sup>Enforcement of determination</sup> comply with any of the terms of the determination, any employer, trade union or employee affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons therefor, in the prescribed form, and thereupon the determination is enforceable as a judgment or order of that court.
- 58.—(1) Upon complaint to the Board that a trade <sup>Juris-</sup> union or council of trade unions, or an officer, official <sup>disputes</sup> or agent of a trade union or council of trade unions, <sup>commission,</sup> was or is requiring an employer or an employers' <sup>interim</sup> organization to assign particular work to employees <sup>order</sup> in a particular trade union or in a particular trade, craft or class rather than to employees in another trade union or in another trade, craft or class, or that an employer was or is assigning particular work to employees in a particular trade union rather than to employees in another trade union, a jurisdictional disputes commission may, after consulting any person, employers' organization, trade union or council of trade unions that in its opinion may be affected by the complaint, make such interim order with

respect to the assignment of the work as it in its discretion deems proper in the circumstances, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the interim order.

Recon-  
sideration

- (2) At the request of any person, employers' organization, trade union or council of trade unions affected by the interim order, the commission shall reconsider the complaint, but it shall not do so at the request of a person, employers' organization, trade union or council of trade unions that has failed to comply with the interim order so long as the failure continues.

Determina-  
tion

- (3) Upon the reconsideration of the complaint, the commission shall give to any person, employers' organization, trade union or council of trade unions affected by the interim order full opportunity to present evidence and to make submissions and, if it finds that the trade union, council of trade unions, officer, official or agent of a trade union or council of trade unions was or is in its opinion unjustifiably requiring the employer to assign work or that the employer was or is in its opinion unjustifiably assigning work, it shall direct the action to be taken by the employer, employers' organization, trade union, council of trade unions or any officer, official or agent of any of them with respect to the assignment of the work, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the direction.

Powers of  
commission

- (4) The commission has all the powers of a conciliation board under section 26.

Determina-  
tion final,  
saving

- (5) Subject to subsection 6, the direction of the commission is final and conclusive for all purposes, but the commission may at any time, if it considers it advisable to do so, reconsider the direction and vary or revoke it.

Review by  
Board

- (6) Any person, employers' organization, trade union or council of trade unions affected by an interim order or a direction of a commission may apply to the Board, within seven days after the release of the interim order or the direction, and, if the Board is satisfied that the interim order or the direction



prohibits a lawful strike or lockout or restrains an employer, employers' organization, trade union, council of trade unions or an officer, official or agent of any of them or an employee from observing the provisions of a collective agreement relating to the assignment of work or prohibits a trade union or council of trade unions or an employer or employers' organization from bargaining collectively in respect of employees in a bargaining unit on whose behalf the trade union or council of trade unions is entitled to bargain, it may quash the interim order or the direction or it may alter the bargaining unit determined in a certificate or defined in a collective agreement as it deems proper to enable the interim order or the direction to be carried into effect in conformity with the other provisions of this Act, and the certificate or collective agreement, as the case may be, shall be deemed to have been altered in accordance with the Board's determination.

- (7) Where the employer, the employers' organization, the trade union, the council of trade unions or an officer, official or agent of any of them or an employee has failed to comply with any of the terms of the interim order or the direction, any employer, employers' organization, trade union, council of trade unions or employee affected by the interim order or the direction may,

Enforcement  
of interim  
order or  
direction

(a) in the case of an interim order, after the expiration of two days from the release of the interim order or of the date provided in the interim order for compliance, whichever is later; and

(b) in the case of a direction, after the expiration of fourteen days from the release of the direction or the date provided in the direction for compliance, whichever is later,

notify the Board of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the interim order or the direction, in the prescribed form, and thereupon the interim order or direction, exclusive of the reasons therefor, is enforceable as a judgment or order of that court.

- (8) No interim order or direction of a commission shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings

Commission's  
orders and  
directions  
not subject  
to review

taken, in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question, review, prohibit or restrain a commission or any of its proceedings.

Postpone-  
ment of  
inquiry

- (9) Notwithstanding anything in this section, where a trade union, a council of trade unions or a group of trade unions and an employer, an employers' organization, a group of employers or a group of employers' organizations have made an arrangement to resolve any difference between them arising from the assignment of work, the commission may postpone inquiring into a complaint or the reconsideration of a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1950,  
c. 194,  
amended

**32.** *The Labour Relations Act* is amended by adding thereto the following section:

Proceedings  
in S.C.O.

- 64a. A proceeding to enforce a determination of the Board under section 57, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission may be instituted in the Supreme Court by or against a trade union, a council of trade unions or an unincorporated employers' organization in the name of the trade union, council of trade unions or unincorporated employers' organization, as the case may be.

R.S.O. 1950,  
c. 194, s. 65,  
subs. 1,  
amended

**33.** Subsection 1 of section 65 of *The Labour Relations Act*, as amended by subsection 1 of section 8 of *The Labour Relations Amendment Act, 1957*, is further amended by striking out "Except in respect of a refusal or failure to comply with an order of the Minister made under section 58" in the amendment of 1957, so that the subsection shall read as follows:

Consent to  
prosecution

- (1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board.

R.S.O. 1950,  
c. 194, s. 66  
(1959, c. 50,  
s. 1),  
subs. 2, 3,  
re-enacted

**34.** Subsections 2 and 3 of section 66 of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1959*, are repealed and the following substituted therefor:

Composition  
and appoint-  
ment of  
Board

- (2) The Board shall be composed of a chairman, a vice-chairman and one or more deputy vice-chairmen and as many members equal in number representa-

SECTION 32. This section is ancillary to sections 32, 57 and 58 of the Act as embodied in sections 15 and 31 of the Bill. Its provisions are analogous to those that appear in the first part of section 64 of the Act.

SECTION 33. The words deleted are no longer necessary.

SECTION 34. This section makes certain organizational changes which are designed to facilitate the operations of the Board in the light of the additional jurisdiction that is conferred upon it by this Bill.

**SECTION 35. Self-explanatory.**

**SECTION 36—Subsection 1.** This subsection confers upon the Board wider powers of delegating authority to examiners to facilitate the operations of the Board, particularly in view of the increased jurisdiction vested in it by this Bill.

**Subsection 2.** This subsection facilitates the processing and disposition of representation applications. Sections 7 and 41 of the present Act have been amended by sections 5 and 21 of the Bill to bring them into conformity with this subsection.

**SECTION 37.** Section 71 of the present Act is clarified and widened.

tive of employers and employees respectively as the Lieutenant Governor in Council deems proper, all of whom shall be appointed by the Lieutenant Governor in Council.

- (3) The chairman or, in the case of his absence from the office of the Board or his inability to act, the vice-chairman shall from time to time assign the members of the Board to its various divisions and may change any such assignment at any time. Organization of divisions

**35.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950, c. 194, amended

- 66a. The Lieutenant Governor in Council may appoint one or more jurisdictional disputes commissions and each of such commissions shall be composed of one or more persons as he determines. Juris-dictional disputes commissions, appointment

**36.**—(1) Subsection 2 of section 67 of *The Labour Relations Act*, as amended by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1954* and section 10 of *The Labour Relations Amendment Act, 1957*, is further amended by adding thereto the following clause: R.S.O. 1950, c. 194, s. 67, subs. 2, amended

- (gg) to authorize any person to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Board and to report to the Board his findings, conclusions and recommendations thereon.

(2) Clause *i* of subsection 2 of the said section 67, as enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 67, subs. 2, cl. i (1954, c. 42, s. 24, subs. 2), re-enacted

- (i) to determine the form in which and the time as of which evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall be presented to the Board on an application for certification or for a declaration terminating bargaining rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined.

**37.** Section 71 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 71, re-enacted

71. The production in any court of any document purporting to be or to contain a copy of a decision, Docu-mentary evidence

determination, report, interim order, order, direction, declaration or ruling of the Board, a conciliation board, a mediator, an arbitrator, an arbitration board or a jurisdictional disputes commission and purporting to be signed by a member of the Board or its registrar, the chairman of the conciliation board, the mediator, the arbitrator, the chairman of the arbitration board or a member of the jurisdictional disputes commission, as the case may be, is *prima facie* proof of such document without proof of the appointment, authority or signature of the person who signed the document.

R.S.O. 1950,  
c. 194, s. 72,  
amended

**38.** Section 72 of *The Labour Relations Act*, as amended by section 26 of *The Labour Relations Amendment Act, 1954*, is further amended by adding thereto the following subsection:

Secrecy of  
information  
given field  
officers

- (3) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board, and no member of the Board and no field officer is a competent or compellable witness in any proceedings before any court or other tribunal respecting any such information, material or report.

R.S.O. 1950,  
c. 194, s. 74,  
amended

**39.** Section 74 of *The Labour Relations Act* is amended by adding thereto the following subsections:

Time of  
making  
certain  
applications

- (2) An application for certification or for a declaration that a trade union no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of  
release  
of certain  
documents

- (3) A decision or determination of the Board, a report of a conciliation board or a mediator, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission, if sent by registered mail to the person, employers' organization, trade union or council of trade unions concerned addressed to him or it at his or its last known address, shall be deemed to have been released on the date on which it was so mailed.

R.S.O. 1950,  
c. 194, s. 77,  
re-enacted

**40.** Section 77 of *The Labour Relations Act*, as amended by section 4 of *The Labour Relations Amendment Act, 1956*, is repealed and the following substituted therefor:

SECTION 38. This section accords to information given to a field officer and to the Board under the new section 57 the same protection against disclosure that is now accorded to a conciliation officer and to the Minister, the Deputy Minister of Labour and the chief conciliation officer of the Department of Labour under subsection 2 of section 72 of the present Act.

SECTION 39—Subsection 1. Self-explanatory. Sections 7 and 41 of the present Act have been amended by sections 5 and 21 of the Bill to bring them into conformity with this subsection.

Subsection 2. Subsection 3 of section 74 is made necessary by the several provisions which fix the time for the doing of certain acts or the exercise of certain rights by reference to the date of the release of certain documents.

SECTION 40. Clauses *c*, *d*, *e* and *f* are new.

SECTION 41. Self-explanatory.

SECTION 42. Self-explanatory.



77. The Lieutenant Governor in Council may make Regulations regulations,

- (a) providing for and regulating the engagement of experts, investigators and other assistants by conciliation boards;
- (b) providing for and fixing the remuneration and expenses of chairmen and other members of conciliation boards;
- (c) respecting the functioning of jurisdictional disputes commissions and prescribing their practice and procedure;
- (d) requiring the filing with the Department of Labour of awards of arbitrators and arbitration boards;
- (e) requiring the filing with the Department of Insurance of audited financial statements of the affairs of pension or welfare funds operated for the benefit of employees and prescribing the content and form of such statements;
- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 32, 57 and 58 shall be filed in the Supreme Court;
- (g) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

**41.** Notwithstanding the coming into force of this Act or any part thereof, every proceeding under *The Labour Relations Act* shall be carried to a conclusion under the law in force when the proceeding was commenced. Effect of Act on proceedings

**42.—(1)** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

(2) Any such proclamation may apply to the whole or any one or more sections or subsections of this Act, or to any one or more sections, subsections, clauses or subclauses of *The Labour Relations Act* as enacted, re-enacted or amended by this Act, and proclamations for such purposes may be issued at different times. Idem R.S.O. 1950, c. 194

**43.** This Act may be cited as *The Labour Relations Amendment Act, 1960*. Short title





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*1st Reading*

February 24th, 1960

*2nd Reading*

*3rd Reading*

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MR. DALEY

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**BILL 74**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Labour Relations Act**

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MR. DALEY

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*(Reprinted as amended by the Committee on Labour)*

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## EXPLANATORY NOTES

GENERAL. The purposes of this Bill are as follows:

(1) To implement certain of the recommendations of the Select Committee on Labour Relations including, among others,

- (a) expediting of the arbitration process and improving the administrative machinery for dealing with it (section 14);
- (b) the vesting in the Labour Relations Board of authority to deal with discharge and discrimination cases as a step towards providing the Board with enforcement powers (section 30);
- (c) the establishment of machinery for dealing with trusteeships and jurisdictional disputes (sections 28 and 30);
- (d) the establishment of a method of enforcing decisions of arbitrators, of jurisdictional disputes commissions and of the Labour Relations Board in discharge and discrimination cases (sections 14 and 30);
- (e) the giving of more precise expression to certain unfair practices (sections 24 and 26);
- (f) the further protection of employees against discriminatory action by employers and unions (section 15);
- (g) provision for the issuing of financial statements by unions and for the filing of financial statements of pension and welfare funds (sections 29 and 39);
- (h) a number of miscellaneous matters (sections 1, 3, 6, 16, 25 and 38).

(2) To improve the administration of the Act in the light of experience,

- (a) by clarifying the powers of the Board to deal with certain procedural matters and expediting the certification process by means of prehearing votes (sections 2, 4, 5, 7, 19, 20 and subsection 2 of section 35);
- (b) by expediting the conciliation process and improving the administrative machinery for dealing with conciliation and providing an alternative for conciliation in the form of private mediation (sections 8, 9, 10, 11 and 12);
- (c) on a number of miscellaneous matters (sections 17, 18, 33 and 35).

SECTION 1. The Act is made applicable to employees and employers as specified.

SECTION 2. This section simplifies the arrangement of the provisions of the Act relating to certification. Certain provisions are transferred from section 40 and cover the situation where there is an incumbent bargaining agent. Subsection 1 of the new section 5 deals with the situation where there is no incumbent bargaining agent.

## An Act to amend The Labour Relations 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 *b* of section 2 of *The Labour Relations Act* is amended by striking out “horticulture” in the first line. R.S.O. 1950, c. 194, s. 2, cl. *b*, amended

(2) The said section 2 is amended by adding thereto the following clause: R.S.O. 1950, c. 194, s. 2, amended

(*bb*) to any person, other than an employee of a municipality or a person employed in silvaculture, who is employed in horticulture by an employer whose primary business is agriculture or horticulture.

**2.** Section 5 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 5, re-enacted

**5.**—(1) Where no trade union has been certified as bargaining agent of the employees of an employer in a unit that a trade union claims to be appropriate for collective bargaining and the employees in the unit are not bound by a collective agreement, a trade union may, subject to section 44, apply at any time to the Board for certification as bargaining agent of the employees in the unit. Application for certification

(2) Where a collective agreement is for a term of not more than two years, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the last two months of its operation. Idem

(3) Where a collective agreement is for a term of more than two years, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in Idem

the agreement only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be.

Idem

- (4) Where a collective agreement referred to in subsection 2 or 3 provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement during the further term or successive terms only during the last two months of each year that it so continues to operate, or after the commencement of the last two months of its operation, as the case may be.

R.S.O. 1950,  
c. 194, s. 6,  
subs. 2,  
amended

**3.** Subsection 2 of section 6 of *The Labour Relations Act*, as amended by subsection 2 of section 2 of *The Labour Relations Amendment Act, 1954*, is further amended by adding at the end of the amendment of 1954 "but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made", so that the subsection shall read as follows:

Craft units

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made.



SECTION 3. Subsection 2 of section 6 of the present Act deals with the craft rights of craft unions. Under this section of the Bill the craft rights of craft unions are preserved as they have been in the past where employees are not represented by any bargaining agent. Where, however, the employees in the craft group are already represented by a bargaining agent, the Board is given a discretion to determine whether the craft principle is to override other considerations in the determination of the appropriate bargaining unit.

SECTION 4—Subsection 1. Complementary to section 38 and subsection 2 of section 35 of the Bill.

Subsection 2. This subsection is made necessary by the change in language in subsection 1.

SECTION 5. This section is designed to expedite the certification process. It empowers the Board in certain circumstances to conduct a prehearing vote. Safeguards are provided where difficulties concerning the bargaining unit or other issues may arise.

4.—(1) Subsection 1 of section 7 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 194, s. 7,  
subs. 1,  
re-enacted

(1) Upon an application for certification, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and the number of employees in such unit who were members of the trade union at such time as is determined under clause *i* of subsection 2 of section 67. Determina-  
tion of  
number of  
members in  
bargaining  
unit

(2) Subsection 2 of the said section 7 is amended by striking out "on an examination under subsection 1" in the first line, so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 7,  
subs. 2,  
amended

(2) If the Board is satisfied that not less than 45 per cent and not more than 55 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and, if the Board is satisfied that more than 55 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken. Representa-  
tion vote

5. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

7a.—(1) Upon an application for certification, the trade union may request that a pre-hearing representation vote be taken. Pre-hearing  
votes

(2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board, on an examination of the records of the trade union and the records of the employer, that not less than 45 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency. Voting  
constituency

(3) The Board may direct that the ballot box containing the ballots cast in a representation vote taken under subsection 2 shall be sealed and that the ballots shall not be counted until the parties have been given full opportunity to present their evidence and make their submissions. Sealing of  
ballot box

(4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 45 per cent of the employees in such bargaining unit were Effect of  
pre-hearing  
vote

members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

R.S.O. 1950,  
c. 194, s. 9,  
amended

6. Section 9 of *The Labour Relations Act* is amended by adding at the end thereof "or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin", so that the section shall read as follows:

What unions  
not to be  
certified

9. The Board shall not certify any trade union if any employer or any employers' organization has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

R.S.O. 1950,  
c. 194, s. 12  
(1954, c. 42,  
s. 5),  
re-enacted;  
s. 13,  
repealed

7. Section 12, as re-enacted by section 5 of *The Labour Relations Act, 1954* and amended by section 1 of *The Labour Relations Amendment Act, 1956* and section 2 of *The Labour Relations Amendment Act, 1957*, and section 13, as amended by section 6 of *The Labour Relations Amendment Act, 1954* and section 3 of *The Labour Relations Amendment Act, 1957*, of *The Labour Relations Act* are repealed and the following substituted therefor:

Request for  
conciliation  
services

12.—(1) Either party may file with the Board a request that conciliation services be made available to the parties.

Where  
request  
may be  
granted

(2) Where thirty-five or more days have elapsed from the giving of the notice under section 10 or 38 or upon the joint request of the parties or where the Board is satisfied that no progress in bargaining is being made, the Board shall grant the request, but before doing so it may postpone the granting of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

Idem

(3) Where the parties have met and bargained, the Board may grant the request for conciliation services notwithstanding the failure of the trade union to give written notice under section 10 or the failure of either party to give written notice under section 38.

Where  
request may  
be denied

(4) The Board may deny the request where during bargaining the trade union has not been represented by a bargaining committee.

SECTION 6. This section brings the language of the Act into conformity with the language of *The Fair Employment Practices Act, 1951*.

SECTION 7. Subsections 1, 2 and 3 of section 12 as set out in section 7 of the Bill contain the substance of subsections 1, 1a and 2 of section 13 of the present Act (which is repealed) in simplified form and remove certain inconsistencies in the language of these subsections. Subsections 4, 5 and 6 of section 12 as set out in section 7 of the Bill reaffirm the principle embodied in section 12 of the present Act that the participation of employees in the bargaining committee is desirable; the Board may deny an application for conciliation services where during bargaining the union has not been represented by a committee including employees of the employer. However, the Board is given a wider discretion in granting conciliation services in the absence of employee participation in the committee.

SECTION 8—Subsection 1. Subsection 1 of section 14 of the present Act is amended by this subsection to provide an alternative for conciliation in certain instances. Where the parties to negotiations are entitled to conciliation, they may request that the Minister, instead of following the present procedure, appoint a mediator jointly selected by the parties who would discharge the functions of both a conciliation officer and a conciliation board.

## (5) A bargaining committee,

Composition  
of bargaining  
committee

- (a) shall consist of employees of the employer who are in the bargaining unit; or
- (b) in the case of bargaining between a trade union and an employers' organization, shall consist of employees of one or more members of such organization who are in the bargaining unit; or
- (c) in the case of bargaining between a trade union and a group of employers bargaining jointly or through representatives of such employers, shall consist of employees of one or more of the employers in such group who are in the bargaining unit; or
- (d) in the case of bargaining between a council of trade unions and an employer, an employers' organization or a group of employers bargaining jointly, shall consist of employees of the employer or of one or more members of such organization or of one or more of the employers in such group, as the case may be, who are in the bargaining unit,

and in any case a bargaining committee may include one or more officers or other representatives of the trade union.

- (6) Notwithstanding subsection 5, where a bargaining unit consists of not more than fifteen employees, the bargaining committee may consist of one of such employees.

8.—(1) Subsection 1 of section 14 of *The Labour Relations Act* is amended by adding at the end thereof "or, upon the joint request of the parties in writing, he may appoint a mediator selected by them jointly", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 194, s. 14,  
subs. 1,  
amended

- (1) Where the Board grants a request for conciliation services, the Minister shall forthwith appoint a conciliation officer or, upon the joint request of the parties in writing, he may appoint a mediator selected by them jointly.

R.S.O. 1950,  
c. 194, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out "The conciliation officer" in the first line and inserting in lieu thereof "Where a conciliation officer is appointed, he", so that the subsection shall read as follows:

duties

(2) Where a conciliation officer is appointed, he shall confer with the parties and endeavour to effect a collective agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Minister.

R.S.O. 1950,  
c. 194, s. 18,  
amended

9. Section 18 of *The Labour Relations Act* is amended by adding thereto the following subsections:

Appoint-  
ment of  
new member  
in place  
of member

(2) If in the opinion of the Minister a member of a conciliation board has failed to enter on his duties so as to enable it to report to the Minister within a reasonable time after its appointment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person.

Appoint-  
ment of  
new  
chairman in  
place of  
chairman

(3) If the chairman of a conciliation board is unable to enter on his duties so as to enable it to report to the Minister within a reasonable time after its appointment, he shall advise the Minister of his inability and the Minister may appoint a person to act as chairman in his place.

R.S.O. 1950,  
c. 194,  
amended

10. *The Labour Relations Act* is amended by adding thereto the following section:

Minister  
to be  
informed  
of first  
sitting

23a. The chairman of a conciliation board shall in writing, immediately upon the conclusion of its first sitting, inform the Minister of the date on which such sitting was held.

R.S.O. 1950,  
c. 194, s. 27,  
subs. 1, 2,  
re-enacted

11.—(1) Subsections 1 and 2 of section 27 of *The Labour Relations Act* are repealed and the following substituted therefor:

When  
report to  
be made

(1) A conciliation board shall report its findings and recommendations to the Minister within thirty days after its first sitting.

Extension  
of 30-day  
period

(2) The period mentioned in subsection 1 may be extended,

(a) by agreement of the parties for such further period, not exceeding ninety days except with the consent of the Minister, as they deem desirable; or



Subsection 2. This subsection amends subsection 2 of section 14 of the present Act to bring it into conformity with the amendment made by subsection 1 of this section of the Bill.

SECTION 9. The Minister is given power to replace a member of a conciliation board or the chairman of a conciliation board where the continuance in office of the original appointee would result in undue delay.

SECTION 10. This section is made necessary by the provisions of section 11 of the Bill which make the time for filing the report of a conciliation board run from the date of the first sitting of the board.

SECTION 11—Subsection 1. This subsection fixes the time limit within which a conciliation board must report and provides an opportunity to enlarge the time in certain circumstances by agreement of the parties or consent of the Minister. Subsection 2*a* of section 27 sets out what shall constitute the report of a conciliation board where the members are unable to arrive at a unanimous report or to report within the prescribed time limits.

Subsection 2. This subsection is made necessary by the provision for the appointment of a mediator.

SECTION 12. This section defines the functions and powers of a mediator and provides for the method of payment of a mediator.

SECTION 13. This section is amended to bring it into conformity with section 11 of the Bill.

(b) by the Minister at the request of the chairman of the conciliation board for such further period, not exceeding thirty days, as the chairman deems desirable.

(2a) The report of the majority constitutes the report <sup>Report</sup> of the conciliation board, but, where there is no majority agreement or where the board is unable to report within the time allowed under subsection 1 or 2, the chairman shall notify the Minister in writing that there has been no agreement or that the board is unable to report, as the case may be, and in either of such cases the notification constitutes the report of the board.

(2) Subsection 4 of the said section 27 is repealed and the following substituted therefor: <sup>R.S.O. 1950, c. 194, s. 27, subs. 4, re-enacted</sup>

(4) On receipt of the report of the conciliation board or the mediator, the Minister shall forthwith release <sup>Copies of reports to parties</sup> a copy thereof to each of the parties.

**12.** *The Labour Relations Act* is amended by adding thereto the following section: <sup>R.S.O. 1950, c. 194, amended</sup>

28.—(1) Where a mediator is appointed, he shall confer <sup>Duty of mediator</sup> with the parties and endeavour to effect a collective agreement.

(2) A mediator has all the powers of a conciliation board <sup>Powers</sup> under section 26.

(3) Sections 23a and 27 apply *mutatis mutandis* to a mediator. <sup>Sections 23a and 27 apply</sup>

(4) The report of a mediator has the same effect as the <sup>Report</sup> report of a conciliation board.

(5) The remuneration and expenses of the mediator <sup>Remuneration</sup> shall be borne equally by the parties.

**13.** Section 29 of *The Labour Relations Act* is amended by <sup>R.S.O. 1950, c. 194, s. 29, amended</sup> striking out "or conciliation board" in the first line and by striking out "or conciliation board or terminate the authority of the conciliation board under this Act" in the fourth and fifth lines, so that the section shall read as follows:

29. Failure of a conciliation officer to report to the Minister within the time provided in this Act shall <sup>Failure of conciliation officer to report</sup> not invalidate the proceedings of the conciliation officer.

R.S.O. 1950,  
c. 194, s. 32,  
amended

**14.** Section 32 of *The Labour Relations Act*, as amended by section 8 of *The Labour Relations Amendment Act, 1954* and section 1 of *The Labour Relations Amendment Act, 1958*, is further amended by adding thereto the following subsections:

Where  
decision of  
arbitrator  
unduly  
delayed

(3c) Where a difference has been submitted to arbitration under this section and a party to the arbitration complains to the Minister that the arbitrator or the arbitration board, as the case may be, has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the arbitrator or the arbitration board, issue whatever order he deems necessary in the circumstances to ensure that a decision will be rendered in the matter without further undue delay.

Powers of  
arbitrators,  
chairmen of  
arbitration  
boards, and  
arbitration  
boards

(3d) An arbitrator or the chairman of an arbitration board, as the case may be, has power,

(a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath in the same manner as a court of record in civil cases; and

(b) to administer oaths,

and an arbitrator or an arbitration board, as the case may be, has power,

(c) to accept such oral or written evidence as the arbitrator or the arbitration board, as the case may be, in its discretion deems proper, whether admissible in a court of law or not;

(d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to him or it, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences;

(e) to authorize any person to do anything that the arbitrator or arbitration board may do under clause *d* and to report to the arbitrator or the arbitration board thereon.

SECTION 14. Subsection 3*c* is added to section 32 to eliminate undue delays in the rendering of decisions of arbitrators.

Subsection 3*d* confers upon arbitrators powers similar to those now possessed by conciliation boards under section 26 of the Act.

Subsection 4a makes a decision of an arbitrator enforceable in the Supreme Court, upon the filing of the operative part of the decision.

SECTION 15—Subsection 1. Self-explanatory.

Subsection 2. The grounds upon which an employer may not discharge an employee, notwithstanding the provisions of a collective agreement which make membership in the union a condition of employment, are extended.

Subsection 3. Self-explanatory.

(4a) Where a party, employer, trade union or employee has failed to comply with any of the terms of the decision of an arbitrator or arbitration board, any party, employer, trade union or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the prescribed form, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Enforcement of arbitration decisions

15.—(1) Subsection 1 of section 33 of *The Labour Relations Act*, as amended by section 9 of *The Labour Relations Amendment Act, 1954*, is further amended by inserting after "Act" in the first line "but subject to subsection 3", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1950, c. 194, s. 33, subs. 1, amended

(1) Notwithstanding anything in this Act, but subject to subsection 4, the parties to a collective agreement may include in it provisions,

Permissive provisions

. . . . .

(2) Subsection 2 of the said section 33 is repealed and the following substituted therefor:

R.S.O. 1950, c. 194, s. 33, subs. 2, re-enacted

(2) No employer shall discharge an employee,

(a) who has been expelled or suspended from membership in the trade union mentioned in clause *a* of subsection 1; or

Where employee may not be discharged

(b) to or from whom membership in the trade union mentioned in clause *a* of subsection 1 has been denied or withheld,

because he was or is a member in another trade union or has engaged in activity against the trade union mentioned in clause *a* of subsection 1 or on behalf of another trade union.

(3) Subsection 2 does not apply to an employee who has engaged in unlawful activity against the trade union mentioned in clause *a* of subsection 1 or any officer, official or agent thereof or whose activity against such trade union or on behalf of another trade union

Where subs. 2 does not apply

has been instigated or procured by his employer or any person acting on his employer's behalf or whose employer or any person acting on his employer's behalf has participated in such activity or contributed financial or other support to the employee in respect of such activity.

Union  
security  
provision  
in first  
agreement

- (4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 55 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

- (a) where the trade union has been certified as the bargaining agent of the employees of the employer in the bargaining unit; or
- (b) where the trade union has been a party to or bound by a collective agreement with the employer for at least one year; or
- (c) where the employer becomes a member of an employers' organization that has entered into a collective agreement with the trade union or council of trade unions containing such a provision and agrees with the trade union or council of trade unions to be bound by such agreement; or
- (d) where the employer and his employees in the bargaining unit are engaged in the construction, alteration, decoration, repair or demolition of a building, structure, road, sewer, water or gas main, pipe line, tunnel, bridge, canal, or other work at the site thereof.

R.S.O. 1950,  
c. 194, s. 34,  
cl. b,  
amended

**16.** Clause *b* of section 34 of *The Labour Relations Act* is amended by striking out "or" in the second line and by adding at the end thereof "colour, nationality, ancestry or place of origin", so that the clause shall read as follows:

- (b) if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.



Subsection 4. The permissive provisions of subsection 1 of section 33 of the present Act are narrowed.

SECTION 16. This section brings the language of the Act into conformity with the language of *The Fair Employment Practices Act, 1951*.

SECTION 17. This section deals with the termination date of a collective agreement where an employer joins an employers' organization and adheres to a collective agreement in mid-term.

SECTION 18. The amendments in this section make more precise provision as to the effect of a notice of desire to bargain for the renewal of an agreement where employers or trade unions cease to be members of their respective organizations during the term of the agreement.

17. Section 37 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 194, s. 37,  
amended

- (3a) Notwithstanding anything in this section, where an employer joins an employers' organization that is a party to a collective agreement with a trade union or council of trade unions and he agrees with the trade union or council of trade unions to be bound by the collective agreement between the trade union or council of trade unions and the employers' organization, the agreement ceases to be binding upon the employer and the trade union or council of trade unions at the same time as the agreement between the employers' organization and the trade union or council of trade unions ceases to be binding. Idem

18.—(1) Subsection 3 of section 38 of *The Labour Relations Act*, as amended by subsection 1 of section 11 of *The Labour Relations Amendment Act, 1954*, is further amended by adding at the end thereof "or who has ceased to be a member of the employers' organization but has not notified the trade union or council of trade unions in writing that he has ceased to be a member", so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 38,  
subs. 3,  
amended

- (3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union or council of trade unions, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement or who has ceased to be a member of the employers' organization but has not notified the trade union or council of trade unions in writing that he has ceased to be a member. Effect of  
notice

(2) Subsection 4 of the said section 38, as enacted by subsection 2 of section 11 of *The Labour Relations Amendment Act, 1954*, is amended by adding at the end thereof "or that has ceased to be a member or affiliate of the council of trade unions but has not notified the employer or employers' organization in writing that it has ceased to be a member or affiliate", so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 38,  
subs. 4  
(1954, c. 42,  
s. 11,  
subs. 2),  
amended

- (4) Where notice is given by or to a council of trade unions that has a collective agreement with an employer or employers' organization, it shall be deemed to be a notice given by or to each member or affiliate of the council of trade unions that is bound by the agreement or that has ceased to be a member or affiliate of the council of trade unions but has not notified the employer or employers' organization in writing that it has ceased to be a member or affiliate. Idem

R.S.O. 1950,  
c. 194, s. 40,  
subs. 1-3  
(1958, c. 47,  
s. 2),  
repealed

**19.**—(1) Subsections 1, 2 and 3 of section 40 of *The Labour Relations Act*, as re-enacted by section 2 of *The Labour Relations Amendment Act, 1958*, are repealed.

R.S.O. 1950,  
c. 194, s. 40,  
subs. 4,  
amended

(2) Subsection 4 of the said section 40 is amended by striking out "1, 2, or 3" in the second line and inserting in lieu thereof "2, 3 or 4 of section 5".

R.S.O. 1950,  
c. 194, s. 41,  
subs. 3,  
re-enacted

**20.**—(1) Subsection 3 of section 41 of *The Labour Relations Act*, as amended by subsection 1 of section 4 of *The Labour Relations Amendment Act, 1957*, is repealed and the following substituted therefor:

Representa-  
tion vote

(3) Upon an application under subsection 1 or 2, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and whether not less than 50 per cent of the employees in the bargaining unit have voluntarily signified in writing at such time as is determined under clause *i* of subsection 2 of section 67 that they no longer wish to be represented by the trade union, and, if not less than 50 per cent have so signified, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

R.S.O. 1950,  
c. 194, s. 41,  
subs. 4,  
amended

(2) Subsection 4 of the said section 41, as amended by subsection 2 of section 4 of *The Labour Relations Amendment Act, 1957*, is further amended by striking out "and in other cases if the Board is satisfied that more than 50 per cent of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union" in the amendment of 1957, so that the subsection shall read as follows:

Declaration  
of termina-  
tion of  
representa-  
tion

(4) If on the taking of the representation vote more than 50 per cent of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

R.S.O. 1950,  
c. 194, s. 41,  
amended

(3) The said section 41 is amended by adding thereto the following subsection:

Idem

(4a) Upon an application under subsection 1 or 2, where the trade union concerned informs the Board that it does not desire to continue to represent the employees in the bargaining unit, the Board may declare that the trade union no longer represents the employees in the bargaining unit.

SECTION 19. This section is made necessary by the provisions of section 2 of the Bill.

SECTION 20—Subsection 1. Complementary to section 38 and subsection 2 of section 35 of the Bill. In addition, the section is amended further to make it clear that the signification of desire by the employees must be voluntary, and brings the section into conformity with the principle embodied in section 9 of the present Act relating to certification.

Subsection 2. The amendment is made necessary by the provisions of subsections 1 and 3 of section 20 of the Bill.

Subsection 3. This subsection confers upon the Board authority in a case where, upon an application for a declaration to terminate bargaining rights, the incumbent trade union notifies the Board that it has abandoned its bargaining rights.

Subsection 4. This amendment is made necessary by the provisions of subsection 3 of this section of the Bill.

SECTION 21. This heading, although it does not form part of the Act (see *The Interpretation Act*, section 9), is inserted to give it better balance having regard to the headings already in the Act and to disassociate the section to which it applies from preceding sections under another heading.

SECTION 22. This section of the Bill was made necessary by the provisions for the appointment of a mediator.

SECTION 23. See note to section 21.

SECTION 24. This section clarifies the extent to which an employer may lawfully express his views on matters affecting industrial relations.

(4) Subsection 6 of the said section 41 is amended by inserting after "4" in the second line "or 4a", so that the subsection shall read as follows: R.S.O. 1950, c. 194, s. 41, subs. 6, amended

(6) Upon the Board making a declaration under subsection 4 or 4a, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. Declaration to terminate agreement

**21.** *The Labour Relations Act* is amended by inserting at the head of section 44 the following heading: R.S.O. 1950, c. 194, amended

#### TIMELINESS OF REPRESENTATION APPLICATIONS

**22.**—(1) Clause *a* of subsection 1 of section 44 of *The Labour Relations Act*, as re-enacted by section 12 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 44 (1954, c. 42, s. 12), subs. 1, cl. a, re-enacted

(a) unless a conciliation board or a mediator has been appointed and thirty days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties; or

(2) Subclause ii of clause *b* of subsection 2 of the said section 44 is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 44 (1954, c. 42, s. 12), subs. 2, cl. b, subcl. ii, re-enacted

(ii) a conciliation board or a mediator has been appointed and thirty days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties, or

**23.** *The Labour Relations Act* is amended by inserting at the head of section 44a the following heading: R.S.O. 1950, c. 194, amended

#### SUCCESSOR RIGHTS

**24.** Section 45 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 45, re-enacted

45. No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation, selection or administration of a trade union or the representation of employees by a trade union or contribute financial or other support to a trade union, but nothing in this section shall be deemed to deprive an employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence. Employers, etc., not to interfere with unions

R.S.O. 1950,  
c. 194, s. 49,  
subs. 2,  
amended

**25.**—(1) Subsection 2 of section 49 of *The Labour Relations Act*, as amended by section 14 of *The Labour Relations Amendment Act, 1954*, is further amended by striking out “the conciliation board has reported to the Minister” in the eighth and ninth lines and inserting in lieu thereof “the report of the conciliation board has been released by the Minister to the parties”, so that the subsection shall read as follows:

No agree-  
ment

(2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer or, in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

R.S.O. 1950,  
c. 194, s. 49,  
amended

(2) The said section 49 is amended by adding thereto the following subsection:

Strike vote  
to be  
secret

(3) A strike vote taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

R.S.O. 1950,  
c. 194,  
amended

**26.** *The Labour Relations Act* is amended by adding thereto the following section:

Causing  
unlawful  
strikes,  
lockouts

51a.—(1) No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in an unlawful strike or an unlawful lockout.

Application  
of subs. 1

(2) Subsection 1 does not apply to any act done in connection with a lawful strike or lawful lockout.

R.S.O. 1950,  
c. 194, s. 53  
(1954, c. 42,  
s. 16),  
subs. 1,  
cl. a,  
amended

**27.** Clause *a* of subsection 1 of section 53 of *The Labour Relations Act*, as re-enacted by section 16 of *The Labour Relations Amendment Act, 1954*, is amended by striking out “conciliation board has reported to the Minister” in the second and third lines and inserting in lieu thereof “report of the conciliation board or the mediator has been released by the Minister to the parties”, so that the clause shall read as follows:



SECTION 25—Subsection 1. Subsection 2 of section 49 of the Act is amended to indicate the date when a strike or lockout may lawfully be instituted following conciliation.

Subsection 2. Self-explanatory.

SECTION 26. This section deals with the situation where a person does an act which causes other persons to go on an unlawful strike or lockout. Acts done in connection with a lawful strike or lockout are not prohibited by this section but are left to be dealt with by the general law.

SECTION 27. This section is made necessary by the provision for the appointment of a mediator.

SECTION 28. This section requires the filing of a statement as to the terms of a trusteeship and also provides for the duration of a trusteeship.

SECTION 29. This section requires unions to furnish to each of their members on request an annual audited financial statement. It is not intended that the auditing of such statements would have to be done by a professional accountant.

- (a) until conciliation services have been granted and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board; or

**28.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194, ■  
amended

53a.—(1) A provincial, national or international trade union that assumes supervision or control over a subordinate trade union, whereby the autonomy of such subordinate trade union under the constitution or by-laws of the provincial, national or international trade union is suspended, shall, within sixty days after it has assumed supervision or control over the subordinate trade union, file with the Board a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Board, file such additional information concerning such supervision and control as the Minister from time to time requires. Trusteeship  
over local  
unions

(2) Where a provincial, national or international trade union has assumed supervision or control over a subordinate trade union, such supervision or control shall not continue for more than twelve months from the date of such assumption, but such supervision or control may be continued for a further period of twelve months with the consent of the Board. Duration of  
trusteeship

(3) Notwithstanding anything in this section, where supervision or control over a subordinate trade union has been assumed by a provincial, national or international trade union before the date on which this section came into force, the report required by subsection 1 shall be filed within sixty days after such date and the supervision or control shall not continue for more than twelve months from such date, but the supervision or control may be continued for a further period of twelve months with the consent of the Board. Existing  
trusteeship

**29.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

55a. Every trade union shall upon the request of any member furnish him, without charge, with a copy of the audited financial statement of its affairs Duty of  
union to  
furnish  
financial  
statement  
to members

to the end of its last fiscal year certified by its treasurer or other officer responsible for the handling and administration of its funds to be a true copy, and, upon the complaint of any member that the trade union has failed to furnish such a statement to him, the Board may direct the trade union to file with the Registrar, within such time as the Board determines, a copy of the audited financial statement of its affairs to the end of its last fiscal year verified by the affidavit of its treasurer or other officer responsible for the handling and administration of its funds and to furnish a copy of such statement to such members of the trade union as the Board in its discretion directs, and the trade union shall comply with such direction according to its terms.

R.S.O. 1950,  
c. 194,  
ss. 57, 58,  
re-enacted

**30.** Sections 57 and 58 of *The Labour Relations Act* are repealed and the following substituted therefor:

Inquiry by  
field officer

57.—(1) The Board may authorize a field officer to inquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act.

Duties

(2) The field officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Report

(3) The field officer shall report the results of his inquiry and endeavours to the Board.

Remedy for  
discrimina-  
tion

(4) Where the field officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint and, if it is satisfied that the person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act, it shall determine the action, if any, to be taken by the employer and the trade union or either of them with respect to the employment of such person, which, in its discretion, may, notwithstanding the provisions of a collective agreement, include reinstatement in employment with or without compensation by the employer and the trade union or either of them for loss of earnings and other employment benefits, and the employer and the trade union shall do or abstain from doing anything required of them by the determination.

SECTION 30. The new section 57 transfers to the Board the authority vested in the Minister under sections 57 and 58 of the present Act, to deal with complaints that a person has been refused employment or has been discharged, discriminated against, etc. The new section 57 also makes the determination of the Board in relation to these matters enforceable in the Supreme Court.

The new section 58 provides for reference of a work assignment dispute to a jurisdictional disputes commission which has authority to deal with the issue of work assignment. Provision is made for review by the Board of the decisions of a jurisdictional disputes commission in certain instances. The new section 58 also makes the decision of a jurisdictional disputes commission enforceable in the Supreme Court.

... 1875 ...

- (5) Where the employer or the trade union has failed to comply with any of the terms of the determination, any employer, trade union or employee affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of determination
- 58.—(1) Upon complaint to the Board that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to employees in a particular trade union or in a particular trade, craft or class rather than to employees in another trade union or in another trade, craft or class, or that an employer was or is assigning particular work to employees in a particular trade union rather than to employees in another trade union, a jurisdictional disputes commission may, after consulting any person, employers' organization, trade union or council of trade unions that in its opinion may be affected by the complaint, make such interim order with respect to the assignment of the work as it in its discretion deems proper in the circumstances, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the interim order. Jurisdictional disputes commission, interim order
- (2) At the request of any person, employers' organization, trade union or council of trade unions affected by the interim order, the commission shall reconsider the complaint, but it shall not do so at the request of a person, employers' organization, trade union or council of trade unions that has failed to comply with the interim order so long as the failure continues. Reconsideration
- (3) Upon the reconsideration of the complaint, the commission shall give to any person, employers' organization, trade union or council of trade unions affected by the interim order full opportunity to Determination

present evidence and to make submissions and, if it finds that the trade union, council of trade unions, officer, official or agent of a trade union or council of trade unions was or is in its opinion unjustifiably requiring the employer to assign work or that the employer was or is in its opinion unjustifiably assigning work, it shall direct the action to be taken by the employer, employers' organization, trade union, council of trade unions or any officer, official or agent of any of them with respect to the assignment of the work, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the direction.

Powers of  
commission

- (4) The commission has all the powers of a conciliation board under section 26.

Determina-  
tion final,  
saving

- (5) Subject to subsection 6, the direction of the commission is final and conclusive for all purposes, but the commission may at any time, if it considers it advisable to do so, reconsider the direction and vary or revoke it.

Review by  
Board

- (6) Any person, employers' organization, trade union or council of trade unions affected by an interim order or a direction of a commission may apply to the Board, within seven days after the release of the interim order or the direction, and, if the Board is satisfied that the interim order or the direction prohibits a lawful strike or lockout or restrains an employer, employers' organization, trade union, council of trade unions or an officer, official or agent of any of them or an employee from observing the provisions of a collective agreement relating to the assignment of work or prohibits a trade union or council of trade unions or an employer or employers' organization from bargaining collectively in respect of employees in a bargaining unit on whose behalf the trade union or council of trade unions is entitled to bargain, it may quash the interim order or the direction or it may alter the bargaining unit determined in a certificate or defined in a collective agreement as it deems proper to enable the interim order or the direction to be carried into effect in conformity with the other provisions of this Act, and the certificate or collective agreement, as the case may be, shall be deemed to have been altered in accordance with the Board's determination.



- (7) Where the employer, the employers' organization, the trade union, the council of trade unions or an officer, official or agent of any of them or an employee has failed to comply with any of the terms of the interim order or the direction, any employer, employers' organization, trade union, council of trade unions or employee affected by the interim order or the direction may, <sup>Enforcement of interim order or direction</sup>

(a) in the case of an interim order, after the expiration of two days from the release of the interim order or of the date provided in the interim order for compliance, whichever is later; and

(b) in the case of a direction, after the expiration of fourteen days from the release of the direction or the date provided in the direction for compliance, whichever is later,

notify the Board of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the interim order or the direction, exclusive of the reasons therefor, in the prescribed form, whereupon the interim order or direction shall be entered in the same way as a judgment or order of that court and is enforceable as such.

- (8) No interim order or direction of a commission shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken, in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question, review, prohibit or restrain a commission or any of its proceedings. <sup>Commission's orders and directions not subject to review</sup>

- (9) Notwithstanding anything in this section, where a trade union, a council of trade unions or a group of trade unions and an employer, an employers' organization, a group of employers or a group of employers' organizations have made an arrangement to resolve any difference between them arising from the assignment of work, the commission may postpone inquiring into a complaint or the reconsideration of a complaint under this section until the difference has been dealt with in accordance with such arrangement. <sup>Postponement of inquiry</sup>

R.S.O. 1950, c. 194, amended **31.** *The Labour Relations Act* is amended by adding thereto the following section:

Proceedings in S.C.O.

64a. A proceeding to enforce a determination of the Board under section 57, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission may be instituted in the Supreme Court by or against a trade union, a council of trade unions or an unincorporated employers' organization in the name of the trade union, council of trade unions or unincorporated employers' organization, as the case may be.

R.S.O. 1950, c. 194, s. 65, subs. 1, amended

**32.** Subsection 1 of section 65 of *The Labour Relations Act*, as amended by subsection 1 of section 8 of *The Labour Relations Amendment Act, 1957*, is further amended by striking out "Except in respect of a refusal or failure to comply with an order of the Minister made under section 58" in the amendment of 1957, so that the subsection shall read as follows:

Consent to prosecution

(1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board.

R.S.O. 1950, c. 194, s. 66 (1959, c. 50, s. 1), subs. 2, 3, re-enacted

**33.** Subsections 2 and 3 of section 66 of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1959*, are repealed and the following substituted therefor:

Composition and appointment of Board

(2) The Board shall be composed of a chairman, a vice-chairman and one or more deputy vice-chairmen and as many members equal in number representative of employers and employees respectively as the Lieutenant Governor in Council deems proper, all of whom shall be appointed by the Lieutenant Governor in Council.

Organization of divisions

(3) The chairman or, in the case of his absence from the office of the Board or his inability to act, the vice-chairman shall from time to time assign the members of the Board to its various divisions and may change any such assignment at any time.

R.S.O. 1950, c. 194, amended

**34.** *The Labour Relations Act* is amended by adding thereto the following section:

Jurisdictional disputes commissions, appointment

66a. The Lieutenant Governor in Council may appoint one or more jurisdictional disputes commissions and each of such commissions shall be composed of one or more persons as he determines.

SECTION 31. This section is ancillary to sections 32, 57 and 58 of the Act as embodied in sections 14 and 30 of the Bill. Its provisions are analogous to those that appear in the first part of section 64 of the Act.

SECTION 32. The words deleted are no longer necessary.

SECTION 33. This section makes certain organizational changes which are designed to facilitate the operations of the Board in the light of the additional jurisdiction that is conferred upon it by this Bill.

SECTION 34. Self-explanatory.

SECTION 35—Subsection 1. This subsection confers upon the Board wider powers of delegating authority to examiners to facilitate the operations of the Board, particularly in view of the increased jurisdiction vested in it by this Bill.

Subsection 2. This subsection facilitates the processing and disposition of representation applications. Sections 7 and 41 of the present Act have been amended by sections 4 and 20 of the Bill to bring them into conformity with this subsection.

SECTION 36. Section 71 of the present Act is clarified and widened.

SECTION 37. This section accords to information given to a field officer and to the Board under the new section 57 the same protection against disclosure that is now accorded to a conciliation officer and to the Minister, the Deputy Minister of Labour and the chief conciliation officer of the Department of Labour under subsection 2 of section 72 of the present Act.

**35.**—(1) Subsection 2 of section 67 of *The Labour Relations Act*, as amended by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1954* and section 10 of *The Labour Relations Amendment Act, 1957*, is further amended by adding thereto the following clause:

- (gg) to authorize any person to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Board and to report to the Board his findings, conclusions and recommendations thereon.

(2) Clause *i* of subsection 2 of the said section 67, as enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor:

- (i) to determine the form in which and the time as of which evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall be presented to the Board on an application for certification or for a declaration terminating bargaining rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined.

**36.** Section 71 of *The Labour Relations Act* is repealed and the following substituted therefor:

71. The production in any court of any document purporting to be or to contain a copy of a decision, determination, report, interim order, order, direction, declaration or ruling of the Board, a conciliation board, a mediator, an arbitrator, an arbitration board or a jurisdictional disputes commission and purporting to be signed by a member of the Board or its registrar, the chairman of the conciliation board, the mediator, the arbitrator, the chairman of the arbitration board or a member of the jurisdictional disputes commission, as the case may be, is *prima facie* proof of such document without proof of the appointment, authority or signature of the person who signed the document.

**37.** Section 72 of *The Labour Relations Act*, as amended by section 26 of *The Labour Relations Amendment Act, 1954*, is further amended by adding thereto the following subsection:

Secrecy of  
information  
given field  
officers

- (3) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board, and no member of the Board and no field officer is a competent or compellable witness in any proceedings before any court or other tribunal respecting any such information, material or report.

R.S.O. 1950,  
c. 194, s. 74,  
amended

**38.** Section 74 of *The Labour Relations Act* is amended by adding thereto the following subsections:

Time of  
making  
certain  
applications

- (2) An application for certification or for a declaration that a trade union no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of  
release  
of certain  
documents

- (3) A decision or determination of the Board, a report of a conciliation board or a mediator, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission, if sent by registered mail to the person, employers' organization, trade union or council of trade unions concerned addressed to him or it at his or its last known address, shall be deemed to have been released on the second day after the date on which it was so mailed.

R.S.O. 1950,  
c. 194, s. 77,  
re-enacted

**39.** Section 77 of *The Labour Relations Act*, as amended by section 4 of *The Labour Relations Amendment Act, 1956*, is repealed and the following substituted therefor:

Regulations

77. The Lieutenant Governor in Council may make regulations,
- (a) providing for and regulating the engagement of experts, investigators and other assistants by conciliation boards;
  - (b) providing for and fixing the remuneration and expenses of chairmen and other members of conciliation boards;
  - (c) respecting the functioning of jurisdictional disputes commissions and prescribing their practice and procedure;
  - (d) requiring the filing with the Department of Labour of awards of arbitrators and arbitration boards;

SECTION 38—Subsection 1. Self-explanatory. Sections 7 and 41 of the present Act have been amended by sections 4 and 20 of the Bill to bring them into conformity with this subsection.

Subsection 2. Subsection 3 of section 74 is made necessary by the several provisions which fix the time for the doing of certain acts or the exercise of certain rights by reference to the date of the release of certain documents.

SECTION 39. Clauses *c*, *d*, *e* and *f* are new.

SECTION 40. Self-explanatory.

SECTION 41. Self-explanatory.



- (e) requiring the filing with the Department of Insurance of audited financial statements of the affairs of pension or welfare funds operated for the benefit of employees and prescribing the content and form of such statements;
- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 32, 57 and 58 shall be filed in the Supreme Court;
- (g) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

**40.** Notwithstanding the coming into force of this Act or any part thereof, every proceeding under *The Labour Relations Act* shall be carried to a conclusion under the law in force when the proceeding was commenced. Effect of Act on proceedings

**41.—(1)** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

(2) Any such proclamation may apply to the whole or any one or more sections or subsections of this Act, or to any one or more sections, subsections, clauses or subclauses of *The Labour Relations Act* as enacted, re-enacted or amended by this Act, and proclamations for such purposes may be issued at different times. Idem R.S.O. 1950, c. 194

**42.** This Act may be cited as *The Labour Relations Amendment Act, 1960*. Short title

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An Act to amend  
The Labour Relations Act

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*1st Reading*

February 24th, 1960

*2nd Reading*

March 4th, 1960

*3rd Reading*

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MR. DALEY

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*(Reprinted as amended by the  
Committee on Labour)*

**BILL 74**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Labour Relations Act**

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MR. DALEY

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



## An Act to amend The Labour Relations Act

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

1.—(1) Clause *b* of section 2 of *The Labour Relations Act* is amended by striking out "horticulture" in the first line. R.S.O. 1950, c. 194, s. 2, cl. b, amended

(2) The said section 2 is amended by adding thereto the following clause: R.S.O. 1950, c. 194, s. 2, amended

(*bb*) to any person, other than an employee of a municipality or a person employed in silvaculture, who is employed in horticulture by an employer whose primary business is agriculture or horticulture.

2. Section 5 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 5, re-enacted

5.—(1) Where no trade union has been certified as bargaining agent of the employees of an employer in a unit that a trade union claims to be appropriate for collective bargaining and the employees in the unit are not bound by a collective agreement, a trade union may, subject to section 44, apply at any time to the Board for certification as bargaining agent of the employees in the unit. Application for certification

(2) Where a collective agreement is for a term of not more than two years, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the last two months of its operation. Idem

(3) Where a collective agreement is for a term of more than two years, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in Idem

the agreement only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be.

Idem

- (4) Where a collective agreement referred to in subsection 2 or 3 provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, a trade union may apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement during the further term or successive terms only during the last two months of each year that it so continues to operate, or after the commencement of the last two months of its operation, as the case may be.

R.S.O. 1950,  
c. 194, s. 6,  
subs. 2,  
amended

3. Subsection 2 of section 6 of *The Labour Relations Act*, as amended by subsection 2 of section 2 of *The Labour Relations Amendment Act, 1954*, is further amended by adding at the end of the amendment of 1954 "but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made", so that the subsection shall read as follows:

Craft units

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made.



4.—(1) Subsection 1 of section 7 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 194, s. 7,  
subs. 1,  
re-enacted

- (1) Upon an application for certification, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and the number of employees in such unit who were members of the trade union at such time as is determined under clause *i* of subsection 2 of section 67. Determina-  
tion of  
number of  
members in  
bargaining  
unit

(2) Subsection 2 of the said section 7 is amended by striking out "on an examination under subsection 1" in the first line, so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 7,  
subs. 2,  
amended

- (2) If the Board is satisfied that not less than 45 per cent and not more than 55 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and, if the Board is satisfied that more than 55 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken. Representa-  
tion vote

5. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

- 7a.—(1) Upon an application for certification, the trade union may request that a pre-hearing representation vote be taken. Pre-hearing  
votes
- (2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board, on an examination of the records of the trade union and the records of the employer, that not less than 45 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency. Voting  
constituency
- (3) The Board may direct that the ballot box containing the ballots cast in a representation vote taken under subsection 2 shall be sealed and that the ballots shall not be counted until the parties have been given full opportunity to present their evidence and make their submissions. Sealing of  
ballot box
- (4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 45 per cent of the employees in such bargaining unit were Effect of  
pre-hearing  
vote

members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

R.S.O. 1950,  
c. 194, s. 9,  
amended

6. Section 9 of *The Labour Relations Act* is amended by adding at the end thereof "or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin", so that the section shall read as follows:

What unions  
not to be  
certified

9. The Board shall not certify any trade union if any employer or any employers' organization has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

R.S.O. 1950,  
c. 194, s. 12  
(1954, c. 42,  
s. 5),  
re-enacted;  
s. 13,  
repealed

7. Section 12, as re-enacted by section 5 of *The Labour Relations Act, 1954* and amended by section 1 of *The Labour Relations Amendment Act, 1956* and section 2 of *The Labour Relations Amendment Act, 1957*, and section 13, as amended by section 6 of *The Labour Relations Amendment Act, 1954* and section 3 of *The Labour Relations Amendment Act, 1957*, of *The Labour Relations Act* are repealed and the following substituted therefor:

Request for  
conciliation  
services

12.—(1) Either party may file with the Board a request that conciliation services be made available to the parties.

Where  
request  
may be  
granted

(2) Where thirty-five or more days have elapsed from the giving of the notice under section 10 or 38 or upon the joint request of the parties or where the Board is satisfied that no progress in bargaining is being made, the Board shall grant the request, but before doing so it may postpone the granting of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime.

Idem

(3) Where the parties have met and bargained, the Board may grant the request for conciliation services notwithstanding the failure of the trade union to give written notice under section 10 or the failure of either party to give written notice under section 38.

Where  
request may  
be denied

(4) The Board may deny the request where during bargaining the trade union has not been represented by a bargaining committee.

## (5) A bargaining committee,

Composition  
of bargaining  
committee

- (a) shall consist of employees of the employer who are in the bargaining unit; or
- (b) in the case of bargaining between a trade union and an employers' organization, shall consist of employees of one or more members of such organization who are in the bargaining unit; or
- (c) in the case of bargaining between a trade union and a group of employers bargaining jointly or through representatives of such employers, shall consist of employees of one or more of the employers in such group who are in the bargaining unit; or
- (d) in the case of bargaining between a council of trade unions and an employer, an employers' organization or a group of employers bargaining jointly, shall consist of employees of the employer or of one or more members of such organization or of one or more of the employers in such group, as the case may be, who are in the bargaining unit,

and in any case a bargaining committee may include one or more officers or other representatives of the trade union.

- (6) Notwithstanding subsection 5, where a bargaining unit consists of not more than fifteen employees, the bargaining committee may consist of one of such employees.

8.—(1) Subsection 1 of section 14 of *The Labour Relations Act* is amended by adding at the end thereof "or, upon the joint request of the parties in writing, he may appoint a mediator selected by them jointly", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 194, s. 14,  
subs. 1,  
amended

- (1) Where the Board grants a request for conciliation services, the Minister shall forthwith appoint a conciliation officer or, upon the joint request of the parties in writing, he may appoint a mediator selected by them jointly.

Appoint-  
ment of  
conciliation  
officer or  
mediator

R.S.O. 1950,  
c. 194, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out "The conciliation officer" in the first line and inserting in lieu thereof "Where a conciliation officer is appointed, he", so that the subsection shall read as follows:

duties

(2) Where a conciliation officer is appointed, he shall confer with the parties and endeavour to effect a collective agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Minister.

R.S.O. 1950,  
c. 194, s. 18,  
amended

9. Section 18 of *The Labour Relations Act* is amended by adding thereto the following subsections:

Appoint-  
ment of  
new member  
in place  
of member

(2) If in the opinion of the Minister a member of a conciliation board has failed to enter on his duties so as to enable it to report to the Minister within a reasonable time after its appointment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person.

Appoint-  
ment of  
new  
chairman in  
place of  
chairman

(3) If the chairman of a conciliation board is unable to enter on his duties so as to enable it to report to the Minister within a reasonable time after its appointment, he shall advise the Minister of his inability and the Minister may appoint a person to act as chairman in his place.

R.S.O. 1950,  
c. 194,  
amended

10. *The Labour Relations Act* is amended by adding thereto the following section:

Minister  
to be  
informed  
of first  
sitting

23a. The chairman of a conciliation board shall in writing, immediately upon the conclusion of its first sitting, inform the Minister of the date on which such sitting was held.

R.S.O. 1950,  
c. 194, s. 27,  
subs. 1, 2,  
re-enacted

11.—(1) Subsections 1 and 2 of section 27 of *The Labour Relations Act* are repealed and the following substituted therefor:

When  
report to  
be made

(1) A conciliation board shall report its findings and recommendations to the Minister within thirty days after its first sitting.

Extension  
of 30-day  
period

(2) The period mentioned in subsection 1 may be extended,

(a) by agreement of the parties for such further period, not exceeding ninety days except with the consent of the Minister, as they deem desirable; or

(b) by the Minister at the request of the chairman of the conciliation board for such further period, not exceeding thirty days, as the chairman deems desirable.

(2a) The report of the majority constitutes the report of the conciliation board, but, where there is no majority agreement or where the board is unable to report within the time allowed under subsection 1 or 2, the chairman shall notify the Minister in writing that there has been no agreement or that the board is unable to report, as the case may be, and in either of such cases the notification constitutes the report of the board.

(2) Subsection 4 of the said section 27 is repealed and the following substituted therefor:

(4) On receipt of the report of the conciliation board or the mediator, the Minister shall forthwith release a copy thereof to each of the parties.

**12.** *The Labour Relations Act* is amended by adding thereto the following section:

28.—(1) Where a mediator is appointed, he shall confer with the parties and endeavour to effect a collective agreement.

(2) A mediator has all the powers of a conciliation board under section 26.

(3) Sections 23a and 27 apply *mutatis mutandis* to a mediator.

(4) The report of a mediator has the same effect as the report of a conciliation board.

(5) The remuneration and expenses of the mediator shall be borne equally by the parties.

**13.** Section 29 of *The Labour Relations Act* is amended by striking out "or conciliation board" in the first line and by striking out "or conciliation board or terminate the authority of the conciliation board under this Act" in the fourth and fifth lines, so that the section shall read as follows:

29. Failure of a conciliation officer to report to the Minister within the time provided in this Act shall not invalidate the proceedings of the conciliation officer.

R.S.O. 1950,  
c. 194, s. 32,  
amended

**14.** Section 32 of *The Labour Relations Act*, as amended by section 8 of *The Labour Relations Amendment Act, 1954* and section 1 of *The Labour Relations Amendment Act, 1958*, is further amended by adding thereto the following subsections:

Where  
decision of  
arbitrator  
unduly  
delayed

(3c) Where a difference has been submitted to arbitration under this section and a party to the arbitration complains to the Minister that the arbitrator or the arbitration board, as the case may be, has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the arbitrator or the arbitration board, issue whatever order he deems necessary in the circumstances to ensure that a decision will be rendered in the matter without further undue delay.

Powers of  
arbitrators,  
chairmen of  
arbitration  
boards, and  
arbitration  
boards

(3d) An arbitrator or the chairman of an arbitration board, as the case may be, has power,

(a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath in the same manner as a court of record in civil cases; and

(b) to administer oaths,

and an arbitrator or an arbitration board, as the case may be, has power,

(c) to accept such oral or written evidence as the arbitrator or the arbitration board, as the case may be, in its discretion deems proper, whether admissible in a court of law or not;

(d) to enter any premises where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to him or it, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences;

(e) to authorize any person to do anything that the arbitrator or arbitration board may do under clause *d* and to report to the arbitrator or the arbitration board thereon.

. . . . .

- (4a) Where a party, employer, trade union or employee has failed to comply with any of the terms of the decision of an arbitrator or arbitration board, any party, employer, trade union or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the prescribed form, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Enforcement of arbitration decisions

**15.**—(1) Subsection 1 of section 33 of *The Labour Relations Act*, as amended by section 9 of *The Labour Relations Amendment Act, 1954*, is further amended by inserting after "Act" in the first line "but subject to subsection 3", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1950, c. 194, s. 33, subs. 1, amended

- (1) Notwithstanding anything in this Act, but subject to subsection 4, the parties to a collective agreement may include in it provisions,

Permissive provisions

(2) Subsection 2 of the said section 33 is repealed and the following substituted therefor:

R.S.O. 1950, c. 194, s. 33, subs. 2, re-enacted

- (2) No employer shall discharge an employee,

(a) who has been expelled or suspended from membership in the trade union mentioned in clause *a* of subsection 1; or

Where employee may not be discharged

(b) to or from whom membership in the trade union mentioned in clause *a* of subsection 1 has been denied or withheld,

because he was or is a member in another trade union or has engaged in activity against the trade union mentioned in clause *a* of subsection 1 or on behalf of another trade union.

- (3) Subsection 2 does not apply to an employee who has engaged in unlawful activity against the trade union mentioned in clause *a* of subsection 1 or any officer, official or agent thereof or whose activity against such trade union or on behalf of another trade union

Where subs. 2 does not apply

has been instigated or procured by his employer or any person acting on his employer's behalf or whose employer or any person acting on his employer's behalf has participated in such activity or contributed financial or other support to the employee in respect of such activity.

Union  
security  
provision  
in first  
agreement

(4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 55 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

(a) where the trade union has been certified as the bargaining agent of the employees of the employer in the bargaining unit; or

(b) where the trade union has been a party to or bound by a collective agreement with the employer for at least one year; or

(c) where the employer becomes a member of an employers' organization that has entered into a collective agreement with the trade union or council of trade unions containing such a provision and agrees with the trade union or council of trade unions to be bound by such agreement; or

(d) where the employer and his employees in the bargaining unit are engaged in the construction, alteration, decoration, repair or demolition of a building, structure, road, sewer, water or gas main, pipe line, tunnel, bridge, canal, or other work at the site thereof.

R.S.O. 1950,  
c. 194, s. 34,  
cl. b,  
amended

**16.** Clause *b* of section 34 of *The Labour Relations Act* is amended by striking out "or" in the second line and by adding at the end thereof "colour, nationality, ancestry or place of origin", so that the clause shall read as follows:

(b) if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.



17. Section 37 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1950,  
c. 194, s. 37,  
amended

- (3a) Notwithstanding anything in this section, where an employer joins an employers' organization that is a party to a collective agreement with a trade union or council of trade unions and he agrees with the trade union or council of trade unions to be bound by the collective agreement between the trade union or council of trade unions and the employers' organization, the agreement ceases to be binding upon the employer and the trade union or council of trade unions at the same time as the agreement between the employers' organization and the trade union or council of trade unions ceases to be binding. Idem

18.—(1) Subsection 3 of section 38 of *The Labour Relations Act*, as amended by subsection 1 of section 11 of *The Labour Relations Amendment Act, 1954*, is further amended by adding at the end thereof "or who has ceased to be a member of the employers' organization but has not notified the trade union or council of trade unions in writing that he has ceased to be a member", so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 38,  
subs. 3,  
amended

- (3) Where notice is given by or to an employers' organization that has a collective agreement with a trade union or council of trade unions, it shall be deemed to be a notice given by or to each member of the employers' organization who is bound by the agreement or who has ceased to be a member of the employers' organization but has not notified the trade union or council of trade unions in writing that he has ceased to be a member. Effect of  
notice

(2) Subsection 4 of the said section 38, as enacted by subsection 2 of section 11 of *The Labour Relations Amendment Act, 1954*, is amended by adding at the end thereof "or that has ceased to be a member or affiliate of the council of trade unions but has not notified the employer or employers' organization in writing that it has ceased to be a member or affiliate", so that the subsection shall read as follows: R.S.O. 1950,  
c. 194, s. 38,  
subs. 4  
(1954, c. 42,  
s. 11,  
subs. 2),  
amended

- (4) Where notice is given by or to a council of trade unions that has a collective agreement with an employer or employers' organization, it shall be deemed to be a notice given by or to each member or affiliate of the council of trade unions that is bound by the agreement or that has ceased to be a member or affiliate of the council of trade unions but has not notified the employer or employers' organization in writing that it has ceased to be a member or affiliate. Idem

R.S.O. 1950,  
c. 194, s. 40,  
subss. 1-3  
(1958, s. 47,  
s. 2),  
repealed

**19.**—(1) Subsections 1, 2 and 3 of section 40 of *The Labour Relations Act*, as re-enacted by section 2 of *The Labour Relations Amendment Act, 1958*, are repealed.

R.S.O. 1950,  
c. 194, s. 40,  
subs. 4,  
amended

(2) Subsection 4 of the said section 40 is amended by striking out "1, 2, or 3" in the second line and inserting in lieu thereof "2, 3 or 4 of section 5".

R.S.O. 1950,  
c. 194, s. 41,  
subs. 3,  
re-enacted

**20.**—(1) Subsection 3 of section 41 of *The Labour Relations Act*, as amended by subsection 1 of section 4 of *The Labour Relations Amendment Act, 1957*, is repealed and the following substituted therefor:

Representa-  
tion vote

(3) Upon an application under subsection 1 or 2, the Board shall ascertain the number of employees in the bargaining unit at the time the application was made and whether not less than 50 per cent of the employees in the bargaining unit have voluntarily signified in writing at such time as is determined under clause *i* of subsection 2 of section 67 that they no longer wish to be represented by the trade union, and, if not less than 50 per cent have so signified, the Board shall, by a representation vote, satisfy itself that a majority of the employees desire that the right of the trade union to bargain on their behalf be terminated.

R.S.O. 1950,  
c. 194, s. 41,  
subs. 4,  
amended

(2) Subsection 4 of the said section 41, as amended by subsection 2 of section 4 of *The Labour Relations Amendment Act, 1957*, is further amended by striking out "and in other cases if the Board is satisfied that more than 50 per cent of the employees in the bargaining unit have signified in writing that they no longer wish to be represented by the trade union" in the amendment of 1957, so that the subsection shall read as follows:

Declaration  
of termina-  
tion of  
representa-  
tion

(4) If on the taking of the representation vote more than 50 per cent of the ballots of all those eligible to vote are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

R.S.O. 1950,  
c. 194, s. 41,  
amended

(3) The said section 41 is amended by adding thereto the following subsection:

Idem

(4a) Upon an application under subsection 1 or 2, where the trade union concerned informs the Board that it does not desire to continue to represent the employees in the bargaining unit, the Board may declare that the trade union no longer represents the employees in the bargaining unit.

(4) Subsection 6 of the said section 41 is amended by inserting after "4" in the second line "or 4a", so that the subsection shall read as follows: R.S.O. 1950, c. 194, s. 41, subs. 6, amended

(6) Upon the Board making a declaration under subsection 4 or 4a, any collective agreement in operation between the trade union and the employer that is binding upon the employees in the bargaining unit shall cease to operate forthwith. Declaration to terminate agreement

**21.** *The Labour Relations Act* is amended by inserting at the head of section 44 the following heading: R.S.O. 1950, c. 194, amended

#### TIMELINESS OF REPRESENTATION APPLICATIONS

**22.**—(1) Clause *a* of subsection 1 of section 44 of *The Labour Relations Act*, as re-enacted by section 12 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 44 (1954, c. 42, s. 12), subs. 1, cl. a, re-enacted

(a) unless a conciliation board or a mediator has been appointed and thirty days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties; or

(2) Subclause ii of clause *b* of subsection 2 of the said section 44 is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 44 (1954, c. 42, s. 12), subs. 2, cl. b, subcl. ii, re-enacted

(ii) a conciliation board or a mediator has been appointed and thirty days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties, or

**23.** *The Labour Relations Act* is amended by inserting at the head of section 44a the following heading: R.S.O. 1950, c. 194, amended

#### SUCCESSOR RIGHTS

**24.** Section 45 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 45, re-enacted

45. No employer or employers' organization and no person acting on behalf of an employer or an employers' organization shall participate in or interfere with the formation, selection or administration of a trade union or the representation of employees by a trade union or contribute financial or other support to a trade union, but nothing in this section shall be deemed to deprive an employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence. Employers, etc., not to interfere with unions

R.S.O. 1950,  
c. 194, s. 49,  
subs. 2,  
amended

**25.**—(1) Subsection 2 of section 49 of *The Labour Relations Act*, as amended by section 14 of *The Labour Relations Amendment Act, 1954*, is further amended by striking out “the conciliation board has reported to the Minister” in the eighth and ninth lines and inserting in lieu thereof “the report of the conciliation board has been released by the Minister to the parties”, so that the subsection shall read as follows:

No agree-  
ment

(2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until a trade union has become entitled to give and has given notice under section 10 or has given notice under section 38 on behalf of the employee to his employer or, in the case of a notice under section 38, has received such notice, and conciliation services have been granted and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board.

R.S.O. 1950,  
c. 194, s. 49,  
amended

(2) The said section 49 is amended by adding thereto the following subsection:

Strike vote  
to be  
secret

(3) A strike vote taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

R.S.O. 1950,  
c. 194,  
amended

**26.** *The Labour Relations Act* is amended by adding thereto the following section:

Causing  
unlawful  
strikes,  
lockouts

51a.—(1) No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in an unlawful strike or an unlawful lockout.

Application  
of subs. 1

(2) Subsection 1 does not apply to any act done in connection with a lawful strike or lawful lockout.

R.S.O. 1950,  
c. 194, s. 53  
(1954, c. 42,  
s. 16),  
subs. 1,  
cl. a,  
amended

**27.** Clause *a* of subsection 1 of section 53 of *The Labour Relations Act*, as re-enacted by section 16 of *The Labour Relations Amendment Act, 1954*, is amended by striking out “conciliation board has reported to the Minister” in the second and third lines and inserting in lieu thereof “report of the conciliation board or the mediator has been released by the Minister to the parties”, so that the clause shall read as follows:

- (a) until conciliation services have been granted and seven days have elapsed after the report of the conciliation board or the mediator has been released by the Minister to the parties or the Minister has informed the parties that he does not deem it advisable to appoint a conciliation board; or

**28.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

53a.—(1) A provincial, national or international trade union that assumes supervision or control over a subordinate trade union, whereby the autonomy of such subordinate trade union under the constitution or by-laws of the provincial, national or international trade union is suspended, shall, within sixty days after it has assumed supervision or control over the subordinate trade union, file with the Board a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Board, file such additional information concerning such supervision and control as the Minister from time to time requires. Trusteeship  
over local  
unions

(2) Where a provincial, national or international trade union has assumed supervision or control over a subordinate trade union, such supervision or control shall not continue for more than twelve months from the date of such assumption, but such supervision or control may be continued for a further period of twelve months with the consent of the Board. Duration of  
trusteeship

(3) Notwithstanding anything in this section, where supervision or control over a subordinate trade union has been assumed by a provincial, national or international trade union before the date on which this section came into force, the report required by subsection 1 shall be filed within sixty days after such date and the supervision or control shall not continue for more than twelve months from such date, but the supervision or control may be continued for a further period of twelve months with the consent of the Board. Existing  
trusteeship

**29.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 194,  
amended

55a. Every trade union shall upon the request of any member furnish him, without charge, with a copy of the audited financial statement of its affairs Duty of  
union to  
furnish  
financial  
statement  
to members

to the end of its last fiscal year certified by its treasurer or other officer responsible for the handling and administration of its funds to be a true copy, and, upon the complaint of any member that the trade union has failed to furnish such a statement to him, the Board may direct the trade union to file with the Registrar, within such time as the Board determines, a copy of the audited financial statement of its affairs to the end of its last fiscal year verified by the affidavit of its treasurer or other officer responsible for the handling and administration of its funds and to furnish a copy of such statement to such members of the trade union as the Board in its discretion directs, and the trade union shall comply with such direction according to its terms.

R.S.O. 1950,  
c. 194,  
ss. 57, 58,  
re-enacted

**30.** Sections 57 and 58 of *The Labour Relations Act* are repealed and the following substituted therefor:

Inquiry by  
field officer

57.—(1) The Board may authorize a field officer to inquire into any complaint that any person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act.

Duties

(2) The field officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Report

(3) The field officer shall report the results of his inquiry and endeavours to the Board.

Remedy for  
discrimina-  
tion

(4) Where the field officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint and, if it is satisfied that the person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act, it shall determine the action, if any, to be taken by the employer and the trade union or either of them with respect to the employment of such person, which, in its discretion, may, notwithstanding the provisions of a collective agreement, include reinstatement in employment with or without compensation by the employer and the trade union or either of them for loss of earnings and other employment benefits, and the employer and the trade union shall do or abstain from doing anything required of them by the determination.

- (5) Where the employer or the trade union has failed to comply with any of the terms of the determination, any employer, trade union or employee affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of determination
- 58.—(1) Upon complaint to the Board that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to employees in a particular trade union or in a particular trade, craft or class rather than to employees in another trade union or in another trade, craft or class, or that an employer was or is assigning particular work to employees in a particular trade union rather than to employees in another trade union, a jurisdictional disputes commission may, after consulting any person, employers' organization, trade union or council of trade unions that in its opinion may be affected by the complaint, make such interim order with respect to the assignment of the work as it in its discretion deems proper in the circumstances, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the interim order. Jurisdictional disputes commission, interim order
- (2) At the request of any person, employers' organization, trade union or council of trade unions affected by the interim order, the commission shall reconsider the complaint, but it shall not do so at the request of a person, employers' organization, trade union or council of trade unions that has failed to comply with the interim order so long as the failure continues. Reconsideration
- (3) Upon the reconsideration of the complaint, the commission shall give to any person, employers' organization, trade union or council of trade unions affected by the interim order full opportunity to Determination

present evidence and to make submissions and, if it finds that the trade union, council of trade unions, officer, official or agent of a trade union or council of trade unions was or is in its opinion unjustifiably requiring the employer to assign work or that the employer was or is in its opinion unjustifiably assigning work, it shall direct the action to be taken by the employer, employers' organization, trade union, council of trade unions or any officer, official or agent of any of them with respect to the assignment of the work, and the employer, employers' organization, trade union, council of trade unions and the officers, officials or agents of any of them shall comply with the direction.

Powers of  
commission

- (4) The commission has all the powers of a conciliation board under section 26.

Determina-  
tion final,  
saving

- (5) Subject to subsection 6, the direction of the commission is final and conclusive for all purposes, but the commission may at any time, if it considers it advisable to do so, reconsider the direction and vary or revoke it.

Review by  
Board

- (6) Any person, employers' organization, trade union or council of trade unions affected by an interim order or a direction of a commission may apply to the Board, within seven days after the release of the interim order or the direction, and, if the Board is satisfied that the interim order or the direction prohibits a lawful strike or lockout or restrains an employer, employers' organization, trade union, council of trade unions or an officer, official or agent of any of them or an employee from observing the provisions of a collective agreement relating to the assignment of work or prohibits a trade union or council of trade unions or an employer or employers' organization from bargaining collectively in respect of employees in a bargaining unit on whose behalf the trade union or council of trade unions is entitled to bargain, it may quash the interim order or the direction or it may alter the bargaining unit determined in a certificate or defined in a collective agreement as it deems proper to enable the interim order or the direction to be carried into effect in conformity with the other provisions of this Act, and the certificate or collective agreement, as the case may be, shall be deemed to have been altered in accordance with the Board's determination.



(7) Where the employer, the employers' organization, the trade union, the council of trade unions or an officer, official or agent of any of them or an employee has failed to comply with any of the terms of the interim order or the direction, any employer, employers' organization, trade union, council of trade unions or employee affected by the interim order or the direction may,

Enforcement  
of interim  
order or  
direction

(a) in the case of an interim order, after the expiration of two days from the release of the interim order or of the date provided in the interim order for compliance, whichever is later; and

(b) in the case of a direction, after the expiration of fourteen days from the release of the direction or the date provided in the direction for compliance, whichever is later,

notify the Board of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the interim order or the direction, exclusive of the reasons therefor, in the prescribed form, whereupon the interim order or direction shall be entered in the same way as a judgment or order of that court and is enforceable as such.

(8) No interim order or direction of a commission shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken, in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question, review, prohibit or restrain a commission or any of its proceedings.

Commission's  
orders and  
directions  
not subject  
to review

(9) Notwithstanding anything in this section, where a trade union, a council of trade unions or a group of trade unions and an employer, an employers' organization, a group of employers or a group of employers' organizations have made an arrangement to resolve any difference between them arising from the assignment of work, the commission may postpone inquiring into a complaint or the reconsideration of a complaint under this section until the difference has been dealt with in accordance with such arrangement.

Postpone-  
ment of  
inquiry

R.S.O. 1950,  
c. 194,  
amended

**31.** *The Labour Relations Act* is amended by adding thereto the following section:

Proceedings  
in S.C.O.

64a. A proceeding to enforce a determination of the Board under section 57, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission may be instituted in the Supreme Court by or against a trade union, a council of trade unions or an unincorporated employers' organization in the name of the trade union, council of trade unions or unincorporated employers' organization, as the case may be.

R.S.O. 1950,  
c. 194, s. 65,  
subs. 1,  
amended

**32.** Subsection 1 of section 65 of *The Labour Relations Act*, as amended by subsection 1 of section 8 of *The Labour Relations Amendment Act, 1957*, is further amended by striking out "Except in respect of a refusal or failure to comply with an order of the Minister made under section 58" in the amendment of 1957, so that the subsection shall read as follows:

Consent to  
prosecution

(1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Board.

R.S.O. 1950,  
c. 194, s. 66  
(1959, c. 50,  
s. 1),  
subs. 2, 3,  
re-enacted

**33.** Subsections 2 and 3 of section 66 of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1959*, are repealed and the following substituted therefor:

Composition  
and appoint-  
ment of  
Board

(2) The Board shall be composed of a chairman, a vice-chairman and one or more deputy vice-chairmen and as many members equal in number representative of employers and employees respectively as the Lieutenant Governor in Council deems proper, all of whom shall be appointed by the Lieutenant Governor in Council.

Organization  
of divisions

(3) The chairman or, in the case of his absence from the office of the Board or his inability to act, the vice-chairman shall from time to time assign the members of the Board to its various divisions and may change any such assignment at any time.

R.S.O. 1950,  
c. 194,  
amended

**34.** *The Labour Relations Act* is amended by adding thereto the following section:

Juris-  
dictional  
disputes  
commissions,  
appointment

66a. The Lieutenant Governor in Council may appoint one or more jurisdictional disputes commissions and each of such commissions shall be composed of one or more persons as he determines.

**35.**—(1) Subsection 2 of section 67 of *The Labour Relations Act*, as amended by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1954* and section 10 of *The Labour Relations Amendment Act, 1957*, is further amended by adding thereto the following clause:

- (gg) to authorize any person to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Board and to report to the Board his findings, conclusions and recommendations thereon.

(2) Clause *i* of subsection 2 of the said section 67, as enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor:

- (i) to determine the form in which and the time as of which evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall be presented to the Board on an application for certification or for a declaration terminating bargaining rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined.

**36.** Section 71 of *The Labour Relations Act* is repealed and the following substituted therefor:

71. The production in any court of any document purporting to be or to contain a copy of a decision, determination, report, interim order, order, direction, declaration or ruling of the Board, a conciliation board, a mediator, an arbitrator, an arbitration board or a jurisdictional disputes commission and purporting to be signed by a member of the Board or its registrar, the chairman of the conciliation board, the mediator, the arbitrator, the chairman of the arbitration board or a member of the jurisdictional disputes commission, as the case may be, is *prima facie* proof of such document without proof of the appointment, authority or signature of the person who signed the document.

**37.** Section 72 of *The Labour Relations Act*, as amended by section 26 of *The Labour Relations Amendment Act, 1954*, is further amended by adding thereto the following subsection:

Secrecy of  
information  
given field  
officers

- (3) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board, and no member of the Board and no field officer is a competent or compellable witness in any proceedings before any court or other tribunal respecting any such information, material or report.

R.S.O. 1950,  
c. 194, s. 74,  
amended

**38.** Section 74 of *The Labour Relations Act* is amended by adding thereto the following subsections:

Time of  
making  
certain  
applications

- (2) An application for certification or for a declaration that a trade union no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of  
release  
of certain  
documents

- (3) A decision or determination of the Board, a report of a conciliation board or a mediator, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission, if sent by registered mail to the person, employers' organization, trade union or council of trade unions concerned addressed to him or it at his or its last known address, shall be deemed to have been released on the second day after the date on which it was so mailed.

R.S.O. 1950,  
c. 194, s. 77,  
re-enacted

**39.** Section 77 of *The Labour Relations Act*, as amended by section 4 of *The Labour Relations Amendment Act, 1956*, is repealed and the following substituted therefor:

Regulations

77. The Lieutenant Governor in Council may make regulations,

- (a) providing for and regulating the engagement of experts, investigators and other assistants by conciliation boards;
- (b) providing for and fixing the remuneration and expenses of chairmen and other members of conciliation boards;
- (c) respecting the functioning of jurisdictional disputes commissions and prescribing their practice and procedure;
- (d) requiring the filing with the Department of Labour of awards of arbitrators and arbitration boards;

- (e) requiring the filing with the Department of Insurance of audited financial statements of the affairs of pension or welfare funds operated for the benefit of employees and prescribing the content and form of such statements;
- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 32, 57 and 58 shall be filed in the Supreme Court;
- (g) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

**40.** Notwithstanding the coming into force of this Act or any part thereof, every proceeding under *The Labour Relations Act* shall be carried to a conclusion under the law in force when the proceeding was commenced. Effect of Act on proceedings

**41.**—(1) This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

(2) Any such proclamation may apply to the whole or any one or more sections, subsections, clauses or subclauses of *The Labour Relations Act* as enacted, re-enacted or amended by this Act, and proclamations for such purposes may be issued at different times. Idem  
R.S.O. 1950, c. 194

**42.** This Act may be cited as *The Labour Relations Amendment Act, 1960*. Short title







An Act to amend  
The Labour Relations Act

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*1st Reading*

February 24th, 1960

*2nd Reading*

March 4th, 1960

*3rd Reading*

April 1st, 1960

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MR. DALEY

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**BILL 75**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Judicature Act**

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MR. ROBERTS

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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 provide more appropriate provisions for interim injunctions in labour disputes.

## 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 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 190, s. 17,  
re-enacted

- 17.—(1) In this section, “labour dispute” means a dispute or difference between an employer and one or more employees as to matters or things affecting or relating to work done or to be done by the employee or employees or as to the terms and conditions of employment or the rights, privileges or duties of the employer or the employee or employees. Interpretation
- (2) An interim injunction to restrain a person from any act in connection with a labour dispute shall be granted only upon at least two days notice to the person or persons to be affected thereby and shall not be for a longer period than four days. Interim injunction
- (3) An interim injunction under subsection 2 may be granted *ex parte* where the court is satisfied that a breach of the peace, injury to the person or damage to property has occurred or an interruption of an essential public service has occurred or is likely to occur. Ex parte application
- (4) Where the employee or employees to be affected by an interim injunction under this section are members of a labour organization, the notice under subsection 2 shall be deemed to have been given to such employee or employees if personal service thereof is effected upon an officer or agent of such labour organization. Service of notice
- (5) Where the employee or employees to be affected by an interim injunction under this section are not idem

members of a labour organization, the notice under subsection 1 shall be deemed to have been given to the employee or employees to be affected by the interim injunction if the notice is posted up in a conspicuous place on the business premises of the employer where it can be read by such employee or employees.

Idem

- (6) Where some of the employees to be affected by an interim injunction under this section are members of a labour organization and others are not, the notice under subsection 2 shall be deemed to have been given to all such employees if subsections 4 and 5 are complied with.

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 Judicature Amendment Act, 1960 (No. 2)*.







An Act to amend The Judicature Act

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*1st Reading*

February 24th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 75**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Judicature Act**

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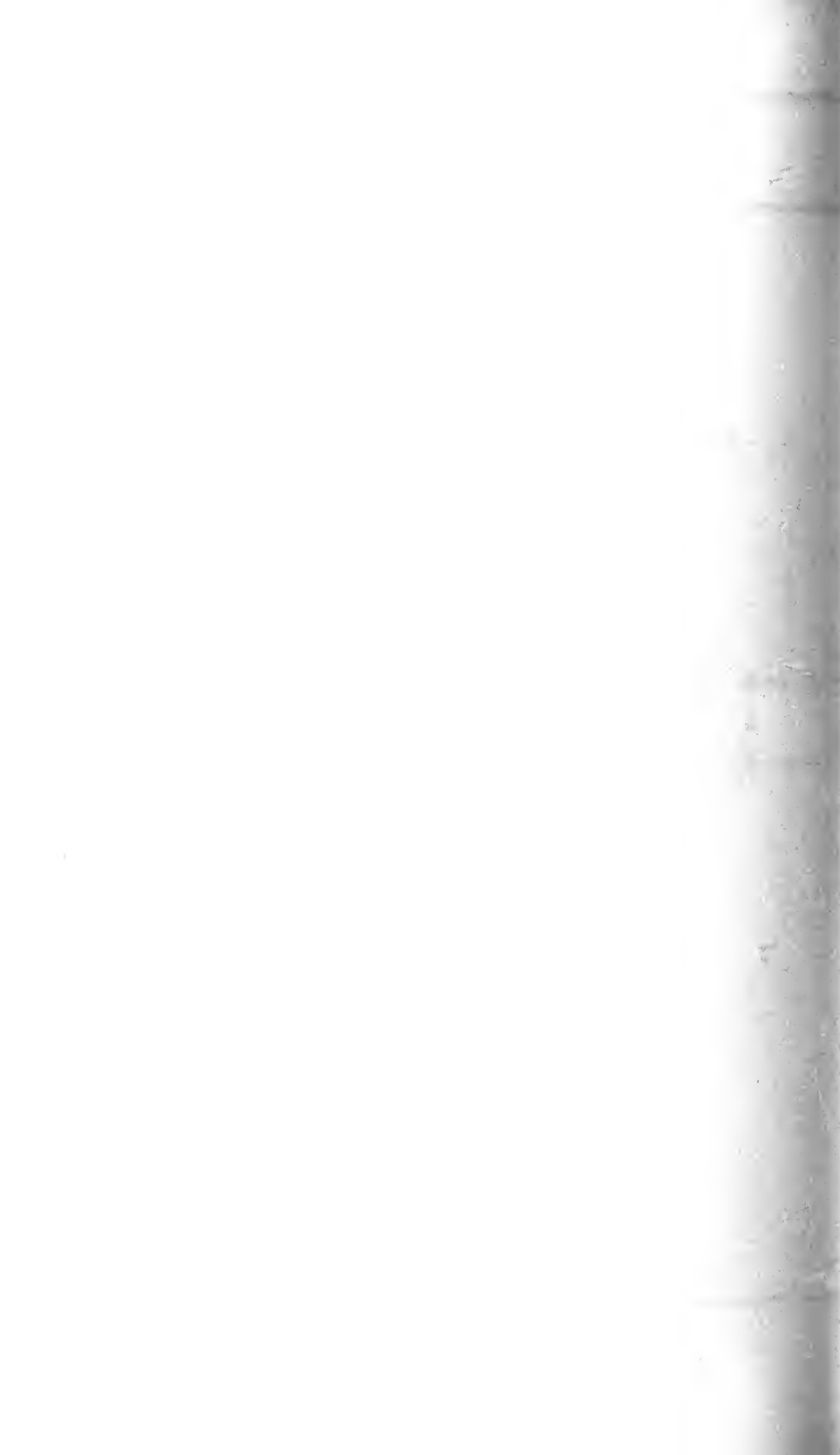
MR. ROBERTS

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



BILL 75

1960

## An Act to amend The Judicature Act

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

1. Section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 190, s. 17,  
re-enacted

- 17.—(1) In this section, “labour dispute” means a dispute or difference between an employer and one or more employees as to matters or things affecting or relating to work done or to be done by the employee or employees or as to the terms and conditions of employment or the rights, privileges or duties of the employer or the employee or employees. Interpre-  
tation
- (2) An interim injunction to restrain a person from any act in connection with a labour dispute shall be granted only upon at least two days notice to the person or persons to be affected thereby and shall not be for a longer period than four days. Interim  
injunction
- (3) An interim injunction under subsection 2 may be granted *ex parte* where the court is satisfied that a breach of the peace, injury to the person or damage to property has occurred or an interruption of an essential public service has occurred or is likely to occur. Ex parte  
application
- (4) Where the employee or employees to be affected by an interim injunction under this section are members of a labour organization, the notice under subsection 2 shall be deemed to have been given to such employee or employees if personal service thereof is effected upon an officer or agent of such labour organization. Service of  
notice
- (5) Where the employee or employees to be affected by an interim injunction under this section are not Idem

members of a labour organization, the notice under subsection 1 shall be deemed to have been given to the employee or employees to be affected by the interim injunction if the notice is posted up in a conspicuous place on the business premises of the employer where it can be read by such employee or employees.

Idem

(6) Where some of the employees to be affected by an interim injunction under this section are members of a labour organization and others are not, the notice under subsection 2 shall be deemed to have been given to all such employees if subsections 4 and 5 are complied with.

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 Judicature Amendment Act, 1960 (No. 2)*.



THE UNIVERSITY OF CHICAGO



An Act to amend The Judicature Act

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*1st Reading*

February 24th, 1960

*2nd Reading*

March 4th, 1960

*3rd Reading*

March 24th, 1960

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MR. ROBERTS

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**BILL 76**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Warble Fly Control Act, 1952**

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MR. GOODFELLOW

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

#### EXPLANATORY NOTE

This amendment will enable a township council to repeal a warble fly control by-law that is at least three years old upon petition of one-third of the cattle owners in the township. Also, it requires the township clerk to send a copy of the repealing by-law to the Live Stock Commissioner.

BILL 76

1960

**An Act to amend  
The Warble Fly Control Act, 1952**

**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 2 of *The Warble Fly Control Act*, 1952, c. 113, s. 2, subs. 2, 1952 is repealed and the following substituted therefor: re-enacted

(2) Where a by-law passed under this Act has been in force for a period of at least three consecutive years and the council receives a petition that bears the signatures of at least one-third of the cattle owners in the municipality requesting that the by-law be repealed, the council at its next meeting may repeal the by-law. Repeat of by-law

(3) The clerk of the municipality shall send a certified copy of any by-law passed under subsection 1 or 2 to the Commissioner within seven days after it is passed. Copy to be sent to Commissioner

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

**3.** This Act may be cited as *The Warble Fly Control Amendment Act, 1960*. Short title

An Act to amend  
The Warble Fly Control Act, 1952

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*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. GOODFELLOW

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**BILL 76**

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**1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960**

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**An Act to amend  
The Warble Fly Control Act, 1952**

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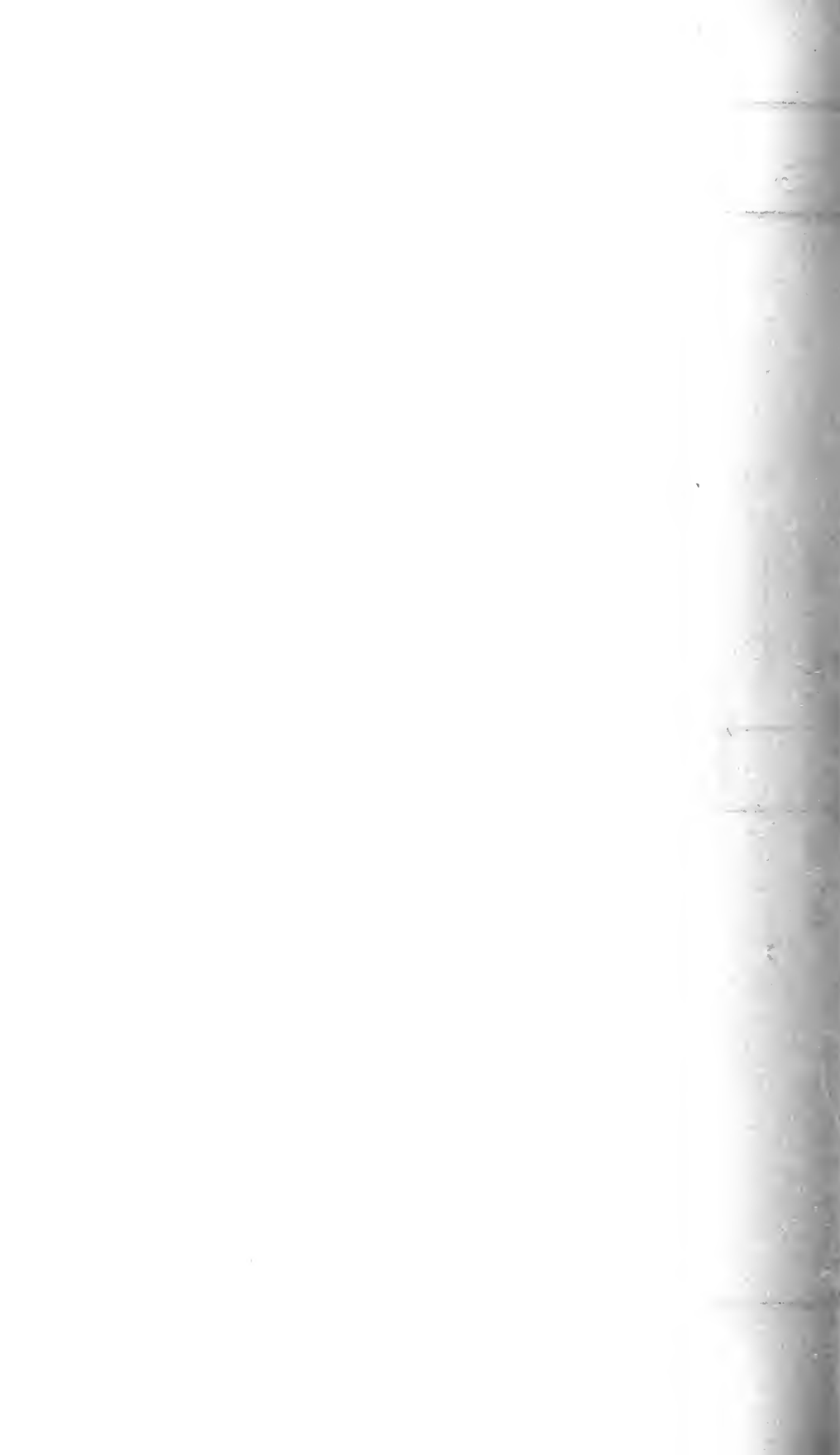
**MR. GOODFELLOW**

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



BILL 76

1960

**An Act to amend  
The Warble Fly Control Act, 1952**

**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 2 of *The Warble Fly Control Act*, 1952, c. 113, s. 2, subsec. 2, 1952 is repealed and the following substituted therefor: re-enaacted

(2) Where a by-law passed under this Act has been in force for a period of at least three consecutive years and the council receives a petition that bears the signatures of at least one-third of the cattle owners in the municipality requesting that the by-law be repealed, the council at its next meeting may repeal the by-law. Repeal of by-law

(3) The clerk of the municipality shall send a certified copy of any by-law passed under subsection 1 or 2 to the Commissioner within seven days after it is passed. Copy to be sent to Commissioner

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

**3.** This Act may be cited as *The Warble Fly Control Amendment Act, 1960*. Short title

An Act to amend  
The Warble Fly Control Act, 1952

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*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 17th, 1960

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MR. GOODFELLOW

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**BILL 77**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**The Weed Control Act, 1960**

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MR. GOODFELLOW

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

#### EXPLANATORY NOTE

*The Weed Control Act* is re-written.

The procedure in the present Act for negotiating an agreement between a landowner and an inspector to destroy noxious weeds before ordering compulsory destruction of the weeds is eliminated and the Bill provides for compulsory destruction of noxious weeds after notice and subject to appeal to the chief inspector.

The Bill also clarifies the relationship and division of responsibility among inspectors appointed by counties, local municipalities and the Province.

The Bill is otherwise the same in substance as the present Act.

## The Weed Control Act, 1960

**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) "chief inspector" means the chief inspector appointed under this Act;
- (b) "county weed inspector" means a person appointed by the council of a county to enforce this Act within the county;
- (c) "district weed inspector" means a district weed inspector appointed under this Act;
- (d) "inspector" means county weed inspector, district weed inspector, local weed inspector and municipal weed inspector;
- (e) "local weed inspector" means a person appointed by the council of a local municipality to enforce this Act within the municipality;
- (f) "Minister" means the Minister of Agriculture;
- (g) "municipal weed inspector" means a person appointed by the council of a municipality not forming part of a county for municipal purposes;
- (h) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (i) "owner" means the person shown as the owner of property on the last revised assessment roll of the municipality in which the property is located;
- (j) "regulations" means the regulations made under this Act;

(k) "weed seed" means the seed of a noxious weed.  
R.S.O. 1950, c. 421, s. 1, *amended*.

Appointment of inspectors

2. The Lieutenant Governor in Council may appoint a chief inspector and a district weed inspector for any district designated in his appointment. *New*.

Duty to destroy noxious weeds

3.—(1) Every person in possession of land shall destroy all noxious weeds thereon as often in every year as is necessary to prevent the ripening of their seeds. R.S.O. 1950, c. 421, s. 3 (1).

Riparian owners

(2) Where land abuts a river, stream or lake or other natural body of water, the person in possession of the land shall destroy all noxious weeds as required under subsection 1 that are growing between the limit of his land and the low water mark of that body of water. R.S.O. 1950, c. 421, s. 3 (2), *amended*.

Road authorities deemed in possession of roads  
1957, c. 43

4.—(1) For the purposes of section 3, every road authority within the meaning of *The Highway Improvement Act, 1957* shall be deemed to be the person in possession of the land under its jurisdiction.

Recovery from road authorities

(2) Where the Minister is of the opinion that any road authority has failed to perform its duty under section 3, the Lieutenant Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund to the road authority be withheld until such time as the Minister of Highways is satisfied that the road authority has performed such duty. R.S.O. 1950, c. 421, s. 4.

Appointment of inspectors in counties, cities, separated towns and municipalities in territorial districts

5.—(1) The council of every county, city and separated town and of every municipality in a territorial district shall pass by-laws appointing one or more persons as county weed inspectors, municipal weed inspectors or local weed inspectors, as the case may be, to enforce this Act in the area within its jurisdiction and fixing their remuneration or other compensation. R.S.O. 1950, c. 421, s. 5 (1), *part, amended*.

Division of municipality into areas

(2) Any such council may divide the municipality into areas and appoint one or more inspectors for each area. R.S.O. 1950, c. 421, s. 5 (2), *amended*.

Failure to appoint inspectors

(3) Where a council fails to appoint an inspector under subsection 1, the Minister may appoint the inspector for the area within the jurisdiction of the council and fix his remuneration or other compensation and shall notify the council of the municipality in writing of the appointment and the

treasurer of the municipality shall pay the remuneration or other compensation so fixed. R.S.O. 1950, c. 421, s. 5 (3), *amended*.

(4) If in the opinion of the Minister any inspector is incompetent or fails to carry out his duties, the Minister, after a hearing giving the inspector and the council that appointed him an opportunity to make representations in that regard, may annul the appointment of the inspector. R.S.O. 1950, c. 421, s. 5 (4), *amended*. Annulment of inspector's appointment by Minister

(5) If in the opinion of the Minister a council has wrongfully revoked the appointment of an inspector appointed under subsection 1, the Minister, after giving the council and the inspector an opportunity to make representations in that regard, may, in writing addressed to the council concerned, require the council to reinstate the appointment for the remainder of the year. *New*. Reinstatement

6.—(1) The council of any municipality not included in subsection 1 of section 5 may pass by-laws appointing one or more persons as local weed inspectors to enforce this Act in the area within its jurisdiction and fix the remuneration or other compensation for their services under this Act. R.S.O. 1950, c. 421, s. 5 (1), *part, amended*. Appointment of inspectors in towns, villages and townships

(2) Where persons are appointed local weed inspectors under subsection 1, they shall carry out their duties in co-operation with the county weed inspector and the county weed inspector may, when he deems it necessary, exercise all the powers of an inspector under this Act in that municipality. *New*. Co-operation with county inspector

7.—(1) The clerk of each municipality shall, before the 1st day of April in each year, state in writing to the chief inspector the name and address of every inspector for the municipality under this Act and the area for which each inspector is appointed. Clerk to report inspectors

(2) Where the council passes a by-law under this Act on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law state in writing to the chief inspector the name and address of every inspector appointed and the area for which the appointment is made. Idem

(3) Where any person appointed by by-law under subsection 1 of section 5 resigns or the council revokes his appointment, the clerk of the municipality shall within seven days of the resignation or revocation, as the case may be, state the particulars thereof in writing to the chief inspector. *New*. Idem

Inspectors in  
unorganized  
territory  
R.S.O. 1950,  
c. 372

**8.** Where road commissioners have been appointed under *The Statute Labour Act* in unorganized territory, they shall have the powers of an inspector, and the provisions of this Act and the regulations apply in the same manner as in the case of a municipality except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act are collectable in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. R.S.O. 1950, c. 421, s. 6, *amended*.

Powers of  
inspectors

**9.** For the purpose of searching for noxious weeds or weed seeds, an inspector may at any time between sunrise and sunset enter upon any land and building other than a dwelling house in the area within his jurisdiction and inspect the land, and buildings, and any implements, machinery, vehicles and crops or other plants. R.S.O. 1950, c. 421, s. 7, *amended*.

Order for  
destruction  
of weeds

**10.**—(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds within such period of time as is necessary to prevent the weed seeds from ripening. R.S.O. 1950, c. 421, s. 9 (1), *amended*.

Time for  
destruction  
of weeds

(2) Every order shall be in the prescribed form and shall specify the time within which the noxious weeds or weed seeds shall be destroyed, but no order shall specify a time of less than seven days from the date of service of the order.

Service  
of order

(3) Every order shall be served upon every person named in the order,

(a) where the person to be served resides on the land, by leaving a copy thereof with the person or with any person over the age of sixteen years residing on the land, or by sending it by registered mail addressed to the person at his usual place of residence; or

(b) where the person to be served does not reside on the land, by leaving a copy thereof with him or by sending it by registered mail addressed to him at his usual place of residence.

Service  
on owner

(4) Every order in which the owner of land is not named shall be served on the owner in the manner set out in subsection 3.

Appeal to  
chief  
inspector

(5) Where any person deems himself aggrieved by an order served upon him, he may, within four days after service

of the order, appeal against the order or any requirements of the order to the chief inspector giving reasons for his objection to the order.

(6) The chief inspector may confirm, modify or revoke any order of an inspector and shall send a copy of the confirmation, modification or revocation of the order to the inspector who issued the order and to every person upon whom the order was served. *New.* <sup>Disposition of appeal</sup>

**11.** No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information. *New.* <sup>Obstruction of inspectors</sup>

**12.—(1)** Where an order served under section 10 is not complied with, the inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed in the regulations. R.S.O. 1950, c. 421, s. 10, *amended.* <sup>Failure to comply with order</sup>

(2) Every inspector shall keep a record of the expenses incurred by him in the discharge of his duties under subsection 1 with respect to each parcel of land in one possession, and he shall serve a statement thereof, together with a notice requesting payment, on the person in possession of the parcel and on the owner of the parcel. R.S.O. 1950, c. 421, s. 11 (1), *amended.* <sup>Expenses of inspectors</sup>

(3) The statement and notice shall be served in the same manner as an order under section 10. R.S.O. 1950, c. 421, s. 11 (2), *amended.* <sup>Service of statement of expenses</sup>

(4) If the person on whom a statement and notice were served under subsection 2 fails to pay the amount set out in the statement within fifteen days after the request for payment, the inspector shall present the statement to the council of the municipality in which the land is located, and the council, if the statement is proper, shall order it to be paid out of the general funds of the municipality. R.S.O. 1950, c. 421, s. 11 (4), *amended.* <sup>Failure to pay</sup>

(5) The council shall cause every amount paid under subsection 4 to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality in the same manner as for taxes under section 124 of *The Assessment Act*. R.S.O. 1950, c. 421, s. 11 (5), *amended.* <sup>Collection of costs</sup> <sup>R.S.O. 1950, c. 24</sup>

**13.** Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation <sup>Destruction of weeds in subdivided areas</sup>

in the municipality, may direct any of its inspectors or the county weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding nine acres whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality, in the same manner as for taxes under section 124 of *The Assessment Act*. R.S.O. 1950, c. 421, s. 12, *amended*.

R.S.O. 1950,  
c. 24

Notice to  
destroy by  
district  
inspector

**14.**—(1) Where a district weed inspector finds noxious weeds or weed seeds on any land within the limits of any municipality in his district, he may deliver or send by registered mail to the clerk of the municipality a notice requiring such noxious weeds or weed seeds to be destroyed before a date specified in the notice.

Failure to  
comply with  
notice

(2) Where any such notice is not complied with, the district weed inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed by the regulations.

Recovery of  
expenses  
and charges

(3) The expenses incurred by a district weed inspector under subsection 2 shall be paid by the municipality concerned and are recoverable in any court of competent jurisdiction by the Minister in the name of Her Majesty as a debt due the Crown, and in any such action the certificate purporting to be signed by the Minister as to the amount of the expenses is conclusive proof thereof without proof of his authority or signature. R.S.O. 1950, c. 421, s. 14, *amended*.

Deposit of  
noxious  
weeds

**15.** No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place where the weeds or weed seeds might grow or spread. R.S.O. 1950, c. 421, s. 15, *amended*.

Cleaning  
machines

**16.** Where the moving of any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or other handling or processing of farm crops is likely to cause noxious weeds or weed seeds to grow or spread, no person shall move or cause to be moved such machine without first removing all seeds and other residue therefrom. R.S.O. 1950, c. 421, s. 16, *amended*.



17. Every person in charge of a grain elevator, grist mill, flour mill, seed-cleaning plant or other grain-cleaning or grain-grinding plant shall dispose of all refuse containing weed seeds in such manner as will prevent the weed seeds from growing or spreading. R.S.O. 1950, c. 421, s. 17.

#### SEED-CLEANING PLANTS

18.—(1) No person shall operate a plant for the cleaning of grain or seeds for seed purposes without a licence therefor from the Minister.

(2) No fee shall be payable for a licence or any renewal thereof issued for a seed-cleaning plant that is used only for cleaning the grain and seed of the owner of the plant. R.S.O. 1950, c. 421, s. 18, *amended*.

19. Every person who fails to comply with or contravenes any of the provisions of this Act or of the regulations, or of any order made under this Act, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a second or subsequent offence to a fine of not less than \$25 and not more than \$100. R.S.O. 1950, c. 421, s. 19. *amended*.

20. The Lieutenant Governor in Council may make regulations,

- (a) designating plants as noxious weeds generally or in respect of any municipality;
- (b) prescribing the manner of and procedures for destroying noxious weeds and weed seeds, and providing for the circumstances and conditions under which noxious weeds and weed seeds may be destroyed under sections 12, 13 and 14;
- (c) respecting the transportation of farm produce that is infested with noxious weeds or weed seeds;
- (d) requiring methods and procedures that shall be taken to prevent the establishment of any noxious weed in any locality;
- (e) respecting the location and size of a seed-cleaning plant and the equipment required in its operation;
- (f) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for

seed-cleaning plants and prescribing the fees payable for licences, or the renewal thereof;

- (g) providing for the reimbursement of municipalities by the Province for any part of the moneys expended under this Act;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 421, s. 20, *amended*.

**21.** *The Weed Control Act* is repealed.

R.S.O. 1950,  
c. 421,  
repealed  
Commence-  
ment

**22.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**23.** This Act may be cited as *The Weed Control Act, 1960*.

Short title



The Weed Control Act, 1960

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*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. GOODFELLOW

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**BILL 77**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**The Weed Control Act, 1960**

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MR. GOODFELLOW

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## The Weed Control Act, 1960

**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,

Inter-  
pretation

- (a) "chief inspector" means the chief inspector appointed under this Act;
- (b) "county weed inspector" means a person appointed by the council of a county to enforce this Act within the county;
- (c) "district weed inspector" means a district weed inspector appointed under this Act;
- (d) "inspector" means county weed inspector, district weed inspector, local weed inspector and municipal weed inspector;
- (e) "local weed inspector" means a person appointed by the council of a local municipality to enforce this Act within the municipality;
- (f) "Minister" means the Minister of Agriculture;
- (g) "municipal weed inspector" means a person appointed by the council of a municipality not forming part of a county for municipal purposes;
- (h) "noxious weed" means a plant that is designated under this Act as a noxious weed;
- (i) "owner" means the person shown as the owner of property on the last revised assessment roll of the municipality in which the property is located;
- (j) "regulations" means the regulations made under this Act;

(k) "weed seed" means the seed of a noxious weed.  
R.S.O. 1950, c. 421, s. 1, *amended*.

Appoint-  
ment of  
inspectors

**2.** The Lieutenant Governor in Council may appoint a chief inspector and a district weed inspector for any district designated in his appointment. *New*.

Duty to  
destroy  
noxious  
weeds

**3.—(1)** Every person in possession of land shall destroy all noxious weeds thereon as often in every year as is necessary to prevent the ripening of their seeds. R.S.O. 1950, c. 421, s. 3 (1).

Riparian  
owners

(2) Where land abuts a river, stream or lake or other natural body of water, the person in possession of the land shall destroy all noxious weeds as required under subsection 1 that are growing between the limit of his land and the low water mark of that body of water. R.S.O. 1950, c. 421, s. 3 (2), *amended*.

Road  
authorities  
deemed in  
possession  
of roads  
1957, c. 43

**4.—(1)** For the purposes of section 3, every road authority **within** the meaning of *The Highway Improvement Act, 1957* shall be deemed to be the person in possession of the land under its jurisdiction.

Recovery  
from road  
authorities

(2) Where the Minister is of the opinion that any road authority has failed to perform its duty under section 3, the Lieutenant Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund to the road authority be withheld until such time as the Minister of Highways is satisfied that the road authority has performed such duty. R.S.O. 1950, c. 421, s. 4.

Appoint-  
ment of  
inspectors  
in counties,  
cities,  
separated  
towns and  
municipali-  
ties in  
territorial  
districts

**5.—(1)** The council of every county, city and separated town and of every municipality in a territorial district shall pass by-laws appointing one or more persons as county weed inspectors, municipal weed inspectors or local weed inspectors, as the case may be, to enforce this Act in the area within its jurisdiction and fixing their remuneration or other compensation. R.S.O. 1950, c. 421, s. 5 (1), *part, amended*.

Division of  
municipality  
into areas

(2) Any such council may divide the municipality into areas and appoint one or more inspectors for each area. R.S.O. 1950, c. 421, s. 5 (2), *amended*.

Failure to  
appoint  
inspectors

(3) Where a council fails to appoint an inspector under subsection 1, the Minister may appoint the inspector for the area within the jurisdiction of the council and fix his remuneration or other compensation and shall notify the council of the municipality in writing of the appointment and the



treasurer of the municipality shall pay the remuneration or other compensation so fixed. R.S.O. 1950, c. 421, s. 5 (3), *amended*.

(4) If in the opinion of the Minister any inspector is incompetent or fails to carry out his duties, the Minister, after a hearing giving the inspector and the council that appointed him an opportunity to make representations in that regard, may annul the appointment of the inspector. R.S.O. 1950, c. 421, s. 5 (4), *amended*. Annulment of inspector's appointment by Minister

(5) If in the opinion of the Minister a council has wrongfully revoked the appointment of an inspector appointed under subsection 1, the Minister, after giving the council and the inspector an opportunity to make representations in that regard, may, in writing addressed to the council concerned, require the council to reinstate the appointment for the remainder of the year. *New*. Reinstatement

6.—(1) The council of any municipality not included in subsection 1 of section 5 may pass by-laws appointing one or more persons as local weed inspectors to enforce this Act in the area within its jurisdiction and fix the remuneration or other compensation for their services under this Act. R.S.O. 1950, c. 421, s. 5 (1), *part, amended*. Appointment of inspectors in towns, villages and townships

(2) Where persons are appointed local weed inspectors under subsection 1, they shall carry out their duties in co-operation with the county weed inspector and the county weed inspector may, when he deems it necessary, exercise all the powers of an inspector under this Act in that municipality. *New*. Co-operation with county inspector

7.—(1) The clerk of each municipality shall, before the 1st day of April in each year, state in writing to the chief inspector the name and address of every inspector for the municipality under this Act and the area for which each inspector is appointed. Clerk to report inspectors

(2) Where the council passes a by-law under this Act on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law state in writing to the chief inspector the name and address of every inspector appointed and the area for which the appointment is made. Idem

(3) Where any person appointed by by-law under subsection 1 of section 5 resigns or the council revokes his appointment, the clerk of the municipality shall within seven days of the resignation or revocation, as the case may be, state the particulars thereof in writing to the chief inspector. *New*. Idem

Inspectors in  
unorganized  
territory  
R.S.O. 1950,  
c. 372

8. Where road commissioners have been appointed under *The Statute Labour Act* in unorganized territory, they shall have the powers of an inspector, and the provisions of this Act and the regulations apply in the same manner as in the case of a municipality except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act are collectable in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. R.S.O. 1950, c. 421, s. 6, *amended*.

Powers of  
inspectors

9. For the purpose of searching for noxious weeds or weed seeds, an inspector may at any time between sunrise and sunset enter upon any land and building other than a dwelling house in the area within his jurisdiction and inspect the land, and buildings, and any implements, machinery, vehicles and crops or other plants. R.S.O. 1950, c. 421, s. 7, *amended*.

Order for  
destruction  
of weeds

10.—(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds within such period of time as is necessary to prevent the weed seeds from ripening. R.S.O. 1950, c. 421, s. 9 (1), *amended*.

Time for  
destruction  
of weeds

(2) Every order shall be in the prescribed form and shall specify the time within which the noxious weeds or weed seeds shall be destroyed, but no order shall specify a time of less than seven days from the date of service of the order.

Service  
of order

(3) Every order shall be served upon every person named in the order,

(a) where the person to be served resides on the land, by leaving a copy thereof with the person or with any person over the age of sixteen years residing on the land, or by sending it by registered mail addressed to the person at his usual place of residence; or

(b) where the person to be served does not reside on the land, by leaving a copy thereof with him or by sending it by registered mail addressed to him at his usual place of residence.

Service  
on owner

(4) Every order in which the owner of land is not named shall be served on the owner in the manner set out in subsection 3.

Appeal to  
chief  
inspector

(5) Where any person deems himself aggrieved by an order served upon him, he may, within four days after service

of the order, appeal against the order or any requirements of the order to the chief inspector giving reasons for his objection to the order.

(6) The chief inspector may confirm, modify or revoke any order of an inspector and shall send a copy of the confirmation, modification or revocation of the order to the inspector who issued the order and to every person upon whom the order was served. *New.* <sup>Disposition of appeal</sup>

**11.** No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information. *New.* <sup>Obstruction of inspectors</sup>

**12.**—(1) Where an order served under section 10 is not complied with, the inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed in the regulations. R.S.O. 1950, c. 421, s. 10, *amended.* <sup>Failure to comply with order</sup>

(2) Every inspector shall keep a record of the expenses incurred by him in the discharge of his duties under subsection 1 with respect to each parcel of land in one possession, and he shall serve a statement thereof, together with a notice requesting payment, on the person in possession of the parcel and on the owner of the parcel. R.S.O. 1950, c. 421, s. 11 (1), *amended.* <sup>Expenses of inspectors</sup>

(3) The statement and notice shall be served in the same manner as an order under section 10. R.S.O. 1950, c. 421, s. 11 (2), *amended.* <sup>Service of statement of expenses</sup>

(4) If the person on whom a statement and notice were served under subsection 2 fails to pay the amount set out in the statement within fifteen days after the request for payment, the inspector shall present the statement to the council of the municipality in which the land is located, and the council, if the statement is proper, shall order it to be paid out of the general funds of the municipality. R.S.O. 1950, c. 421, s. 11 (4), *amended.* <sup>Failure to pay</sup>

(5) The council shall cause every amount paid under subsection 4 to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality in the same manner as for taxes under section 124 of *The Assessment Act*. R.S.O. 1950, c. 421, s. 11 (5), *amended.* <sup>Collection of costs</sup> <sup>R.S.O. 1950 c. 24</sup>

**13.** Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation <sup>Destruction of weeds in subdivided areas</sup>

in the municipality, may direct any of its inspectors or the county weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding nine acres whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned and such amounts shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality, in the same manner as for taxes under section 124 of *The Assessment Act*. R.S.O. 1950, c. 421, s. 12, *amended*.

R.S.O. 1950,  
c. 24

Notice to  
destroy by  
district  
inspector

**14.**—(1) Where a district weed inspector finds noxious weeds or weed seeds on any land within the limits of any municipality in his district, he may deliver or send by registered mail to the clerk of the municipality a notice requiring such noxious weeds or weed seeds to be destroyed before a date specified in the notice.

Failure to  
comply with  
notice

(2) Where any such notice is not complied with, the district weed inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed by the regulations.

Recovery of  
expenses  
and charges

(3) The expenses incurred by a district weed inspector under subsection 2 shall be paid by the municipality concerned and are recoverable in any court of competent jurisdiction by the Minister in the name of Her Majesty as a debt due the Crown, and in any such action the certificate purporting to be signed by the Minister as to the amount of the expenses is conclusive proof thereof without proof of his authority or signature. R.S.O. 1950, c. 421, s. 14, *amended*.

Deposit of  
noxious  
weeds

**15.** No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place where the weeds or weed seeds might grow or spread. R.S.O. 1950, c. 421, s. 15, *amended*.

Cleaning  
machines

**16.** Where the moving of any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or other handling or processing of farm crops is likely to cause noxious weeds or weed seeds to grow or spread, no person shall move or cause to be moved such machine without first removing all seeds and other residue therefrom. R.S.O. 1950, c. 421, s. 16, *amended*.

**17.** Every person in charge of a grain elevator, grist mill, flour mill, seed-cleaning plant or other grain-cleaning or grain-grinding plant shall dispose of all refuse containing weed seeds in such manner as will prevent the weed seeds from growing or spreading. R.S.O. 1950, c. 421, s. 17.

#### SEED-CLEANING PLANTS

**18.**—(1) No person shall operate a plant for the cleaning of grain or seeds for seed purposes without a licence therefor from the Minister.

(2) No fee shall be payable for a licence or any renewal thereof issued for a seed-cleaning plant that is used only for cleaning the grain and seed of the owner of the plant. R.S.O. 1950, c. 421, s. 18, *amended*.

**19.** Every person who fails to comply with or contravenes any of the provisions of this Act or of the regulations, or of any order made under this Act, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a second or subsequent offence to a fine of not less than \$25 and not more than \$100. R.S.O. 1950, c. 421, s. 19. *amended*.

**20.** The Lieutenant Governor in Council may make regulations,

- (a) designating plants as noxious weeds generally or in respect of any municipality;
- (b) prescribing the manner of and procedures for destroying noxious weeds and weed seeds, and providing for the circumstances and conditions under which noxious weeds and weed seeds may be destroyed under sections 12, 13 and 14;
- (c) respecting the transportation of farm produce that is infested with noxious weeds or weed seeds;
- (d) requiring methods and procedures that shall be taken to prevent the establishment of any noxious weed in any locality;
- (e) respecting the location and size of a seed-cleaning plant and the equipment required in its operation;
- (f) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for

seed-cleaning plants and prescribing the fees payable for licences, or the renewal thereof;

- (g) providing for the reimbursement of municipalities by the Province for any part of the moneys expended under this Act;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 421, s. 20, *amended*.

R.S.O. 1950,  
c. 421,  
repealed

**21.** *The Weed Control Act* is repealed.

Commence-  
ment

**22.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**23.** This Act may be cited as *The Weed Control Act, 1960*.



---

*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 17th, 1960

---

MR. GOODFELLOW

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**BILL 78**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to provide for Disposal of Dead Animals**

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MR. GOODFELLOW

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#### EXPLANATORY NOTE

The purpose of this Act is to supervise and control the handling and disposition of the carcasses of animals not slaughtered for human consumption.

## An Act to provide for Disposal of Dead Animals

**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) "collector" means a person engaged in the business of collecting dead animals and fallen animals;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "dead animal" means any horse, goat, sheep, swine or head of cattle that has died from any cause other than slaughter;
- (d) "fallen animal" means any horse, goat, sheep, swine or head of cattle that has been disabled by disease, emaciation or other condition that is likely to cause death;
- (e) "inspector" means an inspector appointed under this Act;
- (f) "Minister" means the Minister of Agriculture;
- (g) "receiving plant" means premises to which dead animals are delivered for the purpose of obtaining the hide, skin, fats, meat or other product of the dead animals or sale or delivery of the dead animals or any parts thereof to a rendering plant;
- (h) "rendering plant" means premises at which dead animals are processed into hides, meat, bone-meal, meat meal or inedible fats;
- (i) "slaughter" means slaughter for the purpose of processing into food for human consumption.

- Application      **2.** This Act does not apply to,
- 1955, c. 36  
(Can.)            (a) establishments operating under the *Meat Inspection Act* (Canada); and
- (b) dead animals or carcasses thereof while held for post mortem examination, investigation, loss adjustment or other purpose.
- Responsibility of owner      **3.**—(1) The owner of every dead animal or carcass or part thereof shall dispose of it within forty-eight hours of the death of the animal,
- (a) by burying with a covering of at least two feet of earth; or
- (b) by the services of a person licensed under this Act and the regulations.
- Fallen animals            (2) The owner of every fallen animal shall kill it in a humane manner and dispose of it in accordance with subsection 1.
- Slaughter prohibited      **4.**—(1) No person shall slaughter animals at a receiving plant or a rendering plant.
- Collector                (2) No collector shall give, sell or deliver any dead animal to any person other than the holder of a licence under this Act.
- Processing or storing meats      (3) No person shall process or store meat or products made therefrom for human consumption at a receiving plant or rendering plant.
- Licensing                **5.** No person shall engage in the business of a collector or operator of a receiving plant or operator of a rendering plant without a licence therefor from the Commissioner.
- Conditions of licence      **6.** Every licence is subject to the conditions that the holder of the licence,
- (a) maintains in good mechanical and sanitary condition all vehicles, premises and equipment used in the collecting and handling of dead animals and the disposing of the carcasses and parts thereof;
- (b) takes all reasonable precautions to prevent spread of any disease that caused the deaths of the animals; and
- (c) complies with this Act and the regulations and any other conditions that are imposed by the regulations.

**7.**—(1) Every collector shall make and keep for at least <sup>Records</sup> twelve months a record of the dead animals he collects and the disposal thereof as prescribed in the regulations.

(2) Every operator of a receiving plant shall make and keep <sup>Idem</sup> for at least twelve months a record of the dead animals he receives and of the disposal thereof as prescribed in the regulations.

(3) Every operator of a rendering plant shall make and <sup>Idem</sup> keep for at least twelve months a record of the dead animals he receives at the plant as prescribed in the regulations.

**8.**—(1) The Minister may appoint a chief inspector and <sup>Appoint-ments</sup> one or more inspectors to carry out and enforce the provisions of this Act and the regulations.

(2) The production by an inspector of a certificate of his <sup>Certificate of appoint-ment</sup> appointment purporting to be signed by the Minister shall be admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

(3) The Commissioner or an inspector may enter any <sup>Powers</sup> premises or building for the purpose of carrying out his duties.

**9.** No person shall hinder or obstruct an inspector in the <sup>Obstruction of officers</sup> course of his duties or furnish him with false information, or refuse to furnish him with information.

**10.** Every person who fails to comply with or contravenes <sup>Penalty</sup> any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a second or subsequent offence to a fine of not more than \$500 or to imprisonment for a term of not more than thirty days.

**11.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences and prescribing the fees payable for licences or the renewal thereof;
- (b) prescribing conditions for licensing additional to those mentioned in section 6;
- (c) prescribing the duties of inspectors;

- (d) prescribing the manner in which vehicles and premises used in the collecting and handling of dead animals shall be cleaned, disinfected and maintained;
- (e) respecting the transportation of dead animals and products obtained therefrom;
- (f) respecting the facilities and equipment to be provided and maintained at receiving plants and rendering plants;
- (g) respecting advertising by any person licensed under this Act;
- (h) providing for the labelling of products obtained from dead animals or parts thereof;
- (i) providing for the disposition of dead animals or any class of them and any parts thereof;
- (j) prescribing the records to be made and kept by collectors and by operators of receiving plants and rendering plants;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**13.** This Act may be cited as *The Dead Animal Disposal Act, 1960*.



An Act to provide for  
Disposal of Dead Animals

---

*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. GOODFELLOW

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**BILL 78**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to provide for Disposal of Dead Animals**

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MR. GOODFELLOW

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## An Act to provide for Disposal of Dead Animals

**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) "collector" means a person engaged in the business of collecting dead animals and fallen animals;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "dead animal" means any horse, goat, sheep, swine or head of cattle that has died from any cause other than slaughter;
- (d) "fallen animal" means any horse, goat, sheep, swine or head of cattle that has been disabled by disease, emaciation or other condition that is likely to cause death;
- (e) "inspector" means an inspector appointed under this Act;
- (f) "Minister" means the Minister of Agriculture;
- (g) "receiving plant" means premises to which dead animals are delivered for the purpose of obtaining the hide, skin, fats, meat or other product of the dead animals or sale or delivery of the dead animals or any parts thereof to a rendering plant;
- (h) "rendering plant" means premises at which dead animals are processed into hides, meat, bone-meal, meat meal or inedible fats;
- (i) "slaughter" means slaughter for the purpose of processing into food for human consumption.

- Application      **2.** This Act does not apply to,
- 1955, c. 36  
(Can.)            (a) establishments operating under the *Meat Inspection Act* (Canada); and
- (b) dead animals or carcasses thereof while held for post mortem examination, investigation, loss adjustment or other purpose.
- Responsibility of owner      **3.**—(1) The owner of every dead animal or carcass or part thereof shall dispose of it within forty-eight hours of the death of the animal,
- (a) by burying with a covering of at least two feet of earth; or
- (b) by the services of a person licensed under this Act and the regulations.
- Fallen animals            (2) The owner of every fallen animal shall kill it in a humane manner and dispose of it in accordance with subsection 1.
- Slaughter prohibited      **4.**—(1) No person shall slaughter animals at a receiving plant or a rendering plant.
- Collector            (2) No collector shall give, sell or deliver any dead animal to any person other than the holder of a licence under this Act.
- Processing or storing meats      (3) No person shall process or store meat or products made therefrom for human consumption at a receiving plant or rendering plant.
- Licensing            **5.** No person shall engage in the business of a collector or operator of a receiving plant or operator of a rendering plant without a licence therefor from the Commissioner.
- Conditions of licence      **6.** Every licence is subject to the conditions that the holder of the licence,
- (a) maintains in good mechanical and sanitary condition all vehicles, premises and equipment used in the collecting and handling of dead animals and the disposing of the carcasses and parts thereof;
- (b) takes all reasonable precautions to prevent spread of any disease that caused the deaths of the animals; and
- (c) complies with this Act and the regulations and any other conditions that are imposed by the regulations.

**7.**—(1) Every collector shall make and keep for at least <sup>Records</sup> twelve months a record of the dead animals he collects and the disposal thereof as prescribed in the regulations.

(2) Every operator of a receiving plant shall make and keep <sup>Idem</sup> for at least twelve months a record of the dead animals he receives and of the disposal thereof as prescribed in the regulations.

(3) Every operator of a rendering plant shall make and <sup>Idem</sup> keep for at least twelve months a record of the dead animals he receives at the plant as prescribed in the regulations.

**8.**—(1) The Minister may appoint a chief inspector and <sup>Appoint-ments</sup> one or more inspectors to carry out and enforce the provisions of this Act and the regulations.

(2) The production by an inspector of a certificate of his <sup>Certificate of appoint-ment</sup> appointment purporting to be signed by the Minister shall be admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

(3) The Commissioner or an inspector may enter any <sup>Powers</sup> premises or building for the purpose of carrying out his duties.

**9.** No person shall hinder or obstruct an inspector in the <sup>Obstruction of officers</sup> course of his duties or furnish him with false information, or refuse to furnish him with information.

**10.** Every person who fails to comply with or contravenes <sup>Penalty</sup> any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a second or subsequent offence to a fine of not more than \$500 or to imprisonment for a term of not more than thirty days.

**11.** The Lieutenant Governor in Council may make regu- <sup>Regulations</sup> lations,

- (a) providing for the issue, renewal, suspension or re-  
vocation of or refusal to issue or renew licences and  
prescribing the fees payable for licences or the  
renewal thereof;
- (b) prescribing conditions for licensing additional to  
those mentioned in section 6;
- (c) prescribing the duties of inspectors;

- (d) prescribing the manner in which vehicles and premises used in the collecting and handling of dead animals shall be cleaned, disinfected and maintained;
- (e) respecting the transportation of dead animals and products obtained therefrom;
- (f) respecting the facilities and equipment to be provided and maintained at receiving plants and rendering plants;
- (g) respecting advertising by any person licensed under this Act;
- (h) providing for the labelling of products obtained from dead animals or parts thereof;
- (i) providing for the disposition of dead animals or any class of them and any parts thereof;
- (j) prescribing the records to be made and kept by collectors and by operators of receiving plants and rendering plants;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**13.** This Act may be cited as *The Dead Animal Disposal Act, 1960*.



An Act to provide for  
Disposal of Dead Animals

---

*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 17th, 1960

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MR. GOODFELLOW

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**BILL 79**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Farm Products Grades and Sales Act**

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MR. GOODFELLOW

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The definition of farm products is extended for the purpose of bringing under *The Farm Products Grades and Sales Act* the grading and inspection now done under *The Farm Products Marketing Act*, *The Live Stock and Live Stock Products Act* and *The Milk Industry Act, 1957*.

Subsection 2. The definitions added are for the purpose of clarification.

SECTION 2. This subsection is re-enacted for clarification and to complement the new definition of farm products in section 1 of this Bill.

BILL 79

1960

**An Act to amend  
The Farm Products Grades and 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.**—(1) Clause *a* of section 1 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 130, s. 1, cl. a, re-enacted

- (a) “farm product” means such animals, animal products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, vegetables, vegetable products, wood or any class thereof and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations.

(2) The said section 1 is amended by adding thereto the following clauses: R.S.O. 1950, c. 130, s. 1, amended

- (bb) “grader” means a grader appointed under this Act;
- . . . . .

- (f) “regulations” means the regulations made under this Act.

**2.** Subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as amended by section 1 of *The Farm Products Grades and Sales Amendment Act, 1959*, is repealed and the following substituted therefor: R.S.O. 1950, c. 130, s. 2, subs. 1, re-enacted

- (1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) designating any farm product or a class thereof or an article of food or drink manufactured or derived in whole or in part from a farm product as a farm product;

- (b) establishing grades for any farm product;
- (c) providing for the inspecting, grading, packing and marking of farm products;
- (d) respecting the buying, selling, advertising, handling, shipping and transporting of farm products;
- (e) respecting packages for farm products;
- (f) prescribing the manner in which sellers, transporters and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment;
- (g) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of accounts of purchase of such farm products and for the investigation of such statements and the transactions represented thereby;
- (h) prescribing the fees payable upon the inspection and grading of any farm product;
- (i) prescribing the powers and duties of inspectors and graders;
- (j) providing for the issuing of inspection and grading certificates by inspectors and graders;
- (k) providing for the exemption from this Act or the regulations, or any part thereof, of any person or group of persons;
- (l) respecting the cleanliness and sanitation of premises in which a farm product is stored, processed, graded, packed, sold or offered for sale;
- (m) providing for the issuing of licences for engaging in the marketing or storing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
- (n) prohibiting persons from engaging in the marketing or storing of farm products and from operating markets for farm products



**SECTION 3—Subsection 1.** This amendment is for the purpose of clarification.

**Subsection 2.** The subsection is re-enacted to give graders the same authority as inspectors in the performance of their duties.

**SECTION 4.** The section is re-enacted to make the certificate of a grader admissible as evidence in the same way as the certificate of an inspector.

except under the authority of a licence under this Act;

- (o) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor;
- (p) prescribing forms and providing for their use;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**3.**—(1) Clause *a* of subsection 1 of section 4 of *The Farm Products Grades and Sales Act* is amended by striking out "or carriage" in the second line and inserting in lieu thereof "grading, packing, selling or offering for sale, shipping or transporting", so that the clause shall read as follows:

R.S.O. 1950,  
c. 130, s. 4,  
subs. 1, cl. a,  
amended

- (a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage, processing, grading, packing, selling or offering for sale, shipping or transporting of any farm product and inspect any farm product found therein.

(2) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 130, s. 4,  
subs. 3,  
re-enacted

- (3) No person shall hinder or obstruct an inspector or a grader in the course of his duties or furnish an inspector or grader with false information or refuse to permit any farm product to be inspected or refuse to furnish an inspector or grader with information.

Obstruction  
of inspector  
or grader

**4.** Section 7 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 130, s. 7,  
re-enacted

- 7. The production by an inspector or a grader of a certificate of his appointment purporting to be signed by the Minister is *prima facie* proof of the facts stated in the certificate and conclusive proof of the authority of the inspector or grader to inspect or grade any farm product.

Certificate  
of inspector  
or grader

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

Commence-  
ment

**6.** This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1960*.

Short title

An Act to amend  
The Farm Products Grades and Sales Act

---

*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. GOODFELLOW

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**BILL 79**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Farm Products Grades and Sales Act**

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MR. GOODFELLOW

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



BILL 79

1960

## An Act to amend The Farm Products Grades and 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.**—(1) Clause *a* of section 1 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor: R.S.O. 1950,  
c. 130, s. 1,  
cl. a,  
re-enacted

- (a) “farm product” means such animals, animal products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, vegetables, vegetable products, wood or any class thereof and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations.

(2) The said section 1 is amended by adding thereto the following clauses: R.S.O. 1950,  
c. 130, s. 1,  
amended

- (bb) “grader” means a grader appointed under this Act;

. . . . .

- (f) “regulations” means the regulations made under this Act.

**2.** Subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as amended by section 1 of *The Farm Products Grades and Sales Amendment Act, 1959*, is repealed and the following substituted therefor: R.S.O. 1950,  
c. 130, s. 2,  
subs. 1,  
re-enacted

- (1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) designating any farm product or a class thereof or an article of food or drink manufactured or derived in whole or in part from a farm product as a farm product;

- (b) establishing grades for any farm product;
- (c) providing for the inspecting, grading, packing and marking of farm products;
- (d) respecting the buying, selling, advertising, handling, shipping and transporting of farm products;
- (e) respecting packages for farm products;
- (f) prescribing the manner in which sellers, transporters and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment;
- (g) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of accounts of purchase of such farm products and for the investigation of such statements and the transactions represented thereby;
- (h) prescribing the fees payable upon the inspection and grading of any farm product;
- (i) prescribing the powers and duties of inspectors and graders;
- (j) providing for the issuing of inspection and grading certificates by inspectors and graders;
- (k) providing for the exemption from this Act or the regulations, or any part thereof, of any person or group of persons;
- (l) respecting the cleanliness and sanitation of premises in which a farm product is stored, processed, graded, packed, sold or offered for sale;
- (m) providing for the issuing of licences for engaging in the marketing or storing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
- (n) prohibiting persons from engaging in the marketing or storing of farm products and from operating markets for farm products

except under the authority of a licence under this Act;

- (o) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor;
- (p) prescribing forms and providing for their use;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**3.**—(1) Clause *a* of subsection 1 of section 4 of *The Farm Products Grades and Sales Act* is amended by striking out "or carriage" in the second line and inserting in lieu thereof "grading, packing, selling or offering for sale, shipping or transporting", so that the clause shall read as follows:

R.S.O. 1950,  
c. 130, s. 4,  
subs. 1, cl. *a*  
amended

- (a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage, processing, grading, packing, selling or offering for sale, shipping or transporting of any farm product and inspect any farm product found therein.

(2) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 130, s. 4,  
subs. 3,  
re-enacted

- (3) No person shall hinder or obstruct an inspector or a grader in the course of his duties or furnish an inspector or grader with false information or refuse to permit any farm product to be inspected or refuse to furnish an inspector or grader with information.

Obstruction  
of inspector  
or grader

**4.** Section 7 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor:

R.S.O. 1950  
c. 130, s. 7,  
re-enacted

- 7. The production by an inspector or a grader of a certificate of his appointment purporting to be signed by the Minister is *prima facie* proof of the facts stated in the certificate and conclusive proof of the authority of the inspector or grader to inspect or grade any farm product.

Certificate  
of inspector  
or grader

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

Commence-  
ment

**6.** This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1960*.

Short title





An Act to amend  
The Farm Products Grades and Sales Act

---

*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 17th, 1960

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MR. GODFELLOW

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**BILL 80**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The County Judges Act**

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MR. ROBERTS

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#### EXPLANATORY NOTE

From the judges' fees under *The Surrogate Courts Act* (which are paid into the Consolidated Revenue Fund) surrogate judges are paid an allowance in relation to the amount of work done.

The purpose of this Bill is to increase the amount of this allowance to 40 per cent of the judge's surrogate fees up to \$2,000 a year.

BILL 80

1960

## 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 2 of section 10 of *The County Judges Act*, R.S.O. 1950, c. 76, s. 10, 1 as re-enacted by section 3 of *The County Judges Amendment* subs. 2 *Act, 1957*, is repealed and the following substituted therefor: (1957, c. 19, s. 3), re-enacted
  - (2) In addition to the allowance provided in subsection 1, Additional allowance there shall be paid to the judge of a county or district to court of a county or district in which there is only surrogate judge one judge and he is the judge of the surrogate court an allowance of 40 per cent of the judge's fees under *The Surrogate Courts Act*, but in no case shall such allowance exceed \$2,000 in any year.
2. This Act comes into force on a day to be named by the Commence-ment Lieutenant Governor by his proclamation.
3. This Act may be cited as *The County Judges Amendment* Short title *Act, 1960*.

An Act to amend  
The County Judges Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 80**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The County Judges Act**

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MR. ROBERTS

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BILL 80

1960

## 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 2 of section 10 of *The County Judges Act*, R.S.O. 1950, c. 76, s. 10, as re-enacted by section 3 of *The County Judges Amendment Act, 1957*, is repealed and the following substituted therefor: subs. 2 (1957, c. 19, s. 3), re-enacted
  - (2) In addition to the allowance provided in subsection 1, Additional allowance there shall be paid to the judge of a county or district court of a county or district in which there is only to surrogate judge one judge and he is the judge of the surrogate court an allowance of 40 per cent of the judge's fees under *The Surrogate Courts Act*, but in no case shall such allowance exceed \$2,000 in any year.
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
3. This Act may be cited as *The County Judges Amendment Act, 1960*. Short title

An Act to amend  
The County Judges Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 22nd, 1960

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Mr. ROBERTS

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**BILL 81**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Regulations Act**

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MR. ROBERTS

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EXPLANATORY NOTE

The new subclause removes existing doubt as to whether regulations or by-laws made under the Acts listed are required to be filed under *The Regulations Act*.

BILL 81

1960

## 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.** Clause *e* of section 1 of *The Regulations Act*, as amended by subsection 1 of section 1 of *The Regulations Amendment Act, 1959*, is further amended by adding thereto the following subclause:

- (ia) a regulation made under *The Broker-Dealers Act*, 1947, c. 8; *The Teaching Profession Act*, section 54 of R.S.O. 1950, cc. 385, 46, 62; *The Cemeteries Act* or by an authority under *The Conservation Authorities Act*, 1957, c. 98; or a by-law of a hospital made under *The Public Hospitals Act, 1957*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*, R.S.O. 1950, c. 8

**2.** No regulation or by-law made before this Act comes into force and referred to in subclause *ia* of clause *e* of section 1 of *The Regulations Act*, as enacted by section 1 of this Act, shall be deemed to be invalid or of no effect for the reason that the regulation or by-law was not filed or published as required by *The Regulations Act*. Existing regulations and by-laws valid

**3.** This Act may be cited as *The Regulations Amendment Act, 1960*. Short title

An Act to amend  
The Regulations Act

---

*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 81**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Regulations Act**

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MR. ROBERTS

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

EXPLANATORY NOTE

The new subclause removes existing doubt as to whether regulations or by-laws made under the Acts listed are required to be filed under *The Regulations Act*.

BILL 81

1960

## 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. Clause *e* of section 1 of *The Regulations Act*, as amended by subsection 1 of section 1 of *The Regulations Amendment Act, 1959*, is further amended by adding thereto the following subclause:

(*ia*) a regulation made under *The Broker-Dealers Act, 1947*, c. 8; *1947, The Teaching Profession Act*, section 54 of *1950, The Cemeteries Act* or by an authority under *The Conservation Authorities Act*, or a by-law of a hospital made under *The Public Hospitals Act, 1957*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*.

2. No regulation or by-law made before this Act comes into force and referred to in subclause *ia* of clause *e* of section 1 of *The Regulations Act*, as enacted by section 1 of this Act, shall be deemed to be invalid or of no effect for the reason that the regulation or by-law was not filed or published as required by *The Regulations Act*.

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

4. This Act may be cited as *The Regulations Amendment Act, 1960*.

An Act to amend  
The Regulations Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

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MR. ROBERTS

(Reprinted as amended by the  
Committee on Legal Bills)



**BILL 81**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Regulations Act**

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MR. ROBERTS

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*(Reprinted a second time as further amended by the Committee on Legal Bills)*

EXPLANATORY NOTE

The new subclauses remove existing doubt as to whether regulations or by-laws made under the Acts listed are required to be filed under *The Regulations Act*.



BILL 81

1960

## An Act to amend The Regulations Act

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

1.—(1) Clause *e* of section 1 of *The Regulations Act*, as amended by subsection 1 of section 1 of *The Regulations Amendment Act, 1959*, is further amended by adding thereto the following subclause:

(ia) a regulation made under *The Broker-Dealers Act, 1947*, *The Teaching Profession Act*, section 54 of *The Cemeteries Act* or by an authority under *The Conservation Authorities Act*, or a by-law of a hospital made under *The Public Hospitals Act, 1957*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*.

(2) Subclause iii of clause *e* of the said section 1, as re-enacted by subsection 1 of section 1 of *The Regulations Amendment Act, 1959*, is repealed and the following substituted therefor:

(iii) an order, direction or designation of the Lieutenant Governor in Council under section 5, 28, 39, 39a, 39b, 40 or 63 of *The Highway Improvement Act, 1957* or a designation by the Minister of Highways under section 39c or 84 of that Act, or

2. No regulation or by-law made before this Act comes into force and referred to in subclause *ia* of clause *e* of section 1 of *The Regulations Act*, as enacted by section 1 of this Act, shall be deemed to be invalid or of no effect for the reason that the regulation or by-law was not filed or published as required by *The Regulations Act*.

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

4. This Act may be cited as *The Regulations Amendment Act, 1960*.

An Act to amend  
The Regulations Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

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MR. ROBERTS

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*(Reprinted a second time as further amended  
by the Committee on Legal Bills)*

**BILL 81**

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**1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960**

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**An Act to amend The Regulations Act**

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**MR. ROBERTS**

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



BILL 81

1960

## 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.—(1) Clause *e* of section 1 of *The Regulations Act*, as amended by subsection 1 of section 1 of *The Regulations Amendment Act, 1959*, is further amended by adding thereto the following subclause:

- (ia) a regulation made under *The Broker-Dealers Act, 1947*, c. 8; *The Teaching Profession Act*, section 54 of cc. 385, *The Cemeteries Act* or by an authority under *The Conservation Authorities Act*, or a by-law of a hospital made under *The Public Hospitals Act, 1957*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*.

(2) Subclause iii of clause *e* of the said section 1, as enacted by subsection 1 of section 1 of *The Regulations Amendment Act, 1959*, is repealed and the following substituted therefor:

- (iii) an order, direction or designation of the Lieutenant Governor in Council under section 5, 28, 39, 39a, 39b, 40 or 63 of *The Highway Improvement Act, 1957* or a designation by the Minister of Highways under section 39c or 84 of that Act, or

2. No regulation or by-law made before this Act comes into force and referred to in subclause ia of clause *e* of section 1 of *The Regulations Act*, as enacted by section 1 of this Act, shall be deemed to be invalid or of no effect for the reason that the regulation or by-law was not filed or published as required by *The Regulations Act*.

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

4. This Act may be cited as *The Regulations Amendment Act, 1960*.

An Act to amend  
The Regulations Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 29th, 1960

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MR. ROBERTS

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**BILL 82**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Mechanics' Lien Act**

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MR. ROBERTS

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

#### EXPLANATORY NOTES

**SECTION 1.** The effect of this amendment is to restrict jurisdiction in the matters mentioned to a judge, in line with the new jurisdictional set-up.

**SECTION 2—Subsection 1.** The word substituted is more appropriate to express the intent.

## An Act to amend The Mechanics' Lien 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 14 of *The Mechanics' Lien Act* R.S.O. 1950, is amended by striking out "or officer" in the sixth line, so <sup>c. 227, s. 14,</sup> <sub>subs. 2,</sub> amended that the subsection shall read as follows:

- (2) Every wage-earner shall be entitled to enforce a <sup>Enforcing</sup> lien in respect of any contract or subcontract not <sup>lien in</sup> completely fulfilled and, notwithstanding anything <sup>such cases</sup> to the contrary in this Act, may serve a notice of motion on the proper parties returnable in four days after service thereof before the judge having jurisdiction under this Act, that the applicant will on the return of the motion ask for judgment on his claim for lien, registered particulars of which shall accompany the notice of motion duly verified by affidavit.

2.—(1) Subsection 1 of section 15 of *The Mechanics' Lien Act*, as re-enacted by section 5 of *The Mechanics' Lien Amendment Act, 1952*, is amended by striking out "placed" in the fifth line and inserting in lieu thereof "incorporated", so that <sup>R.S.O. 1950,</sup> <sup>c. 227, s. 15</sup> <sup>(1952, c. 54,</sup> <sup>s. 5), subs. 1,</sup> <sub>amended</sub> the subsection shall read as follows:

- (1) Material actually delivered to be used for any of the <sup>Lien for</sup> purposes mentioned in section 5 shall be subject to <sup>material</sup> a lien for any of the purchase price thereof which is unpaid in favour of the person who furnished it until it is incorporated in the building, erection or work, and it shall not during the continuance of such lien be subject to execution or other process to enforce any debt other than for the purchase price thereof due to the person furnishing the same.

R.S.O. 1950,  
c. 227, s. 15  
(1952, c. 54,  
s. 5), subs. 2,  
re-enacted

(2) Subsection 2 of the said section 15 is repealed and the following substituted therefor:

Removal of  
material

(2) During the continuance of a lien, no part of the material affected thereby shall be removed except with the leave of the judge or officer having jurisdiction.

R.S.O. 1950,  
c. 227, s. 22,  
subs. 2,  
amended

3. Subsection 2 of section 22 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the fourth line and by inserting after "action" in the fifth line "or, in the County of York, the master", so that the subsection shall read as follows:

Vacating  
orders

(2) Where a certificate of action has been registered for two years or more in the registry office and no appointment has been taken out for the trial of the action, any interested party may apply *ex parte* to a judge who has jurisdiction to try the action or, in the County of York, the master, who may make an order vacating the certificate of action and discharging all liens depending thereon.

R.S.O. 1950,  
c. 227, s. 25,  
subs. 4  
(1958, c. 57,  
s. 5, subs. 2),  
amended

4. Subsection 4 of section 25 of *The Mechanics' Lien Act*, as re-enacted by subsection 2 of section 5 of *The Mechanics' Lien Amendment Act, 1958*, is amended by striking out "or officer" in the first line and by striking out "to realize a lien" in the second line and inserting in lieu thereof "or, in the County of York, the master", so that the subsection, exclusive of the clauses, shall read as follows:

Security  
for  
payment  
into court;  
vacating  
order

(4) Upon application, the judge having jurisdiction to try an action or, in the County of York, the master may,

R.S.O. 1950,  
c. 227, s. 28,  
subs. 3,  
amended

5. Subsection 3 of section 28 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the first line and by striking out "to realize a lien" in the second line and inserting in lieu thereof "or, in the County of York, the master", so that the subsection shall read as follows:

Production  
of contract,  
etc.

(3) The judge having jurisdiction to try an action or, in the County of York, the master may, on a summary application at any time before or after any action is commenced for the enforcement of the lien, make an order requiring the owner or his agent or the mortgagee or his agent or unpaid vendor or his agent, as the case may be, to produce and allow any

Subsection 2. Under the present provision the person furnishing the material may remove it. As re-enacted, no person may remove the material without leave.

SECTIONS 3, 4, 5, 6. These amendments bring the respective provisions into line with the new jurisdictional set-up.

SECTION 7. This section is entirely recast to provide a new jurisdictional set-up consistent with the constitutional position established by the recent Display Service case in the Supreme Court of Canada and having regard to the practical considerations that apply in particular in York county.

lienholder to inspect any such contract or agreement or mortgage or agreement for sale upon such terms as to costs as he may deem just.

6.—(1) Subsection 2 of section 29 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the second line and by inserting after "action" in the third line "or, in the County of York, the master", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 29,  
subs. 2,  
amended

(2) The statement of claim shall be served within one month after it is filed, but a judge having jurisdiction to try the action or, in the County of York, the master may extend the time for service thereof, and the time for delivering the statement of defence shall be the same as for entering an appearance in an action in the Supreme Court.

Service of  
statement  
of claim;  
delivery of  
statement  
of defence

(2) Subsection 4 of the said section 29 is amended by striking out "or officer" in the third line and by inserting after "jurisdiction" in the third line "to try the action or, in the County of York, a judge of the Supreme Court", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 29,  
subs. 4,  
amended

(4) After the commencement of any action under this Act, any lienholder or other person interested may move before the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court to speed the trial of the action.

Motion to  
speed trial

7. Section 31 of *The Mechanics' Lien Act*, as amended by section 2 of *The Mechanics' Lien Amendment Act, 1953*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 227, s. 31,  
is re-enacted

31.—(1) The action shall be tried in the county or district in which the land or part thereof is situate.

Place of  
trial

(2) Except in the County of York, the action shall be tried by a local judge of the Supreme Court, but, upon the application of any party or other interested person made according to the practice of the Supreme Court and upon notice, the court may direct that the action be tried by 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.

Tribunal

(3) In the County of York, the action shall be tried by a judge of the Supreme Court, but,

Idem,  
York  
County

(a) on motion after defence or defence to counterclaim, if any, has been delivered or the time

for such delivery has expired, a judge of the Supreme Court may refer (Form 8) the whole action to the master for trial pursuant to section 68 of *The Judicature Act*; or

(b) at the trial, a judge of the Supreme Court may direct a reference to the master pursuant to section 67 or 68 of *The Judicature Act*.

Application  
to set aside  
judgment  
directing a  
reference

(4) Where on motion the whole action is referred to the master for trial, any person brought into the proceedings subsequent thereto and served with a notice of trial may apply to a judge of the Supreme Court to set aside the judgment directing the reference within seven days after service of notice of trial and, if such person fails to make such application, he is bound by such judgment as if he were originally a party thereto.

Amendment  
of  
pleadings  
on reference

(5) Where the action is referred to the master for trial, he may grant leave to amend any pleading.

R.S.O. 1950,  
c. 227, s. 32,  
subs. 1,  
re-enacted

**8.**—(1) Subsection 1 of section 32 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Powers of  
local  
judges  
S.C.O., etc.

(1) The local judges of the Supreme Court and the master to whom a reference for trial has been directed, in addition to their ordinary powers, shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein and all questions of set-off and counterclaim arising under the building contract or out of the work or service done or materials furnished to the property in question.

R.S.O. 1950,  
c. 227, s. 32,  
subs. 3,  
amended

(2) Subsection 3 of the said section 32 is amended by striking out "or other officer" in the second line, by inserting after "action" in the second line "or, in the County of York, a judge of the Supreme Court" and by striking out "or other officer" in the seventh line, so that the subsection shall read as follows:

Appointment  
of receiver  
of rents  
and  
profits

(3) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court may, on the application of any lien claimant, mortgagee or other party interested, appoint a receiver of the rents and profits of the property against which the claim of lien is registered, upon such terms and upon the giving of such security or without security as to the judge may seem just.



SECTION 8—Subsection 1. The subsection is re-enacted in order to bring it into line with the new jurisdictional set-up and also to delete a number of obsolete powers.

Subsections 2 to 6. The subsections are amended in order to bring them into line with the new jurisdictional set-up.



(3) Subsection 4 of the said section 32, as re-enacted by R.S.O. 1950, c. 227, s. 32, subs. 4 subsection 1 of section 8 of *The Mechanics' Lien Amendment Act, 1952*, is amended by striking out "or officer" in the third and fourth lines, by inserting after "action" in the fourth line "or, in the County of York, to a judge of the Supreme Court" and by striking out "or officer" in the eighth line, so that the subsection shall read as follows: (1952, c. 54, s. 8, subs. 1), amended

(4) At any time after the delivery of the statement of claim, any lien claimant, mortgagee or other party interested may make an application to a judge having jurisdiction to try the action or, in the County of York, to a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and who shall have power to appoint, upon such terms and upon the giving of such security or without security as the judge deems best, a trustee or trustees with power to manage and sell or manage or sell the property upon which the lien is filed, and such management and sale or management or sale shall be under the supervision and direction of the court, and such sale shall require the approbation of the court, and with power, when so directed by the court, to complete or partially complete the property and, in the event that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys shall take priority over all liens existing as of the date of the appointment. Appointment of trustee, sale of property

(4) Subsection 6 of the said section 32 is amended by striking out "other" and "having jurisdiction" in the third line, so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 32, subs. 6, amended

(6) Any property directed to be sold under this section may be offered for sale subject to any mortgage or other charge or encumbrance if the judge or officer so directs, but only in cases where there is no dispute whatever as to the priority of any such mortgage. Property offered for sale

(5) Subsection 8 of the said section 32, as amended by subsection 3 of section 8 of *The Mechanics' Lien Amendment Act, 1952*, is further amended by striking out "having jurisdiction as aforesaid, as the case may be" in the second line, so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 32, subs. 8, amended

(8) The judge or officer shall make all necessary orders for the completion of the sale for the vesting of the property in the purchaser and for possession. Order for completion of sale

R.S.O. 1950,  
c. 227, s. 33,  
amended

**9.** Section 33 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the second line and by inserting after "actions" in the third line "or, in the County of York, the master", so that the section shall read as follows:

Consolida-  
tion of  
actions

33. Where more actions than one are brought to realize liens in respect of the same land, a judge having jurisdiction to try such actions or, in the County of York, the master may, on the application of any party to any one of the actions, or on the application of any other person interested, consolidate all such actions into one action, and may give the conduct of the consolidated action to any plaintiff as he may see fit.

R.S.O. 1950,  
c. 227, s. 35,  
subs. 4,  
re-enacted

**10.—(1)** Subsection 4 of section 35 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Trial

(4) The judge or, where a reference for trial is directed, the master,

(a) shall try the action and all questions that arise therein or that are necessary to be tried in order to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom notice of trial has been served;

(b) shall take all accounts, make all inquiries, give all directions and do all other things necessary to finally dispose of the action and of all matters, questions and accounts arising therein or at the trial, and to adjust the rights and liabilities of and give all necessary relief to all parties to the action and all persons who have been served with the notice of trial; and

(c) shall embody the results,

(i) in the case of a judge, in a judgment (Form 7), and

(ii) in the case of the master, in a report (Form 9),

which judgment or report may direct payment forthwith by the person or persons primarily liable to pay the amount of the claims and costs as ascertained by the judgment or report

SECTIONS 9, 10, 11. The amendments bring the sections into line with the new jurisdictional set-up.



and execution may be issued therefor forthwith in the case of a judgment and, after confirmation thereof, in the case of a report.

(2) Subsection 5 of the said section 35 is amended by inserting after "judgment" in the first and fourth lines respectively "or report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 5, amended

(5) The form of the judgment or report may be varied by the judge or officer in order to meet the circumstances of the case so as to afford to any party to the proceedings any right or remedy in the judgment or report to which he may be entitled. Variation of judgment or report

(3) Subsection 6 of the said section 35 is amended by inserting after "judgment" in the third line "or confirmation of the report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 6, amended

(6) The judge or officer may order that the estate or interest charged with the lien may be sold and may direct the sale to take place at any time after judgment or confirmation of the report, allowing, however, a reasonable time for advertising the sale. Sale

(4) Subsection 7 of the said section 35 is amended by inserting after "action" in the third line "or reference" and by inserting after "judgment" in the seventh line "or report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 7, amended

(7) A lienholder who has not proved his claim at the trial, on application to the judge or officer before whom the action or reference was tried, may be let in to prove his claim on such terms as to costs and otherwise as may be deemed just at any time before the amount realized in the action for the satisfaction of liens has been distributed, and where his claim is allowed the judgment or report shall be amended so as to include his claim. Letting in lienholders who have not proved claims at trial

(5) Subsection 9 of the said section 35 is amended by striking out "actions" in the second line and inserting in lieu thereof "the action", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 9, amended

(9) An action may be tried by any officer having jurisdiction to try the action, notwithstanding that the time and place for the trial thereof were appointed and fixed by another officer having jurisdiction. Trial of action

R.S.O. 1950,  
c. 227, s. 38,  
subs. 1,  
amended

**11.** Subsection 1 of section 38 of *The Mechanics' Lien Act* is amended by inserting after "judgment" in the third line "or report", so that the subsection shall read as follows:

Payment  
out of  
court

- (1) Where money has been paid into court and the time for the payment out has arrived, the judge or officer shall forward a certified copy of his judgment or report and of the report on sale, if any, to the accountant of the Supreme Court, whereupon the cheques shall be delivered by the accountant to the persons entitled, or their solicitors, in accordance with the usual practice of the accountant's office.

R.S.O. 1950,  
c. 227,  
amended

**12.** The heading preceding section 40 of *The Mechanics' Lien Act* is amended by striking out "NEW TRIAL AND".

R.S.O. 1950,  
c. 227, s. 40,  
subs. 2,  
re-enacted

**13.** Subsection 2 of section 40 of *The Mechanics' Lien Act*, as amended by subsection 2 of section 9 of *The Mechanics' Lien Amendment Act, 1958*, is repealed and the following substituted therefor:

Appeal from  
reference

- (2) Where a question is referred to the master for inquiry and report under subsection 3 of section 31, an appeal lies in the manner prescribed by the rules of court.

Confirma-  
tion of  
master's  
report

- (3) Where an action is referred to the master for trial under subsection 3 of section 31, the report shall be filed and shall be deemed to be confirmed at the expiration of fifteen days from the date of service of notice of filing the same, unless notice of appeal is served within that time.

Appeal  
from  
judgment  
or report

- (4) An appeal from a judgment or report made on a reference for trial lies in like manner and to the same extent as from the decision of a judge trying an action in the Supreme Court without a jury.

Costs of  
appeal

- (5) The costs of the appeal shall not be governed by section 42 or 43, but, subject to any order of the court, shall be upon the scale of costs allowed in county court appeals where the amount involved is within the proper competence of the county court, and, where it exceeds that amount, upon the Supreme Court scale.



SECTION 12. The words deleted are obsolete as there is now no provision for a new trial.

SECTION 13. These amendments bring the appeal provisions of the Act into line with the new jurisdictional set-up.

Also, with respect to the costs of an appeal, the present line of demarcation between Supreme Court scale and county court scale is \$500. This is changed so that if the amount is within the competence of the county court, the county court scale applies.



14. *The Mechanics' Lien Act* is amended by adding thereto the following forms: R.S.O. 1950,  
c. 227,  
amended

## FORM 8

(Section 31 (3) )

## JUDGMENT DIRECTING A REFERENCE FOR TRIAL

1. Upon the application of the plaintiff made pursuant to the provisions of subsection 3 of section 31 of *The Mechanics' Lien Act*, in the presence of counsel for the plaintiff, and the defendants, and upon reading the pleadings in this action and upon hearing what was alleged by counsel aforesaid, and (the parties by their counsel consenting thereto, or as the case may be).

2. THIS COURT DOTH ORDER AND ADJUDGE that this action be and the same is referred to the Master at Toronto for trial.

3. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the parties do recover the respective amounts found due by the said Master from the parties found liable by the said Master forthwith after confirmation of the report of the said Master.

4. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the said Master do determine all questions arising in this action and on the said reference, and that the findings of the said Master respecting the matters so referred be effective upon the confirmation of the Master's report.

5. AND THIS COURT DOTH FURTHER ORDER that the said Master do determine the question of costs in this action and of the said reference, and that the said costs be taxed and paid as the said Master shall direct.

## FORM 9

(Section 35(4) )

## REPORT

(Style of Cause)

Pursuant to the judgment of reference herein dated ..... and it appearing that the following persons have been duly served with notice of trial herein (*set out names of all persons served with notice of trial*) I was attended by counsel for the plaintiff and for ..... no one appearing for ..... although duly notified as aforesaid (*or as the case may be*) and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for C.D. and E.F. and the defendant (*or and by A.B. appearing in person*).

1. I find that the plaintiff and the several persons mentioned in the first Schedule hereto are respectively entitled to a lien under *The Mechanics' Lien Act* upon the land described in the second Schedule hereto for the amounts set opposite their respective names in the second, third and fourth columns of the said first Schedule, and the persons primarily liable for the said claims respectively are set forth in the fifth column of the said Schedule.

2. (And I find that the several persons mentioned in Schedule 3 hereto are also entitled to some lien, charge or encumbrance upon the said land for the amounts set opposite their respective names in the fourth column of the said Schedule 3, *according to the facts.*)

3. And I direct that upon the defendant (A.B., the owner) paying into Court to the credit of this action the sum of \$..... (*gross amount of liens in Schedules 1 and 3 for which owner is liable*) on or before the ..... day of ..... next, that the said liens

in the said first Schedule mentioned be and the same are hereby discharged, (and the several persons in the said third Schedule are to release and discharge their said claims and assign and convey the said premises to the defendant (*owner*) and deliver up all documents on oath to the said defendant (*owner*) or to whom he may appoint) and the said money so paid into Court is to be paid out in payment of the claims of the said lienholders (*or and encumbrancers*).

4. In case the said defendant (*owner*) shall make default in payment of the said money into Court, I direct that the said land be sold with the approbation of the Master of this Court at ..... and that the purchase money be paid into Court to the credit of this action.

5. And I direct that the said purchase money be applied in or towards payment of the several claims in the said first (*and third*) Schedule(s) mentioned as the said Master shall direct, with subsequent interest and subsequent costs to be computed and taxed by the said Master.

6. And I direct that in case the said purchase money shall be insufficient to pay in full the claims of the several persons mentioned in the said first Schedule, the persons primarily liable for such claim as shown in the first Schedule do pay to the persons to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same shall have been ascertained by the said Master.

7. (And I find and declare that ..... have not proved any lien under *The Mechanics' Lien Act* and that they are not entitled to any such lien, and I direct that the claims of liens registered by them against the land mentioned in the second Schedule be and the same are hereby discharged, *according to the fact.*)

Commence-  
ment

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

Short title

**16.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1960*.







An Act to amend  
The Mechanics' Lien Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 82**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Mechanics' Lien Act**

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MR. ROBERTS

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



BILL 82

1960

## An Act to amend The Mechanics' Lien 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 14 of *The Mechanics' Lien Act* R.S.O. 1950, is amended by striking out "or officer" in the sixth line, so <sup>c. 227, s. 14,</sup> that the subsection shall read as follows: <sub>subs. 2,</sub> <sup>amended</sup>

- (2) Every wage-earner shall be entitled to enforce a <sup>Enforcing</sup> lien in respect of any contract or subcontract not <sup>lien in</sup> completely fulfilled and, notwithstanding anything <sup>such cases</sup> to the contrary in this Act, may serve a notice of motion on the proper parties returnable in four days after service thereof before the judge having jurisdiction under this Act, that the applicant will on the return of the motion ask for judgment on his claim for lien, registered particulars of which shall accompany the notice of motion duly verified by affidavit.

2.—(1) Subsection 1 of section 15 of *The Mechanics' Lien Act* R.S.O. 1950, as re-enacted by section 5 of *The Mechanics' Lien Amendment Act, 1952*, is amended by striking out "placed" in the <sup>c. 227, s. 15,</sup> fifth line and inserting in lieu thereof "incorporated", so that <sup>(1952, c. 54,</sup> the subsection shall read as follows: <sup>s. 5), subs. 1</sup> <sup>amended</sup>

- (1) Material actually delivered to be used for any of the <sup>Lien for</sup> purposes mentioned in section 5 shall be subject to <sup>material</sup> a lien for any of the purchase price thereof which is unpaid in favour of the person who furnished it until it is incorporated in the building, erection or work, and it shall not during the continuance of such lien be subject to execution or other process to enforce any debt other than for the purchase price thereof due to the person furnishing the same.

R.S.O. 1950, c. 227, s. 15 (1952, c. 54, s. 5), subs. 2, re-enacted

(2) Subsection 2 of the said section 15 is repealed and the following substituted therefor:

Removal of material

(2) During the continuance of a lien, no part of the material affected thereby shall be removed except with the leave of the judge or officer having jurisdiction.

R.S.O. 1950, c. 227, s. 22, subs. 2, amended

3. Subsection 2 of section 22 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the fourth line and by inserting after "action" in the fifth line "or, in the County of York, the master", so that the subsection shall read as follows:

Vacating orders

(2) Where a certificate of action has been registered for two years or more in the registry office and no appointment has been taken out for the trial of the action, any interested party may apply *ex parte* to a judge who has jurisdiction to try the action or, in the County of York, the master, who may make an order vacating the certificate of action and discharging all liens depending thereon.

R.S.O. 1950, c. 227, s. 25, subs. 4 (1958, c. 57, s. 5, subs. 2), amended

4. Subsection 4 of section 25 of *The Mechanics' Lien Act*, as re-enacted by subsection 2 of section 5 of *The Mechanics' Lien Amendment Act, 1958*, is amended by striking out "or officer" in the first line and by striking out "to realize a lien" in the second line and inserting in lieu thereof "or, in the County of York, the master", so that the subsection, exclusive of the clauses, shall read as follows:

Security for payment into court; vacating order

(4) Upon application, the judge having jurisdiction to try an action or, in the County of York, the master may,

. . . . .

R.S.O. 1950, c. 227, s. 28, subs. 3, amended

5. Subsection 3 of section 28 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the first line and by striking out "to realize a lien" in the second line and inserting in lieu thereof "or, in the County of York, the master", so that the subsection shall read as follows:

Production of contract, etc.

(3) The judge having jurisdiction to try an action or, in the County of York, the master may, on a summary application at any time before or after any action is commenced for the enforcement of the lien, make an order requiring the owner or his agent or the mortgagee or his agent or unpaid vendor or his agent, as the case may be, to produce and allow any

lienholder to inspect any such contract or agreement or mortgage or agreement for sale upon such terms as to costs as he may deem just.

6.—(1) Subsection 2 of section 29 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the second line and by inserting after "action" in the third line "or, in the County of York, the master", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 29,  
subs. 2,  
amended

(2) The statement of claim shall be served within one month after it is filed, but a judge having jurisdiction to try the action or, in the County of York, the master may extend the time for service thereof, and the time for delivering the statement of defence shall be the same as for entering an appearance in an action in the Supreme Court.

Service of  
statement  
of claim;  
delivery of  
statement  
of defence

(2) Subsection 4 of the said section 29 is amended by striking out "or officer" in the third line and by inserting after "jurisdiction" in the third line "to try the action or, in the County of York, a judge of the Supreme Court", so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 29,  
subs. 4,  
amended

(4) After the commencement of any action under this Act, any lienholder or other person interested may move before the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court to speed the trial of the action.

Motion to  
speed trial

7. Section 31 of *The Mechanics' Lien Act*, as amended by section 2 of *The Mechanics' Lien Amendment Act, 1953*, is repealed and the following substituted therefor:

R.S.O. 1950,  
c. 227, s. 31,  
re-enacted

31.—(1) The action shall be tried in the county or district in which the land or part thereof is situate.

Place of  
trial

(2) Except in the County of York, the action shall be tried by a local judge of the Supreme Court, but, upon the application of any party or other interested person made according to the practice of the Supreme Court and upon notice, the court may direct that the action be tried by 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.

Tribunal

(3) In the County of York, the action shall be tried by a judge of the Supreme Court, but,

Idem,  
York  
County

(a) on motion after defence or defence to counterclaim, if any, has been delivered or the time

for such delivery has expired, a judge of the Supreme Court may refer (Form 8) the whole action to the master for trial pursuant to section 68 of *The Judicature Act*; or

(b) at the trial, a judge of the Supreme Court may direct a reference to the master pursuant to section 67 or 68 of *The Judicature Act*.

R.S.O. 1950,  
c. 190

Application  
to set aside  
judgment  
directing a  
reference

(4) Where on motion the whole action is referred to the master for trial, any person brought into the proceedings subsequent thereto and served with a notice of trial may apply to a judge of the Supreme Court to set aside the judgment directing the reference within seven days after service of notice of trial and, if such person fails to make such application, he is bound by such judgment as if he were originally a party thereto.

Amendment  
of  
pleadings  
on reference

(5) Where the action is referred to the master for trial, he may grant leave to amend any pleading.

R.S.O. 1950,  
c. 227, s. 32,  
subs. 1,  
re-enacted

**8.**—(1) Subsection 1 of section 32 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Powers of  
local  
judges  
S.C.O., etc.

(1) The local judges of the Supreme Court and the master to whom a reference for trial has been directed, in addition to their ordinary powers, shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein and all questions of set-off and counterclaim arising under the building contract or out of the work or service done or materials furnished to the property in question.

R.S.O. 1950,  
c. 227, s. 32,  
subs. 3,  
amended

(2) Subsection 3 of the said section 32 is amended by striking out "or other officer" in the second line, by inserting after "action" in the second line "or, in the County of York, a judge of the Supreme Court" and by striking out "or other officer" in the seventh line, so that the subsection shall read as follows:

Appointment  
of receiver  
of rents  
and  
profits

(3) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court may, on the application of any lien claimant, mortgagee or other party interested, appoint a receiver of the rents and profits of the property against which the claim of lien is registered, upon such terms and upon the giving of such security or without security as to the judge may seem just.

(3) Subsection 4 of the said section 32, as re-enacted by subsection 1 of section 8 of *The Mechanics' Lien Amendment Act, 1952*, is amended by striking out "or officer" in the third and fourth lines, by inserting after "action" in the fourth line "or, in the County of York, to a judge of the Supreme Court" and by striking out "or officer" in the eighth line, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 32,  
subs. 4  
(1952, c. 54,  
s. 8, subs. 1),  
amended

(4) At any time after the delivery of the statement of claim, any lien claimant, mortgagee or other party interested may make an application to a judge having jurisdiction to try the action or, in the County of York, to a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and who shall have power to appoint, upon such terms and upon the giving of such security or without security as the judge deems best, a trustee or trustees with power to manage and sell or manage or sell the property upon which the lien is filed, and such management and sale or management or sale shall be under the supervision and direction of the court, and such sale shall require the approbation of the court, and with power, when so directed by the court, to complete or partially complete the property and, in the event that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys shall take priority over all liens existing as of the date of the appointment.

Appointment of  
trustee,  
sale of  
property

(4) Subsection 6 of the said section 32 is amended by striking out "other" and "having jurisdiction" in the third line, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 32,  
subs. 6,  
amended

(6) Any property directed to be sold under this section may be offered for sale subject to any mortgage or other charge or encumbrance if the judge or officer so directs, but only in cases where there is no dispute whatever as to the priority of any such mortgage.

Property  
offered  
for sale

(5) Subsection 8 of the said section 32, as amended by subsection 3 of section 8 of *The Mechanics' Lien Amendment Act, 1952*, is further amended by striking out "having jurisdiction as aforesaid, as the case may be" in the second line, so that the subsection shall read as follows:

R.S.O. 1950,  
c. 227, s. 32,  
subs. 8,  
amended

(8) The judge or officer shall make all necessary orders for the completion of the sale for the vesting of the property in the purchaser and for possession.

Order for  
completion  
of sale

R.S.O. 1950,  
c. 227, s. 33,  
amended

9. Section 33 of *The Mechanics' Lien Act* is amended by striking out "or officer" in the second line and by inserting after "actions" in the third line "or, in the County of York, the master", so that the section shall read as follows:

Consolidation of  
actions

33. Where more actions than one are brought to realize liens in respect of the same land, a judge having jurisdiction to try such actions or, in the County of York, the master may, on the application of any party to any one of the actions, or on the application of any other person interested, consolidate all such actions into one action, and may give the conduct of the consolidated action to any plaintiff as he may see fit.

R.S.O. 1950,  
c. 227, s. 35,  
subs. 4,  
re-enacted

10.—(1) Subsection 4 of section 35 of *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Trial

(4) The judge or, where a reference for trial is directed, the master,

(a) shall try the action and all questions that arise therein or that are necessary to be tried in order to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom notice of trial has been served;

(b) shall take all accounts, make all inquiries, give all directions and do all other things necessary to finally dispose of the action and of all matters, questions and accounts arising therein or at the trial, and to adjust the rights and liabilities of and give all necessary relief to all parties to the action and all persons who have been served with the notice of trial; and

(c) shall embody the results of the trial,

(i) in the case of a judge, in a judgment (Form 7), and

(ii) in the case of the master, in a report (Form 9),

which judgment or report may direct payment forthwith by the person or persons primarily liable to pay the amount of the claims and costs as ascertained by the judgment or report



and execution may be issued therefor forthwith in the case of a judgment and, after confirmation thereof, in the case of a report.

(2) Subsection 5 of the said section 35 is amended by inserting after "judgment" in the first and fourth lines respectively "or report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 5, amended

(5) The form of the judgment or report may be varied by the judge or officer in order to meet the circumstances of the case so as to afford to any party to the proceedings any right or remedy in the judgment or report to which he may be entitled. Variation of judgment or report

(3) Subsection 6 of the said section 35 is amended by inserting after "judgment" in the third line "or confirmation of the report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 6, amended

(6) The judge or officer may order that the estate or interest charged with the lien may be sold and may direct the sale to take place at any time after judgment or confirmation of the report, allowing, however, a reasonable time for advertising the sale. Sale

(4) Subsection 7 of the said section 35 is amended by inserting after "action" in the third line "or reference" and by inserting after "judgment" in the seventh line "or report", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 7, amended

(7) A lienholder who has not proved his claim at the trial, on application to the judge or officer before whom the action or reference was tried, may be let in to prove his claim on such terms as to costs and otherwise as may be deemed just at any time before the amount realized in the action for the satisfaction of liens has been distributed, and where his claim is allowed the judgment or report shall be amended so as to include his claim. Letting in lienholders who have not proved claims at trial

(5) Subsection 9 of the said section 35 is amended by striking out "actions" in the second line and inserting in lieu thereof "the action", so that the subsection shall read as follows: R.S.O. 1950, c. 227, s. 35, subs. 9, amended

(9) An action may be tried by any officer having jurisdiction to try the action, notwithstanding that the time and place for the trial thereof were appointed and fixed by another officer having jurisdiction. Trial of action

R.S.O. 1950,  
c. 227, s. 38,  
subs. 1,  
amended

**11.** Subsection 1 of section 38 of *The Mechanics' Lien Act* is amended by inserting after "judgment" in the third line "or report", so that the subsection shall read as follows:

Payment  
out of  
court

- (1) Where money has been paid into court and the time for the payment out has arrived, the judge or officer shall forward a certified copy of his judgment or report and of the report on sale, if any, to the accountant of the Supreme Court, whereupon the cheques shall be delivered by the accountant to the persons entitled, or their solicitors, in accordance with the usual practice of the accountant's office.

R.S.O. 1950,  
c. 227,  
amended

**12.** The heading preceding section 40 of *The Mechanics' Lien Act* is amended by striking out "NEW TRIAL AND".

R.S.O. 1950,  
c. 227, s. 40,  
subs. 2,  
re-enacted

**13.** Subsection 2 of section 40 of *The Mechanics' Lien Act*, as amended by subsection 2 of section 9 of *The Mechanics' Lien Amendment Act, 1958*, is repealed and the following substituted therefor:

Appeal from  
reference

- (2) Where a question is referred to the master for inquiry and report under subsection 3 of section 31, an appeal lies in the manner prescribed by the rules of court.

Confirma-  
tion of  
master's  
report

- (3) Where an action is referred to the master for trial under subsection 3 of section 31, the report shall be filed and shall be deemed to be confirmed at the expiration of fifteen days from the date of service of notice of filing the same, unless notice of appeal is served within that time.

Appeal  
from  
judgment  
or report

- (4) An appeal from a judgment or report made on a reference for trial lies in like manner and to the same extent as from the decision of a judge trying an action in the Supreme Court without a jury.

Costs of  
appeal

- (5) The costs of the appeal shall not be governed by section 42 or 43, but, subject to any order of the court, shall be upon the scale of costs allowed in county court appeals where the amount involved is within the proper competence of the county court, and, where it exceeds that amount, upon the Supreme Court scale.

14. *The Mechanics' Lien Act* is amended by adding thereto the following forms: R.S.O. 1950  
c. 227,  
amended

FORM 8

(Section 31 (3) )

JUDGMENT DIRECTING A REFERENCE FOR TRIAL

1. Upon the application of the plaintiff made pursuant to the provisions of subsection 3 of section 31 of *The Mechanics' Lien Act*, in the presence of counsel for the plaintiff, and the defendants, and upon reading the pleadings in this action and upon hearing what was alleged by counsel aforesaid, and (*the parties by their counsel consenting thereto, or as the case may be*).

2. THIS COURT DOTH ORDER AND ADJUDGE that this action be and the same is referred to the Master at Toronto for trial.

3. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the parties do recover the respective amounts found due by the said Master from the parties found liable by the said Master forthwith after confirmation of the report of the said Master.

4. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the said Master do determine all questions arising in this action and on the said reference, and that the findings of the said Master respecting the matters so referred be effective upon the confirmation of the Master's report.

5. AND THIS COURT DOTH FURTHER ORDER that the said Master do determine the question of costs in this action and of the said reference, and that the said costs be taxed and paid as the said Master shall direct.

FORM 9

(Section 35(4) )

REPORT

(Style of Cause)

Pursuant to the judgment of reference herein dated ..... and it appearing that the following persons have been duly served with notice of trial herein (*set out names of all persons served with notice of trial*) I was attended by counsel for the plaintiff and for ..... no one appearing for ..... although duly notified as aforesaid (*or as the case may be*) and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for *C.D.* and *E.F.* and the defendant (*or* and by *A.B.* appearing in person).

1. I find that the plaintiff and the several persons mentioned in the first Schedule hereto are respectively entitled to a lien under *The Mechanics' Lien Act* upon the land described in the second Schedule hereto for the amounts set opposite their respective names in the second, third and fourth columns of the said first Schedule, and the persons primarily liable for the said claims respectively are set forth in the fifth column of the said Schedule.

2. (And I find that the several persons mentioned in Schedule 3 hereto are also entitled to some lien, charge or encumbrance upon the said land for the amounts set opposite their respective names in the fourth column of the said Schedule 3, *according to the facts.*)

3. And I direct that upon the defendant (*A.B.*, the owner) paying into Court to the credit of this action the sum of \$..... (*gross amount of liens in Schedules 1 and 3 for which owner is liable*) on or before the ..... day of ..... next, that the said liens

in the said first Schedule mentioned be and the same are hereby discharged, (and the several persons in the said third Schedule are to release and discharge their said claims and assign and convey the said premises to the defendant (*owner*) and deliver up all documents on oath to the said defendant (*owner*) or to whom he may appoint) and the said money so paid into Court is to be paid out in payment of the claims of the said lienholders (*or and encumbrancers*).

4. In case the said defendant (*owner*) shall make default in payment of the said money into Court, I direct that the said land be sold with the approbation of the Master of this Court at ..... and that the purchase money be paid into Court to the credit of this action.

5. And I direct that the said purchase money be applied in or towards payment of the several claims in the said first (*and third*) Schedule(s) mentioned as the said Master shall direct, with subsequent interest and subsequent costs to be computed and taxed by the said Master.

6. And I direct that in case the said purchase money shall be insufficient to pay in full the claims of the several persons mentioned in the said first Schedule, the persons primarily liable for such claim as shown in the first Schedule do pay to the persons to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same shall have been ascertained by the said Master.

7. (And I find and declare that ..... have not proved any lien under *The Mechanics' Lien Act* and that they are not entitled to any such lien, and I direct that the claims of liens registered by them against the land mentioned in the second Schedule be and the same are hereby discharged, *according to the fact.*)

**Commence-  
ment**

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

Short title

**16.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1960.*







An Act to amend  
The Mechanics' Lien Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

March 15th, 1960

*3rd Reading*

March 22nd, 1960

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Mr. ROBERTS

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**BILL 83**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Insurance Act**

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MR. ROBERTS

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TORONTO  
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON  
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#### EXPLANATORY NOTES

SECTION 1. This amendment prohibits the automobile covered by the policy from being rented, leased or used to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto, unless permission is expressly given by an endorsement on the policy and a premium has been paid because of the increased risk.

SECTION 2. This new subsection is designed to abrogate the rule of law established in a recent case on a motor vehicle liability policy, *Finlay vs. Global General Insurance Company*.

In this case the plaintiff, who had recovered judgment against the deceased insured's estate for damages for injuries caused by the negligent operation of the deceased insured's motor vehicle, was denied recovery against the insurer under the policy because the death of the person insured terminated the liability.

The new provision states that when the insured dies the persons mentioned shall be deemed to be the insured under the policy.

BILL 83

1960

## An Act to amend The Insurance Act

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

1. Clause *a* of statutory condition 3 in section 197 of *The Insurance Act*, as re-lettered by subsection 2 of section 9 of *The Insurance Amendment Act, 1951*, is amended by inserting after "explosives" in the first line "or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto", so that the clause shall read as follows:

- (a) to carry explosives or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto; or

. . . . .

2. Section 207 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1951*, is amended by adding thereto the following subsection:

- (2a) In the event of the death of the person named in an owner's policy, the following persons shall be deemed to be the insured under the policy:

1. The spouse of the deceased insured if residing in the same dwelling premises at the time of his death.
2. As respects the specifically described automobile and a newly acquired automobile where the automobile was acquired by the deceased insured prior to his death, and a temporary substitute automobile, all as defined by the policy,
  - i. any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured,

- ii. the personal representative of the deceased insured.

R.S.O. 1950, c. 183, amended **3.** *The Insurance Act* is amended by adding thereto the following section:

Interpretation

210a.—(1) In this section, the expression “nuclear energy hazard” means the radioactive, toxic, explosive or other hazardous properties of prescribed substances under the *Atomic Energy Control Act* (Canada).

R.S.O. 1952, c. 11

Nuclear energy hazard, liability where re-insurance

(2) Where an insured is covered, whether named therein or not, under a policy of automobile liability insurance for loss or damage resulting from bodily injury to or the death of any person or damage to property arising directly or indirectly out of a nuclear energy hazard and is also covered, whether named therein or not, against such loss or damage under a policy of nuclear energy hazard liability insurance issued by a group of insurers and in force at the time of the event giving rise to such loss or damage,

(a) the automobile liability insurance is excess to the nuclear energy hazard liability insurance and the insurer under the policy of automobile liability insurance is not liable to pay beyond the minimum limits prescribed by section 211; and

(b) the unnamed insured under the policy of nuclear energy hazard liability insurance may, with respect to such loss or damage, recover indemnity under that insurance in the same manner and to the same extent as if named therein as the insured and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

When policy deemed in force

(3) For the purpose of this section, a policy of nuclear energy hazard liability insurance shall be deemed to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted.

R.S.O. 1950, c. 183, Sched. A, re-enacted

**4.** Schedule A to *The Insurance Act*, as amended by section 22 of *The Insurance Amendment Act, 1951*, section 7 of *The Insurance Amendment Act, 1953* and regulation 1 of

SECTION 3. The automobile insurance companies that are members of the Nuclear Insurance Association of Canada in order to limit their liability for loss or damage arising out of nuclear energy hazard have subscribed to a pool policy under which each company commits itself to its proportionate liability coverage. All these companies also write standard automobile insurance.

The purpose of the new section is to provide that where an insured is covered by a standard policy and is also covered by the pool policy, the standard policy is excess to the pool policy and is limited to the minimum limits prescribed by section 211 (\$10,000, \$20,000).

SECTION 4. The fees are increased. The present fees were established in 1921.



Ontario Regulations 45/54, is repealed and the following substituted therefor:

## SCHEDULE A

(Section 86)

### INSURERS

(Section 23)

#### 1. Licences and annual renewals thereof:

##### (1) Mutual benefit societies,

(a) having fewer than 300 members.....	\$ 10
(b) having 300 members or over.....	20

##### (2) Pension fund associations..... 100

##### (3) Fraternal societies,

(a) where the assets of the society do not exceed \$100,000	50
(b) where the assets of the society exceed \$100,000 but do not exceed \$500,000.....	100
(c) where the assets of the society exceed \$500,000 but do not exceed \$1,000,000.....	150
(d) where the assets of the society exceed \$1,000,000 but do not exceed \$10,000,000.....	200
(e) where the assets of the society exceed \$10,000,000..	250

but the fee shall not exceed \$150 if the premium income, including dues, in Ontario does not exceed \$50,000 as shown in the last annual statement of the society required to be filed with the Superintendent under section 74.

##### (4) Reciprocal or inter-insurance exchanges..... 200

##### (5) Mutual insurance corporations without guarantee capital stock, incorporated for the purpose of undertaking contracts of fire insurance upon agricultural property, weather insurance or live stock insurance, on the premium note plan,

(a) where the gross amount at risk does not exceed \$1,000,000.....	25
(b) where the gross amount at risk exceeds \$1,000,000 but does not exceed \$5,000,000.....	50
(c) where the gross amount at risk exceeds \$5,000,000 but does not exceed \$10,000,000.....	75
(d) where the gross amount at risk exceeds \$10,000,000 but does not exceed \$20,000,000.....	100
(e) where the gross amount at risk exceeds \$20,000,000 but does not exceed \$30,000,000.....	150
(f) where the gross amount at risk exceeds \$30,000,000 but does not exceed \$40,000,000.....	200

- (g) where the gross amount at risk exceeds \$40,000,000 but does not exceed \$50,000,000..... \$250
- (h) where the gross amount at risk exceeds \$50,000,000 300

NOTE.—“gross amount at risk” means gross amount at risk in Ontario as at the 31st December next preceding the application for licence or renewal thereof.

- (6) The Non-Marine Underwriters Members of Lloyd's, London..... 500
- (7) Insurers authorized to transact live stock insurance exclusively..... 100
- (8) Insurers undertaking reinsurance exclusively..... 100
- (9) Insurers not included within sub-items 1 to 8,
- (a) where the assets of the insurers do not exceed \$500,000..... 200
- (b) where the assets of the insurers exceed \$500,000 but do not exceed \$1,000,000..... 250
- (c) where the assets of the insurers exceed \$1,000,000 but do not exceed \$5,000,000..... 300
- (d) where the assets of the insurers exceed \$5,000,000 but do not exceed \$10,000,000..... 400
- (e) where the assets of the insurers exceed \$10,000,000 but do not exceed \$20,000,000..... 450
- (f) where the assets of the insurers exceed \$20,000,000.. 500

but the fee shall not exceed \$300 if the net premiums written in Ontario, including considerations for annuities, do not exceed \$50,000 as shown in the last annual statement of the insurer required to be filed with the Superintendent under section 74.

NOTE.—The assets of a Fraternal Society and of an insurer as used in this item means, if its head office 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 its head office is not in Canada, the equivalent in Canadian currency at the current rate of exchange of its total assets exhibited by the head office balance sheet in the currency of the country where its head office is situate.

2. Renewal of licence of insurers that have discontinued undertaking or renewing insurance contracts in the Province, except mutual benefit societies and insurers renewing life insurance policies. 20
3. Examining and passing upon applications for initial licence (section 23):
- (1) Mutual benefit societies..... 20
- (2) All others..... 50
4. Amendment of licence..... 20
5. Order in Council withdrawing or transferring deposit (sections 45 and 71)..... 50



6. Substitution of securities on deposit (except matured securities) calculated on the par value of securities withdrawn (section 43):	
Under \$10,000 .....	\$10
\$10,000 and under \$25,000 .....	20
\$25,000 and over .....	25
7. Filing annual statements (section 74) .....	10
8. Extension of time not exceeding seven days or any renewal thereof not exceeding seven days, for filing annual statement, applications for renewal of licence, or any other document or information required under this Act, but the Superintendent may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed .....	10
9. Licences and renewals thereof to issue contracts of insurance through an underwriters agency, term to expire on the 30th day of June in each year (section 80) .....	150
10. Order in Council authorizing bonds for Court purposes (section 19) .....	200
11. Order in Council authorizing society to hold land (section 77) .....	25

#### *AGENTS, BROKERS AND ADJUSTERS*

*(Sections 290, 291, 293 and 297)*

12. Licence for life insurance or life and accident insurance or life and accident and sickness insurance,	
(a) where the applicant is a resident of Ontario .....	10
(b) where the applicant is not a resident of Ontario,	
(i) if he resides in a province or state that grants licences to residents of Ontario, the same fee as is payable by resident of that province or state for a similar licence in the province or state, or \$10 whichever is the greater,	
(ii) if he resides in a province or state that does not grant licences to residents of Ontario .....	50
(c) transfer or revival of licence .....	2
13. Licences for any class of insurance other than life insurance and renewals thereof,	
(a) where the applicant carries on business in a municipality having a population in excess of 10,000 according to the last revised assessment roll .....	25
(b) where the applicant carries on business in a municipality having a population of less than 10,000 according to the last revised assessment roll .....	15
(c) where the applicant is not a transportation company, and the licence is expressly limited to accident insurance, or accident and sickness insurance, or travel-accident and baggage insurance, or customs bonds .....	10

(d) where the applicant is not a resident of Ontario and resides in a province or state that,	
(i) grants licences to residents of Ontario.....	\$25
(ii) does not grant licences to residents of Ontario..	50
14. Licences for insurance brokers and renewals thereof.....	25
15. Licences for special insurance brokers for business with unlicensed insurers and renewals thereof.....	50
16. Licences for insurance adjusters and renewals thereof.....	25
17. Licences under subsection 20 of section 290 in the name of a transportation company authorizing its ticket agent to act as agent for railway accident insurance, live stock insurance or baggage insurance and renewals thereof.....	25

MISCELLANEOUS

18. Certificate of Superintendent.....	2
19. Copies of or extracts from documents filed with or issued by the Superintendent, per folio of 100 words.....	1
20. Certified copy of licence.....	2
21. Where the fee payable for any licence under section 23 or 80 exceeds \$15, the fee for a period of six months or under shall be one-half of the fee payable for the full term.	

Commencement

**5.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**6.** This Act may be cited as *The Insurance Amendment Act, 1960*.

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An Act to amend  
The Insurance Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. ROBERTS

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**BILL 83**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Insurance Act**

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MR. ROBERTS

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

#### EXPLANATORY NOTES

SECTION 1. This amendment prohibits the automobile covered by the policy from being rented, leased or used to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto, unless permission is expressly given by an endorsement on the policy and a premium has been paid because of the increased risk.

BILL 83

1960

## 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.**—(1) Section 197 of *The Insurance Act*, as amended by R.S.O. 1950, section 9 of *The Insurance Amendment Act, 1951* and section 6<sup>amended</sup> c. 183, s. 197, of *The Insurance Amendment Act, 1957*, is further amended by adding thereto the following subsection:

- (2) In clause *a* of statutory condition 3, “radioactive material” means, <sup>Interpretation</sup>
- (a) spent nuclear fuel rods that have been exposed to radiation in a nuclear reactor;
  - (b) radioactive waste material;
  - (c) unused nuclear fuel rods;
  - (d) any other radioactive material of such a quality as to be harmful to person or property if its container were destroyed or damaged.

(2) Clause *a* of statutory condition 3 in the said section 197, R.S.O. 1950, as re-lettered by subsection 2 of section 9 of *The Insurance Amendment Act, 1951*, is amended by inserting after “explosives” in the first line “or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto”, so that the clause shall read as follows: <sup>stat. con. 3, cl. a, amended</sup>

- (a) to carry explosives or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto; or

R.S.O. 1950,  
c. 183, s. 207  
(1951, c. 39,  
s. 11),  
amended

**2.** Section 207 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1951*, is amended by adding thereto the following subsection:

Death of  
person  
named in  
owner's  
policy

(2a) In the event of the death of the person named in an owner's policy, the following persons shall be deemed to be the insured under the policy:

1. The spouse of the deceased insured if residing in the same dwelling premises at the time of his death.
2. As respects the specifically described automobile and a newly acquired automobile where the automobile was acquired by the deceased insured prior to his death, and a temporary substitute automobile, all as defined by the policy,
  - i. any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured,
  - ii. the personal representative of the deceased insured.

R.S.O. 1950,  
c. 183,  
amended

**3.** *The Insurance Act* is amended by adding thereto the following section:

Interpre-  
tation

210a.—(1) In this section, the expression "nuclear energy hazard" means the radioactive, toxic, explosive or other hazardous properties of prescribed substances under the *Atomic Energy Control Act* (Canada).

R.S.C. 1952,  
c. 11

Nuclear  
energy  
hazard,  
liability  
where re-  
insurance

(2) Where an insured is covered, whether named therein or not, under a policy of automobile liability insurance for loss or damage resulting from bodily injury to or the death of any person or damage to property arising directly or indirectly out of a nuclear energy hazard and is also covered, whether named therein or not, against such loss or damage under a policy of nuclear energy hazard liability insurance issued by a group of insurers and in force at the time of the event giving rise to such loss or damage,

- (a) the automobile liability insurance is excess to the nuclear energy hazard liability insurance and the insurer under the policy of automobile liability insurance is not liable to pay beyond the minimum limits prescribed by section 211; and



SECTION 2. This new subsection is designed to abrogate the rule of law established in a recent case on a motor vehicle liability policy, *Finlay vs. Global General Insurance Company*.

In this case the plaintiff, who had recovered judgment against the deceased insured's estate for damages for injuries caused by the negligent operation of the deceased insured's motor vehicle, was denied recovery against the insurer under the policy because the death of the person insured terminated the liability.

The new provision states that when the insured dies the persons mentioned shall be deemed to be the insured under the policy.

SECTION 3. The automobile insurance companies that are members of the Nuclear Insurance Association of Canada in order to limit their liability for loss or damage arising out of nuclear energy hazard have subscribed to a pool policy under which each company commits itself to its proportionate liability coverage. All these companies also write standard automobile insurance.

The purpose of the new section is to provide that where an insured is covered by a standard policy and is also covered by the pool policy, the standard policy is excess to the pool policy and is limited to the minimum limits prescribed by section 211 (\$10,000, \$20,000).

SECTION 4. The fees are increased. The present fees were established in 1921.

- (b) the unnamed insured under the policy of nuclear energy hazard liability insurance may, with respect to such loss or damage, recover indemnity under that insurance in the same manner and to the same extent as if named therein as the insured and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.
- (3) For the purpose of this section, a policy of nuclear energy hazard liability insurance shall be deemed <sup>When policy deemed to be in force</sup> to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted.

4. Schedule A to *The Insurance Act*, as amended by section 22 of *The Insurance Amendment Act, 1951*, section 7 of *The Insurance Amendment Act, 1953* and regulation 1 of Ontario Regulations 45/54, is repealed and the following substituted therefor:

SCHEDULE A

(Section 86)

INSURERS

(Section 23)

1. Licences and annual renewals thereof:

(1) Mutual benefit societies,

- (a) having fewer than 300 members. . . . . \$ 10
- (b) having 300 members or over. . . . . 20

(2) Pension fund associations. . . . . 100

(3) Fraternal societies,

- (a) where the assets of the society do not exceed \$100,000 50
- (b) where the assets of the society exceed \$100,000 but do not exceed \$500,000. . . . . 100
- (c) where the assets of the society exceed \$500,000 but do not exceed \$1,000,000. . . . . 150
- (d) where the assets of the society exceed \$1,000,000 but do not exceed \$10,000,000. . . . . 200
- (e) where the assets of the society exceed \$10,000,000. . . . . 250

but the fee shall not exceed \$150 if the premium income, including dues, in Ontario does not exceed \$50,000 as shown in the last annual statement of the society required to be filed with the Superintendent under section 74.

(4) Reciprocal or inter-insurance exchanges. . . . . 200

(5) Mutual insurance corporations without guarantee capital stock, incorporated for the purpose of undertaking contracts of fire insurance upon agricultural property, weather insurance or live stock insurance, on the premium note plan,	
(a) where the gross amount at risk does not exceed \$1,000,000.....	\$ 25
(b) where the gross amount at risk exceeds \$1,000,000 but does not exceed \$5,000,000.....	50
(c) where the gross amount at risk exceeds \$5,000,000 but does not exceed \$10,000,000.....	75
(d) where the gross amount at risk exceeds \$10,000,000 but does not exceed \$20,000,000.....	100
(e) where the gross amount at risk exceeds \$20,000,000 but does not exceed \$30,000,000.....	150
(f) where the gross amount at risk exceeds \$30,000,000 but does not exceed \$40,000,000.....	200
(g) where the gross amount at risk exceeds \$40,000,000 but does not exceed \$50,000,000.....	250
(h) where the gross amount at risk exceeds \$50,000,000	300

NOTE.—“gross amount at risk” means gross amount at risk in Ontario as at the 31st December next preceding the application for licence or renewal thereof.

(6) The Non-Marine Underwriters Members of Lloyd's, London.....	500
(7) Insurers authorized to transact live stock insurance exclusively.....	100
(8) Insurers undertaking reinsurance exclusively.....	100
(9) Insurers not included within sub-items 1 to 8,	
(a) where the assets of the insurers do not exceed \$500,000.....	200
(b) where the assets of the insurers exceed \$500,000 but do not exceed \$1,000,000.....	250
(c) where the assets of the insurers exceed \$1,000,000 but do not exceed \$5,000,000.....	300
(d) where the assets of the insurers exceed \$5,000,000 but do not exceed \$10,000,000.....	400
(e) where the assets of the insurers exceed \$10,000,000 but do not exceed \$20,000,000.....	450
(f) where the assets of the insurers exceed \$20,000,000..	500

but the fee shall not exceed \$300 if the net premiums written in Ontario, including considerations for annuities, do not exceed \$50,000 as shown in the last annual statement of the insurer required to be filed with the Superintendent under section 74.

NOTE.—The assets of a Fraternal Society and of an insurer as used in this item means, if its head office 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 its head office is not in Canada, the equivalent in Canadian currency at the current rate of exchange of its total assets exhibited by the head office balance sheet in the currency of the country where its head office is situate.

2. Renewal of licence of insurers that have discontinued undertaking or renewing insurance contracts in the Province, except mutual benefit societies and insurers renewing life insurance policies.	\$ 20
3. Examining and passing upon applications for initial licence (section 23):	
(1) Mutual benefit societies.....	20
(2) All others.....	50
4. Amendment of licence.....	20
5. Order in Council withdrawing or transferring deposit (sections 45 and 71).....	50
6. Substitution of securities on deposit (except matured securities) calculated on the par value of securities withdrawn (section 43):	
Under \$10,000.....	10
\$10,000 and under \$25,000.....	20
\$25,000 and over.....	25
7. Filing annual statements (section 74).....	10
8. Extension of time not exceeding seven days or any renewal thereof not exceeding seven days, for filing annual statement, applications for renewal of licence, or any other document or information required under this Act, but the Superintendent may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed.....	10
9. Licences and renewals thereof to issue contracts of insurance through an underwriters agency, term to expire on the 30th day of June in each year (section 80).....	150
10. Order in Council authorizing bonds for Court purposes (section 19).....	200
11. Order in Council authorizing society to hold land (section 77).....	25

*AGENTS, BROKERS AND ADJUSTERS*

*(Sections 290, 291, 293 and 297)*

12. Licence for life insurance or life and accident insurance or life and accident and sickness insurance,	
(a) where the applicant is a resident of Ontario.....	10
(b) where the applicant is not a resident of Ontario,	
(i) if he resides in a province or state that grants licences to residents of Ontario, the same fee as is payable by resident of that province or state for a similar licence in the province or state, or \$10 whichever is the greater,	

(ii) if he resides in a province or state that does not grant licences to residents of Ontario.....	\$ 50
(c) transfer or revival of licence.....	2
13. Licences for any class of insurance other than life insurance and renewals thereof,	
(a) where the applicant carries on business in a municipality having a population in excess of 10,000 according to the last revised assessment roll.....	25
(b) where the applicant carries on business in a municipality having a population of less than 10,000 according to the last revised assessment roll.....	15
(c) where the applicant is not a transportation company, and the licence is expressly limited to accident insurance, or accident and sickness insurance, or travel-accident and baggage insurance, or customs bonds..	10
(d) where the applicant is not a resident of Ontario and resides in a province or state that,	
(i) grants licences to residents of Ontario.....	25
(ii) does not grant licences to residents of Ontario..	50
14. Licences for insurance brokers and renewals thereof.....	25
15. Licences for special insurance brokers for business with unlicensed insurers and renewals thereof.....	50
16. Licences for insurance adjusters and renewals thereof: Each sole proprietor, partnership or corporation..... and \$15 for each active member thereof.	50
17. Licences under subsection 20 of section 290 in the name of a transportation company authorizing its ticket agent to act as agent for railway accident insurance, live stock insurance or baggage insurance and renewals thereof.....	25

MISCELLANEOUS

18. Certificate of Superintendent.....	2
19. Copies of or extracts from documents filed with or issued by the Superintendent, per folio of 100 words.....	1
20. Certified copy of licence.....	2
21. Where the fee payable for any licence under section 23 or 80 exceeds \$15, the fee for a period of six months or under shall be one-half of the fee payable for the full term.	
22. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule.....	25
Order in Council.....	200

Commence-  
ment

5.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Insurance Amendment Act, 1960*.



An Act to amend  
The Insurance Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

March 15th, 1960

*3rd Reading*

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MR. ROBERTS

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



**BILL 83**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend The Insurance Act**

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MR. ROBERTS

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



BILL 83

1960

## 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.**—(1) Section 197 of *The Insurance Act*, as amended by R.S.O. 1950, section 9 of *The Insurance Amendment Act, 1951* and section 6<sup>c. 183, s. 197, amended</sup> of *The Insurance Amendment Act, 1957*, is further amended by adding thereto the following subsection:

(2) In clause *a* of statutory condition 3, “radioactive material” means, Interpre-  
tation

- (a) spent nuclear fuel rods that have been exposed to radiation in a nuclear reactor;
- (b) radioactive waste material;
- (c) unused nuclear fuel rods;
- (d) any other radioactive material of such a quality as to be harmful to person or property if its container were destroyed or damaged.

(2) Clause *a* of statutory condition 3 in the said section 197, R.S.O. 1950, c. 183, s. 197, as re-lettered by subsection 2 of section 9 of *The Insurance Amendment Act, 1951*, is amended by inserting after “explosives” in the first line “or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto”, so that the clause shall read as follows: stat. con. 3,  
cl. a,  
amended

- (a) to carry explosives or to carry radioactive material for research, education, development or industrial purposes or for purposes incidental thereto; or

. . . . .

R.S.O. 1950,  
c. 183, s. 207  
(1951, c. 39,  
s. 11),  
amended

**2.** Section 207 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1951*, is amended by adding thereto the following subsection:

Death of  
person  
named in  
owner's  
policy

(2a) In the event of the death of the person named in an owner's policy, the following persons shall be deemed to be the insured under the policy:

1. The spouse of the deceased insured if residing in the same dwelling premises at the time of his death.
2. As respects the specifically described automobile and a newly acquired automobile where the automobile was acquired by the deceased insured prior to his death, and a temporary substitute automobile, all as defined by the policy,
  - i. any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured,
  - ii. the personal representative of the deceased insured.

R.S.O. 1950,  
c. 183,  
amended

**3.** *The Insurance Act* is amended by adding thereto the following section:

Interpre-  
tation

210a.—(1) In this section, the expression "nuclear energy hazard" means the radioactive, toxic, explosive or other hazardous properties of prescribed substances under the *Atomic Energy Control Act* (Canada).

R.S.C. 1952,  
c. 11

(2) Where an insured is covered, whether named therein or not, under a policy of automobile liability insurance for loss or damage resulting from bodily injury to or the death of any person or damage to property arising directly or indirectly out of a nuclear energy hazard and is also covered, whether named therein or not, against such loss or damage under a policy of nuclear energy hazard liability insurance issued by a group of insurers and in force at the time of the event giving rise to such loss or damage,

Nuclear  
energy  
hazard,  
liability  
where re-  
insurance

(a) the automobile liability insurance is excess to the nuclear energy hazard liability insurance and the insurer under the policy of automobile liability insurance is not liable to pay beyond the minimum limits prescribed by section 211; and

- (b) the unnamed insured under the policy of nuclear energy hazard liability insurance may, with respect to such loss or damage, recover indemnity under that insurance in the same manner and to the same extent as if named therein as the insured and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.
- (3) For the purpose of this section, a policy of nuclear energy hazard liability insurance shall be deemed to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted.

4. Schedule A to *The Insurance Act*, as amended by section 22 of *The Insurance Amendment Act, 1951*, section 7 of *The Insurance Amendment Act, 1953* and regulation 1 of Ontario Regulations 45/54, is repealed and the following substituted therefor:

## SCHEDULE A

(Section 86)

### INSURERS

(Section 23)

#### 1. Licences and annual renewals thereof:

##### (1) Mutual benefit societies,

- |  |       |
|--|-------|
| (a) having fewer than 300 members..... | \$ 10 |
| (b) having 300 members or over.....    | 20    |

##### (2) Pension fund associations..... 100

##### (3) Fraternal societies,

- |  |     |
|--|-----|
| (a) where the assets of the society do not exceed \$100,000                                | 50  |
| (b) where the assets of the society exceed \$100,000 but do not exceed \$500,000.....      | 100 |
| (c) where the assets of the society exceed \$500,000 but do not exceed \$1,000,000.....    | 150 |
| (d) where the assets of the society exceed \$1,000,000 but do not exceed \$10,000,000..... | 200 |
| (e) where the assets of the society exceed \$10,000,000..                                  | 250 |

but the fee shall not exceed \$150 if the premium income, including dues, in Ontario does not exceed \$50,000 as shown in the last annual statement of the society required to be filed with the Superintendent under section 74.

##### (4) Reciprocal or inter-insurance exchanges..... 200

(5) Mutual insurance corporations without guarantee capital stock, incorporated for the purpose of undertaking contracts of fire insurance upon agricultural property, weather insurance or live stock insurance, on the premium note plan,	
(a) where the gross amount at risk does not exceed \$1,000,000.....	\$ 25
(b) where the gross amount at risk exceeds \$1,000,000 but does not exceed \$5,000,000.....	50
(c) where the gross amount at risk exceeds \$5,000,000 but does not exceed \$10,000,000.....	75
(d) where the gross amount at risk exceeds \$10,000,000 but does not exceed \$20,000,000.....	100
(e) where the gross amount at risk exceeds \$20,000,000 but does not exceed \$30,000,000.....	150
(f) where the gross amount at risk exceeds \$30,000,000 but does not exceed \$40,000,000.....	200
(g) where the gross amount at risk exceeds \$40,000,000 but does not exceed \$50,000,000.....	250
(h) where the gross amount at risk exceeds \$50,000,000	300

NOTE.—“gross amount at risk” means gross amount at risk in Ontario as at the 31st December next preceding the application for licence or renewal thereof.

(6) The Non-Marine Underwriters Members of Lloyd's, London.....	500
(7) Insurers authorized to transact live stock insurance exclusively.....	100
(8) Insurers undertaking reinsurance exclusively.....	100
(9) Insurers not included within sub-items 1 to 8,	
(a) where the assets of the insurers do not exceed \$500,000.....	200
(b) where the assets of the insurers exceed \$500,000 but do not exceed \$1,000,000.....	250
(c) where the assets of the insurers exceed \$1,000,000 but do not exceed \$5,000,000.....	300
(d) where the assets of the insurers exceed \$5,000,000 but do not exceed \$10,000,000.....	400
(e) where the assets of the insurers exceed \$10,000,000 but do not exceed \$20,000,000.....	450
(f) where the assets of the insurers exceed \$20,000,000..	500

but the fee shall not exceed \$300 if the net premiums written in Ontario, including considerations for annuities, do not exceed \$50,000 as shown in the last annual statement of the insurer required to be filed with the Superintendent under section 74.

NOTE.—The assets of a Fraternal Society and of an insurer as used in this item means, if its head office 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 its head office is not in Canada, the equivalent in Canadian currency at the current rate of exchange of its total assets exhibited by the head office balance sheet in the currency of the country where its head office is situate.

2. Renewal of licence of insurers that have discontinued undertaking or renewing insurance contracts in the Province, except mutual benefit societies and insurers renewing life insurance policies.	\$ 20
3. Examining and passing upon applications for initial licence (section 23):	
(1) Mutual benefit societies.....	20
(2) All others.....	50
4. Amendment of licence.....	20
5. Order in Council withdrawing or transferring deposit (sections 45 and 71).....	50
6. Substitution of securities on deposit (except matured securities) calculated on the par value of securities withdrawn (section 43):	
Under \$10,000.....	10
\$10,000 and under \$25,000.....	20
\$25,000 and over.....	25
7. Filing annual statements (section 74).....	10
8. Extension of time not exceeding seven days or any renewal thereof not exceeding seven days, for filing annual statement, applications for renewal of licence, or any other document or information required under this Act, but the Superintendent may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed.....	10
9. Licences and renewals thereof to issue contracts of insurance through an underwriters agency, term to expire on the 30th day of June in each year (section 80).....	150
10. Order in Council authorizing bonds for Court purposes (section 19).....	200
11. Order in Council authorizing society to hold land (section 77).	25

#### *AGENTS, BROKERS AND ADJUSTERS*

*(Sections 290, 291, 293 and 297)*

12. Licence for life insurance or life and accident insurance or life and accident and sickness insurance,	
(a) where the applicant is a resident of Ontario.....	10
(b) where the applicant is not a resident of Ontario,	
(i) if he resides in a province or state that grants licences to residents of Ontario, the same fee as is payable by resident of that province or state for a similar licence in the province or state, or \$10 whichever is the greater,	

(ii) if he resides in a province or state that does not grant licences to residents of Ontario.....	\$ 50
(c) transfer or revival of licence.....	2
13. Licences for any class of insurance other than life insurance and renewals thereof,	
(a) where the applicant carries on business in a municipality having a population in excess of 10,000 according to the last revised assessment roll.....	25
(b) where the applicant carries on business in a municipality having a population of less than 10,000 according to the last revised assessment roll.....	15
(c) where the applicant is not a transportation company, and the licence is expressly limited to accident insurance, or accident and sickness insurance, or travel-accident and baggage insurance, or customs bonds..	10
(d) where the applicant is not a resident of Ontario and resides in a province or state that,	
(i) grants licences to residents of Ontario.....	25
(ii) does not grant licences to residents of Ontario..	50
14. Licences for insurance brokers and renewals thereof.....	25
15. Licences for special insurance brokers for business with unlicensed insurers and renewals thereof.....	50
16. Licences for insurance adjusters and renewals thereof: Each sole proprietor, partnership or corporation..... and \$15 for each active member thereof.	50
17. Licences under subsection 20 of section 290 in the name of a transportation company authorizing its ticket agent to act as agent for railway accident insurance, live stock insurance or baggage insurance and renewals thereof.....	25

#### MISCELLANEOUS

18. Certificate of Superintendent.....	2
19. Copies of or extracts from documents filed with or issued by the Superintendent, per folio of 100 words.....	1
20. Certified copy of licence.....	2
21. Where the fee payable for any licence under section 23 or 80 exceeds \$15, the fee for a period of six months or under shall be one-half of the fee payable for the full term.	
22. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule.....	25
Order in Council.....	200

Commence-  
ment

5.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Insurance Amendment Act, 1960*.









An Act to amend  
The Insurance Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

March 15th, 1960

*3rd Reading*

March 29th, 1960

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MR. ROBERTS

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**BILL 84**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
8-9 ELIZABETH II, 1960

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**An Act to amend  
The Ontario Municipal Board Act**

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MR. WARRENDER

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

#### EXPLANATORY NOTES

SECTION 1. The new section authorizes members of the Board who resign, retire or are appointed to another position to complete their work with the Board and give decisions on matters heard by them within a period limited by the Lieutenant Governor in Council.

SECTION 2. The amendment empowers the Board to hear and determine disputes between municipalities in relation to agreements entered into by the municipalities where such agreements provide that the Board shall decide such disputes.

SECTION 3. Subsection 1 of section 67 requires the approval of the Board to any action by council where the cost is to be raised in subsequent years or provided by the issue of debentures. Subsection 1*b* is amended to make it clear that this is the approval referred to in subsection 1*b* and that the subsection does not require the approval of the actual by-law as well as the project or undertaking.

## An Act to amend The Ontario Municipal Board 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 Ontario Municipal Board Act* is amended by adding thereto the following section: R.S.O. 1950,  
c. 262,  
amended

**10a.**—(1) Where a member of the Board resigns his office, retires or is appointed to another position in the service of the Crown, he shall, during such period of time as the Lieutenant Governor in Council designates, in respect of any application, proceeding, matter or thing heard before him or commenced by him as a member of the Board, have and exercise the jurisdiction and powers of a member of the Board including the power to complete any unfinished matter and give a decision therein as if he had not so resigned, retired or been appointed. Completion  
of matters  
by members  
who retire,  
resign, etc.

(2) An Order in Council under subsection 1 may be made before or after such resignation, retirement or appointment and may be retroactive in effect. Order in  
Council

**2.** Subsection 1 of section 56 of *The Ontario Municipal Board Act* is amended by adding thereto the following clause: R.S.O. 1950,  
c. 262, s. 56,  
subs. 1,  
amended

(ii) when authorized by an agreement heretofore or hereafter entered into by two or more municipalities in which the municipalities agree to be bound by the decision of the Board, to hear and determine disputes in relation to such agreement. settlement  
of disputes  
between  
municipal-  
ities

**3.** Subsection 1b of section 67 of *The Ontario Municipal Board Act*, as enacted by section 4 of *The Ontario Municipal Board Amendment Act, 1958*, is amended by striking out “that the by-law shall not take effect until approved by the Board” in the seventh and eighth lines and inserting in lieu R.S.O. 1950,  
c. 262, s. 67,  
subs. 1b  
(1958, c. 74,  
s. 4),  
amended

thereof "to the effect that the by-law shall not take effect until the approval of the Board under subsection 1 has been obtained", so that the subsection shall read as follows:

By-law  
passed not  
to be in  
contraven-  
tion of  
subs. 1

(1b) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 if such by-law contains a provision to the effect that the by-law shall not take effect until the approval of the Board under subsection 1 has been obtained.

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 Ontario Municipal Board Amendment Act, 1960*.









An Act to amend  
The Ontario Municipal Board Act

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*1st Reading*

February 26th, 1960

*2nd Reading*

*3rd Reading*

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MR. WARRENDER

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**BILL 84**

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1ST SESSION, 26TH LEGISLATURE, ONTARIO  
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**An Act to amend  
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MR. WARRENDER

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TORONTO  
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BILL 84

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An Act to amend  
The Ontario Municipal Board Act

---

*1st Reading*

February 26th, 1960

*2nd Reading*

March 7th, 1960

*3rd Reading*

March 29th, 1960

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Mr. WARRENDER

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