

South
County





LEGISLATIVE ASSEMBLY OF ONTARIO

FIRST AND SECOND SESSIONS OF THE
TWENTY-NINTH PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE
TOGETHER WITH
REPRINTS AND THIRD READINGS

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SESSIONS

DECEMBER 13th to DECEMBER 17th, 1971

AND

FEBRUARY 29th to DECEMBER 15th, 1972

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1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Income Tax Act

THE HON. E. A. WINKLER
Minister of Revenue

EXPLANATORY NOTES

GENERAL. Except where otherwise provided, this Bill reflects the amendments contained in the Bill to amend the Federal Income Tax Act. The amendments are required to be made under our Federal-Provincial Collection Agreement.

SECTION 3—Subsection 1. The amendment provides that the tax payable by individuals for the 1971 taxation year will be 27.5 per cent of the basic federal tax. This represents the 3 per cent reduction of the provincial income tax payable by individuals. The amendment also provides that the tax payable by individuals for the 1972 taxation year shall be 30.5 per cent of the tax payable under the Federal Act for that taxation year.

BILL 1

1971

An Act to amend The Income Tax Act

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

1.—(1) Paragraph 15 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by striking out “subsection 1 of section 63” in the second and third lines and inserting in lieu thereof “section 104”. s. 1 (1) par. 15, amended

(2) Paragraph 17 of subsection 1 of the said section 1 is repealed. s. 1 (1) par. 17, repealed

(3) Subparagraph ii of paragraph 27 of subsection 1 of the said section 1 is amended by striking out “subsection 13 of section 63” in the third line and inserting in lieu thereof “subsection 23 of section 104”. s. 1 (1), par. 27 (ii), amended

2. Section 2 of the said Act is repealed and the following substituted therefor: s. 2, re-enacted

2. An income tax shall be paid as hereinafter required for each taxation year by every individual, Income tax on individuals
- (a) who was resident in Ontario on the last day of the taxation year; or
 - (b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

3.—(1) Clause *f* of subsection 3 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 22, section 1, is repealed and the following substituted therefor: s. 3 (3) (f), re-enacted

- (f) 28 per cent in respect of the 1967, 1968, 1969 and 1970 taxation years;
- (g) 27.5 per cent in respect of the 1971 taxation year; and
- (h) 30.5 per cent in respect of the 1972 taxation year.

s. 3 (4) (a),
re-enacted

(2) Clause *a* of subsection 4 of the said section 3 is repealed and the following substituted therefor:

- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act for the taxation year in respect of which that expression is being applied computed as if the taxpayer were not entitled to any deduction under section 126 or 127 of that Act;

s. 3 (4) (b),
amended

(3) Clause *b* of subsection 4 of the said section 3 is amended by striking out "subsection 3 of section 33" in the fourth line and inserting in lieu thereof "subsection 4 of section 120".

s. 3 (4) (d),
re-enacted

(4) Clause *d* of subsection 4 of the said section 3 is repealed and the following substituted therefor:

- (d) "income for the year" means,
 - (i) in the case of an individual resident in Canada during part only of the taxation year in respect of whom section 114 of the Federal Act applies, the aggregate of,
 - (A) his income for the period or periods in the year referred to in clause *a* of section 114 of the Federal Act as determined in accordance with and for the purposes of the Federal Act, and
 - (B) his income for the portion of that year that is not included in the period or periods referred to in sub-subclause A, computed under clauses *a*, *b* and *c* of subsection 1 of section 115 of the Federal Act as though such portion of the year were the whole taxation year,
 - (ii) in the case of an individual not resident in Canada at any time in the taxation year, his income for the year as computed under clauses *a*, *b* and *c* of subsection 1 of section 115 of the Federal Act, and

(iii) in the case of any other individual, his income for the year as determined in accordance with and for the purposes of the Federal Act.

(5) Clause *e* of subsection 4 of the said section 3 is repealed. ^{s. 3 (4) (e),}
repealed

(6) Subsection 5 of the said section 3 is amended by ^{s. 3 (5),}
striking out "subsection 2 of section 32" in the second line ^{amended}
and inserting in lieu thereof "subsection 6 of section 117".

(7) Subsection 6 of the said section 3 is repealed and the ^{s. 3 (6),}
following substituted therefor: ^{re-enacted}

(6) Where an individual resided in Ontario on the last day ^{Foreign Tax}
of a taxation year and had income for the year that ^{Credit}
included income earned in a country other than
Canada in respect of which any non-business-income
tax was paid by him to the government of a country
other than Canada, he may deduct from the tax
payable by him under this Act for that taxation
year an amount equal to the lesser of,

(a) the amount, if any, by which any non-business-
income tax paid by him for the year to the
government of such other country exceeds the
amount claimed under the Federal Act as a
deduction for that taxation year by virtue of
subsection 1 of section 126 of that Act; or

(b) that proportion of the tax otherwise payable
under this Act for that taxation year that,

(i) the aggregate of the taxpayer's income
from sources in that country,

(A) for that year, if section 114 of
the Federal Act is not applicable,
or

(B) if section 114 of the Federal Act
is applicable, for the period or
periods in the year referred to in
paragraph *a* thereof,

on the assumption that no businesses
were carried on by him,

is of,

(ii) the taxpayer's income,

(A) for the year, if section 114 of
the Federal Act is not applicable,
or

(B) if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph *a* thereof,

minus any amounts deductible under clause *b* of subsection 1 of section 111 or section 112 or 113 of the Federal Act for the year or such period or periods, as the case may be.

s. 3,
amended

(8) The said section 3 is amended by adding thereto the following subsection:

Non-business-
income tax
defined

(7) For the purposes of subsection 6, the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under clause *c* of subsection 7 of section 126 of the Federal Act for the purposes of that Act.

s. 4,
repealed

4. Section 4 of the said Act is repealed.

s. 5 (1),
amended

5.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “subsection 1 of section 42” in the fourth line and inserting in lieu thereof “subsection 1 of section 119”.

s. 5 (1), (a),
amended

(2) Clause *a* of subsection 1 of the said section 5 is amended by striking out “section 42” in the fourth line and in the ninth line and inserting in lieu thereof in each instance “section 119”.

s. 5 (1) (c),
amended

(3) Clause *c* of subsection 1 of the said section 5 is amended by striking out “section 42” in the sixth line and inserting in lieu thereof “section 119”.

s. 5 (2) (a) (ii),
amended

(4) Subclause ii of clause *a* of subsection 2 of the said section 5 is amended by striking out “section 33” in the fourth line and inserting in lieu thereof “section 120”.

s. 5 (3),
amended

(5) Subsection 3 of the said section 5 is amended by striking out “section 42” in the seventh line and inserting in lieu thereof “section 119”.

s. 5 (6),
amended

(6) Subsection 6 of the said section 5 is amended by striking out “section 42” in the second line and in the third line and inserting in lieu thereof in each instance “section 119”.

SECTION 5. The amendment allows an individual resident in Ontario to deduct from the tax otherwise payable to the Province for the taxation year 1972, 3 per cent of the tax otherwise payable.

6. Section 6 of the said Act is amended by striking out ^{s. 6,} "section 62" in the third line and inserting in lieu thereof ^{amended} "section 149".

7. The said Act is amended by adding thereto the following ^{s. 6a,} section: ^{enacted}

6a. There may be deducted from the tax otherwise ^{Deduction} payable for the 1972 taxation year by an individual, an amount equal to 3 per cent of the tax payable under clause *h* of subsection 3 of section 3.

8. Subsection 4 of section 7 of the said Act is repealed and ^{s. 7 (4),} the following substituted therefor: ^{re-enacted}

(4) Where a partner or an individual who is a pro- ^{Death of} prietor of a business died after the close of a fiscal ^{partner,} period but before the end of the calendar year in ^{proprietor} which the fiscal period closed, a separate return of the taxpayer's income as a member of the partnership or as a proprietor of the business, after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax under this Part shall be paid on the taxpayer's income as such member or proprietor after the close of the fiscal period to the time of death as if that income were the income of another person.

9.—(1) Subsection 4 of section 9 of the said Act is repealed ^{s. 9 (4),} and the following substituted therefor: ^{re-enacted}

(4) The Provincial Minister may at any time assess ^{Idem} tax, interest or penalties under this Act or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for a taxation year and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an

original assessment or of a notification that no tax is payable for a taxation year; and

- (b) within four years from the day referred to in subclause ii of clause *a* in any other case,

reassess or make additional assessments or assess tax, interest or penalties as the circumstances require.

Idem

- (4a) Notwithstanding subsection 4, there shall not be included in computing the income of a taxpayer for the purpose of any reassessment, additional assessment or assessment of tax, interest or penalties that is made after the expiration of four years from the day referred to in subclause ii of clause *a* of subsection 4, any amount,

(a) that was not included in computing his income for the purposes of an assessment of tax made prior to the expiration of four years from that day; and

(b) in respect of which the taxpayer establishes that the failure to so include it did not result from any misrepresentation that is attributable to neglect, carelessness or wilful default or from any fraud in filing a return of his income or in supplying any information under this Act.

s. 9 (6),
re-enacted

- (2) Subsection 6 of the said section 9 is repealed and the following substituted therefor:

Idem

- (6) Where a taxpayer has filed the return required by section 7 for a taxation year and, within one year from the day on or before which he was required by section 7 to file the return for that year, has filed an amended return for the year claiming a deduction from income under section 111 of the Federal Act in respect of non-capital losses, net capital losses or restricted farm losses sustained in the taxation year immediately following that year, the Provincial Minister shall reassess the taxpayer's tax for the year.

s. 10 (1) (h),
amended

- 10.** Clause *h* of subsection 1 of section 10 of the said Act is amended by striking out "section 79c" in the second line and inserting in lieu thereof "section 147".

s. 11 (2),
amended

- 11.** Subsection 2 of section 11 of the said Act is amended by striking out "section 48" in the fourth line and inserting in lieu thereof "section 155".

12. Subsection 2 of section 12 of the said Act is amended ^{s. 12 (2),} amended by striking out "section 49" in the fourth line and inserting in lieu thereof "section 156".

13. Section 14 of the said Act is repealed and the following ^{s. 14,} re-enacted substituted therefor:

14. Sections 159 and 160, subsection 2 of section 104, ^{Application} paragraph *e* of subsection 23 of section 104 and ^{of certain} subsection 2 of section 70 of the Federal Act ^{provisions} apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom such provisions apply in respect of tax payable under the Federal Act for the same taxation year.

14.—(1) Subsections 1 and 2 of section 15 of the said Act ^{s. 15 (1, 2),} re-enacted are repealed and the following substituted therefor:

(1) Where the amount paid on account of tax payable ^{General} by a taxpayer under this Act for a taxation year before the expiration of the time allowed for filing the return for that year is less than the amount of tax payable for the year under this Act, the person liable to pay the tax shall pay interest at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act on the difference between those two amounts from the expiration of the time for filing the return to the day of payment.

(2) In addition to the interest payable under subsection 1, ^{Interest} where a taxpayer, being required by this Act to ^{on} pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he is liable to pay interest thereon under subsection 1, whichever is earlier.

(2) Subsection 4 of the said section 15 is amended by ^{s. 15 (4)} amended striking out "section 54" in the sixth line and inserting in lieu thereof "section 161".

(3) Subsection 7 of the said section 15 is amended by ^{s. 15 (7),} amended striking out "section 27" in the first line and in the eleventh line and inserting in lieu thereof in each instance "section 111".

s. 16 (4),
amended

15. Subsection 4 of section 16 of the said Act is amended by striking out "section 55" in the fourth line and inserting in lieu thereof "section 162".

s. 17,
amended

16. Section 17 of the said Act is amended by adding thereto the following subsections:

Penalty
for failure
to file
returns

(2) Every person who wilfully attempts to evade payment of the tax payable by him by wilfully failing to file a return of income as and when required by subsection 1 of section 7 is liable to a penalty of 50 per cent of the amount of tax sought to be evaded.

Onus on
Provincial
Minister

(3) Where in any appeal under this Act a penalty assessed by the Provincial Minister under this section is in issue, the onus of establishing the facts justifying the assessment of the penalty rests upon the Provincial Minister.

s. 18 (3),
amended

17.—(1) Subsection 3 of section 18 of the said Act is amended by striking out "Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the rate of 3 per cent per annum shall be paid, or applied thereon for the period commencing with the latest of," in the first, second, third and fourth lines and inserting in lieu thereof: "Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the rate per annum prescribed for the purposes of subsection 3 of section 164 of the Federal Act shall be paid or applied thereon for the period commencing with the latest of".

s. 18 (4),
re-enacted

(2) Subsection 4 of the said section 18 is repealed and the following substituted therefor:

Idem,
after court
judgment

(4) Where, by a decision of the Provincial Minister under section 19 or by a decision of the Supreme Court of Ontario or the Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Act is less than the amount assessed by the assessment under section 9 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act instead of that prescribed for the purposes of subsection 3 of section 164 of the Federal Act.

(3) Subsection 5 of the said section 18 is amended by ^{s. 18 (5),} striking out "subsection 3a of section 57" in the second line ^{amended} and inserting in lieu thereof "subsection 4 of section 164".

(4) Subsection 7 of the said section 18 is amended by ^{s. 18 (7),} striking out "section 27" in the first line and in the eleventh ^{amended} line and inserting in lieu thereof in each instance "section 111".

(5) The said section 18 is amended by adding thereto the ^{s. 18,} following subsection: ^{amended}

- (8) Where in the course of administering the estate of a ^{Where} deceased taxpayer, the taxpayer's legal representa- ^{disposition} tive has, within the 12-month period immediately ^{by legal} following the death of the taxpayer, disposed of ^{representa-} certain property of the estate described in clause ^{tive of} *a* or *b* of subsection 6 of section 164 of the Federal Act, ^{deceased} subsection 6 of section 164 of the Federal Act is ^{taxpayer} applicable *mutatis mutandis*.

18.—(1) Subsection 3 of section 19 of the said Act is ^{s. 19 (3),} repealed and the following substituted therefor: ^{re-enacted}

- (3) Upon receipt of a notice of objection, the Provincial ^{Reconsidera-} Minister shall, ^{tion}

(a) where the taxpayer indicates in the notice of objection that he wishes to appeal immediately to the court and that he waives reconsideration of the assessment and the Provincial Minister consents, file a copy of the notice of objection with the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the taxpayer resides; or

(b) with all due despatch, reconsider the assessment and vacate, confirm or vary the assessment or reassess,

and he shall thereupon notify the taxpayer of his action by registered mail.

- (3a) Where the Provincial Minister files a copy of a notice ^{Deemed} of objection pursuant to clause *a* of subsection 3, the ^{confirmation} Provincial Minister shall be deemed, for the purpose ^{and appeal} of this section, to have confirmed the assessment to which the notice relates and the taxpayer who served the notice shall be deemed to have thereupon instituted an appeal in accordance with this section.

s. 19,
amended

(2) The said section 19 is amended by adding thereto the following subsection:

No notice
of objection
required in
respect of
reassessment
or additional
assessment

(6) Where a taxpayer has served a notice of objection to an assessment in accordance with this section and thereafter the Provincial Minister reassesses the taxpayer's tax for the taxation year in respect of which the notice of objection was served or issues an additional assessment in respect thereof, and notifies the taxpayer of his action by registered mail, the taxpayer may, without serving a notice of objection to the reassessment or the additional assessment,

(a) appeal therefrom to the court in accordance with section 20; or

(b) if an appeal to the court has been instituted with respect to the assessment, amend such appeal by joining thereto an appeal in respect of the reassessment or additional assessment in such manner and on such terms, if any, as the court directs.

s. 26 (4) (b),
amended

19. Clause *b* of subsection 4 of section 26 of the said Act is amended by striking out "section 116" in the third line and inserting in lieu thereof "section 220".

s. 27 (2),
amended

20. Subsection 2 of section 27 is amended by striking out "section 117" in the fourth line and inserting in lieu thereof "section 221".

s. 34 (6),
amended

21.—(1) Subsection 6 of section 34 of the said Act is amended by striking out "of 10 per cent per annum" in the tenth and eleventh lines and inserting in lieu thereof "per annum prescribed for the purposes of subsection 8 of section 227 of the Federal Act".

s. 34 (7),
re-enacted

(2) Subsection 7 of the said section 34 is repealed and the following substituted therefor:

Penalty
for failure
to remit

(7) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate per annum prescribed for purposes of subsection 8 of section 227 of the Federal Act, but, where a collection agreement is entered into, the Minister may refrain from levying or reduce the penalty if the person who is

liable therefor is liable to pay a penalty under subsection 9 of section 227 of the Federal Act by reason of the failure to pay an amount described in clause *a* of that subsection.

(3) Subsection 8 of the said section 34 is amended by ^{s. 34 (8),} amended striking out "Division D" in the fifth line and inserting in lieu thereof "Divisions I and J."

22. Clause *d* of subsection 1 of section 36 of the said Act ^{s. 36 (1) (d),} re-enacted is repealed and the following substituted therefor:

(*d*) if, during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the documents, books, records, papers or things that may be required as evidence as to the violation of any provision of this Act or a regulation.

23.—(1) Subsection 1 of section 37 of the said Act is ^{s. 37 (1),} amended by striking out "Section 126A" in the first line and inserting in lieu thereof "Section 232".

(2) Subsection 2 of the said section 37 is amended by ^{s. 37 (2),} amended striking out "section 126A" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "section 232."

24. Section 38 of the said Act is amended by striking out ^{s. 38,} amended "section 117" in the third line and inserting in lieu thereof "section 221."

25. Subsection 1 of section 39 of the said Act is amended ^{s. 39, (1),} amended by striking out "section 117" in the second line and inserting in lieu thereof "section 221."

26. Clause *f* of section 42 of the said Act is repealed and the ^{s. 42 (f),} re-enacted following substituted therefor:

(*f*) a fine of not less than 25 per cent and not more than double the amount of the tax that was sought to be evaded; or

27. Section 43 of the said Act is amended by striking ^{s. 43,} amended out "section 131 or 132" in the second line and inserting in lieu thereof "section 238 or 239".

Commence-
ment

28.—(1) This Act, except sections 1 and 2, subsections 2 to 8 of section 3, sections 4, 5 and 6 and sections 8 to 27, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2, subsections 2 to 8 of section 3, sections 4, 5 and 6 and sections 8 to 27 come into force on a day to be named by the Lieutenant Governor by his proclamation and apply with respect to the 1972 and subsequent taxation years.

Short title

29. This Act may be cited as *The Income Tax Amendment Act, 1971 (No. 2)*.

BILL 1

An Act to amend
The Income Tax Act

1st Reading

December, 13th, 1971

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

(Government Bill)

BILL 1

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Income Tax Act

THE HON. E. A. WINKLER
Minister of Revenue



BILL 1

1971

An Act to amend The Income Tax Act

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

1.—(1) Paragraph 15 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by striking out “subsection 1 of section 63” in the second and third lines and inserting in lieu thereof “section 104”. s. 1 (1) par. 15, amended

(2) Paragraph 17 of subsection 1 of the said section 1 is repealed. s. 1 (1) par. 17, repealed

(3) Subparagraph ii of paragraph 27 of subsection 1 of the said section 1 is amended by striking out “subsection 13 of section 63” in the third line and inserting in lieu thereof “subsection 23 of section 104”. s. 1 (1), par. 27 (ii), amended

2. Section 2 of the said Act is repealed and the following substituted therefor: s. 2, re-enacted

2. An income tax shall be paid as hereinafter required for each taxation year by every individual, Income tax on individuals
- (a) who was resident in Ontario on the last day of the taxation year; or
- (b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

3.—(1) Clause *f* of subsection 3 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 22, section 1, is repealed and the following substituted therefor: s. 3 (3) (f), re-enacted

- (f) 28 per cent in respect of the 1967, 1968, 1969 and 1970 taxation years;
- (g) 27.5 per cent in respect of the 1971 taxation year; and
- (h) 30.5 per cent in respect of the 1972 taxation year.

s. 3 (4) (a),
re-enacted

(2) Clause *a* of subsection 4 of the said section 3 is repealed and the following substituted therefor:

- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act for the taxation year in respect of which that expression is being applied computed as if the taxpayer were not entitled to any deduction under section 126 or 127 of that Act;

s. 3 (4) (b),
amended

(3) Clause *b* of subsection 4 of the said section 3 is amended by striking out "subsection 3 of section 33" in the fourth line and inserting in lieu thereof "subsection 4 of section 120".

s. 3 (4) (d),
re-enacted

(4) Clause *d* of subsection 4 of the said section 3 is repealed and the following substituted therefor:

- (d) "income for the year" means,
 - (i) in the case of an individual resident in Canada during part only of the taxation year in respect of whom section 114 of the Federal Act applies, the aggregate of,
 - (A) his income for the period or periods in the year referred to in clause *a* of section 114 of the Federal Act as determined in accordance with and for the purposes of the Federal Act, and
 - (B) his income for the portion of that year that is not included in the period or periods referred to in sub-clause A, computed under clauses *a*, *b* and *c* of subsection 1 of section 115 of the Federal Act as though such portion of the year were the whole taxation year,
 - (ii) in the case of an individual not resident in Canada at any time in the taxation year, his income for the year as computed under clauses *a*, *b* and *c* of subsection 1 of section 115 of the Federal Act, and

(iii) in the case of any other individual, his income for the year as determined in accordance with and for the purposes of the Federal Act.

(5) Clause *e* of subsection 4 of the said section 3 is repealed. ^{s. 3 (4) (e),}
repealed

(6) Subsection 5 of the said section 3 is amended by ^{s. 3 (5),}
striking out "subsection 2 of section 32" in the second line ^{amended}
and inserting in lieu thereof "subsection 6 of section 117".

(7) Subsection 6 of the said section 3 is repealed and the ^{s. 3 (6),}
following substituted therefor: ^{re-enacted}

(6) Where an individual resided in Ontario on the last day ^{Foreign Tax}
of a taxation year and had income for the year that ^{Credit}
included income earned in a country other than
Canada in respect of which any non-business-income
tax was paid by him to the government of a country
other than Canada, he may deduct from the tax
payable by him under this Act for that taxation
year an amount equal to the lesser of,

(a) the amount, if any, by which any non-business-
income tax paid by him for the year to the
government of such other country exceeds the
amount claimed under the Federal Act as a
deduction for that taxation year by virtue of
subsection 1 of section 126 of that Act; or

(b) that proportion of the tax otherwise payable
under this Act for that taxation year that,

(i) the aggregate of the taxpayer's income
from sources in that country,

(A) for that year, if section 114 of
the Federal Act is not applicable,
or

(B) if section 114 of the Federal Act
is applicable, for the period or
periods in the year referred to in
paragraph *a* thereof,

on the assumption that no businesses
were carried on by him,

is of,

(ii) the taxpayer's income,

(A) for the year, if section 114 of
the Federal Act is not applicable,
or

(B) if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph *a* thereof,

minus any amounts deductible under clause *b* of subsection 1 of section 111 or section 112 or 113 of the Federal Act for the year or such period or periods, as the case may be.

s. 3,
amended

(8) The said section 3 is amended by adding thereto the following subsection:

Non-business-
income tax
defined

(7) For the purposes of subsection 6, the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under clause *c* of subsection 7 of section 126 of the Federal Act for the purposes of that Act.

s. 4,
repealed

4. Section 4 of the said Act is repealed.

s. 5 (1),
amended

5.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “subsection 1 of section 42” in the fourth line and inserting in lieu thereof “subsection 1 of section 119”.

s. 5 (1), (a),
amended

(2) Clause *a* of subsection 1 of the said section 5 is amended by striking out “section 42” in the fourth line and in the ninth line and inserting in lieu thereof in each instance “section 119”.

s. 5 (1) (c),
amended

(3) Clause *c* of subsection 1 of the said section 5 is amended by striking out “section 42” in the sixth line and inserting in lieu thereof “section 119”.

s. 5 (2) (a) (ii),
amended

(4) Subclause ii of clause *a* of subsection 2 of the said section 5 is amended by striking out “section 33” in the fourth line and inserting in lieu thereof “section 120”.

s. 5 (3),
amended

(5) Subsection 3 of the said section 5 is amended by striking out “section 42” in the seventh line and inserting in lieu thereof “section 119”.

s. 5 (6),
amended

(6) Subsection 6 of the said section 5 is amended by striking out “section 42” in the second line and in the third line and inserting in lieu thereof in each instance “section 119”.

6. Section 6 of the said Act is amended by striking out ^{s. 6,} "section 62" in the third line and inserting in lieu thereof ^{amended} "section 149".

7. The said Act is amended by adding thereto the following ^{s. 6a,} section: ^{enacted}

6a. There may be deducted from the tax otherwise ^{Deduction} payable for the 1972 taxation year by an individual, an amount equal to 3 per cent of the tax payable under clause *h* of subsection 3 of section 3.

8. Subsection 4 of section 7 of the said Act is repealed and ^{s. 7 (4),} the following substituted therefor: ^{re-enacted}

(4) Where a partner or an individual who is a pro- ^{Death of} prietor of a business died after the close of a fiscal ^{partner,} period but before the end of the calendar year in ^{proprietor} which the fiscal period closed, a separate return of the taxpayer's income as a member of the partnership or as a proprietor of the business, after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax under this Part shall be paid on the taxpayer's income as such member or proprietor after the close of the fiscal period to the time of death as if that income were the income of another person.

9.—(1) Subsection 4 of section 9 of the said Act is repealed ^{s. 9 (4),} and the following substituted therefor: ^{re-enacted}

(4) The Provincial Minister may at any time assess ^{Idem} tax, interest or penalties under this Act or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for a taxation year and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an

original assessment or of a notification that no tax is payable for a taxation year; and

- (b) within four years from the day referred to in subclause ii of clause *a* in any other case,

reassess or make additional assessments or assess tax, interest or penalties as the circumstances require.

Idem

- (4a) Notwithstanding subsection 4, there shall not be included in computing the income of a taxpayer for the purpose of any reassessment, additional assessment or assessment of tax, interest or penalties that is made after the expiration of four years from the day referred to in subclause ii of clause *a* of subsection 4, any amount,

(a) that was not included in computing his income for the purposes of an assessment of tax made prior to the expiration of four years from that day; and

(b) in respect of which the taxpayer establishes that the failure to so include it did not result from any misrepresentation that is attributable to neglect, carelessness or wilful default or from any fraud in filing a return of his income or in supplying any information under this Act.

s. 9 (6),
re-enacted

(2) Subsection 6 of the said section 9 is repealed and the following substituted therefor:

Idem

- (6) Where a taxpayer has filed the return required by section 7 for a taxation year and, within one year from the day on or before which he was required by section 7 to file the return for that year, has filed an amended return for the year claiming a deduction from income under section 111 of the Federal Act in respect of non-capital losses, net capital losses or restricted farm losses sustained in the taxation year immediately following that year, the Provincial Minister shall reassess the taxpayer's tax for the year.

s. 10 (1) (h),
amended

10. Clause *h* of subsection 1 of section 10 of the said Act is amended by striking out "section 79c" in the second line and inserting in lieu thereof "section 147".

s. 11 (2),
amended

11. Subsection 2 of section 11 of the said Act is amended by striking out "section 48" in the fourth line and inserting in lieu thereof "section 155".

12. Subsection 2 of section 12 of the said Act is amended ^{s. 12 (2),} amended by striking out "section 49" in the fourth line and inserting in lieu thereof "section 156".

13. Section 14 of the said Act is repealed and the following ^{s. 14,} re-enacted substituted therefor:

14. Sections 159 and 160, subsection 2 of section 104, ^{Application} paragraph *e* of subsection 23 of section 104 and ^{of certain} subsection 2 of section 70 of the Federal Act ^{provisions} apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom such provisions apply in respect of tax payable under the Federal Act for the same taxation year.

14.—(1) Subsections 1 and 2 of section 15 of the said Act ^{s. 15 (1, 2),} re-enacted are repealed and the following substituted therefor:

(1) Where the amount paid on account of tax payable ^{General} by a taxpayer under this Act for a taxation year before the expiration of the time allowed for filing the return for that year is less than the amount of tax payable for the year under this Act, the person liable to pay the tax shall pay interest at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act on the difference between those two amounts from the expiration of the time for filing the return to the day of payment.

(2) In addition to the interest payable under subsection 1, ^{Interest} where a taxpayer, being required by this Act to ^{on} pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he is liable to pay interest thereon under subsection 1, whichever is earlier.

(2) Subsection 4 of the said section 15 is amended by ^{s. 15 (4)} amended striking out "section 54" in the sixth line and inserting in lieu thereof "section 161".

(3) Subsection 7 of the said section 15 is amended by ^{s. 15 (7),} amended striking out "section 27" in the first line and in the eleventh line and inserting in lieu thereof in each instance "section 111".

s. 16 (4),
amended

15. Subsection 4 of section 16 of the said Act is amended by striking out "section 55" in the fourth line and inserting in lieu thereof "section 162".

s. 17,
amended

16. Section 17 of the said Act is amended by adding thereto the following subsections:

Penalty
for failure
to file
returns

(2) Every person who wilfully attempts to evade payment of the tax payable by him by wilfully failing to file a return of income as and when required by subsection 1 of section 7 is liable to a penalty of 50 per cent of the amount of tax sought to be evaded.

Onus on
Provincial
Minister

(3) Where in any appeal under this Act a penalty assessed by the Provincial Minister under this section is in issue, the onus of establishing the facts justifying the assessment of the penalty rests upon the Provincial Minister.

s. 18 (3),
amended

17.—(1) Subsection 3 of section 18 of the said Act is amended by striking out "Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of," in the first, second, third and fourth lines and inserting in lieu thereof: "Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at the rate per annum prescribed for the purposes of subsection 3 of section 164 of the Federal Act shall be paid or applied thereon for the period commencing with the latest of".

s. 18 (4),
re-enacted

(2) Subsection 4 of the said section 18 is repealed and the following substituted therefor:

Idem,
after court
judgment

(4) Where, by a decision of the Provincial Minister under section 19 or by a decision of the Supreme Court of Ontario or the Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Act is less than the amount assessed by the assessment under section 9 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at the rate per annum prescribed for the purposes of subsection 1 of section 161 of the Federal Act instead of that prescribed for the purposes of subsection 3 of section 164 of the Federal Act.

(3) Subsection 5 of the said section 18 is amended by ^{s. 18 (5),} amended striking out "subsection 3a of section 57" in the second line and inserting in lieu thereof "subsection 4 of section 164".

(4) Subsection 7 of the said section 18 is amended by ^{s. 18 (7),} amended striking out "section 27" in the first line and in the eleventh line and inserting in lieu thereof in each instance "section 111".

(5) The said section 18 is amended by adding thereto the ^{s. 18,} amended following subsection:

(8) Where in the course of administering the estate of a ^{Where} deceased taxpayer, the taxpayer's legal representative has, within the 12-month period immediately following the death of the taxpayer, disposed of ^{disposition by legal representative of deceased taxpayer} certain property of the estate described in clause *a* or *b* of subsection 6 of section 164 of the Federal Act, subsection 6 of section 164 of the Federal Act is applicable *mutatis mutandis*.

18.—(1) Subsection 3 of section 19 of the said Act is ^{s. 19 (3),} re-enacted repealed and the following substituted therefor:

(3) Upon receipt of a notice of objection, the Provincial ^{Reconsideration} Minister shall,

(a) where the taxpayer indicates in the notice of objection that he wishes to appeal immediately to the court and that he waives reconsideration of the assessment and the Provincial Minister consents, file a copy of the notice of objection with the Registrar of the Supreme Court or the local registrar of the court for the county or district in which the taxpayer resides; or

(b) with all due despatch, reconsider the assessment and vacate, confirm or vary the assessment or reassess,

and he shall thereupon notify the taxpayer of his action by registered mail.

(3a) Where the Provincial Minister files a copy of a notice ^{Deemed confirmation and appeal} of objection pursuant to clause *a* of subsection 3, the Provincial Minister shall be deemed, for the purpose of this section, to have confirmed the assessment to which the notice relates and the taxpayer who served the notice shall be deemed to have thereupon instituted an appeal in accordance with this section.

s. 19,
amended

(2) The said section 19 is amended by adding thereto the following subsection:

No notice
of objection
required in
respect of
reassessment
or additional
assessment

(6) Where a taxpayer has served a notice of objection to an assessment in accordance with this section and thereafter the Provincial Minister reassesses the taxpayer's tax for the taxation year in respect of which the notice of objection was served or issues an additional assessment in respect thereof, and notifies the taxpayer of his action by registered mail, the taxpayer may, without serving a notice of objection to the reassessment or the additional assessment,

(a) appeal therefrom to the court in accordance with section 20; or

(b) if an appeal to the court has been instituted with respect to the assessment, amend such appeal by joining thereto an appeal in respect of the reassessment or additional assessment in such manner and on such terms, if any, as the court directs.

s. 26 (4) (b),
amended

19. Clause *b* of subsection 4 of section 26 of the said Act is amended by striking out "section 116" in the third line and inserting in lieu thereof "section 220".

s. 27 (2),
amended

20. Subsection 2 of section 27 is amended by striking out "section 117" in the fourth line and inserting in lieu thereof "section 221".

s. 34 (6),
amended

21.—(1) Subsection 6 of section 34 of the said Act is amended by striking out "of 10 per cent per annum" in the tenth and eleventh lines and inserting in lieu thereof "per annum prescribed for the purposes of subsection 8 of section 227 of the Federal Act".

s. 34 (7),
re-enacted

(2) Subsection 7 of the said section 34 is repealed and the following substituted therefor:

Penalty
for failure
to remit

(7) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate per annum prescribed for purposes of subsection 8 of section 227 of the Federal Act, but, where a collection agreement is entered into, the Minister may refrain from levying or reduce the penalty if the person who is

liable therefor is liable to pay a penalty under subsection 9 of section 227 of the Federal Act by reason of the failure to pay an amount described in clause *a* of that subsection.

(3) Subsection 8 of the said section 34 is amended by ^{s. 34 (8),} amended striking out "Division D" in the fifth line and inserting in lieu thereof "Divisions I and J."

22. Clause *d* of subsection 1 of section 36 of the said Act ^{s. 36 (1) (d),} re-enacted is repealed and the following substituted therefor:

(*d*) if, during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the documents, books, records, papers or things that may be required as evidence as to the violation of any provision of this Act or a regulation.

23.—(1) Subsection 1 of section 37 of the said Act is ^{s. 37 (1),} amended by striking out "Section 126A" in the first line and inserting in lieu thereof "Section 232".

(2) Subsection 2 of the said section 37 is amended by ^{s. 37 (2),} amended striking out "section 126A" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "section 232."

24. Section 38 of the said Act is amended by striking out ^{s. 38,} amended "section 117" in the third line and inserting in lieu thereof "section 221."

25. Subsection 1 of section 39 of the said Act is amended ^{s. 39, (1),} amended by striking out "section 117" in the second line and inserting in lieu thereof "section 221."

26. Clause *f* of section 42 of the said Act is repealed and the ^{s. 42 (f),} re-enacted following substituted therefor:

(*f*) a fine of not less than 25 per cent and not more than double the amount of the tax that was sought to be evaded; or

27. Section 43 of the said Act is amended by striking ^{s. 43,} amended out "section 131 or 132" in the second line and inserting in lieu thereof "section 238 or 239".

Commence-
ment

28.—(1) This Act, except sections 1 and 2, subsections 2 to 8 of section 3, sections 4, 5 and 6 and sections 8 to 27, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2, subsections 2 to 8 of section 3, sections 4, 5 and 6 and sections 8 to 27 come into force on a day to be named by the Lieutenant Governor by his proclamation and apply with respect to the 1972 and subsequent taxation years.

Short title

29. This Act may be cited as *The Income Tax Amendment Act, 1971 (No. 2)*.

An Act to amend
The Income Tax Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Tax Act

THE HON. E. A. WINKLER
Minister of Revenue

THE EMPLOYMENT SUPPORT ACT
1991

EXPLANATORY NOTE

Any amount received by a corporation as a grant under the federal *Employment Support Act* will not be included in computing the income of the corporation for the fiscal year.

BILL 2

1971

**An Act to amend
The Corporations Tax Act**

HER 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 Corporations Tax Act*, being chapter 91^{s. 22,} of the Revised Statutes of Ontario, 1970, is amended by^{amended} adding thereto the following clause:

(e) an amount paid to a corporation on account of an^{federal} employment support grant under the *Employment*^{employment} *Support Act* (Canada).^{support grant}

2. This Act comes into force on the day it receives Royal^{Commence-} Assent and applies with respect to the 1971 and subsequent^{ment} fiscal years.

3. This Act may be cited as *The Corporations Tax Amend-Short title* *ment Act, 1971 (No. 3)*.

An Act to Amend
The Corporations Tax Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

(Government Bill)

BILL 2

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Corporations Tax Act

THE HON. E. A. WINKLER
Minister of Revenue

BILL 2

1971

**An Act to amend
The Corporations Tax Act**

HER 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 Corporations Tax Act*, being chapter 91^{s. 22,} of the Revised Statutes of Ontario, 1970, is amended by^{amended} adding thereto the following clause:

(e) an amount paid to a corporation on account of an^{federal} employment support grant under the *Employment*^{employment} *Support Act* (Canada).^{support grant}

2. This Act comes into force on the day it receives Royal^{Commence-} Assent and applies with respect to the 1971 and subsequent^{ment} fiscal years.

3. This Act may be cited as *The Corporations Tax Amend-*^{Short title} *ment Act, 1971 (No. 3)*.

BILL 2

An Act to Amend
The Corporations Tax Act

1st Reading

December 13th, 1971

2nd Reading

December 16th, 1971

3rd Reading

December 17th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Succession Duty Act

THE HON. E. A. WINKLER
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides that where a disposition of property is made by the deceased prior to January 1, 1972, for the purposes of this Act, it will not be brought back into the estate unless it is made within the five year period immediately prior to the date of death of the deceased.

Subsection 2. The amendment provides that where a disposition of property is made by the deceased on or after January 1, 1972, for the purposes of this Act, the value of the disposition will be added to the estate of the deceased unless the disposition is made fifteen years prior to the date of death of the deceased.

BILL 3

1971

An Act to amend The Succession Duty 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 *g* of subsection 1 of section 5 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “if the disposition was made on or before the 31st day of December, 1971”, so that the clause shall read as follows:

- (g) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise, if the disposition was made on or before the 31st day of December, 1971.

(2) Subsection 1 of the said section 5, as amended by the Statutes of Ontario, 1971, chapter 15, section 1, is further amended by adding thereto the following clause:

- (ga) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than fifteen years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise, if the disposition was made on or after the 1st day of January, 1972.

s. 7 (1),
re-enacted

2.—(1) Subsection 1 of section 7 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed and the following substituted therefor:

Rates of
duty,
preferred

- (1) The duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of the father, mother, spouse or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, and the duty levied on the father, mother, spouse or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, shall be at the following rates:

Where the aggregate value,

- (a) exceeds \$100,000 and does not exceed \$150,000
—10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (b) exceeds \$150,000 and does not exceed \$200,000
—11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$150,000;
- (c) exceeds \$200,000 and does not exceed \$300,000
—12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (d) exceeds \$300,000 and does not exceed \$400,000
—13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (e) exceeds \$400,000 and does not exceed \$500,000
—14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (f) exceeds \$500,000 and does not exceed \$600,000
—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (g) exceeds \$600,000 and does not exceed \$700,000
—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;

SECTION 2—Subsection 1. The effect of the amendment is to double the rate of duty payable by preferred beneficiaries.

- (h) exceeds \$700,000 and does not exceed \$800,000—17 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$700,000;
- (i) exceeds \$800,000 and does not exceed \$900,000—18 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (j) exceeds \$900,000 and does not exceed \$1,000,000—19 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$900,000;
- (k) exceeds \$1,000,000 and does not exceed \$5,000,000—20 per cent plus $1/50$ of 1 per cent for each full \$10,000 by which the aggregate value exceeds \$1,000,000;
- (l) exceeds \$5,000,000—28 per cent,

and the duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of any one of such persons and the duty levied on such person, shall be at the following additional rates:

Where the amount of the value of all the property which so passes and of the value of all transmissions to and dispositions made to such person, after making allowance for the debts, encumbrances and other allowances authorized by and in accordance with subsection 6 of section 3,

- (aa) exceeds \$100,000 and does not exceed \$150,000—5 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the amount exceeds \$100,000;
- (bb) exceeds \$150,000 and does not exceed \$300,000—6 per cent plus $1/50$ of 1 per cent for each full \$3,000 by which the amount exceeds \$150,000;
- (cc) exceeds \$300,000 and does not exceed \$400,000—7 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the amount exceeds \$300,000;

- (*dd*) exceeds \$400,000 and does not exceed \$500,000—9 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$400,000;
- (*ee*) exceeds \$500,000 and does not exceed \$600,000—10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$500,000;
- (*ff*) exceeds \$600,000 and does not exceed \$700,000—11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$600,000;
- (*gg*) exceeds \$700,000 and does not exceed \$750,000—12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$700,000;
- (*hh*) exceeds \$750,000 and does not exceed \$800,000—13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$750,000;
- (*ii*) exceeds \$800,000 and does not exceed \$900,000—14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$800,000;
- (*jj*) exceeds \$900,000 and does not exceed \$1,000,000—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$900,000;
- (*kk*) exceeds \$1,000,000 and does not exceed \$1,200,000—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,000,000;
- (*ll*) exceeds \$1,200,000 and does not exceed \$1,400,000—17 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,200,000;
- (*mm*) exceeds \$1,400,000 and does not exceed \$1,600,000—18 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,400,000;

Subsections 2 and 3. The effect of the amendments is to exempt collateral beneficiaries from duty on estates valued up to \$100,000 and to double the rate of duty payable by them.

- (nn) exceeds \$1,600,000 and does not exceed \$1,800,000—19 per cent plus $1/50$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,600,000;
- (oo) exceeds \$1,800,000 and does not exceed \$2,000,000—20 per cent plus $1/50$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,800,000;
- (pp) exceeds \$2,000,000 and does not exceed \$2,200,000—21 per cent plus $1/50$ of 1 per cent for each full \$4,000 by which the amount exceeds \$2,000,000;
- (qq) exceeds \$2,200,000 and does not exceed \$2,400,000—22 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,200,000;
- (rr) exceeds \$2,400,000 and does not exceed \$2,600,000—24 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,400,000;
- (ss) exceeds \$2,600,000 and does not exceed \$2,800,000—26 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,600,000;
- (tt) exceeds \$2,800,000 and does not exceed \$3,000,000—28 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,800,000; and
- (uu) exceeds \$3,000,000—30 per cent.

(2) Clauses *a* to *i* of subsection 5 of the said section 7 are ^{s. 7(5)(a-i),} repealed and the following substituted therefor:

- (a) exceeds \$100,000 and does not exceed \$200,000—24 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (b) exceeds \$200,000 and does not exceed \$400,000—26 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (c) exceeds \$400,000 and does not exceed \$600,000—28 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;

- (d) exceeds \$600,000 and does not exceed \$800,000—30 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (e) exceeds \$800,000 and does not exceed \$1,000,000—32 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (f) exceeds \$1,000,000—34 per cent.

s. 7 (5) (aa-qq),
re-enacted

(3) Clauses *aa* to *qq* of subsection 5 of the said section 7 are repealed and the following substituted therefor:

- (aa) exceeds \$100,000 and does not exceed \$160,000—6.4 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$100,000;
- (bb) exceeds \$160,000 and does not exceed \$200,000—7 per cent plus $5/50$ of 1 per cent for each full \$4,000 by which the amount exceeds \$160,000;
- (cc) exceeds \$200,000 and does not exceed \$300,000—8 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$200,000;
- (dd) exceeds \$300,000 and does not exceed \$350,000—9 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the amount exceeds \$300,000;
- (ee) exceeds \$350,000 and does not exceed \$450,000—10 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$350,000;
- (ff) exceeds \$450,000 and does not exceed \$500,000—11 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the amount exceeds \$450,000;
- (gg) exceeds \$500,000 and does not exceed \$600,000—12 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$500,000;
- (hh) exceeds \$600,000 and does not exceed \$700,000—13 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$600,000;
- (ii) exceeds \$700,000 and does not exceed \$800,000—14 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$700,000;

Subsection 4. The effect of the amendment is to exempt strangers from duty on estates valued up to \$100,000 and to double the rate of duty payable by them.

- (jj) exceeds \$800,000 and does not exceed \$900,000—15 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$800,000;
- (kk) exceeds \$900,000 and does not exceed \$1,000,000—16 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the amount exceeds \$900,000;
- (ll) exceeds \$1,000,000 and does not exceed \$1,500,000—18 per cent plus $1/50$ of 1 per cent for each full \$5,000 by which the amount exceeds \$1,000,000;
- (mm) exceeds \$1,500,000 and does not exceed \$2,000,000—20 per cent plus $1/50$ of 1 per cent for each full \$5,000 by which the amount exceeds \$1,500,000;
- (nn) exceeds \$2,000,000 and does not exceed \$2,500,000—22 per cent plus $1/50$ of 1 per cent for each full \$5,000 by which the amount exceeds \$2,000,000;
- (oo) exceeds \$2,500,000 and does not exceed \$3,000,000—24 per cent plus $1/50$ of 1 per cent for each full \$5,000 by which the amount exceeds \$2,500,000; and
- (pp) exceeds \$3,000,000—26 per cent.

(4) Clauses *a* to *j* of subsection 6 of the said section 7 are ^{s. 7 (6) (a-j),} re-enacted repealed and the following substituted therefor:

- (a) exceeds \$100,000 and does not exceed \$200,000—35 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$100,000;
- (b) exceeds \$200,000 and does not exceed \$300,000—40 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (c) exceeds \$300,000 and does not exceed \$400,000—45 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (d) exceeds \$400,000 and does not exceed \$500,000—50 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (e) exceeds \$500,000 and does not exceed \$600,000—55 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$500,000;

- (f) exceeds \$600,000 and does not exceed \$700,000—60 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (g) exceeds \$700,000 and does not exceed \$800,000—65 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$700,000; and
- (h) exceeds \$800,000—70 per cent.

s. 7 (7),
amended

(5) Subsection 7 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed.

s. 7 (8) (a),
re-enacted

(6) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1, 5 or 6 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and

s. 7 (9, 10),
repealed

(7) Subsections 9 and 10 of the said section 7 are repealed.

s. 7 (11) (b)
(i, ii),
re-enacted

(8) Subclauses *i* and *ii* of clause *b* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, are repealed and the following substituted therefor:

- (i) where the deceased is survived by a spouse and no dependent children, \$500,000,
- (ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$500,000 and \$15,000 for each dependent child, or

s. 7 (11) (f) (1),
re-enacted

(9) Subclause *i* of clause *f* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed and the following substituted therefor:

- (i) in the case of the spouse of the deceased, \$500,000.

s. 7 (11) (g),
amended

(10) Clause *g* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1971, chapter 15, section 2, is amended by striking out "5" in the ninth line and inserting in lieu thereof "10", so that the clause shall read as follows:

Subsection 5. The effect of the amendment is to remove the surtax payable under the Act.

Subsection 6. The amendment includes the notch provisions in relation to collaterals and strangers.

Subsection 7. The present notch provisions applicable to collaterals and strangers are repealed as they are now included in subsection 6.

Subsections 8 and 9. The exemption for a spouse of a deceased is increased from \$250,000 to \$500,000.

Subsection 10. The amendment is consequential upon the amendment contained in subsection 1.

(g) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to the amounts equal to the amount of his individual dependant allowance, provided that, where the dependant's individual dependant allowance is less than \$100,000, the rate to be applied to his individual dependant allowance shall be 10 per cent.

3. This Act comes into force on the 1st day of January, ^{Commence-}1972. _{ment}

4. This Act may be cited as *The Succession Duty Amend-Short title*
ment Act, 1971 (No. 2).

An Act to amend
The Succession Duty Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Minister of Revenue

(Government Bill)

BILL 3

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Succession Duty Act

THE HON. E. A. WINKLER
Minister of Revenue

T O R O N T O

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 3

1971

An Act to amend The Succession Duty 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 *g* of subsection 1 of section 5 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “if the disposition was made on or before the 31st day of December, 1971”, so that the clause shall read as follows:

- (g) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise, if the disposition was made on or before the 31st day of December, 1971.

(2) Subsection 1 of the said section 5, as amended by the Statutes of Ontario, 1971, chapter 15, section 1, is further amended by adding thereto the following clause:

- (ga) any disposition where actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, was assumed more than fifteen years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise, if the disposition was made on or after the 1st day of January, 1972.

s. 7 (1),
re-enacted

2.—(1) Subsection 1 of section 7 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed and the following substituted therefor:

Rates of
duty,
preferred

- (1) The duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of the father, mother, spouse or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, and the duty levied on the father, mother, spouse or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, shall be at the following rates:

Where the aggregate value,

- (a) exceeds \$100,000 and does not exceed \$150,000 —10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (b) exceeds \$150,000 and does not exceed \$200,000 —11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$150,000;
- (c) exceeds \$200,000 and does not exceed \$300,000 —12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (d) exceeds \$300,000 and does not exceed \$400,000 —13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (e) exceeds \$400,000 and does not exceed \$500,000 —14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (f) exceeds \$500,000 and does not exceed \$600,000 —15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$500,000;
- (g) exceeds \$600,000 and does not exceed \$700,000 —16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;

- (h) exceeds \$700,000 and does not exceed \$800,000—17 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$700,000;
- (i) exceeds \$800,000 and does not exceed \$900,000—18 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$800,000;
- (j) exceeds \$900,000 and does not exceed \$1,000,000—19 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$900,000;
- (k) exceeds \$1,000,000 and does not exceed \$5,000,000—20 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$10,000 by which the aggregate value exceeds \$1,000,000;
- (l) exceeds \$5,000,000—28 per cent,

and the duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of any one of such persons and the duty levied on such person, shall be at the following additional rates:

Where the amount of the value of all the property which so passes and of the value of all transmissions to and dispositions made to such person, after making allowance for the debts, encumbrances and other allowances authorized by and in accordance with subsection 6 of section 3,

- (aa) exceeds \$100,000 and does not exceed \$150,000—5 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$100,000;
- (bb) exceeds \$150,000 and does not exceed \$300,000—6 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$3,000 by which the amount exceeds \$150,000;
- (cc) exceeds \$300,000 and does not exceed \$400,000—7 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$300,000;

- (*dd*) exceeds \$400,000 and does not exceed \$500,000—9 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$400,000;
- (*ee*) exceeds \$500,000 and does not exceed \$600,000—10 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$500,000;
- (*ff*) exceeds \$600,000 and does not exceed \$700,000—11 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$600,000;
- (*gg*) exceeds \$700,000 and does not exceed \$750,000—12 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$700,000;
- (*hh*) exceeds \$750,000 and does not exceed \$800,000—13 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$1,000 by which the amount exceeds \$750,000;
- (*ii*) exceeds \$800,000 and does not exceed \$900,000—14 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$800,000;
- (*jj*) exceeds \$900,000 and does not exceed \$1,000,000—15 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$2,000 by which the amount exceeds \$900,000;
- (*kk*) exceeds \$1,000,000 and does not exceed \$1,200,000—16 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,000,000;
- (*ll*) exceeds \$1,200,000 and does not exceed \$1,400,000—17 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,200,000;
- (*mm*) exceeds \$1,400,000 and does not exceed \$1,600,000—18 per cent plus $\frac{1}{50}$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,400,000;

- (nn) exceeds \$1,600,000 and does not exceed \$1,800,000—19 per cent plus $1/50$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,600,000;
- (oo) exceeds \$1,800,000 and does not exceed \$2,000,000—20 per cent plus $1/50$ of 1 per cent for each full \$4,000 by which the amount exceeds \$1,800,000;
- (pp) exceeds \$2,000,000 and does not exceed \$2,200,000—21 per cent plus $1/50$ of 1 per cent for each full \$4,000 by which the amount exceeds \$2,000,000;
- (qq) exceeds \$2,200,000 and does not exceed \$2,400,000—22 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,200,000;
- (rr) exceeds \$2,400,000 and does not exceed \$2,600,000—24 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,400,000;
- (ss) exceeds \$2,600,000 and does not exceed \$2,800,000—26 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,600,000;
- (tt) exceeds \$2,800,000 and does not exceed \$3,000,000—28 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$2,800,000; and
- (uu) exceeds \$3,000,000—30 per cent.

(2) Clauses *a* to *i* of subsection 5 of the said section 7 are ^{s. 7 (5) (a-i),} repealed and the following substituted therefor:

- (a) exceeds \$100,000 and does not exceed \$200,000—24 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (b) exceeds \$200,000 and does not exceed \$400,000—26 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (c) exceeds \$400,000 and does not exceed \$600,000—28 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;

- (d) exceeds \$600,000 and does not exceed \$800,000—
30 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the aggregate value exceeds \$600,000;
- (e) exceeds \$800,000 and does not exceed \$1,000,000—
32 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the aggregate value exceeds \$800,000;
- (f) exceeds \$1,000,000—34 per cent.

s. 7(5) (aa-qq).
re-enacted

(3) Clauses *aa* to *qq* of subsection 5 of the said section 7 are repealed and the following substituted therefor:

- (aa) exceeds \$100,000 and does not exceed \$160,000—
6.4 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$100,000;
- (bb) exceeds \$160,000 and does not exceed \$200,000—
7 per cent plus $5/50$ of 1 per cent for each full \$4,000
by which the amount exceeds \$160,000;
- (cc) exceeds \$200,000 and does not exceed \$300,000—
8 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$200,000;
- (dd) exceeds \$300,000 and does not exceed \$350,000—
9 per cent plus $1/50$ of 1 per cent for each full \$1,000
by which the amount exceeds \$300,000;
- (ee) exceeds \$350,000 and does not exceed \$450,000—
10 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$350,000;
- (ff) exceeds \$450,000 and does not exceed \$500,000—
11 per cent plus $1/50$ of 1 per cent for each full \$1,000
by which the amount exceeds \$450,000;
- (gg) exceeds \$500,000 and does not exceed \$600,000—
12 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$500,000;
- (hh) exceeds \$600,000 and does not exceed \$700,000—
13 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$600,000;
- (ii) exceeds \$700,000 and does not exceed \$800,000—
14 per cent plus $1/50$ of 1 per cent for each full \$2,000
by which the amount exceeds \$700,000;

- (jj) exceeds \$800,000 and does not exceed \$900,000—15 per cent plus $1/50$ of 1 per cent for each full \$2,000 by which the amount exceeds \$800,000;
- (kk) exceeds \$900,000 and does not exceed \$1,000,000—16 per cent plus $1/50$ of 1 per cent for each full \$1,000 by which the amount exceeds \$900,000;
- (ll) exceeds \$1,000,000 and does not exceed \$1,500,000—18 per cent plus $1/50$ of 1 per cent for each full \$5,000 by which the amount exceeds \$1,000,000;
- (mm) exceeds \$1,500,000 and does not exceed \$2,000,000—20 per cent plus $1/50$ of 1 per cent for each full \$5,000 by which the amount exceeds \$1,500,000;
- (nn) exceeds \$2,000,000 and does not exceed \$2,500,000—22 per cent plus $1/50$ of 1 per cent for each full \$5,000 by which the amount exceeds \$2,000,000;
- (oo) exceeds \$2,500,000 and does not exceed \$3,000,000—24 per cent plus $1/50$ of 1 per cent for each full \$5,000 by which the amount exceeds \$2,500,000; and
- (pp) exceeds \$3,000,000—26 per cent.

(4) Clauses *a* to *j* of subsection 6 of the said section 7 are ^{s. 7 (6) (a-j),} repealed and the following substituted therefor: _{re-enacted}

- (a) exceeds \$100,000 and does not exceed \$200,000—35 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$100,000;
- (b) exceeds \$200,000 and does not exceed \$300,000—40 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (c) exceeds \$300,000 and does not exceed \$400,000—45 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$300,000;
- (d) exceeds \$400,000 and does not exceed \$500,000—50 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (e) exceeds \$500,000 and does not exceed \$600,000—55 per cent plus $5/50$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$500,000;

(f) exceeds \$600,000 and does not exceed \$700,000—60 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$600,000;

(g) exceeds \$700,000 and does not exceed \$800,000—65 per cent plus $\frac{5}{50}$ of 1 per cent for each full \$2,000 by which the aggregate value exceeds \$700,000; and

(h) exceeds \$800,000—70 per cent.

s. 7 (7),
amended

(5) Subsection 7 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed.

s. 7 (8) (a),
re-enacted

(6) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

(a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1, 5 or 6 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and

s. 7 (9, 10),
repealed

(7) Subsections 9 and 10 of the said section 7 are repealed.

s. 7 (11) (b)
(i, ii),
re-enacted

(8) Subclauses *i* and *ii* of clause *b* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$500,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$500,000 and \$15,000 for each dependent child, or

s. 7 (11) (f) (i),
re-enacted

(9) Subclause *i* of clause *f* of subsection 11 of the said section 7, as amended by the Statutes of Ontario, 1971, chapter 15, section 2, is repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$500,000.

s. 7 (11) (g),
amended

(10) Clause *g* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1971, chapter 15, section 2, is amended by striking out "5" in the ninth line and inserting in lieu thereof "10", so that the clause shall read as follows:

(g) "individual dependant reduction" means, in the case of a dependant, the amount obtained by applying to the amount of his individual dependant allowance the rates applicable under subsection 1 to the amounts equal to the amount of his individual dependant allowance, provided that, where the dependant's individual dependant allowance is less than \$100,000, the rate to be applied to his individual dependant allowance shall be 10 per cent.

3. This Act comes into force on the 1st day of January, ^{Commence-}1972. _{ment}

4. This Act may be cited as *The Succession Duty Amend-* ^{Short title}
ment Act, 1971 (No. 2).

An Act to amend
The Succession Duty Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. E. A. WINKLER
Minister of Revenue

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to Facilitate the
Relief of Unemployment by Municipalities**

THE HON. D. A. BALES
Minister of Municipal Affairs

EXPLANATORY NOTE

The Bill authorizes municipalities, with the consent of the owner, to enter and expend moneys on private property in furtherance of recently announced Government programs to assist municipalities in the relief of unemployment.

BILL 4

1971

An Act to Facilitate the Relief of Unemployment by Municipalities

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, "municipality" means a city, town, village, township and county, and includes a metropolitan, regional and district municipality. ^{Interpre-}
^{tation}

2. Every municipality may, by agreement with the owner of private property, enter on such property and expend moneys thereon for the purpose of implementing any plan that is approved by the Department of Municipal Affairs for the relief of unemployment in the municipality. ^{Expenditure of}
^{moneys and}
^{entry on}
^{private}
^{property}

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

4. This Act may be cited as *The Municipal Unemployment Relief Act, 1971*. ^{Short title}

An Act to Facilitate the
Relief of Unemployment by Municipalities

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. D. A. BALES
Minister of Municipal Affairs

(Government Bill)

BILL 4

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to Facilitate the
Relief of Unemployment by Municipalities**

THE HON. D. A. BALES
Minister of Municipal Affairs

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BILL 4

1971

An Act to Facilitate the Relief of Unemployment by Municipalities

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, "municipality" means a city, town, village, ^{Interpre-} township and county, and includes a metropolitan, regional ^{tation} and district municipality.
2. Every municipality may, by agreement with the owner ^{Expenditure of} of private property, enter on such property and expend ^{moneys and} moneys thereon for the purpose of implementing any plan ^{entry on} that is approved by the Department of Municipal Affairs for ^{private} the relief of unemployment in the municipality. ^{property}
3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}
4. This Act may be cited as *The Municipal Unemployment* ^{Short title} *Relief Act, 1971.*

An Act to Facilitate the
Relief of Unemployment by Municipalities

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. D. A. BALES
Minister of Municipal Affairs

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to establish the Ontario Health Insurance
Commission and to provide for the Advance
Organization of the Ontario Health Insurance
Plan**

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health

EXPLANATORY NOTE

The purpose of the Bill is to provide the authority necessary to bring in an Ontario Health Insurance Plan which will put the existing health services insurance and hospital services insurance under one administration with one premium.

The Bill also authorizes the provision of the insurance to persons 65 years of age and over without the payment of a premium.

BILL 5

1971

**An Act to establish the Ontario Health
Insurance Commission and to provide for the
Advance Organization of the Ontario Health
Insurance Plan**

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,

Interpreta-
tion

- (a) "Chairman" means the Chairman of the Ontario Health Insurance Commission;
- (b) "Commission" means the Ontario Health Insurance Commission;
- (c) "Plan" means the Ontario Health Insurance Plan referred to in section 5;
- (d) "regulations" means the regulations made under this Act.

2.—(1) The Ontario Health Insurance Commission is established and shall be composed of not fewer than five and not more than nine persons.

Ontario
Health
Insurance
Commission
established

(2) The members of the Commission shall be appointed by the Lieutenant Governor in Council and one of them shall be designated as Chairman and one of them may be designated as vice-chairman.

Appointment

(3) The Deputy Minister of Health is, *ex officio*, a member of the Commission.

Deputy
Minister

(4) The members of the Commission who are not public servants shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

Remunera-
tion

(5) *The Public Service Superannuation Act* applies to every full-time member of the Commission.

Application
of R.S.O. 1970,
c. 387

Chairman,
duties

3.—(1) The Chairman is the chief executive officer of the Commission and is responsible for the performance of such duties as are assigned to him by the Lieutenant Governor in Council and the Minister of Health.

Acting
Chairman

(2) In case of the absence or illness of the Chairman or of there being a vacancy in the office of the Chairman, the vice-chairman or, if none, such person as the Commission designates for such purposes shall act temporarily as and have the powers of the Chairman.

Chairman
responsible
to Minister

(3) The Chairman is responsible to the Minister of Health for the administration of the Plan.

Employees

4. Such officers and employees as are considered necessary to carry out the duties of the Commission shall be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 387

O.H.I.P.
organization

5.—(1) The Commission is empowered to do all things necessary to arrange for the organization of the Ontario Health Insurance Plan to include the plan of hospital care insurance established in accordance with the agreement between the Government of Ontario and the Government of Canada authorized by the *Hospital Insurance and Diagnostic Services Act* (Canada) and the Health Services Insurance Plan established in accordance with the *Medical Care Act* (Canada), and, without limiting the generality of the foregoing, the Commission has the function and the power to,

R.S.C. 1970,
cc. H-8, M-8

- (a) make all necessary arrangements for and carry out advance enrolment;
- (b) bill and collect advance payment of premiums;
- (c) determine eligibility for persons to become insured persons under the Plan in accordance with this Act and the regulations;
- (d) determine eligibility for premium assistance in accordance with this Act and the regulations.

Powers of
Commission

(2) The Commission may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract by the Commission.

Collection
of premiums

(3) Premiums collected by the Commission in respect of the the Plan shall be paid to the Treasurer of Ontario.

Entitlement
to enrol

6.—(1) Every person who is eligible to be an insured person under *The Health Services Insurance Act* or *The*

Hospital Services Commission Act is eligible to become an insured person under the Plan. R.S.O. 1970, c. 200, 209

(2) The prescribed premium for insurance under the Plan shall be paid three months in advance of the month in respect of which the premium is paid. Advance payment of premiums

7.—(1) Any person who is sixty-five years of age or over and who applies and is eligible therefor, and his spouse and dependants, are entitled to receive insured services under the Plan without the payment of a premium. Exemption from premium of persons over 65

(2) Subsection 1 does not apply to a person unless he has been ordinarily resident in Ontario for the previous twelve months. Idem

8.—(1) Subject to subsection 2, nothing in this Act shall be construed to affect any agreement or legally enforceable arrangement whereby an employer contributes all or part of the premiums payable for insured services under *The Health Services Insurance Act* or *The Hospital Services Commission Act* in respect of his employees and any obligation of the employer thereunder to pay all or part of premiums for insured services continues in respect of the payment of the premium for insured services under the Plan. Existing agreements not affected

(2) Where the amount or amounts required to be paid by the employer under an agreement or legally enforceable arrangement referred to in subsection 1 as premiums for insured services, or the part of such amount or amounts that is referable to insured services is greater than the amount or amounts the employer is, by virtue of subsection 1 required to pay in respect of the premiums under the Plan, the employer, until the agreement or arrangement is terminated, shall pay the amount of the excess to or for the benefit of the employees, and, notwithstanding any other Act, any such excess shall first be applied to increase the employer's share of the premium payment until such share has reached 100 per cent. Benefit of premium reductions to be passed to insured person by employer

(3) Section 37 of *The Labour Relations Act* applies to differences arising in the application of this section in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement. Provisions for arbitration R.S.O. 1970, c. 232

(4) For the purposes of this section, a person who has ceased to be employed by an employer but for whom the employer is legally responsible to pay all or part of the premium shall be deemed to be an employee of the employer. Who deemed employee

Regulations **9.** The Lieutenant Governor in Council may make regulations,

- (a) fixing the premium for insurance under the Plan;
- (b) prescribing forms for the purposes of this Act and providing for their use;
- (c) providing for assistance in the payment of premiums for insurance under the Plan including prescribing the qualifications, and amounts and the procedures for granting such assistance;
- (d) designating provisions in *The Health Services Insurance Act* or *The Hospital Services Commission Act* that shall apply in respect of advance enrolment under the Plan.

R.S.O. 1970,
cc. 200, 209

Moneys **10.** The moneys required for the purposes of this Act shall, until the 1st day of April, 1972, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Repeal **11.** This Act is repealed on the 1st day of July, 1972 unless sooner repealed by specific enactment.

Commence-
ment **12.** This Act comes into force on the 1st day of January, 1972.

Short title **13.** This Act may be cited as *The Ontario Health Insurance Organization Act, 1971*.



An Act to establish the Ontario Health Insurance Commission and to provide for the Advance Organization of the Ontario Health Insurance Plan

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

(Government Bill)

BILL 5

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to establish the Ontario Health Insurance
Commission and to provide for the Advance
Organization of the Ontario Health Insurance
Plan**

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health

BILL 5

1971

**An Act to establish the Ontario Health
Insurance Commission and to provide for the
Advance Organization of the Ontario Health
Insurance Plan**

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,

Interpreta-
tion

- (a) "Chairman" means the Chairman of the Ontario Health Insurance Commission;
- (b) "Commission" means the Ontario Health Insurance Commission;
- (c) "Plan" means the Ontario Health Insurance Plan referred to in section 5;
- (d) "regulations" means the regulations made under this Act.

2.—(1) The Ontario Health Insurance Commission is established and shall be composed of not fewer than five and not more than nine persons.

Ontario
Health
Insurance
Commission
established

(2) The members of the Commission shall be appointed by the Lieutenant Governor in Council and one of them shall be designated as Chairman and one of them may be designated as vice-chairman.

Appointment

(3) The Deputy Minister of Health is, *ex officio*, a member of the Commission.

Deputy
Minister

(4) The members of the Commission who are not public servants shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.

Remunera-
tion

(5) *The Public Service Superannuation Act* applies to every full-time member of the Commission.

Application
of R.S.O. 1970,
c. 387

Chairman,
duties

3.—(1) The Chairman is the chief executive officer of the Commission and is responsible for the performance of such duties as are assigned to him by the Lieutenant Governor in Council and the Minister of Health.

Acting
Chairman

(2) In case of the absence or illness of the Chairman or of there being a vacancy in the office of the Chairman, the vice-chairman or, if none, such person as the Commission designates for such purposes shall act temporarily as and have the powers of the Chairman.

Chairman
responsible
to Minister

(3) The Chairman is responsible to the Minister of Health for the administration of the Plan.

Employees

4. Such officers and employees as are considered necessary to carry out the duties of the Commission shall be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 387

O.H.I.P.
organization

5.—(1) The Commission is empowered to do all things necessary to arrange for the organization of the Ontario Health Insurance Plan to include the plan of hospital care insurance established in accordance with the agreement between the Government of Ontario and the Government of Canada authorized by the *Hospital Insurance and Diagnostic Services Act* (Canada) and the Health Services Insurance Plan established in accordance with the *Medical Care Act* (Canada), and, without limiting the generality of the foregoing, the Commission has the function and the power to,

R.S.C. 1970,
c. H-8, M-8

- (a) make all necessary arrangements for and carry out advance enrolment;
- (b) bill and collect advance payment of premiums;
- (c) determine eligibility for persons to become insured persons under the Plan in accordance with this Act and the regulations;
- (d) determine eligibility for premium assistance in accordance with this Act and the regulations.

Powers of
Commission

(2) The Commission may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract by the Commission.

Collection
of premiums

(3) Premiums collected by the Commission in respect of the the Plan shall be paid to the Treasurer of Ontario.

Entitlement
to enrol

6.—(1) Every person who is eligible to be an insured person under *The Health Services Insurance Act* or *The*

Hospital Services Commission Act is eligible to become an insured person under the Plan. R.S.O. 1970, cc. 200, 209

(2) The prescribed premium for insurance under the Plan shall be paid three months in advance of the period in respect of which the premium is paid. Advance payment of premiums

7.—(1) Any person who is sixty-five years of age or over and who applies and is eligible therefor, and his spouse and dependants, are entitled to receive insured services under the Plan without the payment of a premium. Exemption from premium of persons over 65

(2) Subsection 1 does not apply to a person unless he has been ordinarily resident in Ontario for the previous twelve months. Idem

8.—(1) Subject to subsection 2, nothing in this Act shall be construed to affect any agreement or legally enforceable arrangement whereby an employer contributes all or part of the premiums payable for insured services under *The Health Services Insurance Act* or *The Hospital Services Commission Act* in respect of his employees and any obligation of the employer thereunder to pay all or part of premiums for insured services continues in respect of the payment of the premium for insured services under the Plan. Existing agreements not affected

(2) Where the amount or amounts required to be paid by the employer under an agreement or legally enforceable arrangement referred to in subsection 1 as premiums for insured services, or the part of such amount or amounts that is referable to insured services is greater than the amount or amounts the employer is, by virtue of subsection 1 required to pay in respect of the premiums under the Plan, the employer, until the agreement or arrangement is terminated, shall pay the amount of the excess to or for the benefit of the employees, and, notwithstanding any other Act, any such excess shall first be applied to increase the employer's share of the premium payment until such share has reached 100 per cent. Benefit of premium reductions to be passed to insured person by employer

(3) Section 37 of *The Labour Relations Act* applies to differences arising in the application of this section in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement. Provisions for arbitration R.S.O. 1970, c. 232

(4) For the purposes of this section, a person who has ceased to be employed by an employer but for whom the employer is legally responsible to pay all or part of the premium shall be deemed to be an employee of the employer. Who deemed employee

Regulations

9. The Lieutenant Governor in Council may make regulations,

- (a) fixing the premium for insurance under the Plan;
- (b) prescribing forms for the purposes of this Act and providing for their use;
- (c) providing for assistance in the payment of premiums for insurance under the Plan including prescribing the qualifications, and amounts and the procedures for granting such assistance;
- (d) designating provisions in *The Health Services Insurance Act* or *The Hospital Services Commission Act* that shall apply in respect of advance enrolment under the Plan.

R.S.O. 1970,
cc. 200, 209

Moneys

10. The moneys required for the purposes of this Act shall, until the 1st day of April, 1972, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Repeal

11. This Act is repealed on the 1st day of July, 1972 unless sooner repealed by specific enactment.

Commence-
ment

12. This Act comes into force on the 1st day of January, 1972.

Short title

13. This Act may be cited as *The Ontario Health Insurance Organization Act, 1971*.

An Act to establish the Ontario Health
Insurance Commission and to provide for
the Advance Organization of the Ontario
Health Insurance Plan

1st Reading

December 13th, 1971

2nd Reading

December 14th, 1971

3rd Reading

December 15th, 1971

THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Health Services Insurance Act

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The new section authorizes the provision of health services to persons 65 years of age and over without the payment of a premium.

SECTION 2. The amendments provide for the passing of the benefit by an employer in respect of premiums no longer payable because of the amendment in section 1 of this Bill.

BILL 6

1971

**An Act to amend
The Health Services Insurance Act**

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

1. *The Health Services Insurance Act*, being chapter 200 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: ^{s. 6a, enacted}

6a.—(1) Any person who is sixty-five years of age or over and who applies and is eligible therefor, and his spouse and dependants, are entitled to be insured persons without payment of a premium. ^{Exemption from premium for persons over 65}

(2) Subsection 1 does not apply to a person unless he has been ordinarily resident in Ontario for the previous twelve months. ^{Idem}

2.—(1) Subsection 3 of section 10 of the said Act is amended by inserting after "employees" in the eighth line "and any such excess shall first be applied to increase the employer's share of the premium payment until such share shall have reached 100 per cent". ^{s. 10 (3), amended}

(2) The said section 10 is amended by adding thereto the following subsection: ^{s. 10, amended}

(6) For the purposes of this section, a person who has ceased to be employed by an employer but for whom the employer is legally responsible to pay all or part of the premium shall be deemed to be an employee of the employer. ^{Who are deemed employees}

3. This Act comes into force on the 1st day of January, 1972. ^{Commencement}

4. This Act may be cited as *The Health Services Insurance Amendment Act, 1971* (No. 2). ^{Short title}

An Act to amend
The Health Services Insurance Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

(Government Bill)

BILL 6

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Health Services Insurance Act

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health

BILL 6

1971

An Act to amend The Health Services Insurance Act

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

1. *The Health Services Insurance Act*, being chapter 200 of ^{s. 6a, enacted} the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

6a.—(1) Any person who is sixty-five years of age or ^{Exemption from} over and who applies and is eligible therefor, and his ^{for persons} spouse and dependants, are entitled to be insured ^{over 65} persons without payment of a premium.

(2) Subsection 1 does not apply to a person unless he has ^{Idem} been ordinarily resident in Ontario for the previous twelve months.

2.—(1) Subsection 3 of section 10 of the said Act is amended ^{s. 10 (3), amended} by inserting after “employees” in the eighth line “and any such excess shall first be applied to increase the employer’s share of the premium payment until such share shall have reached 100 per cent”.

(2) The said section 10 is amended by adding thereto the ^{s. 10, amended} following subsection:

(6) For the purposes of this section, a person who has ^{Who are deemed} ceased to be employed by an employer but for whom ^{employees} the employer is legally responsible to pay all or part of the premium shall be deemed to be an employee of the employer.

3. This Act comes into force on the 1st day of January, 1972. ^{Commence-}
^{ment}

4. This Act may be cited as *The Health Services Insurance* ^{Short title}
Amendment Act, 1971 (No. 2).

An Act to amend
The Health Services Insurance Act

1st Reading

December 13th, 1971

2nd Reading

December 14th, 1971

3rd Reading

December 15th, 1971

THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Hospital Services Commission Act

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health

EXPLANATORY NOTE

The Bill authorizes the provision of hospital services to persons 65 years of age and over without the payment of a premium and also provides for the passing of the benefit by an employer in respect of such premiums no longer payable.

BILL 7

1971

An Act to amend The Hospital Services Commission Act

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

1. *The Hospital Services Commission Act*, being chapter 209^{ss. 14o, 14b, enacted} of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

14a.—(1) Any person who is sixty-five years of age or over^{Exemption from} and who applies and is eligible therefor, and his^{premium} spouse and dependants, are entitled to be insured^{for persons over 65} persons without payment of a premium.

(2) Subsection 1 does not apply to a person unless he has^{Idem} been ordinarily resident in Ontario for the previous twelve months.

14b. Nothing in section 14a shall be construed to affect^{Agreements for employer's contribution} any agreement for contribution by an employer of all or any of the premiums payable for insurance in respect of persons to whom section 14a applies, and the employer shall, until the agreement is terminated, pay the amount of the contribution he is required to pay under the agreement to or for the benefit of the person to whom section 14a applies and section 37 of *The Labour Relations Act* applies to differences arising^{R.S.O. 1970, c. 232} in the application of this section in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement.

2. This Act comes into force on the 1st day of January, 1972.^{Commencement}

3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1971*.^{Short title}

An Act to amend
The Hospital Services Commission Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

(Government Bill)

BILL 7

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Hospital Services Commission Act

THE HON. A. B. LAWRENCE (Carleton East)
Minister of Health

BILL 7

1971

**An Act to amend
The Hospital Services Commission Act**

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

1. *The Hospital Services Commission Act*, being chapter 209^{ss. 14a, 14b, enacted} of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

14a.—(1) Any person who is sixty-five years of age or over^{Exemption from} and who applies and is eligible therefor, and his^{premium for persons over 65} spouse and dependants, are entitled to be insured persons without payment of a premium.

(2) Subsection 1 does not apply to a person unless he has^{Idem} been ordinarily resident in Ontario for the previous twelve months.

14b. Nothing in section 14a shall be construed to affect^{Agreements for employer's contribution} any agreement for contribution by an employer of all or any of the premiums payable for insurance in respect of persons to whom section 14a applies, and the employer shall, until the agreement is terminated, pay the amount of the contribution he is required to pay under the agreement to or for the benefit of the person to whom section 14a applies and section 37 of *The Labour Relations Act* applies to differences arising^{R.S.O. 1970, c. 232} in the application of this section in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement.

2. This Act comes into force on the 1st day of January,^{Commence-ment} 1972.

3. This Act may be cited as *The Hospital Services Com-^{Short title} mission Amendment Act, 1971*.

An Act to amend
The Hospital Services Commission Act

1st Reading

December 13th, 1971

2nd Reading

December 14th, 1971

3rd Reading

December 15th, 1971

THE HON. A. B. LAWRENCE
(Carleton East)
Minister of Health

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend The Corporation Securities
Registration Act**

THE HON. GORDON CARTON
Minister of Financial and Commercial Affairs

EXPLANATORY NOTE

The amendments bring the procedures for certifying registrations and copies in line with present practice.

BILL 8

1971

An Act to Amend The Corporation Securities Registration Act

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

1.—(1) Subsection 1 of section 10 of *The Corporation Securities Registration Act*, being chapter 88 of the Revised Statutes of Ontario, 1970, is amended by striking out “under his hand” in the second line. <sup>s. 10 (1),
amended</sup>

(2) Subsections 2 and 3 of the said section 10 are repealed and the following substituted therefor: <sup>s. 10 (2,3),
re-enacted</sup>

(2) Every copy of a document filed under this Act, certified by the Minister to be a true copy, shall be received in evidence in any action, prosecution or other proceeding as *prima facie* proof for all purposes as if the original document were produced and also as *prima facie* proof of the execution of the original document according to the purport of such copy. <sup>Certifying
copies of
documents</sup>

(3) A certificate issued under this section shall be under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the Lieutenant Governor in Council by regulation. <sup>Execution
of certifi-
cates</sup>

(4) A certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 3 shall be received in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate. <sup>Certificate
as evidence</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 Corporation Securities Registration Amendment Act, 1971*. ^{Short title}

An Act to amend
The Corporation Securities
Registration Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. GORDON CARTON
Minister of Financial and
Commercial Affairs

(Government Bill)

BILL 8

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend The Corporation Securities
Registration Act**

THE HON. GORDON CARTON
Minister of Financial and Commercial Affairs

BILL 8

1971

An Act to Amend The Corporation Securities Registration Act

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

1.—(1) Subsection 1 of section 10 of *The Corporation Securities Registration Act*, being chapter 88 of the Revised Statutes of Ontario, 1970, is amended by striking out “under his hand” in the second line. <sup>s. 10 (1),
amended</sup>

(2) Subsections 2 and 3 of the said section 10 are repealed <sup>s. 10 (2,3),
re-enacted</sup> and the following substituted therefor:

(2) Every copy of a document filed under this Act, certified by the Minister to be a true copy, shall be received in evidence in any action, prosecution or other proceeding as *prima facie* proof for all purposes as if the original document were produced and also as *prima facie* proof of the execution of the original document according to the purport of such copy. <sup>Certifying
copies of
documents</sup>

(3) A certificate issued under this section shall be under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the Lieutenant Governor in Council by regulation. <sup>Execution
of certifi-
cates</sup>

(4) A certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 3 shall be received in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate. <sup>Certificate
as evidence</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 Corporation Securities Registration Amendment Act, 1971*. ^{Short title}

An Act to amend
The Corporation Securities
Registration Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. GORDON CARTON
Minister of Financial and
Commercial Affairs

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Teachers' Superannuation Act

THE HON. ROBERT WELCH
Minister of Education

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 AND 10. The effect of these amendments will be that all organizations (other than school boards) whose teachers contribute to the Teachers' Superannuation Fund will pay the employers' share of each contribution in lieu of it being paid by the Government of Ontario.

In other respects subclause vi is brought up-to-date.

SECTION 2. The Act is brought into line with current practice.

SECTION 3. Section 2*a* is designed to remove all doubt that the Commission has power to acquire, etc., real property for its purposes. The power is made subject to the approval of the Lieutenant Governor in Council.

BILL 9

1971

An Act to amend The Teachers' Superannuation Act

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

1. Subclause vi of clause *e* of section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(vi) as a teacher in Elliot Lake Centre for Continuing Education, Moosonee Education Centre, the Institute of Child Study, the University of Toronto Schools, the Ontario College of Art, the Royal Ontario Museum, Ryerson Polytechnical Institute, St. John's Training School for Boys, Uxbridge, or St. Joseph's Training School for Boys, Alfred,

(via) as a teacher in the civil service as defined in *The Public Service Act*.

s. 1 (e) (vi),
re-enacted

R.S.O. 1970,
c. 386

2. Subsection 7 of section 2 of the said Act is amended by striking out "Department of Education in Toronto" in the first and second lines and inserting in lieu thereof "Commission".

s. 2 (7),
amended

3. The said Act is amended by adding thereto the following sections:

ss. 2a, 2b, 2c,
enacted

2a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may,

Acquisition
and
disposition
of property

(a) in its own name acquire by purchase, lease or otherwise and hold any real property or any interest therein necessary for its actual use and occupation; and

(b) when no longer so necessary, sell or otherwise dispose of any of such property and pay the proceeds thereof into the Fund.

Expenditures
re property

- (2) Any expenditure incurred by the Commission in connection with any property acquired under subsection 1 shall be deemed to be an administration expense.

Rights of
property

- (3) The Commission may in its own name contract and be contracted with and sue and be sued in respect of any property or any interest therein acquired under subsection 1.

Commission
a Crown
commission
for purposes
of R.S.O. 1970,
c. 394

- (4) The Commission shall be deemed to be a commission of the Crown for the purposes of *The Public Works Creditors Payment Act*.

Execution
of formal
documents

- 2b. Where any document is required to be executed by the Commission, it is sufficient if the document is signed in the name of the Commission by any two of,

- (a) the chairman of the Commission;
- (b) a member of the Commission designated by the Commission for the purpose;
- (c) the director of the Commission.

Explanation
of Act

- 2c. The Commission shall continue to provide to each contributor to the Fund the explanations required to be provided to contributors to the Fund by *The Pension Benefits Act*.

R.S.O. 1970,
c. 342

s. 7,
re-enacted

4. Section 7 of the said Act is repealed and the following substituted therefor:

Interest on
1942 issue
increased

- 7.—(1) The issue by the Treasurer of Ontario Government stock in the sum of \$31,200,000, dated the 1st day of November, 1942, bearing interest at the rate of $4\frac{3}{4}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 1982, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$31,200,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.

Interest on
1952 issue
increased

- (2) The issue by the Treasurer of Ontario Government stock in the sum of \$43,000,000, dated the 1st day of November, 1952, bearing interest at the rate of $4\frac{1}{2}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 1992, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of

Section 2*b* is designed to clarify the situation with respect to the execution of formal documents.

Section 2*c* is added to comply with *The Pension Benefits Act*.

SECTION 4. The section is re-enacted in order,

- (1) to increase the rate of interest being paid on long-term securities issued by the Government of Ontario to the Teachers' Superannuation Commission; and
- (2) to provide for the rate of interest to be paid on future issues to be the then current rate.

\$43,000,000 dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.

- (3) The issue by the Treasurer of Ontario Government stock in the sum of \$176,000,000, dated the 1st day of November, 1962, bearing interest at the rate of 4½ per cent per year payable half-yearly, and maturing on the 1st day of November, 2002, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$176,000,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1987. Interest on 1962 issue increased
- (4) The issue by the Treasurer of Ontario Government stock in the sum of \$454,500,000, bearing interest at the rate of 5 per cent per year payable half-yearly, and maturing on the 1st day of November, 1972, is withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$454,500,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half yearly, and maturing on the 1st day of November, 1992. Interest on stock issued 1962-71 increased
- (5) The Treasurer shall issue from time to time a Province of Ontario debenture in the amount, as determined by the Commission, of surplus funds accumulated in the Fund and not required for current expenditures, such debenture to be for a term of not more than twenty-five years and not less than twenty years and to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of long term securities issued or guaranteed by the Province payable in Canadian dollars and sold to the public during the Province of Ontario fiscal year next preceding the date of the debenture. Future issues
- (6) For the purposes of subsection 5, the rate of interest and the term of the debenture shall be as agreed upon between the Treasurer and the Commission and approved by the Lieutenant Governor in Council. Interest and term
- (7) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund. Charge on Consolidated Revenue Fund

- Deposit of securities 7a.—(1) All securities belonging to the Fund shall be deposited with the Treasurer.
- Safekeeping of securities (2) The Treasurer is responsible for the safekeeping of all securities deposited with him under subsection 1.
- s. 11 (a), amended 5. Clause *a* of section 11 of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “6”.
- s. 15, re-enacted 6. Section 15 of the said Act is repealed and the following substituted therefor:
- Payments out of Fund 15.—(1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund.
- How payments out to be made (2) Every payment out of the Fund shall be made,
- (a) by cheque of the Commission signed by; or
- (b) by a direct transfer into the payee’s account in a chartered bank or other institution entitled to receive money on deposit, pursuant to an arrangement authorized by the signatures of,
- any two of, the chairman of the Commission, a member of the Commission designated by the Commission for the purpose, or the director of the Commission, and any such signature may be affixed in facsimile by use of a rubber stamp or by printing, lithographing, engraving or other means.
- Days of employment to be reported (3) The recipient of an allowance shall report, as required by the Commission, the number of days, if any, that he was employed, and the Commission may direct that no further allowance be paid him until he provides such report to the Commission.
- s. 17 (1) (d) (ii), amended 7. Subclause ii of clause *d* of subsection 1 of section 17 of the said Act is amended by striking out “19” in the second line and inserting in lieu thereof “21”.
- s. 19 (4), re-enacted 8.—(1) Subsection 4 of section 19 of the said Act is repealed and the following substituted therefor:
- Colleges of applied arts and technology (4) Every person on the staff of a college of applied arts and technology who is a contributor to the Fund on the 31st day of December, 1971, may,

SECTION 5. This amendment is consequential upon the changes in interest rates made by section 4 of this Bill and increases the basic interest rate under the Act from 5 to 6 per cent.

SECTION 6. The section is brought into line with present practices.

SECTION 7. A typographical error is corrected.

SECTION 8. Teachers joining the staff of a college of applied arts and technology after December 31st, 1971, will automatically become members of the pension fund of the college and the teachers on staff who contribute to the Teachers' Superannuation Fund on that date may opt for either fund.

SECTION 9. This amendment raises the minimum salary upon which premiums are calculated from \$2,000 to \$5,000.

SECTION 10. See note to section 1 of this Bill.

SECTION 11. The purpose of this amendment is to provide a pension, over and above all present benefits, of a full, unreduced-because-of-age pension where a contributor retires and the sum of his age at last birthday and years of credit in the Fund total at least 90. At the present time such a full pension can only be obtained when a person retires after his 65th birthday or with 35 years of credit in the Fund after his 62nd birthday or with 40 years of credit regardless of age.

by notice in writing executed on or before the 31st day of March, 1972, and given to the Commission and to the college, elect to discontinue his contributions to the Fund as of the 31st day of December, 1971, or to continue to contribute to the Fund while on the staff of any college of applied arts and technology in Ontario, and any such person who fails to execute such a notice within the prescribed time shall be deemed to have elected to continue to contribute to the Fund.

(2) Subsection 6 of the said section 19 is amended by ^{s. 19 (6),} amended striking out "4" in the first line.

(3) Subsection 7 of the said section 19 is repealed and ^{s. 19 (7),} re-enacted the following substituted therefor:

(7) A person who elects or is deemed to have elected ^{Effect of} election under this section, or who elected or is deemed to have elected under a predecessor of this section, to contribute to the Fund, shall be deemed to be employed as if the institution in which he is employed were named in subclause vi of clause e of section 1.

9. Section 20 of the said Act is amended by adding ^{s. 20,} amended thereto the following subsection:

(2a) Where the annual rate of salary is less than \$5,000, ^{Salaries} under \$5,000 it shall, for the purposes of this section be deemed to be at the annual rate of \$5,000.

10. Clause a of subsection 2 of section 22 of the said Act is amended by inserting after "subclause" in the second line "vi". ^{s. 22 (2) (a),} amended

11. Section 24 of the said Act is repealed and the ^{s. 24,} re-enacted following substituted therefor:

24.—(1) Every person who,

- (a) has credit in the Fund for thirty-five or more ^{Retirement} years of service; ^{at 62 after} ^{35 years} ^{service, "A"} ^{pension}
- (b) is sixty-two or more years of age; and
- (c) ceased to be employed on or before the 30th day of November, 1971,

is entitled to an annual superannuation allowance during his lifetime.

Retirement
where sum of
years of
service and
age equal 90

(2) Every person who,

(a) has ceased to be employed after the 30th day of November, 1971; and

(b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with, the date that he ceased to be employed, totals at least ninety years,

is entitled to an annual superannuation allowance during his lifetime.

s. 25 (1),
amended

12.—(1) Subsection 1 of section 25 of the said Act is amended by striking out “such allowance” in the first line and inserting in lieu thereof “the annual superannuation allowance under section 24”.

s. 25,
amended

(2) The said section 25 is amended by adding thereto the following subsection:

Interpreta-
tion

(1a) In this section, “salary” for any year means the salary used in calculating the person’s contribution to the Fund for such year.

s. 26 (1) (b),
re-enacted

13.—(1) Clause *b* of subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

(b) ceased to be employed on or before the 30th day of November, 1971,

s. 26 (2),
amended

(2) Subsection 2 of the said section 26 is amended by striking out “24” in the second line and inserting in lieu thereof “25”.

s. 27 (2),
amended

14.—(1) Subsection 2 of section 27 of the said Act is amended by striking out “subsections 1, 3 and 4 of” in the second line.

s. 27 (3),
repealed

(2) Subsection 3 of the said section 27 is repealed.

s. 28 (2),
amended

15. Subsection 2 of section 28 of the said Act is amended by striking out “subsections 1, 3 and 4 of” in the second line.

s. 29 (2),
amended

16. Subsection 2 of section 29 of the said Act is amended by striking out “subsections 1 and 4 of” in the second line.

SECTION 12—Subsection 1. The intent is clarified.

Subsection 2. This definition is needed here in the interest of clarity.

SECTION 13. Subsection 1 will ensure that persons who retired before the 31st day of March, 1971 will retain their right to an "A" pension when the amendment in section 11 of this Bill has been passed.

Subsection 2. A typographical error is corrected.

SECTION 14. These amendments ensure that the reduction because of the integration with the Canada Pension Plan will not apply until such time as the person is eligible for a pension from the Canada Pension Plan. At the present time, if the teacher retires after age 62, the reduction does not apply until he is eligible for C.P.P., but if he retires before age 62, the reduction applies immediately. These amendments will make the reduction apply in the same manner to all pensioners.

SECTIONS 15, 16 and 17. These amendments are the same in principle as in section 14 of this Bill and do the same thing for a person who has an "F" pension or a "CB" pension.

SECTION 18. The section under which pensions are provided for widows and children is broadened in scope to provide a pension for a widower and his children in the same way. Thus a person may become entitled to two pensions under the Act: (1) his or her own service pension and (2) a dependant's pension upon the death of his or her spouse.

17. Subsection 2 of section 30 of the said Act is ^{s. 30 (2),} amended by striking out "subsections 1 and 4 of" in the second line.

18. Section 32 of the said Act is repealed and the following ^{s. 32,} substituted therefor: ^{re-enacted}

32.—(1) Where a person who has credit in the Fund for ^{Dependant's} ten or more years dies while employed, or within ^{allowance.} two years after ceasing to be employed on account of ill health, or within one year after ceasing to be employed for any reason other than ill health during which year he or she manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a person who is in receipt of an allowance dies, ^{"D" pension}

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person's credit in the Fund at the date of death, or

(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and, where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or

(b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person's credit in the Fund at the date of death, or

(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

Exceptions

(2) Subsection 1 does not apply to the surviving spouse of a deceased person if they were married after the date of the deceased spouse's retirement or to the child or children of any such surviving spouse.

Where dependant's allowance to be reduced

(3) Where the surviving spouse was at least ten years younger than the deceased spouse, the payments under subsection 1 shall be reduced at the rate of 2½ per cent for each year that the surviving spouse was more than ten years younger than the deceased spouse.

Child defined

(4) In this section, "child" includes an adopted child and a step-child, and "children" has a corresponding meaning.

s. 34a, enacted

19. The said Act is amended by adding thereto the following section:

Long-term disability income plans

R.S.O. 1970, c. 224

34a.—(1) Where the Minister, a board or other authority employing one or more persons who contribute to the Fund enters into an agreement with an insurer within the meaning of *The Insurance Act* to provide an

SECTION 19. The purpose of this new section is to authorize and provide for long-term disability income plans.

SECTION 20. The provision repealed, which provides that a person is not entitled to receive at any one time more than one allowance under the Act becomes obsolete as soon as it becomes possible to be entitled to two pensions. See section 18 of this Bill.

SECTIONS 21 and 22. In order to encourage the rehabilitation of teachers receiving disability pensions, they will no longer be required to repay the amount of pension received while disabled.

income to any such person who has a long-term disability, the agreement shall be submitted to the Commission for approval.

- (2) Where an agreement submitted under subsection 1 is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person for each month in respect of which the person receives a payment under the agreement where the contribution is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be equal to the amount of the last contribution in the Fund, that was made to the Fund by such person before the cessation of his employment. ^{Recipient's contributions}
- (3) Where an agreement approved by the Commission provides for payments to vary in amount from time to time in accordance with the cost of living, the amount of a contribution accepted by the Commission under subsection 2 shall be increased or decreased proportionately. ^{Adjustment in line with cost of living}
- (4) Annually and at the same time as the total legislative grant is payable to the board or other authority, the Treasurer shall place to the credit of the Fund a sum equal to the total amount of the contributions made under this section in the previous twelve-month period. ^{Contributions by Province}

20. Section 37 of the said Act is repealed.

s. 37,
repealed

21.—(1) Subsection 2 of section 42 of the said Act is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b*, and by striking out clause *c*.

s. 42 (2),
amended

(2) Subsection 3 of the said section 42 is repealed and the following substituted therefor:

s. 42 (3),
re-enacted

- (3) Where a person who is receiving a disability allowance becomes engaged as a teacher in a school or institution either in or outside Ontario but is not employed within the meaning of clause *e* of section 1, the allowance shall cease to be paid and the Commission may reinstate the allowance at the end of the period of teaching upon receipt of a written request therefor. ^{Idem}

s. 44,
re-enacted

22. Section 44 of the said Act is repealed and the following substituted therefor:

Resumption
of disability
allowance

44. Where a person who ceased to receive a disability allowance because of re-employment again ceases to be employed,

(a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof upon receipt by the Commission of a notice in writing of the cessation of employment; and

(b) in the case of a person who has been so employed for a period of two or more school years, an application for an allowance shall be treated as an application for a new allowance.

Commence-
ment

23.—(1) This Act, except sections 1, 5, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 5, 8, 9 and 10 come into force on the 1st day of January, 1972.

Short title

24. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1971*.





An Act to amend
The Teachers' Superannuation Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. ROBERT WELCH
Minister of Education

(Government Bill)

BILL 9

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Teachers' Superannuation Act

THE HON. ROBERT WELCH
Minister of Education

BILL 9

1971

An Act to amend The Teachers' Superannuation Act

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

1. Subclause vi of clause *e* of section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (e) (vi),
re-enacted

(vi) as a teacher in Elliot Lake Centre for Continuing Education, Moosonee Education Centre, the Institute of Child Study, the University of Toronto Schools, the Ontario College of Art, the Royal Ontario Museum, Ryerson Polytechnical Institute, St. John's Training School for Boys, Uxbridge, or St. Joseph's Training School for Boys, Alfred,

(via) as a teacher in the civil service as defined in *The Public Service Act*. R.S.O. 1970,
c. 386

2. Subsection 7 of section 2 of the said Act is amended by striking out "Department of Education in Toronto" in the first and second lines and inserting in lieu thereof "Commission". s. 2 (7),
amended

3. The said Act is amended by adding thereto the following sections: ss. 2a, 2b, 2c,
enacted

2a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may, Acquisition
and
disposition
of property

(a) in its own name acquire by purchase, lease or otherwise and hold any real property or any interest therein necessary for its actual use and occupation; and

(b) when no longer so necessary, sell or otherwise dispose of any of such property and pay the proceeds thereof into the Fund.

- Expenditures re property (2) Any expenditure incurred by the Commission in connection with any property acquired under subsection 1 shall be deemed to be an administration expense.
- Rights of property (3) The Commission may in its own name contract and be contracted with and sue and be sued in respect of any property or any interest therein acquired under subsection 1.
- Commission a Crown commission for purposes of R.S.O. 1970, c. 394 (4) The Commission shall be deemed to be a commission of the Crown for the purposes of *The Public Works Creditors Payment Act*.
- Execution of formal documents 2b. Where any document is required to be executed by the Commission, it is sufficient if the document is signed in the name of the Commission by any two of,
 - (a) the chairman of the Commission;
 - (b) a member of the Commission designated by the Commission for the purpose;
 - (c) the director of the Commission.
- Explanation of Act 2c. The Commission shall continue to provide to each contributor to the Fund the explanations required to be provided to contributors to the Fund by *The Pension Benefits Act*.
- R.S.O. 1970, c. 342
- s. 7, re-enacted 4. Section 7 of the said Act is repealed and the following substituted therefor:
- Interest on 1942 issue increased 7.—(1) The issue by the Treasurer of Ontario Government stock in the sum of \$31,200,000, dated the 1st day of November, 1942, bearing interest at the rate of $4\frac{3}{4}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 1982, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$31,200,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.
- Interest on 1952 issue increased (2) The issue by the Treasurer of Ontario Government stock in the sum of \$43,000,000, dated the 1st day of November, 1952, bearing interest at the rate of $4\frac{1}{2}$ per cent per year payable half-yearly, and maturing on the 1st day of November, 1992, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of

\$43,000,000 dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1982.

- (3) The issue by the Treasurer of Ontario Government stock in the sum of \$176,000,000, dated the 1st day of November, 1962, bearing interest at the rate of 4½ per cent per year payable half-yearly, and maturing on the 1st day of November, 2002, shall be withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$176,000,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half-yearly, and maturing on the 1st day of November, 1987. Interest on 1962 issue increased
- (4) The issue by the Treasurer of Ontario Government stock in the sum of \$454,500,000, bearing interest at the rate of 5 per cent per year payable half-yearly, and maturing on the 1st day of November, 1972, is withdrawn and replaced by the issue by the Treasurer of a Province of Ontario debenture in the sum of \$454,500,000, dated the 1st day of May, 1971, bearing interest at the rate of 6 per cent per year payable half yearly, and maturing on the 1st day of November, 1992. Interest on stock issued 1962-71 increased
- (5) The Treasurer shall issue from time to time a Province of Ontario debenture in the amount, as determined by the Commission, of surplus funds accumulated in the Fund and not required for current expenditures, such debenture to be for a term of not more than twenty-five years and not less than twenty years and to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of long term securities issued or guaranteed by the Province payable in Canadian dollars and sold to the public during the Province of Ontario fiscal year next preceding the date of the debenture. Future issues
- (6) For the purposes of subsection 5, the rate of interest and the term of the debenture shall be as agreed upon between the Treasurer and the Commission and approved by the Lieutenant Governor in Council. Interest and term
- (7) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund. Charge on Consolidated Revenue Fund

- Deposit of securities 7a.—(1) All securities belonging to the Fund shall be deposited with the Treasurer.
- Safekeeping of securities (2) The Treasurer is responsible for the safekeeping of all securities deposited with him under subsection 1.
- s. 11 (a), amended 5. Clause *a* of section 11 of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “6”.
- s. 15, re-enacted 6. Section 15 of the said Act is repealed and the following substituted therefor:
- Payments out of Fund 15.—(1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund.
- How payments out to be made (2) Every payment out of the Fund shall be made,
 - (a) by cheque of the Commission signed by; or
 - (b) by a direct transfer into the payee’s account in a chartered bank or other institution entitled to receive money on deposit, pursuant to an arrangement authorized by the signatures of,
 - any two of, the chairman of the Commission, a member of the Commission designated by the Commission for the purpose, or the director of the Commission, and any such signature may be affixed in facsimile by use of a rubber stamp or by printing, lithographing, engraving or other means.
- Days of employment to be reported (3) The recipient of an allowance shall report, as required by the Commission, the number of days, if any, that he was employed, and the Commission may direct that no further allowance be paid him until he provides such report to the Commission.
- s. 17 (1) (d) (ii), amended 7. Subclause ii of clause *d* of subsection 1 of section 17 of the said Act is amended by striking out “19” in the second line and inserting in lieu thereof “21”.
- s. 19 (4), re-enacted 8.—(1) Subsection 4 of section 19 of the said Act is repealed and the following substituted therefor:
- Colleges of applied arts and technology (4) Every person on the staff of a college of applied arts and technology who is a contributor to the Fund on the 31st day of December, 1971, may,

by notice in writing executed on or before the 31st day of March, 1972, and given to the Commission and to the college, elect to discontinue his contributions to the Fund as of the 31st day of December, 1971, or to continue to contribute to the Fund while on the staff of any college of applied arts and technology in Ontario, and any such person who fails to execute such a notice within the prescribed time shall be deemed to have elected to continue to contribute to the Fund.

(2) Subsection 6 of the said section 19 is amended by ^{s. 19 (6),} amended striking out "4" in the first line.

(3) Subsection 7 of the said section 19 is repealed and ^{s. 19 (7),} re-enacted the following substituted therefor:

(7) A person who elects or is deemed to have elected ^{Effect of} election under this section, or who elected or is deemed to have elected under a predecessor of this section, to contribute to the Fund, shall be deemed to be employed as if the institution in which he is employed were named in subclause vi of clause e of section 1.

9. Section 20 of the said Act is amended by adding ^{s. 20,} amended thereto the following subsection:

(2a) Where the annual rate of salary is less than \$5,000, ^{Salaries} under it shall, for the purposes of this section be deemed to ^{\$5,000} be at the annual rate of \$5,000.

10. Clause a of subsection 2 of section 22 of the said ^{s. 22 (2) (a),} amended Act is amended by inserting after "subclause" in the second line "vi".

11. Section 24 of the said Act is repealed and the ^{s. 24,} re-enacted following substituted therefor:

24.—(1) Every person who,

- (a) has credit in the Fund for thirty-five or more ^{Retirement} years of service; ^{at 62 after}
- (b) is sixty-two or more years of age; and ^{35 years}
- (c) ceased to be employed on or before the ^{service, "A"} 30th day of November, 1971, ^{pension}

is entitled to an annual superannuation allowance during his lifetime.

Retirement
where sum of
years of
service and
age equal 90

(2) Every person who,

(a) has ceased to be employed after the 30th day of November, 1971; and

(b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with, the date that he ceased to be employed, totals at least ninety years,

is entitled to an annual superannuation allowance during his lifetime.

s. 25 (1),
amended

12.—(1) Subsection 1 of section 25 of the said Act is amended by striking out “such allowance” in the first line and inserting in lieu thereof “the annual superannuation allowance under section 24”.

s. 25,
amended

(2) The said section 25 is amended by adding thereto the following subsection:

Interpreta-
tion

(1a) In this section, “salary” for any year means the salary used in calculating the person’s contribution to the Fund for such year.

s. 26 (1) (b),
re-enacted

13.—(1) Clause *b* of subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

(b) ceased to be employed on or before the 30th day of November, 1971,

s. 26 (2),
amended

(2) Subsection 2 of the said section 26 is amended by striking out “24” in the second line and inserting in lieu thereof “25”.

s. 27 (2),
amended

14.—(1) Subsection 2 of section 27 of the said Act is amended by striking out “subsections 1, 3 and 4 of” in the second line.

s. 27 (3),
repealed

(2) Subsection 3 of the said section 27 is repealed.

s. 28 (2),
amended

15. Subsection 2 of section 28 of the said Act is amended by striking out “subsections 1, 3 and 4 of” in the second line.

s. 29 (2),
amended

16. Subsection 2 of section 29 of the said Act is amended by striking out “subsections 1 and 4 of” in the second line.

17. Subsection 2 of section 30 of the said Act is amended by striking out "subsections 1 and 4 of" in the second line. ^{s. 30 (2), amended}

18. Section 32 of the said Act is repealed and the following substituted therefor: ^{s. 32, re-enacted}

32.—(1) Where a person who has credit in the Fund for ten or more years dies while employed, or within two years after ceasing to be employed on account of ill health, or within one year after ceasing to be employed for any reason other than ill health during which year he or she manifested to the satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a person who is in receipt of an allowance dies, ^{Dependant's allowance, "D" pension}

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person's credit in the Fund at the date of death, or

(ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and, where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or

(b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsections 1 and 3 of section 25, but based on the deceased person's credit in the Fund at the date of death, or
- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who was receiving an allowance under section 24 or 26 and had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

Exceptions

- (2) Subsection 1 does not apply to the surviving spouse of a deceased person if they were married after the date of the deceased spouse's retirement or to the child or children of any such surviving spouse.

Where dependant's allowance to be reduced

- (3) Where the surviving spouse was at least ten years younger than the deceased spouse, the payments under subsection 1 shall be reduced at the rate of 2½ per cent for each year that the surviving spouse was more than ten years younger than the deceased spouse.

Child defined

- (4) In this section, "child" includes an adopted child and a step-child, and "children" has a corresponding meaning.

s. 34a, enacted

19. The said Act is amended by adding thereto the following section:

Long-term disability income plans

R.S.O. 1970, c. 224

34a.—(1) Where the Minister, a board or other authority employing one or more persons who contribute to the Fund enters into an agreement with an insurer within the meaning of *The Insurance Act* to provide an

income to any such person who has a long-term disability, the agreement shall be submitted to the Commission for approval.

- (2) Where an agreement submitted under subsection 1 is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person for each month in respect of which the person receives a payment under the agreement where the contribution is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be equal to the amount of the last contribution in the Fund, that was made to the Fund by such person before the cessation of his employment. ^{Recipient's contributions}
- (3) Where an agreement approved by the Commission provides for payments to vary in amount from time to time in accordance with the cost of living, the amount of a contribution accepted by the Commission under subsection 2 shall be increased or decreased proportionately. ^{Adjustment in line with cost of living}
- (4) Annually and at the same time as the total legislative grant is payable to the board or other authority, the Treasurer shall place to the credit of the Fund a sum equal to the total amount of the contributions made under this section in the previous twelve-month period. ^{Contributions by Province}

20. Section 37 of the said Act is repealed.

s. 37,
repealed

21.—(1) Subsection 2 of section 42 of the said Act is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b*, and by striking out clause *c*. ^{s. 42 (2), amended}

(2) Subsection 3 of the said section 42 is repealed and the following substituted therefor: ^{s. 42 (3), re-enacted}

- (3) Where a person who is receiving a disability allowance becomes engaged as a teacher in a school or institution either in or outside Ontario but is not employed within the meaning of clause *e* of section 1, the allowance shall cease to be paid and the Commission may reinstate the allowance at the end of the period of teaching upon receipt of a written request therefor. ^{Idem}

s. 44.
re-enacted

22. Section 44 of the said Act is repealed and the following substituted therefor:

Resumption
of disability
allowance

44. Where a person who ceased to receive a disability allowance because of re-employment again ceases to be employed,

(a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof upon receipt by the Commission of a notice in writing of the cessation of employment; and

(b) in the case of a person who has been so employed for a period of two or more school years, an application for an allowance shall be treated as an application for a new allowance.

Commence-
ment

23.—(1) This Act, except sections 1, 5, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 5, 8, 9 and 10 come into force on the 1st day of January, 1972.

Short title

24. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1971*.



An Act to amend
The Teachers' Superannuation Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. ROBERT WELCH
Minister of Education

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Service Superannuation Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics

EXPLANATORY NOTES

SECTION 1. The amendment is to correct a reference.

SECTION 2. The amendment permits a person to establish credit in the Fund at any time for past service provided that the contribution shall be calculated on the basis of the salary he is receiving at the time of the election. Prior to the amendment a person had to elect to establish credit within one year and the amount of the contribution was based on prior earnings.

SECTION 3. The amendment provides a full unreduced-because-of-age pension to a contributor who retires and the sum of his age at his last birthday and the years of credit in the Fund total 90.

BILL 10

1971

**An Act to amend
The Public Service Superannuation Act**

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

1. Clause *d* of subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, is amended by striking out "that Part" in the second line and inserting in lieu thereof "this Act". s. 1 (1) (d),
amended

2. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended

- (6) Any contributor who is entitled under clauses *a* and *b* of subsection 1 to credit in the Fund but who has failed to established credit in respect of his continuous non-contributory service with the Crown under clauses *c* and *d* of subsection 1, may establish credit any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him during his period of non-contributory service shall be deemed to be equal to the rate of salary authorized at the time when he made the election and interest shall not be added. Open
option

3. Section 11 of the said Act is amended by adding thereto the following subsection: s. 11,
amended

- (3) Every contributor who, Idem
- (a) ceases to be employed in the public service after the 30th day of November, 1971; and
- (b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with,

the date he ceases to be employed in the public service, totals at least ninety years,

is entitled to a superannuation allowance upon his retirement.

s. 12 (2),
re-enacted

4.—(1) Subsection 2 of section 12 of the said Act is repealed and the following substituted therefor:

Review

(2) The Board may at any time review the case of any person receiving a disability allowance and if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Civil Service Commission which shall consider the person for re-employment.

s. 12 (4),
re-enacted

(2) Subsection 4 of the said section 12 is repealed and the following substituted therefor:

Where
offer not
accepted

(4) Where a person does not accept the offer, he is entitled to a deferred annuity or to an immediate annuity if he has attained the age at which an immediate annuity would otherwise be payable to him.

Reduction
factors on
immediate
annuity

(5) Where an immediate annuity is payable under this section, the age of the person at the beginning of the month in which he commenced to receive a disability allowance will be taken into account in applying the reduction factors provided for in section 14.

s. 13 (3) (b),
amended

5.—(1) Clause *b* of subsection 3 of section 13 of the said Act is amended by striking out "with the approval of the Lieutenant Governor in Council" in the first and second lines and inserting in lieu thereof "subject to subsection 6".

s. 13 (4),
amended

(2) Subsection 4 of the said section 13 is amended by striking out "with the approval of the Lieutenant Governor in Council" in the second and third lines and inserting in lieu thereof "subject to subsection 6".

s. 13 (5),
amended

(3) Subsection 5 of the said section 13 is amended by striking out "with the approval of the Lieutenant Governor in Council" in the eleventh line and inserting in lieu thereof "subject to subsection 6".

s. 13,
amended

(4) The said section 13 is further amended by adding thereto the following subsection:

SECTION 4—Subsection 1. The amendment provides that after the Board has reviewed the case of a person receiving a disability allowance, it shall report directly to the Civil Service Commission rather than to the Lieutenant Governor in Council.

Subsection 2. The amendment provides that where a person who was receiving a disability allowance refuses re-employment, he may receive a deferred or immediate annuity. Prior to the amendment any balance of contributions remaining in the Fund after the allowances had been paid would be paid to the contributor either in monthly instalments or in a lump sum.

SECTION 5—Subsection 1. A contributor will automatically become entitled to an immediate annuity at age fifty-five.

Subsection 2. Every former contributor receiving a deferred annuity is entitled automatically to an immediate annuity at age fifty-five.

Subsection 3. Every contributor who qualified for a deferred annuity before January 1, 1966 or who had service before January 1, 1966 is entitled automatically to an immediate annuity at age fifty.

Subsection 4. If a contributor is dismissed no annuity is payable under section 13 of the Act to a person under 60 years of age without the approval of the Lieutenant Governor in Council.

SECTION 6—Subsections 1 and 2. The amendments ensure that for persons whose employment in the public service commenced after December 31, 1965, the reduction because of the integration of *The Public Service Superannuation Act* with the *Canada Pension Plan* will not apply until such time as the person is entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*.

Subsection 3. The amendment is consequential upon the amendments contained in subsections 1 and 2.

Subsection 4. The amendment is to correct a typographical error.

SECTION 7. The section under which lump sum death payments are provided for widows and children is broadened in scope to provide a lump sum death payment for a widower.

- (6) If a contributor or former contributor has been dismissed from the public service no annuity shall be paid, without the approval of the Lieutenant Governor in Council, under clause *b* of subsection 3 or under subsection 4 or 5. Approval required

6.—(1) Subsection 3 of section 14 of the said Act is repealed. s. 14 (3), repealed

(2) Subsection 4 of the said section 14 is amended by adding “or” at the end of clause *b* and by adding thereto the following clause: s. 14 (4), amended

- (c) in the case of a person who retires or ceases to be employed in the public service before attaining the age of sixty-five years, until he attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*. R.S.C. 1970, c. C-5

(3) Subsection 5 of the said section 14 is repealed and the following substituted therefor: s. 14 (5), re-enacted

- (5) The amount of every annuity shall be further reduced or reduced, as the case may be, at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity. Idem, annuities

(4) Subsection 10 of the said section 14 is amended by inserting after “other” in the seventh line “than”. s. 14 (10), amended

7. Section 18 of the said Act is repealed and the following substituted therefor: s. 18, re-enacted

18. Where a contributor who,

- (a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or Retirement or death before super-annuation

- (b) is found by the Board to be unable to perform his or her duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he or she is not entitled to a disability allowance or annuity; or

- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or widower or a child or children under the age of eighteen years,

twice the amount of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his widow or her widower or child or children, as the case may be.

s. 20 (3),
re-enacted

8.—(1) Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Where a person who was receiving an allowance or an annuity dies without having attained the age of sixty-five years at the date of his death, the allowance or annuity payable to the widow, or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would have received at the beginning of the month following the month in which he would have attained such age.

s. 20 (8) (a, b),
repealed

(2) Clauses *a* and *b* of subsection 8 of the said section 20 are repealed.

s. 28 (1),
amended

9.—(1) Subsection 1 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d*, and by adding thereto the following clause:

1971, c. 66

(e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Department of Colleges and Universities Act, 1971* applies.

s. 28 (2),
amended

(2) Subsection 2 of the said section 28, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d*, and by adding thereto the following clause:

(e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Department of Colleges and Universities Act, 1971* applies.

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 Public Service Superannuation Amendment Act, 1971 (No. 2)*.

SECTION 8—Subsection 1. The amendment clarifies that where any person receiving an allowance or annuity dies before the age of sixty-five years, his widow or children are entitled to one-half of the amount he would have received at age sixty-five had he attained such age.

Subsection 2. The amendment provides that a widower shall have the same rights as a widow with respect to allowances or annuities.

SECTION 9. The amendment provides for reciprocal transfers of pension credits for staff members of universities and colleges of applied arts and technology in Ontario.



An act to amend
The Public Service Superannuation Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

(Government Bill)

BILL 10

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Service Superannuation Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics

BILL 10

1971

**An Act to amend
The Public Service Superannuation Act**

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

1. Clause *d* of subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, is amended by striking out "that Part" in the second line and inserting in lieu thereof "this Act". s. 1 (1) (d),
amended

2. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended

- (6) Any contributor who is entitled under clauses *a* and *b* of subsection 1 to credit in the Fund but who has failed to established credit in respect of his continuous non-contributory service with the Crown under clauses *c* and *d* of subsection 1, may establish credit any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him during his period of non-contributory service shall be deemed to be equal to the rate of salary authorized at the time when he made the election and interest shall not be added. Open
option

3. Section 11 of the said Act is amended by adding thereto the following subsection: s. 11,
amended

- (3) Every contributor who, Idem
- (a) ceases to be employed in the public service after the 30th day of November, 1971; and
- (b) has credit in the Fund for a number of years of service that, when added to his age on his latest birthday preceding, or coincident with,

the date he ceases to be employed in the public service, totals at least ninety years,

is entitled to a superannuation allowance upon his retirement.

s. 12 (2),
re-enacted

4.—(1) Subsection 2 of section 12 of the said Act is repealed and the following substituted therefor:

Review

(2) The Board may at any time review the case of any person receiving a disability allowance and if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Civil Service Commission which shall consider the person for re-employment.

s. 12 (4),
re-enacted

(2) Subsection 4 of the said section 12 is repealed and the following substituted therefor:

Where
offer not
accepted

(4) Where a person does not accept the offer, he is entitled to a deferred annuity or to an immediate annuity if he has attained the age at which an immediate annuity would otherwise be payable to him.

Reduction
factors on
immediate
annuity

(5) Where an immediate annuity is payable under this section, the age of the person at the beginning of the month in which he commenced to receive a disability allowance will be taken into account in applying the reduction factors provided for in section 14.

s. 13 (3) (b),
amended

5.—(1) Clause *b* of subsection 3 of section 13 of the said Act is amended by striking out "with the approval of the Lieutenant Governor in Council" in the first and second lines and inserting in lieu thereof "subject to subsection 6".

s. 13 (4),
amended

(2) Subsection 4 of the said section 13 is amended by striking out "with the approval of the Lieutenant Governor in Council" in the second and third lines and inserting in lieu thereof "subject to subsection 6".

s. 13 (5),
amended

(3) Subsection 5 of the said section 13 is amended by striking out "with the approval of the Lieutenant Governor in Council" in the eleventh line and inserting in lieu thereof "subject to subsection 6".

s. 13,
amended

(4) The said section 13 is further amended by adding thereto the following subsection:

- (6) If a contributor or former contributor has been dismissed from the public service no annuity shall be paid, without the approval of the Lieutenant Governor in Council, under clause *b* of subsection 3 or under subsection 4 or 5. Approval required

6.—(1) Subsection 3 of section 14 of the said Act is repealed. s. 14 (3), repealed

(2) Subsection 4 of the said section 14 is amended by adding “or” at the end of clause *b* and by adding thereto the following clause: s. 14 (4), amended

- (c) in the case of a person who retires or ceases to be employed in the public service before attaining the age of sixty-five years, until he attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*. R.S.C. 1970, c. C-5

(3) Subsection 5 of the said section 14 is repealed and the following substituted therefor: s. 14 (5), re-enacted

- (5) The amount of every annuity shall be further reduced or reduced, as the case may be, at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity. idem. annuities

(4) Subsection 10 of the said section 14 is amended by inserting after “other” in the seventh line “than”. s. 14 (10), amended

7. Section 18 of the said Act is repealed and the following substituted therefor: s. 18, re-enacted

18. Where a contributor who,

- (a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or

- (b) is found by the Board to be unable to perform his or her duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he or she is not entitled to a disability allowance or annuity; or

- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow or widower or a child or children under the age of eighteen years,

Retirement or death before super-annuation

twice the amount of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his widow or her widower or child or children, as the case may be.

s. 20 (3),
re-enacted

8.—(1) Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor:

Exceptions

(3) Where a person who was receiving an allowance or an annuity dies without having attained the age of sixty-five years at the date of his death, the allowance or annuity payable to the widow, or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would have received at the beginning of the month following the month in which he would have attained such age.

s. 20 (8) (a, b),
repealed

(2) Clauses *a* and *b* of subsection 8 of the said section 20 are repealed.

s. 28 (1),
amended

9.—(1) Subsection 1 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d*, and by adding thereto the following clause:

1971, c. 66

(e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Department of Colleges and Universities Act, 1971* applies.

s. 28 (2),
amended

(2) Subsection 2 of the said section 28, as re-enacted by the Statutes of Ontario, 1971, chapter 40, section 6, is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d*, and by adding thereto the following clause:

(e) the staff of any university in Ontario or of any college of applied arts and technology to which *The Department of Colleges and Universities Act, 1971* applies.

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 Public Service Superannuation Amendment Act, 1971 (No. 2)*.



An act to amend
The Public Service Superannuation Act

1st Reading

December 13th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Day Nurseries Act

THE HON. T. L. WELLS
Minister of Social and Family Services

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The definition section is amended and enlarged in contemplation of the establishment of day nurseries for retarded children.

An Act to amend The Day Nurseries 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 Day Nurseries Act*, being chapter 104 of ^{s.1,} the Revised Statutes of Ontario, 1970, as amended by the ^{re-enacted} Statutes of Ontario, 1971, chapter 50, section 25, subsection 1 and 1971, chapter 93, section 1, is repealed and the following substituted therefor:

1. In this Act,

Inter-
pretation

- (a) "approved corporation" means a corporation approved under section 2*b*;
- (b) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); ^{R.S.C. 1970,} _{c. 1-6}
- (c) "Board" means the Day Nursery Review Board established under section 5;
- (d) "corporation" means a corporation without share capital having objects of a charitable nature,
 - (i) to which Part III of *The Corporations Act* ^{R.S.O. 1970,} _{c. 89} applies, or
 - (ii) that is incorporated under a general or special Act of the Parliament of Canada;
- (e) "day nursery" means a place that receives, primarily for the purpose of temporary care

and custody, for a continuous period not exceeding twenty-four hours, more than five children, not of common parentage, who are,

(i) under eighteen years of age in the case of a day nursery for retarded children, and

(ii) under ten years of age in all other cases, and that is not,

R.S.O. 1970,
c. 385

(iii) part of a public school under *The Public Schools Act*,

R.S.O. 1970,
c. 430

(iv) part of a separate school under *The Separate Schools Act*,

R.S.O. 1970,
c. 111

(v) part of a private school registered under *The Department of Education Act*,

R.S.O. 1970
c. 68

(vi) a children's mental health centre under *The Children's Mental Health Centres Act*, or

R.S.O. 1970,
c. 425

(vii) a school for trainable retarded children under *The Secondary Schools and Boards of Education Act*;

(f) "Director" means the Director of the Day Nurseries Branch of the Department of Social and Family Services;

(g) "licensed day nursery" means a day nursery licensed under this Act;

(h) "Minister" means the Minister of Social and Family Services;

(i) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;

(j) "operator" means a person or a partnership or association of persons that has the control and management of a day nursery, and "operate" has a corresponding meaning;



SECTION 2. Presently the Minister may establish day nurseries in areas without municipal organization: the re-enacted subsection will confer the additional power in the Minister to enter into agreements with established day nurseries in such areas to provide day nursery services for children residing in the area.

SECTION 3. Provision is made for the approval of corporations operating day nurseries for retarded children. See also sections 4 and 5 of the Bill.

- (k) "private-home day care" means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (l) "regulations" means the regulations made under this Act;
- (m) "retarded children" means children in whom there is a condition of arrested or incomplete development of mind as verified by objective psychological or medical findings.

2. Subsection 4 of section 2 of the said Act is repealed and ^{s. 2(4),} re-enacted the following substituted therefor:

(4) The Minister may,

(a) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;

Establishment, etc., of day nurseries by Minister

(b) enter into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children residing in areas without municipal organization as is agreed upon; and

(c) direct payment of such expenditures as are necessary for the purposes of clauses *a* and *b*.

3. The said Act is amended by adding thereto the following sections: ^{ss. 2b, 2c,} enacted

2b. Where the Lieutenant Governor in Council is ^{Approval of} satisfied that any corporation, ^{corporations}

(a) is affiliated with the Ontario Association for the Mentally Retarded; or

(b) is, on the day this section comes into force, operating a licensed day nursery for retarded children,

and, with financial assistance under this Act, is financially capable of establishing, maintaining and operating a day nursery for retarded children and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the payment of grants under this Act and the regulations.

Suspension
and
revocation
of approvals

2c.—(1) Subject to this section, any approval given under section 2b may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if,

(a) any director, officer or servant of the approved corporation has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provisions; or

(b) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with the consent of the approved corporation, before suspending or before recommending to the Lieutenant Governor in Council revocation of an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Department of Social and Family Services, appointed by the Minister.

Application
of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to
Minister

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of
Minister

(5) After considering a report made to him under this section, the Minister may thereupon suspend or recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension
of approval

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval



SECTION 4—Subsection 1. The provisions for grants on account of renovation costs is transferred to section 3a of the Act dealing with capital grants.

Subsection 2. Provision is made for operating and maintenance grants to an approved corporation operating a day nursery for retarded children.

SECTION 5. The sections providing for capital grants to day nurseries are re-enacted incorporating the following changes:

1. Grants may be made to an approved corporation establishing a day nursery for retarded children.
2. The costs of renovating, furnishing and equipping a day nursery may be included in computing the amount of the grant.
3. The existing limitation on a grant to 50 per cent of the total cost is removed.
4. Provision is made for the recovery of moneys paid as a grant in specified circumstances.

given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

4.—(1) Clause *a* of subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by striking out "or the renovation" in the first and second lines. ^{s. 3 (1) (a), amended}

(2) The said section 3, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by adding thereto the following subsection: ^{s. 3, amended}

(3) There shall be paid to every approved corporation an amount equal to 80 per cent of its costs computed in accordance with the regulations for the operation and maintenance of every licensed day nursery for retarded children maintained and operated by the corporation. ^{Grants to approved corporations}

5. Sections 3*a* and 3*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 3, are repealed and the following substituted therefor: ^{ss. 3*a*, 3*b*, re-enacted}

3*a*.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building or the renovation or the furnishing and equipping of a building, ^{Capital grants}

(*a*) by a municipality or band for use in whole or in part as a day nursery; or

(*b*) by an approved corporation for use in whole or in part as a day nursery for retarded children,

he may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature, of an amount to be computed in accordance with the regulations, towards the cost of the new building, addition, acquisition, renovation, or furnishing and equipment that is applicable to the day nursery.

Time and
manner of
payment

- (2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at such time and in such manner as are prescribed by the regulations.

Approval to
sale, etc.

- 3b.—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment of a grant under section 3a, without the approval in writing of the Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such grant as the Director may consider advisable.

Recovery of
whole or
part of
grant

- (2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of the Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any grant paid under section 3a in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

- (a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or
- (b) by proceedings in any court of competent jurisdiction.

s. 16 (ca),
amended

6.—(1) Clause *ca* of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 4, is amended by striking out “and bands” in the first line and inserting in lieu thereof “bands and approved corporations”.

s. 16,
amended

(2) The said section 16, as amended by the Statutes of Ontario, 1971, chapter 93, section 4, is further amended by adding thereto the following clauses:

- (cb) specifying the corporations that are approved under section 2b;

SECTION 6. Regulation-making powers are enlarged complementary to sections 3, 4 and 5 of the Bill.

(*da*) prescribing classes of capital grants for the purposes of section 3*a*, the circumstances under which any such grant or class thereof may be paid, and determining the amounts of any such grants or classes thereof.

7. This Act comes into force on the day it receives Royal ^{Commence-}Assent_{ment}.

8. This Act may be cited as *The Day Nurseries Amendment* ^{Short title}*Act, 1971 (No. 2)*.

An Act to amend
The Day Nurseries Act

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

THE HON. T. I. WELLS
Minister of Social and Family Services

(Government Bill)

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Day Nurseries Act

THE HON. T. L. WELLS
Minister of Social and Family Services

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The definition section is amended and enlarged in contemplation of the establishment of day nurseries for retarded children.

BILL 11

1971

An Act to amend The Day Nurseries 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 Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 25, subsection 1 and 1971, chapter 93, section 1, is repealed and the following substituted therefor: ^{s. 1, re-enacted}

1. In this Act,

Inter-
pretation

- (a) "approved corporation" means a corporation approved under section 2b;
- (b) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); ^{R.S.C. 1970, c. I-6}
- (c) "Board" means the Day Nursery Review Board established under section 5;
- (d) "corporation" means a corporation without share capital having objects of a charitable nature,
 - (i) to which Part III of *The Corporations Act* applies, or ^{R.S.O. 1970, c. 89}
 - (ii) that is incorporated under a general or special Act of the Parliament of Canada;
- (e) "day nursery" means a place that receives, primarily for the purpose of temporary care

and custody, for a continuous period not exceeding twenty-four hours, more than five children, not of common parentage, who are,

(i) under eighteen years of age in the case of a day nursery for retarded children, and

(ii) under ten years of age in all other cases,

and that is not,

R.S.O. 1970,
c. 385

(iii) part of a public school under *The Public Schools Act*,

R.S.O. 1970,
c. 430

(iv) part of a separate school under *The Separate Schools Act*,

R.S.O. 1970,
c. 111

(v) part of a private school registered under *The Department of Education Act*,

R.S.O. 1970
c. 68

(vi) a children's mental health centre under *The Children's Mental Health Centres Act*, or

R.S.O. 1970,
c. 425

(vii) a school for trainable retarded children under *The Secondary Schools and Boards of Education Act*;

(f) "Director" means the Director of the Day Nurseries Branch of the Department of Social and Family Services;

(g) "licensed day nursery" means a day nursery licensed under this Act;

(h) "Minister" means the Minister of Social and Family Services;

(i) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;

(j) "operator" means a person or a partnership or association of persons that has the control and management of a day nursery, and "operate" has a corresponding meaning;



SECTION 2. Presently the Minister may establish day nurseries in areas without municipal organization: the re-enacted subsection will confer the additional power in the Minister to enter into agreements with established day nurseries in such areas to provide day nursery services for children residing in the area.

SECTION 3. Provision is made for the approval of corporations operating day nurseries for retarded children. See also sections 4 and 5 of the Bill.

- (k) "private-home day care" means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (l) "regulations" means the regulations made under this Act;
- (m) "retarded children" means children in whom there is a condition of arrested or incomplete development of mind as verified by objective psychological or medical findings.

2. Subsection 4 of section 2 of the said Act is repealed and ^{s. 2 (4),} the following substituted therefor: ^{re-enacted}

(4) The Minister may,

- (a) with the approval of the Lieutenant Governor ^{Establishment, etc., of day nurseries by Minister} in Council, establish day nurseries in areas without municipal organization;
- (b) enter into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children residing in areas without municipal organization as is agreed upon; and
- (c) direct payment of such expenditures as are necessary for the purposes of clauses *a* and *b*.

3. The said Act is amended by adding thereto the ^{ss. 2b, 2c,} following sections: ^{enacted}

2b. Where the Lieutenant Governor in Council is ^{Approval of corporations} satisfied that any corporation,

- (a) is affiliated with the Ontario Association for the Mentally Retarded; or
- (b) is, on the day this section comes into force, operating a licensed day nursery for retarded children,

and, with financial assistance under this Act, is financially capable of establishing, maintaining and operating a day nursery for retarded children and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the payment of grants under this Act and the regulations.

Suspension
and
revocation
of approvals

2c.—(1) Subject to this section, any approval given under section 2b may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if,

(a) any director, officer or servant of the approved corporation has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provisions; or

(b) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with the consent of the approved corporation, before suspending or before recommending to the Lieutenant Governor in Council revocation of an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Department of Social and Family Services, appointed by the Minister.

Application
of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to
Minister

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of
Minister

(5) After considering a report made to him under this section, the Minister may thereupon suspend or recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension
of approval

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval



SECTION 4—Subsection 1. The provisions for grants on account of renovation costs is transferred to section 3a of the Act dealing with capital grants.

Subsection 2. Provision is made for operating and maintenance grants to an approved corporation operating a day nursery for retarded children.

SECTION 5. The sections providing for capital grants to day nurseries are re-enacted incorporating the following changes:

1. Grants may be made to an approved corporation establishing a day nursery for retarded children.
2. The costs of renovating, furnishing and equipping a day nursery may be included in computing the amount of the grant.
3. The existing limitation on a grant to 50 per cent of the total cost is removed.
4. Provision is made for the recovery of moneys paid as a grant in specified circumstances.

given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

4.—(1) Clause *a* of subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by striking out "or the renovation" in the first and second lines. ^{s. 3 (1) (a), amended}

(2) The said section 3, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by adding thereto the following subsection: ^{s. 3, amended}

(3) There shall be paid to every approved corporation an amount equal to 80 per cent of its costs computed in accordance with the regulations for the operation and maintenance of every licensed day nursery for retarded children maintained and operated by the corporation. ^{Grants to approved corporations}

5. Sections 3*a* and 3*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 3, are repealed and the following substituted therefor: ^{ss. 3*a*, 3*b*, re-enacted}

3*a*.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building or the renovation or the furnishing and equipping of a building, ^{Capital grants}

(*a*) by a municipality or band for use in whole or in part as a day nursery; or

(*b*) by an approved corporation for use in whole or in part as a day nursery for retarded children,

he may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature, of an amount to be computed in accordance with the regulations, towards the cost of the new building, addition, acquisition, renovation, or furnishing and equipment that is applicable to the day nursery.

Time and manner of payment

- (2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at such time and in such manner as are prescribed by the regulations.

Approval to sale, etc.

- 3b.—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment of a grant under section 3a, without the approval in writing of the Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such grant as the Director may consider advisable.

Recovery of whole or part of grant

- (2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of the Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any grant paid under section 3a in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

(a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or

(b) by proceedings in any court of competent jurisdiction.

s. 15 (3), re-enacted

6. Subsection 3 of section 15 of the said Act is repealed and the following substituted therefor:

Obstructing inspection

- (3) No person shall hinder or obstruct a provincial supervisor in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

s. 16 (ca), amended

7.—(1) Clause ca of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 4, is amended by striking out "and bands" in the first line and inserting in lieu thereof "bands and approved corporations".

SECTION 6. This amendment corrects a printer's error in the Revised Statutes of Ontario, 1970, wherein the last two lines of the subsection were left out of the subsection. The error only came to light after the Bill was introduced. The re-enactment of the subsection restores the wording that existed prior to the 1970 Revision.

SECTION 7. Regulation-making powers are enlarged complementary to sections 3, 4 and 5 of the Bill.

(2) The said section 16, as amended by the Statutes of Ontario, 1971, chapter 93, section 4, is further amended by adding thereto the following clauses:

(cb) specifying the corporations that are approved under section 2b;

.

(da) prescribing classes of capital grants for the purposes of section 3a, the circumstances under which any such grant or class thereof may be paid, and determining the amounts of any such grants or classes thereof.

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

9. This Act may be cited as *The Day Nurseries Amendment Act, 1971 (No. 2)*.

An Act to amend
The Day Nurseries Act

1st Reading

December 13th, 1971

2nd Reading

December 16th, 1971

3rd Reading

THE HON. T. L. WELLS
Minister of Social and Family Services

*(Reprinted as amended by the Committee
of the Whole House)*

BILL 11

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Day Nurseries Act

THE HON. T. L. WELLS
Minister of Social and Family Services

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 11

1971

**An Act to amend
The Day Nurseries 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 Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 25, subsection 1 and 1971, chapter 93, section 1, is repealed and the following substituted therefor:

1. In this Act,

Inter-
pretation

- (a) "approved corporation" means a corporation approved under section 2*b*;
- (b) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); R.S.O. 1970, c. I-6
- (c) "Board" means the Day Nursery Review Board established under section 5;
- (d) "corporation" means a corporation without share capital having objects of a charitable nature,
 - (i) to which Part III of *The Corporations Act* R.S.O. 1970, c. 89 applies, or
 - (ii) that is incorporated under a general or special Act of the Parliament of Canada;
- (e) "day nursery" means a place that receives, primarily for the purpose of temporary care

and custody, for a continuous period not exceeding twenty-four hours, more than five children, not of common parentage, who are,

(i) under eighteen years of age in the case of a day nursery for retarded children, and

(ii) under ten years of age in all other cases,

and that is not,

R.S.O. 1970,
c. 385

(iii) part of a public school under *The Public Schools Act*,

R.S.O. 1970,
c. 430

(iv) part of a separate school under *The Separate Schools Act*,

R.S.O. 1970,
c. 111

(v) part of a private school registered under *The Department of Education Act*,

R.S.O. 1970
c. 68

(vi) a children's mental health centre under *The Children's Mental Health Centres Act*, or

R.S.O. 1970,
c. 425

(vii) a school for trainable retarded children under *The Secondary Schools and Boards of Education Act*;

- (f) "Director" means the Director of the Day Nurseries Branch of the Department of Social and Family Services;
- (g) "licensed day nursery" means a day nursery licensed under this Act;
- (h) "Minister" means the Minister of Social and Family Services;
- (i) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;
- (j) "operator" means a person or a partnership or association of persons that has the control and management of a day nursery, and "operate" has a corresponding meaning;

- (k) "private-home day care" means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (l) "regulations" means the regulations made under this Act;
- (m) "retarded children" means children in whom there is a condition of arrested or incomplete development of mind as verified by objective psychological or medical findings.

2. Subsection 4 of section 2 of the said Act is repealed and ^{s. 2 (4),} re-enacted the following substituted therefor:

(4) The Minister may,

- (a) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;
- (b) enter into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children residing in areas without municipal organization as is agreed upon; and
- (c) direct payment of such expenditures as are necessary for the purposes of clauses *a* and *b*.

Establishment, etc., of day nurseries by Minister

3. The said Act is amended by adding thereto the ^{ss. 2b, 2c,} following sections: enacted

2b. Where the Lieutenant Governor in Council is ^{Approval of} satisfied that any corporation, ^{corporations}

- (a) is affiliated with the Ontario Association for the Mentally Retarded; or
- (b) is, on the day this section comes into force, operating a licensed day nursery for retarded children,

and, with financial assistance under this Act, is financially capable of establishing, maintaining and operating a day nursery for retarded children and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the payment of grants under this Act and the regulations.

Suspension
and
revocation
of approvals

2c.—(1) Subject to this section, any approval given under section 2b may be suspended by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister if,

(a) any director, officer or servant of the approved corporation has contravened or knowingly permitted any person under his control and direction to contravene any provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provisions; or

(b) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with the consent of the approved corporation, before suspending or before recommending to the Lieutenant Governor in Council revocation of an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Department of Social and Family Services, appointed by the Minister.

Application
of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to
Minister

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of
Minister

(5) After considering a report made to him under this section, the Minister may thereupon suspend or recommend revocation of the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional
suspension
of approval

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval

given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

4.—(1) Clause *a* of subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by striking out "or the renovation" in the first and second lines. <sup>s. 3 (1) (a),
amended</sup>

(2) The said section 3, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3, is amended by adding thereto the following subsection: <sup>s. 3,
amended</sup>

(3) There shall be paid to every approved corporation an amount equal to 80 per cent of its costs computed in accordance with the regulations for the operation and maintenance of every licensed day nursery for retarded children maintained and operated by the corporation. <sup>Grants to
approved
corporations</sup>

5. Sections 3*a* and 3*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 3, are repealed and the following substituted therefor: <sup>ss. 3*a*, 3*b*,
re-enacted</sup>

3*a*.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building or the renovation or the furnishing and equipping of a building, <sup>Capital
grants</sup>

(*a*) by a municipality or band for use in whole or in part as a day nursery; or

(*b*) by an approved corporation for use in whole or in part as a day nursery for retarded children,

he may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature, of an amount to be computed in accordance with the regulations, towards the cost of the new building, addition, acquisition, renovation, or furnishing and equipment that is applicable to the day nursery.

Time and
manner of
payment

- (2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at such time and in such manner as are prescribed by the regulations.

Approval to
sale, etc.

- 3b.—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment of a grant under section 3a, without the approval in writing of the Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such grant as the Director may consider advisable.

Recovery of
whole or
part of
grant

- (2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of the Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any grant paid under section 3a in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

(a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or

(b) by proceedings in any court of competent jurisdiction.

s. 15 (3),
re-enacted

6. Subsection 3 of section 15 of the said Act is repealed and the following substituted therefor:

Obstructing
inspection

- (3) No person shall hinder or obstruct a provincial supervisor in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

s. 16 (ca),
amended

- 7.—(1) Clause *ca* of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 93, section 4, is amended by striking out “and bands” in the first line and inserting in lieu thereof “bands and approved corporations”.

(2) The said section 16, as amended by the Statutes of Ontario, 1971, chapter 93, section 4, is further amended by adding thereto the following clauses:

(cb) specifying the corporations that are approved under section 2*b*;

.

(da) prescribing classes of capital grants for the purposes of section 3*a*, the circumstances under which any such grant or class thereof may be paid, and determining the amounts of any such grants or classes thereof.

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

9. This Act may be cited as *The Day Nurseries Amendment Act, 1971 (No. 2)*.

1870

An Act to amend
The Day Nurseries Act

1st Reading

December 13th, 1971

2nd Reading

December 16th, 1971

3rd Reading

December 17th, 1971

THE HON. T. L. WELLS
Minister of Social and Family Services

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Planning Act

MR. SHULMAN

EXPLANATORY NOTE

The purpose of this Bill is to give municipalities the discretionary power to issue or withhold permits for the removal or wrecking of buildings or structures.

BILL 12

1971

An Act to amend The Planning Act

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

1. Paragraph 7 of subsection 1 of section 38 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom; for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked; for determining, in such manner as the by-law may provide, whether or not the permit shall be issued; and for fixing and charging fees for the permit.

Regulating removal and wrecking of buildings and structures
2. This Act comes into force on the day it receives Royal Assent.

Commencement
3. This Act may be cited as *The Planning Amendment Act, 1971*.

Short title

1st Reading

December 13th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to establish the Management Board of Cabinet

THE HON. W. G. DAVIS
Prime Minister

EXPLANATORY NOTES

The Bill establishes the Management Board of Cabinet under a Chairman who will hold the portfolio of Chairman of the Management Board of Cabinet.

This Board will replace the present Treasury Board with revised and extended powers as set out in section 3 of the Bill.

**An Act to establish
the Management Board of Cabinet**

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

1.—(1) In this Act,

Inter-
pretation

- (a) "Board" means the Management Board of Cabinet;
- (b) "Chairman" means the member of the Executive Council appointed as Chairman of the Board by the Lieutenant Governor;
- (c) "department" means a department of the Government of Ontario and includes a board, commission, authority, corporation or other agency of the Government of Ontario;
- (d) "public service" means all departments or any part thereof;
- (e) "secretariat" means the staff of the Board reporting to the Board through the Secretary;
- (f) "Secretary" means the Secretary of the Board;
- (g) "Vice-Chairman" means the member of the Executive Council who by order in council is appointed the Vice-Chairman of the Board.

(2) Except as otherwise provided in this Act, section 1 of *The Financial Administration Act* applies to this Act.

1 *Idem*
R.S.O. 1970,
c. 166

2.—(1) There shall be a Management Board of Cabinet which shall consist of the Chairman, the Vice-Chairman and not fewer than four and not more than six other members of the Executive Council designated from time to time by the Lieutenant Governor in Council.

Composition
of Board

Alternate members

(2) The Lieutenant Governor in Council may designate other ministers to serve as alternates in the absence of members of the Board.

Chairman's powers and duties

(3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board and the secretariat.

Absence of Chairman

(4) When the Chairman is absent from any meeting, the Vice-Chairman shall preside at the meeting and, when both the Chairman and Vice-Chairman are absent, the members present at a meeting shall appoint a member to preside at the meeting.

Secretary

(5) The Lieutenant Governor in Council shall appoint an officer, to be known as the Secretary of the Management Board of Cabinet, who shall perform such functions as the Board may assign to him, and the Secretary of the Management Board of Cabinet shall rank as and have all the powers and duties of a deputy minister of a department.

Officers and employees

(6) Such other officers and employees as are necessary for the proper conduct of the business of the Board shall be appointed under *The Public Service Act*.

R.S.O. 1970,
c. 386

Procedure

(7) The Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

Quorum

(8) Three members of the Board constitute a quorum.

Duties of Board

3.—(1) The Board shall be a committee of the Executive Council with the following powers and duties:

- (a) to co-ordinate the implementation of programs sanctioned or provided for by the Legislature;
- (b) to direct the preparation and review of forecasts, estimates and analyses of revenues, expenditures, commitments and other data pertaining to authorized or proposed programs and to assess the results thereof;
- (c) to control expenditures of public money within the amounts appropriated or otherwise provided for by the Legislature;
- (d) to approve organization and staff establishments in the public service;
- (e) to establish, prescribe or regulate such administrative policies and procedures as the Board considers

necessary for the efficient and effective operation of the public service generally;

(f) to initiate and supervise the development of management practices and systems for the efficient operation of the public service; and

(g) to report to the Executive Council on any other matter concerning general administrative policy in the public service that is referred to it by the Executive Council or on which the Board considers it desirable to report to the Executive Council.

(2) The Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. Board may require production of documents

(3) The Board may issue such administrative directives as it considers necessary in the performance of its duties. Administrative directives

(4) The Board may undertake or order such studies and examinations of the operation and administration of any part of the public service as the Board considers necessary for the performance of the duties of the Board. Studies

(5) The Board in the exercise of its powers and duties under this or any other Act is subject to the direction of the Executive Council which may amend or revoke any action of the Board. Board subject to direction of Executive Council

4.—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Board shall estimate the amount to be required for such expenditure and the Lieutenant Governor in Council upon the report of the Treasurer of Ontario that there is no appropriation for the expenditure and upon the report of the Board stating its estimate and upon the recommendation of the minister of the department concerned that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the payment of the amount estimated to be required for such expenditure. Special warrants

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. Warrant an appropriation

Board
orders

5. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments; the Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, may make an order authorizing payments to be made against such amount as it considers proper.

Regulations

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) respecting the retention and disposal of records;
- (c) fixing the scale of allowances for travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service;
- (d) for any purpose necessary for the efficient administration of the public service;
- (e) prescribing salaries of Crown employees that have been determined through negotiation under section 27 or 28 of *The Public Service Act*.

R.S.O. 1970,
c. 386

Present
regulations
continued
R.S.O. 1970,
c. 166

(2) Any regulations made under section 5 of *The Financial Administration Act* that are in force immediately before this Act comes into force shall be deemed to have been made by the Board under subsection 1.

Chairman to
be minister
of
department
R.S.O. 1970,
c. 153

7. For the purposes of *The Executive Council Act*, the Chairman of the Board is a minister having charge of a department.

References to
Treasury
Board in
other Acts

8. Where a reference to the Treasury Board appears in any Act, regulation or order, it shall be deemed to be a reference to the Management Board of Cabinet.

R.S.O. 1970,
c. 166, ss. 2-5,
21, 22, 24,
repealed

9. Sections 2, 3, 4, 5, 21, 22 and 24 of *The Financial Administration Act* are repealed.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

11. This Act may be cited as *The Management Board of* ^{Short title}
Cabinet Act, 1971.

An Act to establish
the Management Board of Cabinet

1st Reading

December 14th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

(Government Bill)

BILL 13

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to establish the Management Board of Cabinet

THE HON. W. G. DAVIS
Prime Minister

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 13

1971

An Act to establish the Management Board of Cabinet

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

1.—(1) In this Act,

Inter-
pretation

- (a) "Board" means the Management Board of Cabinet;
- (b) "Chairman" means the member of the Executive Council appointed as Chairman of the Board by the Lieutenant Governor;
- (c) "department" means a department of the Government of Ontario and includes a board, commission, authority, corporation or other agency of the Government of Ontario;
- (d) "public service" means all departments or any part thereof;
- (e) "secretariat" means the staff of the Board reporting to the Board through the Secretary;
- (f) "Secretary" means the Secretary of the Board;
- (g) "Vice-Chairman" means the member of the Executive Council who by order in council is appointed the Vice-Chairman of the Board.

(2) Except as otherwise provided in this Act, section 1 of *The Financial Administration Act* applies to this Act.

Idem
R.S.O. 1970,
c. 166

2.—(1) There shall be a Management Board of Cabinet which shall consist of the Chairman, the Vice-Chairman and not fewer than four and not more than six other members of the Executive Council designated from time to time by the Lieutenant Governor in Council.

Composition
of Board

- Alternate members (2) The Lieutenant Governor in Council may designate other ministers to serve as alternates in the absence of members of the Board.
- Chairman's powers and duties (3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board and the secretariat.
- Absence of Chairman (4) When the Chairman is absent from any meeting, the Vice-Chairman shall preside at the meeting and, when both the Chairman and Vice-Chairman are absent, the members present at a meeting shall appoint a member to preside at the meeting.
- Secretary (5) The Lieutenant Governor in Council shall appoint an officer, to be known as the Secretary of the Management Board of Cabinet, who shall perform such functions as the Board may assign to him, and the Secretary of the Management Board of Cabinet shall rank as and have all the powers and duties of a deputy minister of a department.
- Officers and employees R.S.O. 1970, c. 386 (6) Such other officers and employees as are necessary for the proper conduct of the business of the Board shall be appointed under *The Public Service Act*.
- Procedure (7) The Board may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.
- Quorum (8) Three members of the Board constitute a quorum.
- Duties of Board **3.**—(1) The Board shall be a committee of the Executive Council with the following powers and duties:
- (a) to co-ordinate the implementation of programs sanctioned or provided for by the Legislature;
 - (b) to direct the preparation and review of forecasts, estimates and analyses of revenues, expenditures, commitments and other data pertaining to authorized or proposed programs and to assess the results thereof;
 - (c) to control expenditures of public money within the amounts appropriated or otherwise provided for by the Legislature;
 - (d) to approve organization and staff establishments in the public service;
 - (e) to establish, prescribe or regulate such administrative policies and procedures as the Board considers

necessary for the efficient and effective operation of the public service generally;

(f) to initiate and supervise the development of management practices and systems for the efficient operation of the public service; and

(g) to report to the Executive Council on any other matter concerning general administrative policy in the public service that is referred to it by the Executive Council or on which the Board considers it desirable to report to the Executive Council.

(2) The Board may require from any public officer or any agent of the Crown any account, return, statement, document, report or information that the Board considers necessary for the performance of its duties. Board may require production of documents

(3) The Board may issue such administrative directives as it considers necessary in the performance of its duties. Administrative directives

(4) The Board may undertake or order such studies and examinations of the operation and administration of any part of the public service as the Board considers necessary for the performance of the duties of the Board. Studies

(5) The Board in the exercise of its powers and duties under this or any other Act is subject to the direction of the Executive Council which may amend or revoke any action of the Board. Board subject to direction of Executive Council

4.—(1) Where an accident happens to any public work or building when the Legislature is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when the Legislature is not in session in respect of which an expenditure not foreseen or provided for by the Legislature is urgently required for the public good, the Board shall estimate the amount to be required for such expenditure and the Lieutenant Governor in Council upon the report of the Treasurer of Ontario that there is no appropriation for the expenditure and upon the report of the Board stating its estimate and upon the recommendation of the minister of the department concerned that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the payment of the amount estimated to be required for such expenditure. Special warrants

(2) A warrant issued under this section shall be deemed to be an appropriation for the fiscal year in which it is issued. Warrant an appropriation

Board
orders

5. Where an appropriation is exhausted or a sufficient amount was not provided and the public interest or the urgent requirements of the public service necessitate further payments, the Board, upon the report of the minister of the department concerned as to the necessity for further payments and stating the reason why the appropriation is insufficient and the amount estimated to be required, may make an order authorizing payments to be made against such amount as it considers proper.

Regulations

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) respecting the collection, management and administration of, and accounting for, public money;
- (b) respecting the retention and disposal of records;
- (c) fixing the scale of allowances for travelling and living expenses to be allowed to any person employed in or in connection with any part of the public service;
- (d) for any purpose necessary for the efficient administration of the public service;
- (e) prescribing salaries of Crown employees that have been determined through negotiation under section 27 or 28 of *The Public Service Act*.

R.S.O. 1970,
c. 386

Present
regulations
continued
R.S.O. 1970,
c. 166

(2) Any regulations made under section 5 of *The Financial Administration Act* that are in force immediately before this Act comes into force shall be deemed to have been made by the Board under subsection 1.

Chairman to
be minister
of
department
R.S.O. 1970,
c. 153

7. For the purposes of *The Executive Council Act*, the Chairman of the Board is a minister having charge of a department.

References to
Treasury
Board in
other Acts

8. Where a reference to the Treasury Board appears in any Act, regulation or order, it shall be deemed to be a reference to the Management Board of Cabinet.

R.S.O. 1970,
c. 166, ss. 2-5,
21, 22, 24,
repealed

9. Sections 2, 3, 4, 5, 21, 22 and 24 of *The Financial Administration Act* are repealed.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

11. This Act may be cited as *The Management Board of Short title Cabinet Act, 1971*.

An Act to establish
the Management Board of Cabinet

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. W. G. DAVIS
Prime Minister

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to establish
the Policy and Priorities Board of Cabinet**

THE HON. W. G. DAVIS
Prime Minister

EXPLANATORY NOTE

This Bill establishes the Policy and Priorities Board of Cabinet with the powers and duties set out in section 3.

BILL 14

1971

An Act to establish the Policy and Priorities Board of Cabinet

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, "Board" means the Policy and Priorities Board of Cabinet. Interpretation

2.—(1) There shall be a Policy and Priorities Board of Cabinet which shall consist of the Chairman and not fewer than five and not more than six other members of the Executive Council designated from time to time by the Lieutenant Governor in Council. Establishment and composition of Board

(2) The Prime Minister is the Chairman of the Board. Chairman

(3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board. Chairman's powers and duties

(4) When the Chairman will be or is absent from any meeting he may appoint a member of the Board to preside at the meeting otherwise the members present at the meeting shall appoint a member to preside at the meeting. Absence of Chairman

(5) The Secretary to the Cabinet shall, from among the persons on the staff of the Cabinet office, provide the Board with such staff as is necessary for the proper conduct of the business of the Board. Staff

(6) The Board may determine its rules and methods of procedure and shall keep a minute book in which proceedings shall be recorded. Procedure

(7) Three members of the Board constitute a quorum. Quorum

3. The Board shall be the committee of the Executive Council which shall develop, review, co-ordinate and advise on policy and priorities relating to, Duties of Board

- (a) the overall long-term and short-term goals of governmental activity in relation to the social and economic needs of the Province of Ontario;
- (b) the general outline of budgetary and fiscal policy and of levels of taxation and priorities among expenditure programs in accordance with the goals;
- (c) recommendations submitted by policy field committees;
- (d) program proposals and other matters referred to the Board;
- (e) the periodic reappraisal of existing programs; and
- (f) inter-governmental relations.

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Policy and Priorities Board of Cabinet Act, 1971*.





An Act to establish
the Policy and Priorities Board
of Cabinet

1st Reading

December 14th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

(Government Bill)

BILL 14

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to establish
the Policy and Priorities Board of Cabinet**

THE HON. W. G. DAVIS
Prime Minister

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 14

1971

An Act to establish the Policy and Priorities Board of Cabinet

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, "Board" means the Policy and Priorities Board of Cabinet. Interpre-
tation

2.—(1) There shall be a Policy and Priorities Board of Cabinet which shall consist of the Chairman and not fewer than five and not more than six other members of the Executive Council designated from time to time by the Lieutenant Governor in Council. Establish-
ment and
composition
of Board

(2) The Prime Minister is the Chairman of the Board. Chairman

(3) The Chairman shall preside at meetings of the Board and is responsible for the operation and administration of the Board. Chairman's
powers and
duties

(4) When the Chairman will be or is absent from any meeting he may appoint a member of the Board to preside at the meeting otherwise the members present at the meeting shall appoint a member to preside at the meeting. Absence of
Chairman

(5) The Secretary to the Cabinet shall, from among the persons on the staff of the Cabinet office, provide the Board with such staff as is necessary for the proper conduct of the business of the Board. Staff

(6) The Board may determine its rules and methods of procedure and shall keep a minute book in which proceedings shall be recorded. Procedure

(7) Three members of the Board constitute a quorum. Quorum

3. The Board shall be the committee of the Executive Council which shall develop, review, co-ordinate and advise on policy and priorities relating to, Duties of
Board

- (a) the overall long-term and short-term goals of governmental activity in relation to the social and economic needs of the Province of Ontario;
- (b) the general outline of budgetary and fiscal policy and of levels of taxation and priorities among expenditure programs in accordance with the goals;
- (c) recommendations submitted by policy field committees;
- (d) program proposals and other matters referred to the Board;
- (e) the periodic reappraisal of existing programs; and
- (f) inter-governmental relations.

Commence-
ment
、

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Policy and Priorities Board of Cabinet Act, 1971*.





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An Act to establish
the Policy and Priorities Board
of Cabinet

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. W. G. DAVIS
Prime Minister

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Executive Council Act

THE HON. W. G. DAVIS
Prime Minister

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides for the payment of salaries to provincial secretaries for policy development.

An Act to amend The Executive Council 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 3 of *The Executive Council Act*, ^{s. 3 (1),} ^{amended} being chapter 153 of the Revised Statutes of Ontario, 1970, is amended by inserting after "department" in the second line "including every provincial secretary for policy development", so that the subsection shall read as follows:

(1) The annual salary of every minister having charge of ^{Salaries} a department including every provincial secretary for policy development is \$15,000.

2. This Act comes into force on a day to be named by ^{Commence-} ^{ment} the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Executive Council Amend-* ^{Short title} *ment Act, 1971.*

An Act to amend
The Executive Council Act

1st Reading

December 14th, 1971

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Prime Minister

(Government Bill)

BILL 15

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Executive Council Act

THE HON. W. G. DAVIS
Prime Minister

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 15

1971

An Act to amend The Executive Council 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 3 of *The Executive Council Act*, ^{s. 3(1),} ^{amended} being chapter 153 of the Revised Statutes of Ontario, 1970, is amended by inserting after "department" in the second line "including every provincial secretary for policy development", so that the subsection shall read as follows:

(1) The annual salary of every minister having charge of ^{Salaries} a department including every provincial secretary for policy development is \$15,000.

2. This Act comes into force on a day to be named by ^{Commence-} ^{ment} the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Executive Council Amend-* ^{Short title} *ment Act, 1971*.

An Act to amend
The Executive Council Act

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. W. G. DAVIS
Prime Minister

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Extra-Judicial Services Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTE

The extra allowance given Supreme Court judges for duties under Acts of Ontario in addition to Supreme Court work is reduced to reflect recent increases in salaries as Supreme Court judges.

BILL 16

1971

**An Act to amend
The Extra-Judicial Services 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 Extra-Judicial Services Act*, being^{s.1.}_{amended} chapter 155 of the Revised Statutes of Ontario, 1970, is amended by striking out "\$6,000" in the second line and inserting in lieu thereof "\$3,000".
2. This Act comes into force on the 1st day of January, 1972.^{Commence-}_{ment}
3. This Act may be cited as *The Extra-Judicial Services*^{Short title}_{Amendment Act, 1971.}

An Act to amend
The Extra-Judicial Services Act

1st Reading

December 14th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

(Government Bill)

BILL 16

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Extra-Judicial Services Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

As per the record
The Extra Judicial Statement of

BILL 16

1971

**An Act to amend
The Extra-Judicial Services 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 Extra-Judicial Services Act*, being^{s.1.} amended chapter 155 of the Revised Statutes of Ontario, 1970, is amended by striking out "\$6,000" in the second line and inserting in lieu thereof "\$3,000".
2. This Act comes into force on the 1st day of January, 1972. Commence-
ment
3. This Act may be cited as *The Extra-Judicial Services* Short title
Amendment Act, 1971.

An Act to amend
The Extra-Judicial Services Act

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Surrogate Courts Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

EXPLANATORY NOTE

The extra allowance given county court judges who do surrogate court work is reduced to reflect recent increases in salary as county court judges.

BILL 17

1971

An Act to amend The Surrogate Courts Act

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

1. Subsection 4 of section 8 of *The Surrogate Courts Act*, s.8 (4), being chapter 451 of the Revised Statutes of Ontario, 1970, ^{re-enacted} is repealed and the following substituted therefor:

- (4) Where the judge or junior judge of a county or district court is also the judge or junior judge of a surrogate court, there shall be paid out of the Consolidated Revenue Fund, ^{Allowance where county court judge is also surrogate court judge}
- (a) where the judge is the chief judge of the county and district courts, an allowance at the rate of \$5,500 per annum;
 - (b) where the judge is a judge of the county court of the Judicial District of York, an allowance at the rate of \$3,000 per annum;
 - (c) where the judge is a judge of any other county or district court or a junior judge of a county or district court or a judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$2,000 per annum.

2. This Act comes into force on the 1st day of January, 1972. ^{Commencement}

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1971 (No. 2)*. ^{Short title}

An Act to amend
The Surrogate Courts Act

1st Reading

December 14th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

(Government Bill)

BILL 17

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Surrogate Courts Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

T O R O N T O

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ALL PARTS OF THE
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BILL 17

1971

An Act to amend The Surrogate Courts Act

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

1. Subsection 4 of section 8 of *The Surrogate Courts Act*, ^{s. 8 (4), re-enacted} being chapter 451 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (4) Where the judge or junior judge of a county or district court is also the judge or junior judge of a surrogate court, there shall be paid out of the Consolidated Revenue Fund, ^{Allowance where county court judge is also surrogate court judge}
- (a) where the judge is the chief judge of the county and district courts, an allowance at the rate of \$5,500 per annum;
 - (b) where the judge is a judge of the county court of the Judicial District of York, an allowance at the rate of \$3,000 per annum;
 - (c) where the judge is a judge of any other county or district court or a junior judge of a county or district court or a judge for the county and district courts of the counties and districts of Ontario, an allowance at the rate of \$2,000 per annum.

2. This Act comes into force on the 1st day of January, 1972. ^{Commencement}

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1971 (No. 2)*. ^{Short title}

An Act to amend
The Surrogate Courts Act

1st Reading

December 14th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and
Attorney General

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Ontario Human Rights Code

MR. LEWIS

EXPLANATORY NOTE

The Bill adds the political opinion and the sex of a person to the grounds on which no person may discriminate against another in the manner set forth in the Act.

BILL 18

1971

An Act to amend The Ontario Human Rights Code

HER 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 Ontario Human Rights Code*, being ^{Preamble} amended chapter 318 of the Revised Statutes of Ontario, 1970, is amended by inserting after "creed" in the seventh line "political opinion", and by inserting after "colour" in the eighth line "sex".

2. Subsection 1 of section 1 of the said Act is amended by ^{s. 1 (1),} amended inserting after "creed" in the fifth line "political opinion", and by inserting after "colour" in the sixth line "sex".

3. Section 2 of the said Act is amended by inserting after ^{s. 2,} amended "creed" in the tenth line "political opinion", and by inserting after "colour" in the tenth line "sex".

4. Section 3 of the said Act is amended by inserting after ^{s. 3,} amended "creed" in the eighth line "political opinion", and by inserting after "colour" in the eighth line "sex".

5.—(1) Subsection 1 of section 4 of the said Act is amended by ^{s. 4 (1),} amended inserting after "creed" in the fourth line "political opinion", and by inserting after "colour" in the fifth line "sex".

(2) Subsection 2 of the said section 4 is amended by ^{s. 4 (2),} amended inserting after "creed" in the third line "political opinion", and by inserting after "colour" in the third line "sex".

(3) Subsection 3 of the said section 4 is amended by ^{s. 4 (3),} amended inserting after "creed" in the fifth line "political opinion", and by inserting after "colour" in the fifth line "sex".

6.—(1) Clause *a* of section 9 of the said Act is amended by ^{s. 9 (a),} amended inserting after "creed" in the second line "political opinion", and by inserting after "colour" in the third line "sex".

s. 9 (c),
amended

(2) Clause *c* of the said section 9 is amended by inserting after "creed" in the third line "political opinion", and by inserting after "colour" in the third line "sex".

Commence-
ment

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

Short title

8. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1971*.







An Act to amend
The Ontario Human Rights Code

1st Reading

December 14th, 1971

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Motorized Snow Vehicles Act

MR. SHULMAN

EXPLANATORY NOTE

Self-explanatory.

BILL 19

1971

**An Act to amend
The Motorized Snow Vehicles Act**

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

1. *The Motorized Snow Vehicles Act*, being chapter 283 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

9a. No person shall, while driving or riding on a motorized snow vehicle, Firearms
or bows,
pursuing a
deer, bear
or wolf

(a) have in his possession,

(i) any firearm unless it is unloaded and encased, or

(ii) any bow unless it is unstrung or encased; or

(b) drive or pursue any deer, bear or wolf.

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

3. This Act may be cited as *The Motorized Snow Vehicles Amendment Act, 1971*. Short title

An Act to amend
The Motorized Snow Vehicles Act

1st Reading

December 15th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Insurance Act

MR. SHULMAN

1. The Bill is intended to provide for the

EXPLANATORY NOTE

Self-explanatory.

BILL 20

1971

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. Section 357 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 84, section 20, is repealed and the following substituted therefor:

357. A person licensed as an agent for life insurance under this Act who makes a false or misleading statement or representation in the solicitation or negotiation of insurance, or coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a business or a professional relationship or otherwise, to give a preference in respect to the placing of life insurance that would not be otherwise given in the effecting of a life insurance contract, is guilty of an offence.

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

3. This Act may be cited as *The Insurance Amendment Act, 1971*.

An Act to amend
The Insurance Act

1st Reading

December 16th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for the
Control and Regulation of Snowmobiles**

MR. SHULMAN

EXPLANATORY NOTE

Self-explanatory.

An Act to provide for the Control and Regulation of Snowmobiles

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) "highway" includes a common and public highway street and bridge intended for or used by the general public;
- (b) "municipality" means a locality the inhabitants of which are incorporated;
- (c) "snowmobile" means a motorized, self-propelled vehicle intended primarily for travel on snow or ice.

2. No person shall operate a snowmobile upon a highway.

Snowmobiles
prohibited
on highways

3.—(1) A municipality may temporarily close a highway within the municipality in order to permit the holding of a snowmobile race or derby.

Snowmobile
derbies

(2) Notwithstanding subsection 1, no part of the King's Highway or any highway that intersects or runs into the King's Highway shall be closed under subsection 1.

Not to
affect King's
Highway

(3) Where a highway is temporarily closed by a municipality under subsection 1, the municipality shall give written notice of the closing to the chief of police or the chairman of the board of commissioners of police, as may be applicable, of the municipality and to the Minister of Justice and Attorney General.

Notice

(4) A notice under subsection 3 shall be delivered not less than one week prior to the date of the closing of the highway and shall state the date, length of time and purpose of the closing and the name and location of the highway to be closed.

Contents
of notice

- Police action** (5) The chief of police or the board of commissioners of police, as the case may be, upon receipt of the notice under subsection 3 shall take all steps necessary to provide for the protection of persons and property and the regulation of traffic as a result of the temporary closing and the holding of the snowmobile race or derby.
- Municipality not liable** (6) Where a municipality complies with the requirements of this section, the municipality shall not be held liable for any loss or damage arising out of the closing or any snowmobile race or derby held in connection therewith.
- Age restriction** 4. No person under the age of twelve years shall drive a snowmobile across a highway.
- Fire-arm restricted** 5.—(1) No person shall have a fire-arm on a snowmobile unless the fire-arm is unloaded and contained in a carrying-case.
- Bow restricted** (2) No person shall have a bow on a snowmobile unless the bow is unstrung or contained in a carrying-case.
- Hunting** 6. No person shall use a snowmobile for the purpose of driving or pursuing any deer or bear or wolf.
- Permitting operation by impaired person prohibited** 7. No person shall permit the operation of a snowmobile by a person whose ability to operate a snowmobile is impaired by reason of age, physical or mental disability, alcohol or a drug.
- Offences** 8. No person shall drive a snowmobile,
- (a) at a rate of speed greater than reasonable under the circumstances;
 - (b) without due care and attention or without reasonable consideration for other persons or property;
 - (c) while under the influence of alcohol or a drug;
 - (d) in a manner that creates an excessive or unusual level of motor or exhaust noise; or
 - (e) unless it is equipped with a muffler in good working order and in constant operation.
- Penalty** 9. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$100; and, for the second contravention of the

same provision within one year from the date of the first offence, to a fine of not less than \$100 and not more than \$500.

10. No snowmobile may be operated at a noise level greater^{Noise level} than 86 decibels measured at 50 feet from the machine.

11. This Act comes into force on a day to be named by the^{Commence-} Lieutenant Governor by his proclamation._{ment}

12. This Act may be cited as *The Snowmobile Regulation*^{Short title} Act, 1971.





An Act to provide for the
Control and Regulation of Snowmobiles

1st Reading

December 17th, 1971

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

BILL 22

1ST SESSION, 29TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act for granting to Her Majesty certain
additional sums of money for the Public Service
for the fiscal year ending the 31st day of March, 1972**

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics

BILL 22

1971

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1972

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable ^{Preamble} William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1972; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$4,872,585,000 granted ^{\$172,969,000 granted for fiscal year 1971-72} by *The Supply Act, 1971*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole ^{1971, c. 103} \$172,969,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1971, to the 31st day of March, 1972, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of March, ^{Exception} 1972, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required

by certificate of the Treasury Board to the department administered by the Minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

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 Supply Act, 1971 (No. 2)*.

SCHEDULE

Department of Agriculture and Food.....	\$ 6,000,000
Department of Correctional Services.....	1,435,000
Department of the Environment.....	900,000
Department of Health.....	34,075,000
Department of Transportation and Communications.....	36,406,000
Department of Labour.....	2,000,000
Department of Lands and Forests.....	12,324,000
Department of Mines and Northern Affairs.....	1,000,000
Department of Municipal Affairs.....	28,500,000
Department of Public Works.....	13,050,000
Department of Social and Family Services.....	37,279,000
	<hr/>
	\$172,969,000
	<hr/>







An Act for granting to Her Majesty
certain additional sums of money
for the Public Service for the fiscal year
ending the 31st day of March, 1972

1st Reading

December 17th, 1971

2nd Reading

December 17th, 1971

3rd Reading

December 17th, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario
and Minister of Economics



2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Waterloo

MR. GOOD

Bill Pr1

1972

An Act respecting the City of Waterloo

WHEREAS by section 2 of *The City of Waterloo Act, 1964* Preamble 1964, c. 149 the Community Services Board was established; and whereas the council of The Corporation of the City of Waterloo deems it to be in the best interests of its citizens that the functions of the Community Services Board be placed under the control of the council of The Corporation of the City of Waterloo as a department of the said City and hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

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

1. The Community Services Board, established under section 2 of *The City of Waterloo Act, 1964*, is hereby dissolved and all of its assets and liabilities become the assets and liabilities of The Corporation of the City of Waterloo, without compensation. Board dissolved; assets vested in City

2.—(1) The council of The Corporation of the City of Waterloo shall be deemed to be a recreation committee under *The Department of Education Act*, a board of a community centre under *The Community Centres Act* and a board of parks management under *The Public Parks Act*. Council deemed recreation committee, etc. R.S.O. 1970, cc. 111, 73, 384

(2) All of the powers that were vested in the commission authorized to manage the Civic Auditorium under *The Town of Waterloo Act, 1939* are hereby vested in the council of The Corporation of the City of Waterloo. Powers vested in council 1939, c. 77

3. On the dissolution of the Community Services Board, the employees thereof become the employees of The Corporation of the City of Waterloo and all terms and conditions affecting seniority, remuneration and other benefits in force with respect to such employees shall be assumed by the said City. Employees of Board become employees of City

1939 Act,
amended

4.—(1) Section 2 of *The Town of Waterloo Act, 1939*, being chapter 77, as amended by the Statutes of Ontario, 1958, chapter 163, section 1, is repealed.

1964 Act,
repealed

(2) *The City of Waterloo Act, 1964*, being chapter 149, is repealed.

Commence-
ment

5. This Act comes into force on the 1st day of July, 1972.

Short title

6. This Act may be cited as *The City of Waterloo Act, 1972*.





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An Act respecting the City of Waterloo

1st Reading

2nd Reading

3rd Reading

MR. GOOD

(Private Bill)

BILL Pr1

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Waterloo

MR. GOOD

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



Bill Pr1

1972

An Act respecting the City of Waterloo

WHEREAS by section 2 of *The City of Waterloo Act, 1964* Preamble 1964, c. 149 the Community Services Board was established; and whereas the council of The Corporation of the City of Waterloo deems it to be in the best interests of its citizens that the functions of the Community Services Board be placed under the control of the council of The Corporation of the City of Waterloo as a department of the said City and hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

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

1. The Community Services Board, established under section 2 of *The City of Waterloo Act, 1964*, is hereby dissolved and all of its assets and liabilities become the assets and liabilities of The Corporation of the City of Waterloo, without compensation. Board dissolved; assets vested in City

2.—(1) The council of The Corporation of the City of Waterloo shall be deemed to be a recreation committee under *The Department of Education Act*, a board of a community centre under *The Community Centres Act* and a board of parks management under *The Public Parks Act*. Council deemed committee, etc. R.S.O. 1970, cc. 111, 73, 384

(2) All of the powers that were vested in the commission authorized to manage the Civic Auditorium under *The Town of Waterloo Act, 1939* are hereby vested in the council of The Corporation of the City of Waterloo. Powers vested in council 1939, c. 77

3. On the dissolution of the Community Services Board, the employees thereof become the employees of The Corporation of the City of Waterloo and all terms and conditions affecting seniority, remuneration and other benefits in force with respect to such employees shall be assumed by the said City. Employees of Board become employees of City

1939 Act,
amended

4.—(1) Section 2 of *The Town of Waterloo Act, 1939*, being chapter 77, as amended by the Statutes of Ontario, 1958, chapter 163, section 1, is repealed.

1964 Act,
repealed

(2) *The City of Waterloo Act, 1964*, being chapter 149, is repealed.

Commence-
ment

5. This Act comes into force on the 1st day of July, 1972.

Short title

6. This Act may be cited as *The City of Waterloo Act, 1972*.





An Act respecting the City of Waterloo

1st Reading

March 9th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. GOOD

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the County of Simcoe

MR. EVANS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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An Act respecting the County of Simcoe

WHEREAS The Corporation of the County of Simcoe ^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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) "council" means the council of the County;
- (b) "County" means The Corporation of the County of Simcoe;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the council.

2.—(1) Notwithstanding subsections 1 and 2 of section 27 of *The Municipal Act*, membership on the council and the votes of such members shall be as follows:

County
council:
composition
of and votes on
R.S.O. 1970,
c. 284

- 1. Where a local municipality has less than 2,500 municipal electors, the reeve only shall be a member of the council and shall have one vote.
- 2. Where a local municipality has not less than 2,500 and not more than 5,000 municipal electors, the reeve and the deputy reeve shall be members of the council and shall each have one vote.

3. Where a local municipality has more than 5,000 but not more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have two votes.

Application (2) Subsection 1 applies with respect to the composition of and votes on the council for 1973 and subsequent years.

Application of R.S.O. 1970, c. 284 3. Subsection 2 of section 34 and section 202 of *The Municipal Act* apply *mutatis mutandis*.

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

Short title 5. This Act may be cited as *The County of Simcoe Act, 1972*.





An Act respecting the County of Simcoe

1st Reading

2nd Reading

3rd Reading

MR. EVANS

(Private Bill)

BILL Pr2

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the County of Simcoe

MR. EVANS

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act respecting the County of Simcoe

WHEREAS The Corporation of the County of Simcoe ^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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) "council" means the council of the County;
- (b) "County" means The Corporation of the County of Simcoe;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the council.

2.—(1) Notwithstanding subsections 1 and 2 of section 27 of *The Municipal Act*, membership on the council and the votes of such members shall be as follows:

County
council:
composition
of and votes on
R.S.O. 1970,
c. 284

- 1. Where a local municipality has less than 2,500 municipal electors, the reeve only shall be a member of the council and shall have one vote.
- 2. Where a local municipality has not less than 2,500 and not more than 5,000 municipal electors, the reeve and the deputy reeve shall be members of the council and shall each have one vote.

3. Where a local municipality has more than 5,000 but not more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have two votes.

Application (2) Subsection 1 applies with respect to the composition of and votes on the council for 1973 and subsequent years.

Application of R.S.O. 1970, c. 284 3. Subsection 2 of section 34 and section 202 of *The Municipal Act* apply *mutatis mutandis*.

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

Short title 5. This Act may be cited as *The County of Simcoe Act, 1972*.







An Act respecting the County of Simcoe

1st Reading

March 9th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. EVANS

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting Saint Peter's Seminary
Corporation of London, in Ontario**

MR. WALKER

Bill Pr3

1972

An Act respecting Saint Peter's Seminary Corporation of London, in Ontario

WHEREAS Saint Peter's Seminary Corporation of London, ^{Preamble} in Ontario hereby represents that doubts have arisen as to the power of the said Corporation under the letters patent and supplementary letters patent relating thereto to confer degrees in theology, and otherwise in respect of matters relating to its scholastic affairs; and whereas the said Corporation hereby applies for special legislation for the purpose of removing such doubts; and whereas it is expedient to grant the application;

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

1. Saint Peter's Seminary Corporation of London, in Ontario ^{Powers} has power,

- (a) to confer the degrees of bachelor, master and doctor in theology, as well as diplomas and certificates in theology;
- (b) to provide for the affiliation of Saint Peter's Seminary with any other institution of higher learning, and for the dissolution of any such affiliation or of any existing affiliation;
- (c) to confer honorary degrees in theology;
- (d) to establish departments and chairs in any subjects taught in the Seminary; and
- (e) to enter into agreements for the founding, establishment or maintenance of chairs, scholarships, prizes, bursaries and other awards.

- Degrees, etc.,
validated **2.** All degrees, certificates and diplomas in theology hitherto granted by Saint Peter's Seminary Corporation of London, in Ontario and all previous exercises of the powers mentioned in section 1 are hereby validated, ratified and confirmed.
- 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 Saint Peter's Seminary Corporation of London, in Ontario Act, 1972.*







An Act respecting Saint Peter's Seminary
Corporation of London, in Ontario

1st Reading

2nd Reading

3rd Reading

MR. WALKER

(Private Bill)

BILL Pr3

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act respecting Saint Peter's Seminary
Corporation of London, in Ontario**

MR. WALKER



Bill Pr3

1972

An Act respecting Saint Peter's Seminary Corporation of London, in Ontario

WHEREAS Saint Peter's Seminary Corporation of London,^{Preamble} in Ontario hereby represents that doubts have arisen as to the power of the said Corporation under the letters patent and supplementary letters patent relating thereto to confer degrees in theology, and otherwise in respect of matters relating to its scholastic affairs; and whereas the said Corporation hereby applies for special legislation for the purpose of removing such doubts; and whereas it is expedient to grant the application;

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

1. Saint Peter's Seminary Corporation of London, in Ontario^{Powers} has power,

- (a) to confer the degrees of bachelor, master and doctor in theology, as well as diplomas and certificates in theology;
- (b) to provide for the affiliation of Saint Peter's Seminary with any other institution of higher learning, and for the dissolution of any such affiliation or of any existing affiliation;
- (c) to confer honorary degrees in theology;
- (d) to establish departments and chairs in any subjects taught in the Seminary; and
- (e) to enter into agreements for the founding, establishment or maintenance of chairs, scholarships, prizes, bursaries and other awards.

Degrees, etc.,
validated

2. All degrees, certificates and diplomas in theology hitherto granted by Saint Peter's Seminary Corporation of London, in Ontario and all previous exercises of the powers mentioned in section 1 are hereby validated, ratified and confirmed.

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 Saint Peter's Seminary Corporation of London, in Ontario Act, 1972.*







An Act respecting Saint Peter's Seminary
Corporation of London, in Ontario

1st Reading

March 9th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. WALKER

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Peterborough Racing Association Limited

MR. TURNER

1/10/20

1/10/20

BILL Pr4

1972

**An Act respecting
Peterborough Racing Association Limited**

WHEREAS Peterborough Racing Association Limited^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her 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 Peterborough Racing Association Limited Act, 1967*, being chapter 124, is repealed and the following substituted therefor:^{s. 3, re-enacted}

3. The capital of the Company shall be divided into^{Capital} 3,000 non-cumulative redeemable 6 per cent preference shares with a par value of \$100 each and 200,000 common shares with no par value not to be issued for a consideration exceeding in amount or value \$200,000.

2. Section 7 of the said Act is repealed.

s. 7,
repealed

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

4. This Act may be cited as *The Peterborough Racing Association Limited Act, 1972*.^{Short title}

An Act respecting
Peterborough Racing
Association Limited

1st Reading

2nd Reading

3rd Reading

MR. TURNER

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Peterborough Racing Association Limited

MR. TURNER

(Reprinted as amended by the Private Bills Committee)

BILL Pr4

1972

**An Act respecting
Peterborough Racing Association Limited**

WHEREAS Peterborough Racing Association Limited^{Preamble} hereby applies for special legislation to increase the capital of the Company by the creation of 1,500 preference shares and 100,000 common shares each class of share to rank *pari passu* with the presently authorized 1,500 preference shares and 100,000 common shares and in respect of the other matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her 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 Peterborough Racing Association Limited Act, 1967*, being chapter 124, is repealed and the following substituted therefor: ^{s. 3, re-enacted}

3. The capital of the Company shall be divided into^{Capital} 3,000 non-cumulative redeemable 6 per cent preference shares with a par value of \$100 each and 200,000 common shares with no par value not to be issued for a consideration exceeding in amount or value \$200,000.

2. Section 7 of the said Act is repealed.

s. 7,
repealed

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

4. This Act may be cited as *The Peterborough Racing Association Limited Act, 1972*.^{Short title}

An Act respecting
Peterborough Racing
Association Limited

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. TURNER

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

BILL Pr4

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Peterborough Racing Association Limited

MR. TURNER

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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BILL Pr4

1972

**An Act respecting
Peterborough Racing Association Limited**

WHEREAS Peterborough Racing Association Limited^{Preamble} hereby applies for special legislation to increase the capital of the Company by the creation of 1,500 preference shares and 100,000 common shares each class of share to rank *pari passu* with the presently authorized 1,500 preference shares and 100,000 common shares and in respect of the other matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her 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 Peterborough Racing Association Limited Act, 1967*, being chapter 124, is repealed and the following substituted therefor: ^{s. 3, re-enacted}

3. The capital of the Company shall be divided into ^{Capital} 3,000 non-cumulative redeemable 6 per cent preference shares with a par value of \$100 each and 200,000 common shares with no par value not to be issued for a consideration exceeding in amount or value \$200,000.

2. Section 7 of the said Act is repealed.

s. 7,
repealed

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

4. This Act may be cited as *The Peterborough Racing Association Limited Act, 1972*. ^{Short title}

An Act respecting
Peterborough Racing
Association Limited

1st Reading

March 16th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. TURNER

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting The University of Waterloo

MR. GOOD

Bill Pr5

1972

An Act respecting The University of Waterloo

WHEREAS The University of Waterloo and The Board ^{Preamble} of Governors, The University of Waterloo, hereby represent that they were incorporated and established under the terms and provisions of *The University of Waterloo Act, 1959*, ^{1959, c. 140} which Act has been from time to time amended; that The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo, recognizing the necessity for institutional reform to achieve more fully the objects of the University, this reform to embody the broadening of the bases of membership in the bodies within the University structure, have agreed to broaden the representation on the said governing bodies to include student, staff, faculty and external representation, and have agreed to effect other changes in the University structure; that The University of Waterloo is a party to agreements of affiliation and federation with various colleges and intends herein to continue and to give full force and effect to the terms of such agreements; and whereas The University of Waterloo and The Board of Governors, The University of Waterloo, hereby apply for special legislation to effect such purpose including the repeal of *The University of Waterloo Act, 1959*; and whereas it is expedient to grant the application;

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) "affiliated college" means a college affiliated with the University;
- (b) "alumni" means the persons who have received degrees from the University or from a university or college federated or affiliated with the University;
- (c) "Board of Governors" means the Board of Governors, University of Waterloo;

- (d) "college" means a school or other institution of higher learning;
- (e) "faculty" means any academic division of the University either so designated by the Board of Governors, or, as determined by the Board of Governors, having status comparable to that of a faculty but being otherwise designated;
- (f) "federated college" means a university or college federated with the University;
- (g) "full-time staff" means those members of staff employed by the University on regular appointments to work the regular time, on a continuing basis, as scheduled by the University for the category in which such persons are employed;
- (h) "full-time student" means a student registered as such by the Registrar of the University either for the payment by the student of full-time fees, or for the claiming by the University of full-time Provincial grants or for such other purposes as shall be determined by the Board of Governors, from time to time;
- (i) "graduate student" means a full-time student or a part-time student registered as such by the Registrar of the University;
- (j) "members of faculty" means those members of personnel employed by the University or employed by a federated or affiliated college; whose duties are basically those of performing and administering the teaching and research functions of the University, or, as the case may be, of a federated or affiliated college, and who are included in the lecturer and professorial ranks;
- (k) "part-time student" means a student other than a full-time student, registered in a course leading to an academic degree;
- (l) "property" includes all property, both real and personal;
- (m) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal and any undivided share thereof and any estate or interest therein;

- (n) "regular members of faculty" means those members of faculty employed by the University, or, as the case may be, employed by a federated or affiliated college, in tenured, probationary term appointments, or, full-time definite term appointments;
- (o) "Senate" means the Senate of the University;
- (p) "staff" means that group of personnel employed by the University other than "members of faculty";
- (q) "student" means all persons who are registered as such by the University;
- (r) "undergraduate student" means a full-time student or a part-time student registered as such by the Registrar of the University;
- (s) "University" means the University of Waterloo;
- (t) "year" means the Board of Governors and Senate membership year, which shall be any twelve-month period established by the Board of Governors, from time to time, save that for the first Board of Governors and the first Senate the membership year shall be from the 1st day of November of the first year to the 30th day of April of the succeeding year.

2.—(1) The corporation, The University of Waterloo, is ^{Corporation continued} hereby continued as a body corporate with perpetual succession under the name "University of Waterloo" and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

(2) Subject to this Act, all by-laws, orders, and regulations ^{By-laws, etc., continued in force} of The University of Waterloo, of The Board of Governors, The University of Waterloo and of the Senate, now in force, shall continue in force until amended or repealed.

3. The objects of the University are the pursuit of learning ^{Objects} through scholarship, teaching and research within a spirit of free enquiry and expression.

4. The University has all powers necessary and incidental ^{General powers} to the satisfaction and furtherance of its objects as a University.

Proceedings
in University
name

5. All proceedings by or against the University may be had and taken in the name of "University of Waterloo".

Power to
deal with
realty and
personalty
R.S.O. 1970,
c. 225

6. The University has, in addition to the powers, rights, and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate and property in addition thereto, or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

PROPERTY

Trust
property
vested in
University

7. All property hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the University or any faculty, school or department of the University, subject to any trusts affecting the same, shall be vested in the University.

Real property
vested in
University
not liable to
expropriation

8. Real property vested in the University or owned by or vested in any university or college federated or affiliated with the University shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Application
of statute of
limitations

9. All property vested in the University, so far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Investment
of funds

10. The funds of the University not immediately required for its purposes and the proceeds of all property which comes to the hands of the Board of Governors, subject to any trusts affecting the same, may be invested and reinvested in such investments as the Board of Governors shall deem suitable.

BOARD OF GOVERNORS

Board of
Governors

11. The corporation, The Board of Governors, The University of Waterloo, is hereby continued as a body corporate with perpetual succession under the name "Board of Governors, University of Waterloo".

12. The Board of Governors shall consist of thirty-six members, each of whom shall have voting rights, such membership to be made up as follows: ^{Composition of Board of Governors}

1. The President of the University, the Chancellor of the University, the Mayor of the City of Waterloo, the Mayor of the City of Kitchener, and the Warden of Waterloo County, who shall be *ex-officio* members.
2. Ten members to be appointed by the Lieutenant Governor in Council.
3. Six members to be appointed by the Senate from among the members of faculty of the Senate.
4. Three members, one of whom shall be a graduate student, to be appointed by the Senate from among the student members of the Senate.
5. Two members of the full-time staff to be elected by the full-time staff members of the University in such manner and in accordance with such procedures as shall be determined and established by the said Board of Governors.
6. Ten members from the community-at-large, at least three of whom shall be alumni, to be elected by the Board of Governors in such manner and in accordance with such procedures as shall be determined and established by the said Board of Governors, provided that such members shall represent a broad spectrum of the community, and provided further that such members shall not be members of faculty, or members of the staff or student body of the University or of any federated or affiliated college, or members of the faculty, staff, student body or governing body of any other Ontario university.

TERM OF OFFICE

13. The term of membership of the members of the Board of Governors shall be as follows: ^{Term of office}

1. The members of faculty referred to in paragraph 3 of section 12 and the student members referred to in paragraph 4 of section 12 shall hold office for a period of two years, save that with respect to such members to be first appointed and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, in such manner

as it shall determine and prescribe, so far as is reasonably practicable, a number thereof who shall serve for a period of one year and a number thereof who shall serve for a period of two years.

2. All other non *ex-officio* members shall hold office for a period of three years save that with respect to such members to be first elected or appointed and in order to effect approximately equal annual rotation of office, the Board of Governors shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practicable, a number thereof who shall serve for a period of one year, a number thereof who shall serve for a period of two years, and a number thereof who shall serve for a period of three years.

CHAIRMAN OF BOARD OF GOVERNORS

Chairman
and vice-
chairman

14.—(1) The Board of Governors shall elect from among the community-at-large members thereof, a chairman and a vice-chairman and, in the event of the absence or illness of the chairman, or, in the event of a temporary vacancy of that office, the vice-chairman shall act as and have all the powers of the chairman.

Absence

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board of Governors may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

Term of
office

(3) The term of office of the chairman and of the vice-chairman shall be three years, provided that each of them shall be eligible for re-election for one additional term.

POWERS OF THE BOARD OF GOVERNORS

Powers of the
Board of
Governors

15.—(1) The government of the University and the control of its property and revenues, the conduct of its business and affairs, save with respect to such matters as are assigned by this Act to the Senate, shall be vested in the Board of Governors and the Board of Governors shall have all powers necessary or convenient to perform its duties and to achieve the objects of the University, and without intending to restrict the generality of the foregoing, this shall include the power,

- (a) to appoint, promote and remove the President and all other officers of the University, heads and associate heads of the faculties, or of any other academic

- unit, the members of faculty, or staff of the University, and all other agents and servants of the University;
- (b) to grant tenure to the members of faculty, and to terminate tenure;
 - (c) to plan and implement the physical and operational development of the University and to exercise all the powers to control and achieve a planned rate and scope of such development;
 - (d) to borrow money for the purpose of the University and to give security therefor on such terms and in such amounts as the said Board of Governors may consider advisable, or as from time to time may be required;
 - (e) to regulate the conduct of the students, faculty and staff, and of all other persons coming upon and using the lands and premises of the University;
 - (f) to establish and collect fees and charges for academic tuition and for services of any kind which may be offered by the University and to collect such fees and charges, approved by the Board of Governors, on behalf of any entity, organization, or element of the University;
 - (g) to levy and enforce penalties and fines, suspend or expel from student membership or from employment with the University or deny access to the lands and premises of the University;
 - (h) to establish and enforce rules and regulations with regard to the use and occupancy of its buildings and grounds or other operations;
 - (i) to enter into agreements for the federation or affiliation of the University with any university or college of higher learning;
 - (j) to provide for the appointment and discharge of committees and for the delegation to and the conferring upon any such committees, authority to act for the Board of Governors with respect to any matter; and
 - (k) to enact by-laws and regulations for the conduct of its affairs.

University
non-
denomina-
tional

(2) In order to maintain a non-denominational University, no more than two colleges of the same denominational control shall be affiliated or federated with the University.

Approval re
federation or
affiliation

(3) No college affiliated or federated with the University shall be affiliated with any other college, school or institute of higher learning without the approval of the Board of Governors.

Idem

(4) Any agreement entered into by the University for federation or affiliation with a college shall be subject to the approval of the governing body of each institute then federated or affiliated with the University, which approval shall not be unreasonably withheld.

Quorum

16. The quorum of the Board of Governors, to be designated by by-law of the said Board, shall consist of not fewer than twelve members, at least one-half of whom shall consist of community-at-large members of the said Board elected under paragraph 6 of section 12 and members of the said Board appointed by the Lieutenant Governor in Council under paragraph 2 of section 12 and at least one-half of whom shall consist of other elected or appointed members of the Board.

Conduct
responsibility
of federated
and affiliated
colleges

17. The governing bodies of the federated and affiliated colleges shall, respectively, have jurisdiction over, and entire responsibility for, the regulation of the conduct of all persons in respect of all matters arising or occurring in, or upon, their respective buildings and grounds.

Determina-
tion of
disputes

18. The Board of Governors shall determine the proper body within the University to exercise jurisdiction in any matter of discipline that may arise wherein there is a question as to the proper body under which it should come, and the decision of the Board of Governors in such matters shall be final.

SENATE

Senate

19. There shall be a Senate of the University composed as follows:

(a) The following *ex-officio* members:

1. The Chancellor.
2. The President.
3. The Vice-President, Academic, and the Vice-President, Finance and Operations.

4. The Dean of each faculty of the University and the Dean of Graduate Studies.
 5. The Librarian of the University.
 6. The Registrar of the University.
 7. The principal or head of each federated or affiliated college.
 8. The chairman of the Board of Governors.
 9. Such other *ex-officio* members as the Senate by by-law may, from time to time, designate.
- (b) The following elected members who shall be elected in such manner and in accordance with such procedures as are determined and established by the Senate:
1. Three members of the Board of Governors other than the chairman thereof, such members to be elected from the community-at-large members of the Board of Governors.
 2. Members of faculty equal in number to one more than the total number of all other members of the Senate, provided that,
 - (i) three members of faculty shall be elected from each faculty of the University, provided that such minimum number to be elected from each faculty may by by-law be increased from time to time by the Senate,
 - (ii) three members of faculty shall be elected from each of the federated colleges and one member of faculty shall be elected from each of the affiliated colleges, and
 - (iii) the remaining members of faculty to be elected shall be elected from the members of faculty of the University.
 3. One undergraduate student from each faculty of the University.
 4. Three graduate students, who shall not be members of faculty or members of the full-

time staff of the University or of any federated or affiliated college.

5. Three members from the alumni of the University, who shall not be members of faculty or members of the staff or members of the student body of the University.

CHAIRMAN OF THE SENATE

Chairman of
the Senate

20. The President of the University shall be chairman of the Senate, and the Vice-President, Academic, shall be the vice-chairman thereof.

TERM OF OFFICE OF SENATE MEMBERS

Term of
Office

21. The term of membership of the members of the Senate shall be as follows:

1. The undergraduate student and graduate student members respectively referred to in paragraphs 3 and 4 of clause *b* of section 19 shall hold office for a period of two years, save that with respect to such members to be first elected and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practical, a number thereof who shall serve for a period of one year and a number thereof who shall serve for a period of two years.
2. All other non *ex-officio* members shall hold office for a period of three years save that with respect to such members first elected and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, so far as is reasonably practical, a number thereof who shall serve for a period of one year, a number who shall serve for a period of two years and a number who shall serve for a period of three years.

Eligibility
of members

22. No person shall be eligible for election or appointment as a member of the Senate who is a member of the faculty or a member of the governing body or of the Senate of any degree-granting university, college or institution of higher learning, other than the University and its federated or affiliated colleges, unless such person is a regular member of faculty.

POWERS OF THE SENATE

23. The Senate has the power to establish the educational policies of the University and to make recommendations to the Board of Governors with respect to any matter relative to the operation of the University and without restricting the generality of the foregoing, this includes the power,

Powers of
the Senate

- (a) to make recommendations to the Board of Governors relative to the creation, establishment, maintenance, modification, or removal of organizational structures such as faculties, schools, institutes, departments or chairs within the University;
- (b) subject to the approval of the Board of Governors, in so far as the expenditure of funds is concerned, to establish, maintain, modify or remove, curricula of all courses of instruction including extension courses;
- (c) to determine policies concerning the qualifications of faculty members within the University with respect to appointments or promotions in rank, or to the granting of tenure, in connection with research or teaching or academic administration;
- (d) to determine standards of admission of students to the University;
- (e) to consider and determine the conduct and results of examinations in all faculties or academic units;
- (f) to hear and determine appeals from the decisions of the faculty councils on applications and examinations by students;
- (g) to confer degrees, diplomas and certificates or other awards in any and all branches of learning and in any subject taught in the University or its federated or affiliated colleges;
- (h) to confer honorary degrees in Divinity, without fees, upon the recommendation of any theological college federated or affiliated with the University;
- (i) to confer honorary degrees in any department of learning;
- (j) to undertake, consider and co-ordinate long-range academic planning;

- (k) to consider and to recommend to the Board of Governors policies concerning the internal allocation or use of University resources;
- (l) to consider and to recommend to the Board of Governors the federation or affiliation of the University with any college for teaching any branch of learning;
- (m) to create councils and committees to exercise its powers,
- (n) to provide, if considered necessary, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate; and
- (o) to enact by-laws and regulations for the conduct of its affairs.

RE-ELECTION TO AND TERM OF MEMBERSHIP ON BOARD
OF GOVERNORS AND SENATE

Re-election
or re-
appointment

24. Members of the Board of Governors and of the Senate shall be eligible for re-election or reappointment, as the case may be, save that an elected or appointed member shall serve for no more than two consecutive terms, provided that any such elected or appointed member shall be again eligible for election or appointment after the expiration of one year following the completion of two consecutive terms, and provided further that there shall be no limitation with respect to the term of service on the Board of Governors and on the Senate of any *ex-officio* member thereof.

Absence from
meetings

25.—(1) If, within any year, a member of the Board of Governors or of the Senate, not having been granted permission to be absent by such body, attends less than 50 per cent of the regular meetings of such body, his office shall *ipso facto* be vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant.

(2) A resolution passed under this section and entered in the minutes of the pertinent meeting of the Board of Governors or of the Senate, as the case may be, shall be conclusive evidence of the vacancy declared therein.

Membership
vacated

26. If within any year, any event occurs which would make any member of the Board of Governors or of the Senate, as the case may be, ineligible by reason of the occurrence of

such event to be elected to such body, his membership on such body shall be *ipso facto* vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant, save that a student member of the Board of Governors or of the Senate, as the case may be, who graduates during his term of office shall be entitled to serve for the remainder of such year.

27. Where a vacancy on the Board of Governors or on the Senate, as the case may be, occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. ^{Filling vacancies}

MEETINGS AND BY-LAWS

28.—(1) All general and special meetings of the Board of Governors and of the Senate, save as provided in subsection 2, shall be open to members of the University community, the public-at-large and to representatives of the news media. ^{Meetings to be open}

(2) The Board of Governors and the Senate, for the purpose of considering matters of a confidential nature, may hold any meeting or any part thereof in closed session. ^{Exception}

29.—(1) The by-laws of the Board of Governors and of the Senate shall be open to examination by members of the University community and by the public-at-large during normal business hours. ^{Examination of by-laws}

(2) The Board of Governors and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper. ^{Publication of by-laws}

PRESIDENT

30.—(1) There shall be a President of the University. ^{President}

(2) The President shall be appointed by the Board of Governors in such manner and for such term or terms as shall be determined, from time to time, by agreement of the Board of Governors and the Senate. ^{Appointment}

(3) The President shall be the chief executive officer of the University, and without limiting the generality of the foregoing, the President shall have the authority and responsi- ^{Powers of President}

bility for administering the affairs of the University and accordingly shall act on behalf of the Board of Governors with respect to the operational management and control of the University.

Delegation of
authority

(4) The President is hereby empowered to delegate his authority, during the period of any temporary absence, to any other officer of the University, provided that, in the absence of such delegation of authority, the senior Vice-President as designated from time to time by the Board of Governors shall have the authority to act in the place and stead of the President and in the absence of such designation, the Vice-President, Academic, shall be deemed to be the senior Vice-President.

(5) The Board of Governors may, in the absence of the President and shall in the event of a vacancy in the office of President, appoint an acting President upon such terms and conditions as the Board of Governors may prescribe.

CHANCELLOR AND VICE-CHANCELLOR

Chancellor,
election of

31.—(1) There shall be a Chancellor of the University who shall be elected by the Senate in such manner as the Senate shall determine.

Term of
office

(2) The term of office of the Chancellor shall be three years, provided that he shall be eligible for re-election for one additional term.

Duties

(3) The Chancellor shall preside at all Convocations and shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be designated by the Senate.

Vice-
Chancellor

(4) The President of the University shall be the Vice-Chancellor thereof and shall assume the duties of the Chancellor in his absence or during a temporary vacancy of that office.

Incumbent
Chancellor

(5) Notwithstanding anything in this section contained, the incumbent Chancellor of The University of Waterloo, as of the date that this Act comes into force, shall continue as Chancellor of the University until such time as his successor shall be elected by the Senate, provided that such election shall be held within three years of the date that this Act comes into force.

AUDITORS

32. The Board of Governors shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board of Governors at least once a year. Audit of accounts R.S.O. 1970, c. 373

ANNUAL FINANCIAL REPORT

33.—(1) The Board of Governors shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. Annual financial report

(2) The Minister 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.

ANNUAL REPORT

34. The Board of Governors shall make available to students, faculty and staff of the University an annual report which shall include an annual financial report. Annual report

GENERAL

35. This Act shall not be deemed to alter, modify or affect the rights and obligations of the University or of any affiliated or federated college arising out of the terms of agreements of affiliation or federation presently existing between the University and such affiliated and federated colleges. Agreements of affiliation and federation to continue

36. If any college, federated or affiliated with the University, has the right to grant degrees, such right, except for degrees in theology, shall remain dormant during the time that such college remains federated or affiliated with the University. Degree-granting powers to remain dormant

37.—(1) Notwithstanding anything in this Act, for the purpose of permitting the election or appointment, as the case may be, prior to the 1st day of November, 1972, of the members of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act, The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo are hereby respectively authorized and empowered forthwith after this Act receives Royal Assent to act in the place and stead of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act to do all things necessary as expressed in, or implied by or contemplated by or First election and appointment of Board of Governors and Senate

required by reason of this Act to form and constitute the first such Board of Governors and Senate, and without restricting the generality of the foregoing, The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo, are hereby respectively authorized and empowered to pass such by-laws, make such findings, establish such election procedures, arrange for the carrying out of such elections and to hold and carry out such elections as may be necessary for the formation and constitution of the said first Board of Governors and Senate.

First
meeting

(2) The Board of Governors, The University of Waterloo, and the Senate of The University of Waterloo, are respectively hereby authorized and empowered to arrange for and call, after completion of the election and appointment of the members of the first Board of Governors and first Senate to be established and constituted under the terms and provisions of this Act, the first meeting of the Board of Governors and the first meeting of the Senate, such meetings to be held on or after the 1st day of November, 1972, the members of the said Board of Governors and the members of the said Senate to be given such notice of the said meetings as shall be deemed reasonable.

Term of
office to
run from
May 1, 1972

(3) The term of office of the members of the first Board of Governors and of the first Senate, notwithstanding the matters hereinbefore set out, shall be deemed to run from the 1st day of May, 1972.

1959 Act,
repealed

38. The following are repealed:

1. *The University of Waterloo Act, 1959.*

1960-61 Act
repealed

2. *The University of Waterloo Act, 1960-61.*

1962-63 Act,
repealed

3. *The University of Waterloo Act, 1962-63.*

Commence-
ment

39. This Act comes into force on the 1st day of November, 1972.

Short title

40. This Act may be cited as *The University of Waterloo Act, 1972.*



An Act respecting
The University of Waterloo

1st Reading

March 14, 1972

2nd Reading

3rd Reading

MR. GOOD

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting The University of Waterloo

MR. GOOD

(Reprinted as amended by the Private Bills Committee)

1888

1888

1888

Bill Pr5

1972

An Act respecting The University of Waterloo

WHEREAS The University of Waterloo and The Board ^{Preamble} of Governors, The University of Waterloo, hereby represent that they were incorporated and established under the terms and provisions of *The University of Waterloo Act, 1959*, ^{1959, c. 140} which Act has been from time to time amended; that The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo, recognizing the necessity for institutional reform to achieve more fully the objects of the University, this reform to embody the broadening of the bases of membership in the bodies within the University structure, have agreed to broaden the representation on the said governing bodies to include student, staff, faculty and external representation, and have agreed to effect other changes in the University structure; that The University of Waterloo is a party to agreements of affiliation and federation with various colleges and intends herein to continue and to give full force and effect to the terms of such agreements; and whereas The University of Waterloo and The Board of Governors, The University of Waterloo, hereby apply for special legislation to effect such purpose including the repeal of *The University of Waterloo Act, 1959*; and whereas it is expedient to grant the application;

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) "affiliated college" means a college affiliated with the University;
- (b) "alumni" means the persons who have received degrees from the University or from a university or college federated or affiliated with the University;
- (c) "Board of Governors" means the Board of Governors, University of Waterloo;

- (d) "college" means a school or other institution of higher learning;
- (e) "faculty" means any academic division of the University either so designated by the Board of Governors, or, as determined by the Board of Governors, having status comparable to that of a faculty but being otherwise designated;
- (f) "federated college" means a university or college federated with the University;
- (g) "full-time staff" means those members of staff employed by the University on regular appointments to work the regular time, on a continuing basis, as scheduled by the University for the category in which such persons are employed;
- (h) "full-time student" means a student registered as such by the Registrar of the University either for the payment by the student of full-time fees, or for the claiming by the University of full-time Provincial grants or for such other purposes as shall be determined by the Board of Governors, from time to time;
- (i) "graduate student" means a full-time student or a part-time student registered as such by the Registrar of the University;
- (j) "members of faculty" means those members of personnel employed by the University or employed by a federated or affiliated college, whose duties are basically those of performing and administering the teaching and research functions of the University, or, as the case may be, of a federated or affiliated college, and who are included in the lecturer and professorial ranks;
- (k) "part-time student" means a student other than a full-time student, registered in a course leading to an academic degree;
- (l) "property" includes all property, both real and personal;
- (m) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal and any undivided share thereof and any estate or interest therein;

- (n) "regular members of faculty" means those members of faculty employed by the University, or, as the case may be, employed by a federated or affiliated college, in tenured, probationary term appointments, or, full-time definite term appointments;
- (o) "Senate" means the Senate of the University;
- (p) "staff" means that group of personnel employed by the University other than "members of faculty";
- (q) "student" means all persons who are registered as such by the University;
- (r) "undergraduate student" means a full-time student or a part-time student registered as such by the Registrar of the University;
- (s) "University" means the University of Waterloo;
- (t) "year" means the Board of Governors and Senate membership year, which shall be any twelve-month period established by the Board of Governors, from time to time, save that for the first Board of Governors and the first Senate the membership year shall be from the 1st day of November of the first year to the 30th day of April of the succeeding year.

2.—(1) The corporation, The University of Waterloo, is ^{Corporation continued} hereby continued as a body corporate with perpetual succession under the name "University of Waterloo" and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

(2) Subject to this Act, all by-laws, orders, and regulations ^{By-laws, etc. continued in force} of The University of Waterloo, of The Board of Governors, The University of Waterloo and of the Senate, now in force, shall continue in force until amended or repealed.

3. The objects of the University are the pursuit of learning ^{Objects} through scholarship, teaching and research within a spirit of free enquiry and expression.

4. The University has all powers necessary and incidental ^{General powers} to the satisfaction and furtherance of its objects as a University.

Proceedings
in University
name

5. All proceedings by or against the University may be had and taken in the name of "University of Waterloo".

Power to
deal with
realty and
personalty
R.S.O. 1970,
c. 225

6. The University has, in addition to the powers, rights, and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate and property in addition thereto, or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

PROPERTY

Trust
property
vested in
University

7. All property hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the University or any faculty, school or department of the University, subject to any trusts affecting the same, shall be vested in the University.

Application
of statute of
limitations

8. All property vested in the University, so far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Investment
of funds

9. The funds of the University not immediately required for its purposes and the proceeds of all property which comes to the hands of the Board of Governors, subject to any trusts affecting the same, may be invested and reinvested in such investments as the Board of Governors shall deem suitable.

BOARD OF GOVERNORS

Board of
Governors

10. The corporation, The Board of Governors, The University of Waterloo, is hereby continued as a body corporate with perpetual succession under the name "Board of Governors, University of Waterloo".

Composition
of Board of
Governors

11. The Board of Governors shall consist of thirty-six members, each of whom shall be a Canadian citizen and each of whom shall have voting rights, such membership to be made up as follows:

1. The President of the University, the Chancellor of the University, the Mayor of the City of Waterloo,

the Mayor of the City of Kitchener, and the Warden of Waterloo County, who shall be *ex-officio* members.

2. Seven members to be appointed by the Lieutenant Governor in Council.
3. Seven members to be appointed by the Senate from among the members of faculty of the Senate.
4. Five members, two of whom shall be graduate students, to be appointed by the Senate from among the student members of the Senate.
5. Two members of the full-time staff to be elected by the full-time staff members of the University in such manner and in accordance with such procedures as shall be determined and established by the said Board of Governors.
6. Ten members from the community-at-large, at least three of whom shall be alumni, to be elected by the Board of Governors in such manner and in accordance with such procedures as shall be determined and established by the said Board of Governors, provided that such members shall represent a broad spectrum of the community, and provided further that such members shall not be members of faculty, or members of the staff or student body of the University or of any federated or affiliated college, or members of the faculty, staff, student body or governing body of any other Ontario university.

TERM OF OFFICE

12. The term of membership of the members of the Board ^{Term of office} of Governors shall be as follows:

1. The members of faculty referred to in paragraph 3 of section 11 and the student members referred to in paragraph 4 of section 11 shall hold office for a period of two years, save that with respect to such members to be first appointed and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practicable, a number thereof who shall serve for a period of one year and a number thereof who shall serve for a period of two years.

2. All other non *ex-officio* members shall hold office for a period of three years save that with respect to such members to be first elected or appointed and in order to effect approximately equal annual rotation of office, the Board of Governors shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practicable, a number thereof who shall serve for a period of one year, a number thereof who shall serve for a period of two years, and a number thereof who shall serve for a period of three years.

CHAIRMAN OF BOARD OF GOVERNORS

Chairman
and vice-
chairman

13.—(1) The Board of Governors shall elect from among the community-at-large members thereof, a chairman and a vice-chairman and, in the event of the absence or illness of the chairman, or, in the event of a temporary vacancy of that office, the vice-chairman shall act as and have all the powers of the chairman.

Absence

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board of Governors may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

Term of
office

(3) The term of office of the chairman and of the vice-chairman shall be three years, provided that each of them shall be eligible for re-election for one additional term.

POWERS OF THE BOARD OF GOVERNORS

Powers of the
Board of
Governors

14.—(1) The government of the University and the control of its property and revenues, the conduct of its business and affairs, save with respect to such matters as are assigned by this Act to the Senate, shall be vested in the Board of Governors and the Board of Governors shall have all powers necessary or convenient to perform its duties and to achieve the objects of the University, and without intending to restrict the generality of the foregoing, this shall include the power,

- (a) to appoint, promote and remove the President and all other officers of the University, heads and associate heads of the faculties, or of any other academic unit, the members of faculty, or staff of the University, and all other agents and servants of the University;

- (b) to grant tenure to the members of faculty, and to terminate tenure;
- (c) to plan and implement the physical and operational development of the University and to exercise all the powers to control and achieve a planned rate and scope of such development;
- (d) to borrow money for the purpose of the University and to give security therefor on such terms and in such amounts as the said Board of Governors may consider advisable, or as from time to time may be required;
- (e) to regulate the conduct of the students, faculty and staff, and of all other persons coming upon and using the lands and premises of the University;
- (f) to establish and collect fees and charges for academic tuition and for services of any kind which may be offered by the University and to collect such fees and charges, approved by the Board of Governors, on behalf of any entity, organization, or element of the University;
- (g) to levy and enforce penalties and fines, suspend or expel from student membership or from employment with the University or deny access to the lands and premises of the University;
- (h) to establish and enforce rules and regulations with regard to the use and occupancy of its buildings and grounds or other operations;
- (i) to enter into agreements for the federation or affiliation of the University with any university or college of higher learning;
- (j) to provide for the appointment and discharge of committees and for the delegation to and the conferring upon any such committees, authority to act for the Board of Governors with respect to any matter; and
- (k) to enact by-laws and regulations for the conduct of its affairs.

University non-denominational (2) In order to maintain a non-denominational University, no more than two colleges of the same denominational control shall be affiliated or federated with the University.

Approval re federation or affiliation (3) No college affiliated or federated with the University shall be affiliated with any other college, school or institute of higher learning without the approval of the Board of Governors.

Idem (4) Any agreement entered into by the University for federation or affiliation with a college shall be subject to the approval of the governing body of each institute then federated or affiliated with the University, which approval shall not be unreasonably withheld.

Quorum **15.** The quorum of the Board of Governors, to be designated by by-law of the said Board, shall consist of not fewer than twelve members, at least one-half of whom shall consist of community-at-large members of the said Board elected under paragraph 6 of section 11 and members of the said Board appointed by the Lieutenant Governor in Council under paragraph 2 of section 11 and at least one-half of whom shall consist of other elected or appointed members of the Board.

Conduct responsibility of federated and affiliated colleges **16.** The governing bodies of the federated and affiliated colleges shall, respectively, have jurisdiction over, and entire responsibility for, the regulation of the conduct of all persons in respect of all matters arising or occurring in, or upon, their respective buildings and grounds.

Determination of disputes **17.** The Board of Governors shall determine the proper body within the University to exercise jurisdiction in any matter of discipline that may arise wherein there is a question as to the proper body under which it should come, and the decision of the Board of Governors in such matters shall be final.

SENATE

Senate **18.** There shall be a Senate of the University composed as follows:

(a) The following *ex-officio* members:

1. The Chancellor.
2. The President.
3. The Vice-President, Academic, and the Vice-President, Finance and Operations.

4. The Dean of each faculty of the University and the Dean of Graduate Studies.
 5. The Librarian of the University.
 6. The Registrar of the University.
 7. The principal or head of each federated or affiliated college.
 8. The chairman of the Board of Governors.
 9. Such other *ex-officio* members as the Senate by by-law may, from time to time, designate.
- (b) The following elected members who shall be elected in such manner and in accordance with such procedures as are determined and established by the Senate:
1. Three members of the Board of Governors other than the chairman thereof, such members to be elected from the community-at-large members of the Board of Governors.
 2. Members of faculty equal in number to one more than the total number of all other members of the Senate, provided that,
 - (i) three members of faculty shall be elected from each faculty of the University, provided that such minimum number to be elected from each faculty may by by-law be increased from time to time by the Senate,
 - (ii) three members of faculty shall be elected from each of the federated colleges and one member of faculty shall be elected from each of the affiliated colleges, and
 - (iii) the remaining members of faculty to be elected shall be elected from the members of faculty of the University.
 3. One undergraduate student from each faculty of the University.
 4. Three graduate students, who shall not be members of faculty or members of the full-

time staff of the University or of any federated or affiliated college.

5. Three members from the alumni of the University, who shall not be members of faculty or members of the staff or members of the student body of the University.

- (c) Upon the designation and addition, from time to time, by the Senate, under paragraph 9 of clause *a*, of any additional *ex-officio* members, the number of persons to be elected under paragraphs 1, 4 and 5 of clause *b* and the total of the number of persons to be elected under paragraph 3 of the said clause shall each be deemed to be increased by whatever number may be necessary in order to retain the ratio established by the said clause *b*, of the number of persons to be elected pursuant to each of the paragraphs 1, 3, 4 and 5 of the said clause *b* to the number of members of faculty to be elected pursuant to paragraph 2 thereof, provided that the additional undergraduate students to be elected in accordance with paragraph 3 shall be elected from the undergraduate students generally of the University in such manner and in accordance with such procedures as are determined and established by the Senate.

CHAIRMAN OF THE SENATE

Chairman of
the Senate

19. The President of the University shall be chairman of the Senate, and the Vice-President, Academic, shall be the vice-chairman thereof.

TERM OF OFFICE OF SENATE MEMBERS

Term of
Office

20. The term of membership of the members of the Senate shall be as follows:

1. The undergraduate student and graduate student members respectively referred to in paragraphs 3 and 4 of clause *b* of section 18 shall hold office for a period of two years, save that with respect to such members to be first elected and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practical, a number thereof who shall serve for a period of one year and a number thereof who shall serve for a period of two years.

2. All other non *ex-officio* members shall hold office for a period of three years save that with respect to such members first elected and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, so far as is reasonably practical, a number thereof who shall serve for a period of one year, a number who shall serve for a period of two years and a number who shall serve for a period of three years.

21. No person shall be eligible for election or appointment ^{Eligibility of members} as a member of the Senate who is a member of the faculty or a member of the governing body or of the Senate of any degree-granting university, college or institution of higher learning, other than the University and its federated or affiliated colleges, unless such person is a regular member of faculty.

POWERS OF THE SENATE

22. The Senate has the power to establish the educational ^{Powers of the Senate} policies of the University and to make recommendations to the Board of Governors with respect to any matter relative to the operation of the University and without restricting the generality of the foregoing, this includes the power,

- (a) to make recommendations to the Board of Governors relative to the creation, establishment, maintenance, modification, or removal of organizational structures such as faculties, schools, institutes, departments or chairs within the University;
- (b) subject to the approval of the Board of Governors, in so far as the expenditure of funds is concerned, to establish, maintain, modify or remove, curricula of all courses of instruction including extension courses;
- (c) to determine policies concerning the qualifications of faculty members within the University with respect to appointments or promotions in rank, or to the granting of tenure, in connection with research or teaching or academic administration;
- (d) to determine standards of admission of students to the University;
- (e) to consider and determine the conduct and results of examinations in all faculties or academic units;

- (f) to hear and determine appeals from the decisions of the faculty councils on applications and examinations by students;
- (g) to confer degrees, diplomas and certificates or other awards in any and all branches of learning and in any subject taught in the University or its federated or affiliated colleges;
- (h) to confer honorary degrees in Divinity, without fees, upon the recommendation of any theological college federated or affiliated with the University;
- (i) to confer honorary degrees in any department of learning;
- (j) to undertake, consider and co-ordinate long-range academic planning;
- (k) to consider and to recommend to the Board of Governors policies concerning the internal allocation or use of University resources;
- (l) to consider and to recommend to the Board of Governors the federation or affiliation of the University with any college for teaching any branch of learning;
- (m) to create councils and committees to exercise its powers;
- (n) to provide, if considered necessary, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate; and
- (o) to enact by-laws and regulations for the conduct of its affairs.

RE-ELECTION TO AND TERM OF MEMBERSHIP ON BOARD
OF GOVERNORS AND SENATE

Re-election
or re-
appointment

23. Members of the Board of Governors and of the Senate shall be eligible for re-election or reappointment, as the case may be, save that an elected or appointed member shall serve for no more than two consecutive terms, provided that any such elected or appointed member shall be again eligible for election or appointment after the expiration of one year following the completion of two consecutive terms, and provided further that there shall be no limitation with respect to the

term of service on the Board of Governors and on the Senate of any *ex-officio* member thereof.

24.—(1) If, within any year, a member of the Board of Governors or of the Senate, not having been granted permission to be absent by such body, attends less than 50 per cent of the regular meetings of such body, his office shall *ipso facto* be vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant. ^{Absence from meetings}

(2) A resolution passed under this section and entered in the minutes of the pertinent meeting of the Board of Governors or of the Senate, as the case may be, shall be conclusive evidence of the vacancy declared therein.

25. If within any year, any event occurs which would make any member of the Board of Governors or of the Senate, as the case may be, ineligible by reason of the occurrence of such event to be elected to such body, his membership on such body shall be *ipso facto* vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant, save that a student member of the Board of Governors or of the Senate, as the case may be, who graduates during his term of office shall be entitled to serve for the remainder of such year. ^{Membership vacated}

26. Where a vacancy on the Board of Governors or on the Senate, as the case may be, occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. ^{Filling vacancies}

MEETINGS AND BY-LAWS

27.—(1) Subject to subsection 2, the meetings, including committee meetings of the Board of Governors and of the Senate shall be open to the public, prior notice of the meetings of the Board of Governors and of the Senate shall be given to the members and to the public in such manner as the Board of Governors and the Senate by by-law shall determine, and no person shall be excluded therefrom except for improper conduct, but where confidential financial matters of the University are being considered that part of the meeting may be held *in camera*. ^{Meetings of Board of Governors and Senate open to public}

Exception (2) Where intimate financial or personal matters of any person may be disclosed at a meeting the part of the meeting concerning such person shall be held *in camera* unless such person requests that such part of the meeting be open to the public.

Examination of by-laws **28.**—(1) The by-laws of the Board of Governors and of the Senate shall be open to examination by members of the University community and by the public-at-large during normal business hours.

Publication of by-laws (2) The Board of Governors and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

PRESIDENT

President **29.**—(1) There shall be a President of the University.

Appointment (2) The President shall be appointed by the Board of Governors in such manner and for such term or terms as shall be determined, from time to time, by agreement of the Board of Governors and the Senate.

Powers of President (3) The President shall be the chief executive officer of the University, and without limiting the generality of the foregoing, the President shall have the authority and responsibility for administering the affairs of the University and accordingly shall act on behalf of the Board of Governors with respect to the operational management and control of the University.

Delegation of authority (4) The President is hereby empowered to delegate his authority, during the period of any temporary absence, to any other officer of the University, provided that, in the absence of such delegation of authority, the senior Vice-President as designated from time to time by the Board of Governors shall have the authority to act in the place and stead of the President and in the absence of such designation, the Vice-President, Academic, shall be deemed to be the senior Vice-President.

(5) The Board of Governors may, in the absence of the President and shall in the event of a vacancy in the office of President, appoint an acting President upon such terms and conditions as the Board of Governors may prescribe.

CHANCELLOR AND VICE-CHANCELLOR

30.—(1) There shall be a Chancellor of the University who shall be elected by the Senate in such manner as the Senate shall determine. <sup>Chancellor,
election of</sup>

(2) The term of office of the Chancellor shall be three years, provided that he shall be eligible for re-election for one additional term. <sup>Term of
office</sup>

(3) The Chancellor shall preside at all Convocations and shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be designated by the Senate. ^{Duties}

(4) The President of the University shall be the Vice-Chancellor thereof and shall assume the duties of the Chancellor in his absence or during a temporary vacancy of that office. <sup>Vice-
Chancellor</sup>

(5) Notwithstanding anything in this section contained, the incumbent Chancellor of The University of Waterloo, as of the date that this Act comes into force, shall continue as Chancellor of the University until such time as his successor shall be elected by the Senate, provided that such election shall be held within three years of the date that this Act comes into force. <sup>Incumbent
Chancellor</sup>

AUDITORS

31. The Board of Governors shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board of Governors at least once a year. <sup>Audit of
accounts
R.S.O. 1970,
c. 373</sup>

ANNUAL FINANCIAL REPORT

32.—(1) The Board of Governors shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. <sup>Annual
financial
report</sup>

(2) The Minister 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.

ANNUAL REPORT

33. The Board of Governors shall make available to students, faculty and staff of the University an annual report which shall include an annual financial report. <sup>Annual
report</sup>

GENERAL

Agreements
of affiliation
and
federation to
continue

34. This Act shall not be deemed to alter, modify or affect the rights and obligations of the University or of any affiliated or federated college arising out of the terms of agreements of affiliation or federation presently existing between the University and such affiliated and federated colleges.

Degree-
granting
powers to
remain
dormant

35. If any college, federated or affiliated with the University, has the right to grant degrees, such right, except for degrees in theology, shall remain dormant during the time that such college remains federated or affiliated with the University.

First
election
and appoint-
ment of
Board of
Governors
and Senate

36.—(1) Notwithstanding anything in this Act, for the purpose of permitting the election or appointment, as the case may be, prior to the 1st day of November, 1972, of the members of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act, The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo are hereby respectively authorized and empowered forthwith after this Act receives Royal Assent to act in the place and stead of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act to do all things necessary as expressed in, or implied by or contemplated by or required by reason of this Act to form and constitute the first such Board of Governors and Senate, and without restricting the generality of the foregoing, The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo, are hereby respectively authorized and empowered to pass such by-laws, make such findings, establish such election procedures, arrange for the carrying out of such elections and to hold and carry out such elections as may be necessary for the formation and constitution of the said first Board of Governors and Senate.

First
meeting

(2) The Board of Governors, The University of Waterloo, and the Senate of The University of Waterloo, are respectively hereby authorized and empowered to arrange for and call, after completion of the election and appointment of the members of the first Board of Governors and first Senate to be established and constituted under the terms and provisions of this Act, the first meeting of the Board of Governors and the first meeting of the Senate, such meetings to be held on or after the 1st day of November, 1972, the members of the said Board of Governors and the members of the said Senate to be given such notice of the said meetings as shall be deemed reasonable.

(3) The term of office of the members of the first Board of Governors and of the first Senate, notwithstanding the matters hereinbefore set out, shall be deemed to run from the 1st day of May, 1972.

Term of
office to
run from
May 1, 1972

37. The following are repealed:

Repeals

1. *The University of Waterloo Act, 1959.*

1959 Act,
repealed

2. *The University of Waterloo Act, 1960-61.*

1960-61 Act
repealed

3. *The University of Waterloo Act, 1962-63.*

1962-63 Act,
repealed

38. This Act comes into force on the 1st day of November, 1972.

Commence-
ment

39. This Act may be cited as *The University of Waterloo Act, 1972.*

Short title

An Act respecting
The University of Waterloo

1st Reading

March 14, 1972

2nd Reading

3rd Reading

MR. GOOD

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

BILL Pr5

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting The University of Waterloo

MR. GOOD



Bill Pr5

1972

An Act respecting The University of Waterloo

WHEREAS The University of Waterloo and The Board ^{Preamble} of Governors, The University of Waterloo, hereby represent that they were incorporated and established under the terms and provisions of *The University of Waterloo Act, 1959*, ^{1959, c. 140} which Act has been from time to time amended; that The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo, recognizing the necessity for institutional reform to achieve more fully the objects of the University, this reform to embody the broadening of the bases of membership in the bodies within the University structure, have agreed to broaden the representation on the said governing bodies to include student, staff, faculty and external representation, and have agreed to effect other changes in the University structure; that The University of Waterloo is a party to agreements of affiliation and federation with various colleges and intends herein to continue and to give full force and effect to the terms of such agreements; and whereas The University of Waterloo and The Board of Governors, The University of Waterloo, hereby apply for special legislation to effect such purpose including the repeal of *The University of Waterloo Act, 1959*; and whereas it is expedient to grant the application;

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) "affiliated college" means a college affiliated with the University;
- (b) "alumni" means the persons who have received degrees from the University or from a university or college federated or affiliated with the University;
- (c) "Board of Governors" means the Board of Governors, University of Waterloo;

- (d) "college" means a school or other institution of higher learning;
- (e) "faculty" means any academic division of the University either so designated by the Board of Governors, or, as determined by the Board of Governors, having status comparable to that of a faculty but being otherwise designated;
- (f) "federated college" means a university or college federated with the University;
- (g) "full-time staff" means those members of staff employed by the University on regular appointments to work the regular time, on a continuing basis, as scheduled by the University for the category in which such persons are employed;
- (h) "full-time student" means a student registered as such by the Registrar of the University either for the payment by the student of full-time fees, or for the claiming by the University of full-time Provincial grants or for such other purposes as shall be determined by the Board of Governors, from time to time;
- (i) "graduate student" means a full-time student or a part-time student registered as such by the Registrar of the University;
- (j) "members of faculty" means those members of personnel employed by the University or employed by a federated or affiliated college, whose duties are basically those of performing and administering the teaching and research functions of the University, or, as the case may be, of a federated or affiliated college, and who are included in the lecturer and professorial ranks;
- (k) "part-time student" means a student other than a full-time student, registered in a course leading to an academic degree;
- (l) "property" includes all property, both real and personal;
- (m) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal and any undivided share thereof and any estate or interest therein;

- (n) "regular members of faculty" means those members of faculty employed by the University, or, as the case may be, employed by a federated or affiliated college, in tenured, probationary term appointments, or, full-time definite term appointments;
- (o) "Senate" means the Senate of the University;
- (p) "staff" means that group of personnel employed by the University other than "members of faculty";
- (q) "student" means all persons who are registered as such by the University;
- (r) "undergraduate student" means a full-time student or a part-time student registered as such by the Registrar of the University;
- (s) "University" means the University of Waterloo;
- (t) "year" means the Board of Governors and Senate membership year, which shall be any twelve-month period established by the Board of Governors, from time to time, save that for the first Board of Governors and the first Senate the membership year shall be from the 1st day of November of the first year to the 30th day of April of the succeeding year.

2.—(1) The corporation, The University of Waterloo, is hereby continued as a body corporate with perpetual succession under the name "University of Waterloo" and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys. ^{Corporation continued}

(2) Subject to this Act, all by-laws, orders, and regulations of The University of Waterloo, of The Board of Governors, The University of Waterloo and of the Senate, now in force, shall continue in force until amended or repealed. ^{By-laws, etc., continued in force}

3. The objects of the University are the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression. ^{Objects}

4. The University has all powers necessary and incidental to the satisfaction and furtherance of its objects as a University. ^{General powers}

Proceedings
in University
name

5. All proceedings by or against the University may be had and taken in the name of "University of Waterloo".

Power to
deal with
realty and
personalty
R.S.O. 1970,
c. 225

6. The University has, in addition to the powers, rights, and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate and property in addition thereto, or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

PROPERTY

Trust
property
vested in
University

7. All property hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the University or any faculty, school or department of the University, subject to any trusts affecting the same, shall be vested in the University.

Application
of statute of
limitations

8. All property vested in the University, so far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Investment
of funds

9. The funds of the University not immediately required for its purposes and the proceeds of all property which comes to the hands of the Board of Governors, subject to any trusts affecting the same, may be invested and reinvested in such investments as the Board of Governors shall deem suitable.

BOARD OF GOVERNORS

Board of
Governors

10. The corporation, The Board of Governors, The University of Waterloo, is hereby continued as a body corporate with perpetual succession under the name "Board of Governors, University of Waterloo".

Composition
of Board of
Governors

11. The Board of Governors shall consist of thirty-six members, each of whom shall be a Canadian citizen and each of whom shall have voting rights, such membership to be made up as follows:

1. The President of the University, the Chancellor of the University, the Mayor of the City of Waterloo,

the Mayor of the City of Kitchener, and the Warden of Waterloo County, who shall be *ex-officio* members.

2. Seven members to be appointed by the Lieutenant Governor in Council.
3. Seven members to be appointed by the Senate from among the members of faculty of the Senate.
4. Five members, two of whom shall be graduate students, to be appointed by the Senate from among the student members of the Senate.
5. Two members of the full-time staff to be elected by the full-time staff members of the University in such manner and in accordance with such procedures as shall be determined and established by the said Board of Governors.
6. Ten members from the community-at-large, at least three of whom shall be alumni, to be elected by the Board of Governors in such manner and in accordance with such procedures as shall be determined and established by the said Board of Governors, provided that such members shall represent a broad spectrum of the community, and provided further that such members shall not be members of faculty, or members of the staff or student body of the University or of any federated or affiliated college, or members of the faculty, staff, student body or governing body of any other Ontario university.

TERM OF OFFICE

12. The term of membership of the members of the Board ^{Term of office} of Governors shall be as follows:

1. The members of faculty referred to in paragraph 3 of section 11 and the student members referred to in paragraph 4 of section 11 shall hold office for a period of two years, save that with respect to such members to be first appointed and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practicable, a number thereof who shall serve for a period of one year and a number thereof who shall serve for a period of two years.

2. All other non *ex-officio* members shall hold office for a period of three years save that with respect to such members to be first elected or appointed and in order to effect approximately equal annual rotation of office, the Board of Governors shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practicable, a number thereof who shall serve for a period of one year, a number thereof who shall serve for a period of two years, and a number thereof who shall serve for a period of three years.

CHAIRMAN OF BOARD OF GOVERNORS

Chairman
and vice-
chairman

13.—(1) The Board of Governors shall elect from among the community-at-large members thereof, a chairman and a vice-chairman and, in the event of the absence or illness of the chairman, or, in the event of a temporary vacancy of that office, the vice-chairman shall act as and have all the powers of the chairman.

Absence

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board of Governors may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

Term of
office

(3) The term of office of the chairman and of the vice-chairman shall be three years, provided that each of them shall be eligible for re-election for one additional term.

POWERS OF THE BOARD OF GOVERNORS

Powers of the
Board of
Governors

14.—(1) The government of the University and the control of its property and revenues, the conduct of its business and affairs, save with respect to such matters as are assigned by this Act to the Senate, shall be vested in the Board of Governors and the Board of Governors shall have all powers necessary or convenient to perform its duties and to achieve the objects of the University, and without intending to restrict the generality of the foregoing, this shall include the power,

- (a) to appoint, promote and remove the President and all other officers of the University, heads and associate heads of the faculties, or of any other academic unit, the members of faculty, or staff of the University, and all other agents and servants of the University;

- (b) to grant tenure to the members of faculty, and to terminate tenure;
- (c) to plan and implement the physical and operational development of the University and to exercise all the powers to control and achieve a planned rate and scope of such development;
- (d) to borrow money for the purpose of the University and to give security therefor on such terms and in such amounts as the said Board of Governors may consider advisable, or as from time to time may be required;
- (e) to regulate the conduct of the students, faculty and staff, and of all other persons coming upon and using the lands and premises of the University;
- (f) to establish and collect fees and charges for academic tuition and for services of any kind which may be offered by the University and to collect such fees and charges, approved by the Board of Governors, on behalf of any entity, organization, or element of the University;
- (g) to levy and enforce penalties and fines, suspend or expel from student membership or from employment with the University or deny access to the lands and premises of the University;
- (h) to establish and enforce rules and regulations with regard to the use and occupancy of its buildings and grounds or other operations;
- (i) to enter into agreements for the federation or affiliation of the University with any university or college of higher learning;
- (j) to provide for the appointment and discharge of committees and for the delegation to and the conferring upon any such committees, authority to act for the Board of Governors with respect to any matter; and
- (k) to enact by-laws and regulations for the conduct of its affairs.

University non-denominational (2) In order to maintain a non-denominational University, no more than two colleges of the same denominational control shall be affiliated or federated with the University.

Approval re federation or affiliation (3) No college affiliated or federated with the University shall be affiliated with any other college, school or institute of higher learning without the approval of the Board of Governors.

Idem (4) Any agreement entered into by the University for federation or affiliation with a college shall be subject to the approval of the governing body of each institute then federated or affiliated with the University, which approval shall not be unreasonably withheld.

Quorum **15.** The quorum of the Board of Governors, to be designated by by-law of the said Board, shall consist of not fewer than twelve members, at least one-half of whom shall consist of community-at-large members of the said Board elected under paragraph 6 of section 11 and members of the said Board appointed by the Lieutenant Governor in Council under paragraph 2 of section 11 and at least one-half of whom shall consist of other elected or appointed members of the Board.

Conduct responsibility of federated and affiliated colleges **16.** The governing bodies of the federated and affiliated colleges shall, respectively, have jurisdiction over, and entire responsibility for, the regulation of the conduct of all persons in respect of all matters arising or occurring in, or upon, their respective buildings and grounds.

Determination of disputes **17.** The Board of Governors shall determine the proper body within the University to exercise jurisdiction in any matter of discipline that may arise wherein there is a question as to the proper body under which it should come, and the decision of the Board of Governors in such matters shall be final.

SENATE

Senate **18.** There shall be a Senate of the University composed as follows:

(a) The following *ex-officio* members:

1. The Chancellor.
2. The President.
3. The Vice-President, Academic, and the Vice-President, Finance and Operations.

4. The Dean of each faculty of the University and the Dean of Graduate Studies.
 5. The Librarian of the University.
 6. The Registrar of the University.
 7. The principal or head of each federated or affiliated college.
 8. The chairman of the Board of Governors.
 9. Such other *ex-officio* members as the Senate by by-law may, from time to time, designate.
- (b) The following elected members who shall be elected in such manner and in accordance with such procedures as are determined and established by the Senate:
1. Three members of the Board of Governors other than the chairman thereof, such members to be elected from the community-at-large members of the Board of Governors.
 2. Members of faculty equal in number to one more than the total number of all other members of the Senate, provided that,
 - (i) three members of faculty shall be elected from each faculty of the University, provided that such minimum number to be elected from each faculty may by by-law be increased from time to time by the Senate,
 - (ii) three members of faculty shall be elected from each of the federated colleges and one member of faculty shall be elected from each of the affiliated colleges, and
 - (iii) the remaining members of faculty to be elected shall be elected from the members of faculty of the University.
 3. One undergraduate student from each faculty of the University.
 4. Three graduate students, who shall not be members of faculty or members of the full-

time staff of the University or of any federated or affiliated college.

5. Three members from the alumni of the University, who shall not be members of faculty or members of the staff or members of the student body of the University.
- (c) Upon the designation and addition, from time to time, by the Senate, under paragraph 9 of clause *a*, of any additional *ex-officio* members, the number of persons to be elected under paragraphs 1, 4 and 5 of clause *b* and the total of the number of persons to be elected under paragraph 3 of the said clause shall each be deemed to be increased by whatever number may be necessary in order to retain the ratio established by the said clause *b*, of the number of persons to be elected pursuant to each of the paragraphs 1, 3, 4 and 5 of the said clause *b* to the number of members of faculty to be elected pursuant to paragraph 2 thereof, provided that the additional undergraduate students to be elected in accordance with paragraph 3 shall be elected from the undergraduate students generally of the University in such manner and in accordance with such procedures as are determined and established by the Senate.

CHAIRMAN OF THE SENATE

Chairman of
the Senate

19. The President of the University shall be chairman of the Senate, and the Vice-President, Academic, shall be the vice-chairman thereof.

TERM OF OFFICE OF SENATE MEMBERS

Term of
Office

20. The term of membership of the members of the Senate shall be as follows:

1. The undergraduate student and graduate student members respectively referred to in paragraphs 3 and 4 of clause *b* of section 18 shall hold office for a period of two years, save that with respect to such members to be first elected and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, in such manner as it shall determine and prescribe, so far as is reasonably practical, a number thereof who shall serve for a period of one year and a number thereof who shall serve for a period of two years.

2. All other non *ex-officio* members shall hold office for a period of three years save that with respect to such members first elected and in order to effect approximately equal annual rotation of office, the Senate shall determine, and select, so far as is reasonably practical, a number thereof who shall serve for a period of one year, a number who shall serve for a period of two years and a number who shall serve for a period of three years.

21. No person shall be eligible for election or appointment as a member of the Senate who is a member of the faculty or a member of the governing body or of the Senate of any degree-granting university, college or institution of higher learning, other than the University and its federated or affiliated colleges, unless such person is a regular member of faculty. ^{Eligibility of members}

POWERS OF THE SENATE

22. The Senate has the power to establish the educational policies of the University and to make recommendations to the Board of Governors with respect to any matter relative to the operation of the University and without restricting the generality of the foregoing, this includes the power, ^{Powers of the Senate}

- (a) to make recommendations to the Board of Governors relative to the creation, establishment, maintenance, modification, or removal of organizational structures such as faculties, schools, institutes, departments or chairs within the University;
- (b) subject to the approval of the Board of Governors, in so far as the expenditure of funds is concerned, to establish, maintain, modify or remove, curricula of all courses of instruction including extension courses;
- (c) to determine policies concerning the qualifications of faculty members within the University with respect to appointments or promotions in rank, or to the granting of tenure, in connection with research or teaching or academic administration;
- (d) to determine standards of admission of students to the University;
- (e) to consider and determine the conduct and results of examinations in all faculties or academic units;

- (f) to hear and determine appeals from the decisions of the faculty councils on applications and examinations by students;
- (g) to confer degrees, diplomas and certificates or other awards in any and all branches of learning and in any subject taught in the University or its federated or affiliated colleges;
- (h) to confer honorary degrees in Divinity, without fees, upon the recommendation of any theological college federated or affiliated with the University;
- (i) to confer honorary degrees in any department of learning;
- (j) to undertake, consider and co-ordinate long-range academic planning;
- (k) to consider and to recommend to the Board of Governors policies concerning the internal allocation or use of University resources;
- (l) to consider and to recommend to the Board of Governors the federation or affiliation of the University with any college for teaching any branch of learning;
- (m) to create councils and committees to exercise its powers;
- (n) to provide, if considered necessary, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate; and
- (o) to enact by-laws and regulations for the conduct of its affairs.

RE-ELECTION TO AND TERM OF MEMBERSHIP ON BOARD
OF GOVERNORS AND SENATE

Re-election
or re-
appointment

23. Members of the Board of Governors and of the Senate shall be eligible for re-election or reappointment, as the case may be, save that an elected or appointed member shall serve for no more than two consecutive terms, provided that any such elected or appointed member shall be again eligible for election or appointment after the expiration of one year following the completion of two consecutive terms, and provided further that there shall be no limitation with respect to the

term of service on the Board of Governors and on the Senate of any *ex-officio* member thereof.

24.—(1) If, within any year, a member of the Board of Governors or of the Senate, not having been granted permission to be absent by such body, attends less than 50 per cent of the regular meetings of such body, his office shall *ipso facto* be vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant. ^{Absence from meetings}

(2) A resolution passed under this section and entered in the minutes of the pertinent meeting of the Board of Governors or of the Senate, as the case may be, shall be conclusive evidence of the vacancy declared therein.

25. If within any year, any event occurs which would make any member of the Board of Governors or of the Senate, as the case may be, ineligible by reason of the occurrence of such event to be elected to such body, his membership on such body shall be *ipso facto* vacated and a confirmatory resolution shall be passed by the Board of Governors or by the Senate, as the case may be, declaring the membership vacant, save that a student member of the Board of Governors or of the Senate, as the case may be, who graduates during his term of office shall be entitled to serve for the remainder of such year. ^{Membership vacated}

26. Where a vacancy on the Board of Governors or on the Senate, as the case may be, occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. ^{Filling vacancies}

MEETINGS AND BY-LAWS

27.—(1) Subject to subsection 2, the meetings, including committee meetings of the Board of Governors and of the Senate shall be open to the public, prior notice of the meetings of the Board of Governors and of the Senate shall be given to the members and to the public in such manner as the Board of Governors and the Senate by by-law shall determine, and no person shall be excluded therefrom except for improper conduct, but where confidential financial matters of the University are being considered that part of the meeting may be held *in camera*. ^{Meetings of Board of Governors and Senate open to public}

Exception (2) Where intimate financial or personal matters of any person may be disclosed at a meeting the part of the meeting concerning such person shall be held *in camera* unless such person requests that such part of the meeting be open to the public.

Examination of by-laws **28.**—(1) The by-laws of the Board of Governors and of the Senate shall be open to examination by members of the University community and by the public-at-large during normal business hours.

Publication of by-laws (2) The Board of Governors and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

PRESIDENT

President **29.**—(1) There shall be a President of the University.

Appointment (2) The President shall be appointed by the Board of Governors in such manner and for such term or terms as shall be determined, from time to time, by agreement of the Board of Governors and the Senate.

Powers of President (3) The President shall be the chief executive officer of the University, and without limiting the generality of the foregoing, the President shall have the authority and responsibility for administering the affairs of the University and accordingly shall act on behalf of the Board of Governors with respect to the operational management and control of the University.

Delegation of authority (4) The President is hereby empowered to delegate his authority, during the period of any temporary absence, to any other officer of the University, provided that, in the absence of such delegation of authority, the senior Vice-President as designated from time to time by the Board of Governors shall have the authority to act in the place and stead of the President and in the absence of such designation, the Vice-President, Academic, shall be deemed to be the senior Vice-President.

(5) The Board of Governors may, in the absence of the President and shall in the event of a vacancy in the office of President, appoint an acting President upon such terms and conditions as the Board of Governors may prescribe.

CHANCELLOR AND VICE-CHANCELLOR

30.—(1) There shall be a Chancellor of the University who shall be elected by the Senate in such manner as the Senate shall determine. ^{Chancellor, election of}

(2) The term of office of the Chancellor shall be three years, provided that he shall be eligible for re-election for one additional term. ^{Term of office}

(3) The Chancellor shall preside at all Convocations and shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be designated by the Senate. ^{Duties}

(4) The President of the University shall be the Vice-Chancellor thereof and shall assume the duties of the Chancellor in his absence or during a temporary vacancy of that office. ^{Vice-Chancellor}

(5) Notwithstanding anything in this section contained, the incumbent Chancellor of The University of Waterloo, as of the date that this Act comes into force, shall continue as Chancellor of the University until such time as his successor shall be elected by the Senate, provided that such election shall be held within three years of the date that this Act comes into force. ^{Incumbent Chancellor}

AUDITORS

31. The Board of Governors shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board of Governors at least once a year. ^{Audit of accounts R.S.O. 1970, c. 373}

ANNUAL FINANCIAL REPORT

32.—(1) The Board of Governors shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. ^{Annual financial report}

(2) The Minister 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.

ANNUAL REPORT

33. The Board of Governors shall make available to students, faculty and staff of the University an annual report which shall include an annual financial report. ^{Annual report}

GENERAL

Agreements of affiliation and federation to continue

34. This Act shall not be deemed to alter, modify or affect the rights and obligations of the University or of any affiliated or federated college arising out of the terms of agreements of affiliation or federation presently existing between the University and such affiliated and federated colleges.

Degree-granting powers to remain dormant

35. If any college, federated or affiliated with the University, has the right to grant degrees, such right, except for degrees in theology, shall remain dormant during the time that such college remains federated or affiliated with the University.

First election and appointment of Board of Governors and Senate

36.—(1) Notwithstanding anything in this Act, for the purpose of permitting the election or appointment, as the case may be, prior to the 1st day of November, 1972, of the members of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act, The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo are hereby respectively authorized and empowered forthwith after this Act receives Royal Assent to act in the place and stead of the first Board of Governors and the first Senate to be established and constituted under the provisions of this Act to do all things necessary as expressed in, or implied by or contemplated by or required by reason of this Act to form and constitute the first such Board of Governors and Senate, and without restricting the generality of the foregoing, The Board of Governors, The University of Waterloo and the Senate of The University of Waterloo, are hereby respectively authorized and empowered to pass such by-laws, make such findings, establish such election procedures, arrange for the carrying out of such elections and to hold and carry out such elections as may be necessary for the formation and constitution of the said first Board of Governors and Senate.

First meeting

(2) The Board of Governors, The University of Waterloo, and the Senate of The University of Waterloo, are respectively hereby authorized and empowered to arrange for and call, after completion of the election and appointment of the members of the first Board of Governors and first Senate to be established and constituted under the terms and provisions of this Act, the first meeting of the Board of Governors and the first meeting of the Senate, such meetings to be held on or after the 1st day of November, 1972, the members of the said Board of Governors and the members of the said Senate to be given such notice of the said meetings as shall be deemed reasonable.

(3) The term of office of the members of the first Board of Governors and of the first Senate, notwithstanding the matters hereinbefore set out, shall be deemed to run from the 1st day of May, 1972. Term of office to run from May 1, 1972

37. The following are repealed:

Repeals

1. *The University of Waterloo Act, 1959.*

1959 Act, repealed

2. *The University of Waterloo Act, 1960-61.*

1960-61 Act repealed

3. *The University of Waterloo Act, 1962-63.*

1962-63 Act, repealed

38. This Act comes into force on the 1st day of November, 1972. Commencement

39. This Act may be cited as *The University of Waterloo Act, 1972.* Short title

An Act respecting
The University of Waterloo

1st Reading

March 14, 1972

2nd Reading

May 25th, 1972

3rd Reading

May 25th, 1972

MR. GOOD

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Esbeco Limited

MR. EDIGHOFFER



BILL Pr6

1972

An Act respecting Esbeco Limited

WHEREAS J. F. Hunter Investments Limited and Canada ^{Preamble} Trust Company hereby represent that Esbeco Limited, herein called the Corporation, was incorporated by letters patent dated the 1st day of October, 1951, and received supplementary letters patent dated the 7th day of December, 1962; that the Corporation was voluntarily dissolved and received a certificate of dissolution under section 249 of *The Business Corporations Act*, which dissolution was effective on the 1st day of October, 1971; that at the time of the said dissolution all of the issued shares, except two common shares held by directors, were owned either by J. F. Hunter Investments Limited or the Canada Trust Company, as Executor of the Estate of J. F. Hunter, deceased; that subsequent to the said dissolution the said J. F. Hunter Investments Limited and the said Canada Trust Company were advised that the dissolution and distribution of the Corporation's assets would result in a severe Federal tax liability; that the applicants are anxious to revive the Corporation in order that its assets may be distributed in an orderly manner over a number of years and thus the shareholders incur a more reasonable Federal tax liability; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

R.S.O. 1970,
c. 53

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

1. Esbeco Limited, incorporated by letters patent dated the 1st day of October, 1951, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date fixed in the said certificate of dissolution, and declared to be a subsisting corporation since its incorporation in the same manner and to the same extent as if it had not been dissolved.

Esbeco
Limited
revived

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 Esbeco Limited Act, 1972*.







An Act respecting Esbeco Limited

1st Reading

2nd Reading

3rd Reading

MR. EDIGHOFFER

(Private Bill)

BILL Pr6

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Esbeco Limited

MR. EDIGHOFFER



BILL Pr6

1972

An Act respecting Esbeco Limited

WHEREAS J. F. Hunter Investments Limited and Canada Trust Company hereby represent that Esbeco Limited, herein called the Corporation, was incorporated by letters patent dated the 1st day of October, 1951, and received supplementary letters patent dated the 7th day of December, 1962; that the Corporation was voluntarily dissolved and received a certificate of dissolution under section 249 of *The Business Corporations Act*, which dissolution was effective on the 1st day of October, 1971; that at the time of the said dissolution all of the issued shares, except two common shares held by directors, were owned either by J. F. Hunter Investments Limited or the Canada Trust Company, as Executor of the Estate of J. F. Hunter, deceased; that subsequent to the said dissolution the said J. F. Hunter Investments Limited and the said Canada Trust Company were advised that the dissolution and distribution of the Corporation's assets would result in a severe Federal tax liability; that the applicants are anxious to revive the Corporation in order that its assets may be distributed in an orderly manner over a number of years and thus the shareholders incur a more reasonable Federal tax liability; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

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

1. Esbeco Limited, incorporated by letters patent dated the 1st day of October, 1951, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date fixed in the said certificate of dissolution, and declared to be a subsisting corporation since its incorporation in the same manner and to the same extent as if it had not been dissolved.

Esbeco
Limited
revived

- 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 Esbeco Limited Act, 1972*.







An Act respecting Esbeco Limited

1st Reading

March 9th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. EDIGHOFFER

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sault Ste. Marie

MR. RHODES



Bill Pr7

1972

**An Act respecting
the City of Sault Ste. Marie**

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1.—(1) The council of the Corporation in considering any amending by-law to its restricted area by-laws which would change the permitted use or uses of any land, shall have regard to the matters set forth in subsection 4 of section 33 of *The Planning Act*, and shall have the same powers with respect to the passing of such amending by-law as the Minister of Municipal Affairs has with respect to an approval of a plan of subdivision under subsections 5 and 8 of the said section 33 and shall require by by-law, that all conditions be included in an agreement to be signed prior to the passing of such amending by-law.

Council may impose conditions prior to rezoning

R.S.O. 1970, c. 349

(2) The agreement mentioned in subsection 1 shall take effect only upon the approval of the amending by-law by the Ontario Municipal Board.

When agreement takes effect

(3) Notice of the conditions of council set out in subsection 1 shall be sent by registered mail by the Corporation to the Minister of Municipal Affairs, the applicant for the amending by-law and to the owner of the land within fourteen days of the by-law requiring the said conditions.

Notice

(4) The municipality may enter into agreements providing for fulfilment by the owner of the lands of all or any of the conditions imposed under subsection 1 and such agreements, when registered on the title of the land, shall run against the land to the benefit of the Corporation.

Agreements

Appeal

(5) The owner, the Minister of Municipal Affairs or any other person who has an interest in the matter may appeal to the Ontario Municipal Board against the conditions imposed or any of them by council by virtue of subsection 1 by sending notice of appeal to the secretary of the Ontario Municipal Board and to the clerk of the Corporation within fourteen days after the date of mailing of the notice provided for in subsection 3.

Application
of R.S.O. 1970,
c. 425,
election of
trustees
by wards

2. Notwithstanding the provisions of *The Secondary Schools and Boards of Education Act*, the public and separate school electors in the City of Sault Ste. Marie shall elect eighteen trustees to the Sault Ste. Marie Board of Education, namely, the public school electors shall elect two trustees in each of the six wards of the said City and the separate school electors shall elect one trustee in each of the aforesaid six wards.

Park levy

3.—(1) The council of the Corporation may impose as a condition to the passing of any by-law to amend its restricted area by-laws to permit the erection of multiple family residential units on any land, that 2.5 acres of land per one thousand persons of population shall be conveyed to the Corporation for public purposes other than highways.

Method of calculation

(2) In calculating the population of the units referred to in subsection 1, each bachelor, one bedroom, and two bedroom apartment shall be deemed to accommodate two, two and three persons respectively, and each additional bedroom shall be deemed to accommodate one additional person.

Cash payment in lieu of conveyance

(3) The council of the Corporation may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 1, the acceptance by the Corporation of money to the value of such land required to be conveyed.

R.S.O. 1970,
c. 349,
requirements
deducted

(4) Land conveyed or money paid in lieu thereof pursuant to section 33 of *The Planning Act* shall be deducted from the conveyance or payment required under subsections 2 and 3.

Commencement

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

Short title

5. This Act may be cited as *The City of Sault Ste. Marie Act, 1972*.







An Act respecting
The City of Sault Ste. Marie

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. RHODES

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sault Ste. Marie

MR. RHODES

(Reprinted as amended by the Private Bills Committee)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



Bill Pr7

1972

An Act respecting the City of Sault Ste. Marie

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) The council of the Corporation may impose as a condition to the passing of any by-law to amend its restricted area by-laws to permit the erection of multiple family residential units on any land, that 2.5 acres of land per one thousand persons of population shall be conveyed to the Corporation for public purposes other than highways.

(2) In calculating the population of the units referred to in subsection 1, each bachelor, one bedroom, and two bedroom apartment shall be deemed to accommodate two, two and three persons respectively, and each additional bedroom shall be deemed to accommodate one additional person.

(3) The council of the Corporation may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 1, the acceptance by the Corporation of money to the value of such land required to be conveyed, and subsection 11 of section 33 of *The Planning Act* applies mutatis mutandis to all moneys received under this subsection.

(4) Land conveyed or money paid in lieu thereof pursuant to section 33 of *The Planning Act* shall be deducted from the conveyance or payment required under subsections 2 and 3.

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

3. This Act may be cited as *The City of Sault Ste. Marie Act*.

An Act respecting
The City of Sault Ste. Marie

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. RHODES

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

BILL Pr7

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sault Ste. Marie

MR. RHODES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



Bill Pr7

1972

An Act respecting the City of Sault Ste. Marie

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1.—(1) The council of the Corporation may impose as a condition to the passing of any by-law to amend its restricted area by-laws to permit the erection of multiple family residential units on any land, that 2.5 acres of land per one thousand persons of population shall be conveyed to the Corporation for public purposes other than highways.

Park levy

(2) In calculating the population of the units referred to in subsection 1, each bachelor, one bedroom, and two bedroom apartment shall be deemed to accommodate two, two and three persons respectively, and each additional bedroom shall be deemed to accommodate one additional person.

Method of calculation

(3) The council of the Corporation may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 1, the acceptance by the Corporation of money to the value of such land required to be conveyed, and subsection 11 of section 33 of *The Planning Act* applies *mutatis mutandis* to all moneys received under this subsection.

Cash payment in lieu of conveyance

(4) Land conveyed or money paid in lieu thereof pursuant to section 33 of *The Planning Act* shall be deducted from the conveyance or payment required under subsections 2 and 3.

R.S.O. 1970, c. 349, requirements deducted

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

Commencement

3. This Act may be cited as *The City of Sault Ste. Marie Act, 1972*.

Short title

An Act respecting
The City of Sault Ste. Marie

1st Reading

March 16th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. RHODES

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sarnia

MR. BULLBROOK

Handwritten text, possibly a signature or date, located on the right edge of the page.

BILL Pr8

1972

An Act respecting the City of Sarnia

WHEREAS The Corporation of the City of Sarnia, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. The Council of the Corporation may pass by-laws to pay ^{Authority to pass} for and provide, either at all times or within specified times, ^{by-laws} free transportation or transportation at reduced fares upon ^{re bus fares} the public bus transportation in the City of Sarnia to those residents of the City of Sarnia who are recipients of benefits under the *Old Age Security Act* (Canada), the benefits pro- ^{R.S.C. 1970, c. 0-6} vided by the Government of Ontario or the Government of Canada, or by any other Government either within Canada or elsewhere, on the basis of advanced age, or to any class of such residents, or to those residents who are in receipt of benefits provided by the Government of Ontario or the Government of Canada, or by any other Government either within Canada or elsewhere, by reason of blindness or any other physical handicap or any mental handicap, and to provide in such by-law or by-laws for paying for such transportation or for the making of grants to Sarnia Transit Company Limited or to such other person, corporation or commission as may be providing public bus transportation in the City of Sarnia to cover the cost of providing such transportation.

2.—(1) In this section,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of Sarnia;
- (b) "inspector" means the person or persons from time to time designated by the council of the Corporation to enforce the provisions of a by-law passed under this section;

- (c) "non-residential property" means a building or structure or part of a building or structure not occupied in whole or in part for the purposes of human habitation, with the land and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein;
- (d) "order" means a notice of violation and order to demolish or repair a non-residential property pursuant to a by-law passed under this section;
- (e) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, or a vendor of such land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or the person for the time being receiving instalments of the purchase price of the land or premises in connection with which the word is used sold under an agreement for sale whether on his own account or as agent or trustee for any other person or who would so receive the instalments of the purchase price if such land or premises were sold under an agreement for sale;
- (f) "repair" includes taking the necessary action to bring any non-residential property to the standards;
- (g) "standards" means the standards for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed by a by-law passed under this section

Authority to
pass by-laws

- (2) The council of the corporation may pass by-laws,
 - (a) for providing standards for non-residential property or any class or classes thereof within the municipality or within any defined area or areas and for prohibiting any person from using, permitting to be used, renting or offering to rent any such non-residential property that does not conform to the standards;
 - (b) for requiring the owner of any non-residential property and, to the extent that he is made responsible by the lease or agreement under which he occupies the property, the occupant thereof to repair and maintain the non-residential property in accordance with the standards or demolish the whole or any part of the non-residential property;

- (c) for appointing one or more inspectors for the administration and enforcement of the by-laws; and
- (d) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section except by such persons and under such circumstances as may be prescribed therein.

(3) Where the owner of any non-residential property is unable to pay the expenses of making same conform to the standards required by the by-law, the Corporation may advance money to or for the benefit of such owner to the extent necessary to pay such expenses. ^{Loans for repairs to non-residential property}

(4) The Corporation shall have a lien upon the non-residential property in respect of which an advance as provided in subsection 3 is made for the amount of such advance together with interest thereon at a rate to be fixed from time to time by the council but which shall not exceed one-half of 1 per cent above the current long-term borrowing rate of the Corporation and the amount of such advance with the interest thereon shall be repayable to the Corporation by the owner of such non-residential property on such terms and conditions and over such period not to exceed twenty years as the council may prescribe in the same manner and at the same time as the municipal real property taxes in respect of the said non-residential property. ^{Lien}

(5) Notwithstanding subsection 4, upon the non-residential property ceasing to be owned by the owner to or for whose benefit the advance was made, the amount of the advance and the interest thereon in their full remaining balance may, at the option of the Corporation become immediately due and payable and may be collected in the same manner as real property taxes. ^{Option of Corporation}

(6) A certificate of the clerk of the municipality setting out the amount advanced or to be advanced to or for the benefit of any owner under the provisions of subsection 3 or setting out the amount expended or to be expended by or on behalf of the Corporation under the authority of subsection 7, including the rate of interest thereon, together with a description of the non-residential property in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficient to identify the said non-residential property shall be registered in the proper registry office or land titles office against the said non-residential property upon proof by affidavit of the signature of the clerk, and upon payment in full to the Corporation of any such amount advanced ^{Certificate of lien for registration}

or expended and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the non-residential property shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon and from the lien arising therefrom.

Power of
corporation
to repair or
demolish

(7) If the owner or occupant of a non-residential property fails to demolish the non-residential property or to repair in accordance with an order as confirmed or modified, the Corporation in addition to all other remedies,

- (a) shall have the right to demolish or repair the non-residential property accordingly and to do any work on adjoining property necessitated by such demolition or repair, and for those purposes with its servants and agents from time to time to enter in and upon the non-residential property and adjoining property;
- (b) shall not be liable to compensate such owner, occupant or any other person by reason of anything done by or on behalf of the Corporation under the provisions of this subsection; and
- (c) shall have a lien for any amount expended by or on behalf of the Corporation under the authority of this subsection, together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the non-residential property in respect of which such amount was expended, and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in one year or to the proper collectors' rolls to be collected by instalments over a period of not more than five years and the amount or each instalment may be collected in the same manner as municipal real property taxes.

Enforcement

R.S.O. 1970,
c. 284

(8) Notwithstanding any other Act, a by-law passed under the authority of this section shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such by-laws may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section.

Notice to
mortgagees
and others

(9) Before proceeding under subsection 3, the Corporation shall notify the mortgagee, vendor under agreement for sale or other encumbrancer appearing on the registered title by registered letter, specifying wherein the said non-residential property, building or premises are defective and if the defects

are not remedied within one month from such notification, then the provisions of subsection 3 apply.

(10) For the enforcement of any by-law passed under the authority of this section, the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any non-residential property or premises as an inspector under section 87 of *The Public Health Act*, and sections 87, 116 and 117, subsections 2 and 3 of section 118 and section 119 of the said Act shall, *mutatis mutandis*, apply.

Power of inspector to enter upon non-residential property

R.S.O. 1970, c. 377

(11) Where a conviction has been recorded against any person in respect of a non-residential property that does not conform to a by-law passed under the authority of this section, or where the owner or occupant of a non-residential property fails to demolish the non-residential property or to repair in accordance with an order as confirmed or modified, the inspector may order that such non-residential property be closed and remain closed, and prohibit its use as a non-residential property until the condition has been rectified, provided that notice thereof is given forthwith to the owner or to an adult person in the non-residential property, and in addition the inspector may give such notice to occupants and prospective occupants by posting signs or placards on the premises or by such other method as he considers necessary.

Powers to close non-residential property and prohibit its use

(12) A by-law passed under the authority of this section may authorize an official named in the by-law to issue a certificate as to what proceedings, if any, are being taken as of the date of the certificate, and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide for the safety of buildings, and may authorize the collection of a fee for the issue of any such certificate.

Progress certificates authorized

(13) If after inspection the inspector is satisfied that in some respect any non-residential property violates the standards he may make an order, in which case he shall serve or cause to be served upon the registered owner of the non-residential property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have an interest therein and all occupants known to him over the age of eighteen years, a copy of the order, and notwithstanding the foregoing, any by-law passed pursuant to this section may be enforced in accordance with subsection 8, provided that the inspector has sent or cause to be sent a copy of such order to the owner of the non-residential property against whom such proceeding is taken by prepaid registered mail to his last known address.

Notice of violation

Contents
of order

(14) The order shall contain,

- (a) a description of the non-residential property sufficient to identify and locate it;
- (b) the particulars of the violation and the time in which the demolition or repair to bring the non-residential property to the standards is to be made;
- (c) the final date for giving notice of appeal, if any, from the order; and
- (d) the form of notice of appeal which shall be annexed to the order and which shall show the place to which the notice of appeal must be sent.

Substituted
service

(15) If the inspector is unable to locate or serve the owner or any other person on whom he desires to serve an order or where it is ascertained that the owner or any such person is not within Ontario, the inspector may send or cause to be sent by prepaid registered mail a copy of such order addressed to such owner or other persons at his or their last known address and he may place a placard containing the terms of the order in a conspicuous place on the property, and the sending of the copy of the order and the placing of the placard shall be deemed to be sufficient service of the order on the owner or other persons.

Duty of
owner or
occupant
on receipt
of notice

(16) When an order has been served in accordance with this section, unless he has given notice of appeal in accordance with this section or, when an order has been sent by prepaid registered mail, the owner and the occupant, if he is liable, shall carry out the repair or demolition within the time and in the manner specified in the order.

Appeal

(17) When the owner or occupant who has been served in accordance with this section is not satisfied that the non-residential property should be demolished or that the repair ordered is necessary to bring the existing conditions up to the standards, he may give notice of appeal to the non-residential standards appeal committee by returning the notice of appeal in the form annexed to the order to the clerk of the municipality within fifteen days after service of the order on him as herein provided, and, in the event that no notice of appeal is given, the order shall be deemed to have been confirmed.

Decision
on appeal

(18) Where notice of appeal is given in accordance with this section, after affording a reasonable opportunity to every person on whom an order has been served to make such representations as he sees fit, and after inspecting the non-residential

property, in the presence of any such person if so requested by him in writing, the committee shall have the powers and functions of the inspector and may confirm the order to demolish or repair or may modify or discharge it, provided that nothing herein shall authorize the committee to permit a breach of any by-law passed hereunder.

(19) Any person or corporation affected by a decision of the non-residential standards appeal committee may appeal the decision to a judge of the county court of the County of Lambton by so notifying the clerk of the Corporation in writing and by applying for an appointment within fifteen days after notice of the decision has been given, and

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed at least one month before the day appointed for the hearing of the appeal; and
- (c) the judge on such appeal has the same powers and functions as the non-residential standards appeal committee.

(20) The order as deemed to have been confirmed pursuant to subsection 17 or as confirmed or modified by the non-residential standards appeal committee or, in the event of an appeal to the judge pursuant to subsection 19, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order, as so confirmed or modified.

(21) When an order has been served in accordance with subsection 13 or 15, the order may be registered in the proper registry office or registered as a caution in the proper land titles office, and, when so registered all conveyances, mortgages, leases or other dispositions of the land to which the order applies and all interests acquired under any such conveyances, mortgages, leases or dispositions shall be subject to such order as confirmed or modified, and such order shall be an encumbrance on the land.

(22) When the requirements of the order have been satisfied the city clerk shall deliver to any interested person a certificate that the order has been so satisfied, and such certificate may be registered in the same manner as the order and shall operate as a discharge thereof.

- Non-residential standards appeal committee (23) When the council of the corporation has passed a by-law under this section it shall constitute and appoint a non-residential standards appeal committee composed of five persons as the council considers desirable.
- Term of Office (24) Members of the committee shall hold office for three years and until their successors are appointed, and are eligible for re-appointment, and, when a member ceases to be a member before the expiration of his term, the council shall appoint another person for the unexpired portion of his term.
- Chairman (25) The committee may elect its own chairman and vice-chairman who shall preside in the absence of the chairman.
- Secretary (26) The committee may appoint a secretary.
- Quorum (27) Three members of the committee are a quorum.
- Procedure (28) The committee may adopt its own rules of procedure.
- Notice (29) The committee, before hearing an appeal, shall give notice of the hearing and, after hearing an appeal, of the result thereof, in such manner and to such persons as the committee considers proper.
- Oaths (30) The chairman and vice-chairman of the committee may administer oaths.
- Remuneration (31) The members of the committee may be paid such remuneration as the council provides.
- Furnishing of copy of order (32) No person shall sell, mortgage, lease or agree to sell, mortgage or lease any non-residential property in respect of which an order has been served under this section or any by-law passed hereunder without first having furnished any proposed purchaser, mortgagee, lessee with a true copy of such order.
- Owner's right of entry (33) Every owner shall have the right to enter and repair any non-residential property pursuant to an order, notwithstanding anything contained in or resulting from a lease or agreement pursuant to which possession of the non-residential property has been given to another person.
- Commencement **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The City of Sarnia Act, 1972.*

1000 10 000 1000 1000 1000

An Act respecting The City of Sarnia

1st Reading

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Bill)

BILL Pr8

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sarnia

MR. BULLBROOK

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

1850

BILL Pr8

1972

An Act respecting the City of Sarnia

WHEREAS The Corporation of the City of Sarnia, herein^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. The Council of the Corporation may pass by-laws to pay^{Authority to pass by-laws re bus fares} for and provide, either at all times or within specified times, free transportation or transportation at reduced fares upon the public bus transportation in the City of Sarnia to those residents of the City of Sarnia who are recipients of benefits under the *Old Age Security Act* (Canada), the benefits pro-^{R.S.C. 1970, c. 0-6}vided by the Government of Ontario or the Government of Canada, or by any other Government either within Canada or elsewhere, on the basis of advanced age, or to any class of such residents, or to those residents who are in receipt of benefits provided by the Government of Ontario or the Government of Canada, or by any other Government either within Canada or elsewhere, by reason of blindness or any other physical handicap or any mental handicap, and to provide in such by-law or by-laws for paying for such transportation or for the making of grants to Sarnia Transit Company Limited or to such other person, corporation or commission as may be providing public bus transportation in the City of Sarnia to cover the cost of providing such transportation.

2.—(1) In this section,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of Sarnia;
- (b) "inspector" means the person or persons from time to time designated by the council of the Corporation to enforce the provisions of a by-law passed under this section;

- (c) "non-residential property" means a building or structure or part of a building or structure not occupied in whole or in part for the purposes of human habitation, with the land and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein;
- (d) "order" means a notice of violation and order to demolish or repair a non-residential property pursuant to a by-law passed under this section;
- (e) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, or a vendor of such land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or the person for the time being receiving instalments of the purchase price of the land or premises in connection with which the word is used sold under an agreement for sale whether on his own account or as agent or trustee for any other person or who would so receive the instalments of the purchase price if such land or premises were sold under an agreement for sale;
- (f) "repair" includes taking the necessary action to bring any non-residential property to the standards;
- (g) "standards" means the standards for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed by a by-law passed under this section

Authority to
pass by-laws

- (2) The council of the corporation may pass by-laws,
 - (a) for providing standards for non-residential property or any class or classes thereof within the municipality or within any defined area or areas and for prohibiting any person from using, permitting to be used, renting or offering to rent any such non-residential property that does not conform to the standards;
 - (b) for requiring the owner of any non-residential property and, to the extent that he is made responsible by the lease or agreement under which he occupies the property, the occupant thereof to repair and maintain the non-residential property in accordance with the standards or demolish the whole or any part of the non-residential property;

- (c) for appointing one or more inspectors for the administration and enforcement of the by-laws; and
- (d) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section except by such persons and under such circumstances as may be prescribed therein.

(3) Where the owner of any non-residential property is unable to pay the expenses of making same conform to the standards required by the by-law, the Corporation may advance money to or for the benefit of such owner to the extent necessary to pay such expenses. ^{Loans for repairs to non-residential property}

(4) The Corporation shall have a lien upon the non-residential property in respect of which an advance as provided in subsection 3 is made for the amount of such advance together with interest thereon at a rate to be fixed from time to time by the council but which shall not exceed one-half of 1 per cent above the current long-term borrowing rate of the Corporation and the amount of such advance with the interest thereon shall be repayable to the Corporation by the owner of such non-residential property on such terms and conditions and over such period not to exceed twenty years as the council may prescribe in the same manner and at the same time as the municipal real property taxes in respect of the said non-residential property. ^{Lien}

(5) Notwithstanding subsection 4, upon the non-residential property ceasing to be owned by the owner to or for whose benefit the advance was made, the amount of the advance and the interest thereon in their full remaining balance may, at the option of the Corporation become immediately due and payable and may be collected in the same manner as real property taxes. ^{Option of Corporation}

(6) A certificate of the clerk of the municipality setting out the amount advanced or to be advanced to or for the benefit of any owner under the provisions of subsection 3 or setting out the amount expended or to be expended by or on behalf of the Corporation under the authority of subsection 7, including the rate of interest thereon, together with a description of the non-residential property in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficient to identify the said non-residential property shall be registered in the proper registry office or land titles office against the said non-residential property upon proof by affidavit of the signature of the clerk, and upon payment in full to the Corporation of any such amount advanced ^{Certificate of lien for registration}

or expended and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the non-residential property shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon and from the lien arising therefrom.

Power of
corporation
to repair or
demolish

(7) If the owner or occupant of a non-residential property fails to demolish the non-residential property or to repair in accordance with an order as confirmed or modified, the Corporation in addition to all other remedies,

- (a) shall have the right to demolish or repair the non-residential property accordingly and to do any work on adjoining property necessitated by such demolition or repair, and for those purposes with its servants and agents from time to time to enter in and upon the non-residential property and adjoining property;
- (b) shall not be liable to compensate such owner, occupant or any other person by reason of anything done by or on behalf of the Corporation under the provisions of this subsection; and
- (c) shall have a lien for any amount expended by or on behalf of the Corporation under the authority of this subsection, together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the non-residential property in respect of which such amount was expended, and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in one year or to the proper collectors' rolls to be collected by instalments over a period of not more than five years and the amount or each instalment may be collected in the same manner as municipal real property taxes.

Enforcement

R.S.O. 1970,
c. 284

(8) Notwithstanding any other Act, a by-law passed under the authority of this section shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such by-laws may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section.

Notice to
mortgagees
and others

(9) Before proceeding under subsection 3, the Corporation shall notify the mortgagee, vendor under agreement for sale or other encumbrancer appearing on the registered title by registered letter, specifying wherein the said non-residential property, building or premises are defective and if the defects

are not remedied within one month from such notification, then the provisions of subsection 3 apply.

(10) For the enforcement of any by-law passed under the authority of this section, the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any non-residential property or premises as an inspector under section 87 of *The Public Health Act*, and sections 87, 116 and 117, subsections 2 and 3 of section 118 and section 119 of the said Act shall, *mutatis mutandis*, apply.

Power of inspector to enter upon non-residential property

R.S.O. 1970, c. 377

(11) Where a conviction has been recorded against any person in respect of a non-residential property that does not conform to a by-law passed under the authority of this section, or where the owner or occupant of a non-residential property fails to demolish the non-residential property or to repair in accordance with an order as confirmed or modified, the inspector may order that such non-residential property be closed and remain closed, and prohibit its use as a non-residential property until the condition has been rectified, provided that notice thereof is given forthwith to the owner or to an adult person in the non-residential property, and in addition the inspector may give such notice to occupants and prospective occupants by posting signs or placards on the premises or by such other method as he considers necessary.

Powers to close non-residential property and prohibit its use

(12) A by-law passed under the authority of this section may authorize an official named in the by-law to issue a certificate as to what proceedings, if any, are being taken as of the date of the certificate, and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide for the safety of buildings, and may authorize the collection of a fee for the issue of any such certificate.

Progress certificates authorized

(13) If after inspection the inspector is satisfied that in some respect any non-residential property violates the standards he may make an order, in which case he shall serve or cause to be served upon the registered owner of the non-residential property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have an interest therein and all occupants known to him over the age of eighteen years, a copy of the order, and notwithstanding the foregoing, any by-law passed pursuant to this section may be enforced in accordance with subsection 8, provided that the inspector has sent or cause to be sent a copy of such order to the owner of the non-residential property against whom such proceeding is taken by prepaid registered mail to his last known address.

Notice of violation

Contents
of order

- (14) The order shall contain,
- (a) a description of the non-residential property sufficient to identify and locate it;
 - (b) the particulars of the violation and the time in which the demolition or repair to bring the non-residential property to the standards is to be made;
 - (c) the final date for giving notice of appeal, if any, from the order; and
 - (d) the form of notice of appeal which shall be annexed to the order and which shall show the place to which the notice of appeal must be sent.

Substituted
service

(15) If the inspector is unable to locate or serve the owner or any other person on whom he desires to serve an order or where it is ascertained that the owner or any such person is not within Ontario, the inspector may send or cause to be sent by prepaid registered mail a copy of such order addressed to such owner or other persons at his or their last known address and he may place a placard containing the terms of the order in a conspicuous place on the property, and the sending of the copy of the order and the placing of the placard shall be deemed to be sufficient service of the order on the owner or other persons.

Duty of
owner or
occupant
on receipt
of notice

(16) When an order has been served in accordance with this section, unless he has given notice of appeal in accordance with this section or, when an order has been sent by prepaid registered mail, the owner and the occupant, if he is liable, shall carry out the repair or demolition within the time and in the manner specified in the order.

Appeal

(17) When the owner or occupant who has been served in accordance with this section is not satisfied that the non-residential property should be demolished or that the repair ordered is necessary to bring the existing conditions up to the standards, he may give notice of appeal to the non-residential standards appeal committee by returning the notice of appeal in the form annexed to the order to the clerk of the municipality within fifteen days after service of the order on him as herein provided, and, in the event that no notice of appeal is given, the order shall be deemed to have been confirmed.

Decision
on appeal

(18) Where notice of appeal is given in accordance with this section, after affording a reasonable opportunity to every person on whom an order has been served to make such representations as he sees fit, and after inspecting the non-residential

property, in the presence of any such person if so requested by him in writing, the committee shall have the powers and functions of the inspector and may confirm the order to demolish or repair or may modify or discharge it, provided that nothing herein shall authorize the committee to permit a breach of any by-law passed hereunder.

(19) Any person or corporation affected by a decision of the non-residential standards appeal committee may appeal the decision to a judge of the county court of the County of Lambton by so notifying the clerk of the Corporation in writing and by applying for an appointment within fifteen days after notice of the decision has been given, and ^{Appeal to judge}

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed at least one month before the day appointed for the hearing of the appeal; and
- (c) the judge on such appeal has the same powers and functions as the non-residential standards appeal committee.

(20) The order as deemed to have been confirmed pursuant to subsection 17 or as confirmed or modified by the non-residential standards appeal committee or, in the event of an appeal to the judge pursuant to subsection 19, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order, as so confirmed or modified. ^{Effect of decisions}

(21) When an order has been served in accordance with subsection 13 or 15, the order may be registered in the proper registry office or registered as a caution in the proper land titles office, and, when so registered all conveyances, mortgages, leases or other dispositions of the land to which the order applies and all interests acquired under any such conveyances, mortgages, leases or dispositions shall be subject to such order as confirmed or modified, and such order shall be an encumbrance on the land. ^{Registration of order}

(22) When the requirements of the order have been satisfied the city clerk shall deliver to any interested person a certificate that the order has been so satisfied, and such certificate may be registered in the same manner as the order and shall operate as a discharge thereof. ^{Discharge of order}

Non-residential standards appeal committee	(23) When the council of the corporation has passed a by-law under this section it shall constitute and appoint a non-residential standards appeal committee composed of five persons as the council considers desirable.
Term of Office	(24) Members of the committee shall hold office for three years and until their successors are appointed, and are eligible for re-appointment, and, when a member ceases to be a member before the expiration of his term, the council shall appoint another person for the unexpired portion of his term.
Chairman	(25) The committee may elect its own chairman and vice-chairman who shall preside in the absence of the chairman.
Secretary	(26) The committee may appoint a secretary.
Quorum	(27) Three members of the committee are a quorum.
Procedure	(28) The committee may adopt its own rules of procedure.
Notice	(29) The committee, before hearing an appeal, shall give notice of the hearing and, after hearing an appeal, of the result thereof, in such manner and to such persons as the committee considers proper.
Oaths	(30) The chairman and vice-chairman of the committee may administer oaths.
Remuneration	(31) The members of the committee may be paid such remuneration as the council provides.
Furnishing of copy of order	(32) No person shall sell, mortgage, lease or agree to sell, mortgage or lease any non-residential property in respect of which an order has been served under this section or any by-law passed hereunder without first having furnished any proposed purchaser, mortgagee, lessee with a true copy of such order.
Owner's right of entry	(33) Every owner shall have the right to enter and repair any non-residential property pursuant to an order, notwithstanding anything contained in or resulting from a lease or agreement pursuant to which possession of the non-residential property has been given to another person.
Commencement	3. This Act comes into force on the day it receives Royal Assent.
Short title	4. This Act may be cited as <i>The City of Sarnia Act, 1972.</i>

AN ACT TO AMEND THE ACT OF 1909

An Act respecting The City of Sarnia

1st Reading

March 16th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

Mr. BULLBROOK

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Morton Terminal Limited

MR. NEWMAN (Windsor-Walkerville)



An Act respecting Morton Terminal Limited

WHEREAS Morton Terminal Limited hereby represents ^{Preamble} that it is a company incorporated under *The Corporations Act*; ^{R.S.O. 1970, c. 89} that it is desirable that Morton Terminal Limited be granted railway powers and, in so far as the legislative authority of the Legislature extends, the assets and undertaking of The Essex Terminal Railway Company be vested in Morton Terminal Limited; and whereas The Essex Terminal Railway Company has consented to the vesting of its assets and undertaking in Morton Terminal Limited; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. Morton Terminal Limited, herein called the Company, ^{Morton Terminal Limited granted railway powers} is authorized and empowered to acquire, operate, improve, equip, maintain, lease, sell and otherwise dispose of a railway from a point in the City of Windsor, in the County of Essex through the Township of Sandwich West and through the Township of Anderdon to a point or points in or near the Town of Amherstburg, and the said railway, in so far as it may be necessary for the operation of the same, may be carried along, upon or across such public highways as may be authorized by the respective corporations having jurisdictions over the same.

2. In so far as the legislative authority of the Legislature ^{Assets of Essex Terminal Railway vested in Morton Terminal Limited} extends, the powers, rights, privileges, franchises, assets, effects and properties, real and personal, belonging to or possessed by The Essex Terminal Railway Company or to which it is or would hereinafter have been or become entitled are hereby vested in the Company.

3. The Company may, subject to the provisions of *The Railways Act* or any other general Act of the Legislature ^{Powers R.S.O. 1950, c. 331} affecting railways for the time being in force,

- (a) acquire running rights over any other railway operating within the said territory; and
- (b) acquire by purchase or lease any other railway operating wholly or in part within the territory above described or any part of the trackage or rolling stock of any such railways.

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 Morton Terminal Limited Act, 1972*.







An Act respecting
Morton Terminal Limited

1st Reading

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

(Private Bill)

BILL Pr9

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Morton Terminal Limited

MR. NEWMAN (Windsor-Walkerville)

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BILL Pr9

1972

An Act respecting Morton Terminal Limited

WHEREAS Morton Terminal Limited hereby represents ^{Preamble} that it is a company incorporated under *The Corporations* ^{R.S.O. 1970,} ^{c. 89} *Act*; that it is desirable that Morton Terminal Limited be granted railway powers and, in so far as the legislative authority of the Legislature extends, the assets and undertaking of The Essex Terminal Railway Company be vested in Morton Terminal Limited; and whereas The Essex Terminal Railway Company has consented to the vesting of its assets and undertaking in Morton Terminal Limited; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

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

1. Morton Terminal Limited, herein called the Company, ^{Morton Terminal Limited granted railway powers} is authorized and empowered to acquire, operate, improve, equip, maintain, lease, sell and otherwise dispose of a railway from a point in the City of Windsor, in the County of Essex through the Township of Sandwich West and through the Township of Anderdon to a point or points in or near the Town of Amherstburg, and the said railway, in so far as it may be necessary for the operation of the same, may be carried along, upon or across such public highways as may be authorized by the respective corporations having jurisdictions over the same.

2. In so far as the legislative authority of the Legislature ^{Assets of Essex Terminal Railway vested in Morton Terminal Limited} extends, the powers, rights, privileges, franchises, assets, effects and properties, real and personal, belonging to or possessed by The Essex Terminal Railway Company or to which it is or would hereinafter have been or become entitled are hereby vested in the Company.

3. The Company may, subject to the provisions of *The* ^{Powers R.S.O. 1950,} ^{c. 331} *Railways Act* or any other general Act of the Legislature affecting railways for the time being in force,

- (a) acquire running rights over any other railway operating within the said territory; and
- (b) acquire by purchase or lease any other railway operating wholly or in part within the territory above described or any part of the trackage or rolling stock of any such railways.

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 Morton Terminal Limited Act, 1972*.







An Act respecting
Morton Terminal Limited

1st Reading

March 30th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. NEWMAN (Windsor-Walkerville)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting The City of Kitchener

MR. BREITHAAPT



BILL Pr11

1972

An Act respecting The City of Kitchener

WHEREAS the Parks and Recreation Commission of the ^{Preamble} City of Kitchener was formed pursuant to *The City of* ^{1965, c. 155} *Kitchener Act, 1965*, and the Kitchener Memorial Auditorium Board of Management was established by By-law 3280 of the City of Kitchener passed pursuant to *The Community Centres Act*; and whereas the council of The Corporation of the City of Kitchener deems it in the best interest of the citizens that the functions of the Parks and Recreation Commission of the City of Kitchener and the Kitchener Memorial Auditorium Board of Management be placed under the control of the council of the City of Kitchener and applies for special legislation for such purpose; and whereas it is expedient to grant the application;

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

- 1.—(1) Notwithstanding *The City of Kitchener Act, 1965*, ^{By-law to dissolve Commission and Board} the council of The Corporation of the City of Kitchener, may by a by-law passed without the assent of the electors dissolve the Kitchener Parks and Recreation Commission and the Kitchener Memorial Auditorium Board of Management.
- (2) The by-law shall come into force on a day to be named ^{Effective date} therein.
- (3) Upon the by-law coming into force, ^{When by-law in force}
- (a) all assets or liabilities of such board and commission ^{assets vested in City} shall be assets and liabilities of The Corporation of the City of Kitchener, without compensation;
- (b) the employees of the board and commission become ^{employees of Board and Commission become employees of City} employees of The Corporation of the City of Kitchener and all terms and conditions affecting seniority, remuneration and other benefits in force with respect to such employees shall be assumed by The Corporation of the City of Kitchener;

Council
deemed
committee,
etc.
R.S.O. 1970,
cc. 111, 73, 384

(c) The council of The Corporation of the City of Kitchener shall be deemed to be a recreation committee under *The Department of Education Act* and regulations thereunder, a board of a community centre under *The Community Centres Act* and a board of park management under *The Public Parks Act*.

1965 Act,
repealed

2. *The City of Kitchener Act, 1965*, being chapter 155, is repealed.

Commence-
ment

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1973.

Short title

4. This Act may be cited as *The City of Kitchener Act, 1972*.





THE HISTORY OF THE CITY OF KINGSBURG

An Act respecting The City of Kitchener

1st Reading

2nd Reading

3rd Reading

MR. BREITHAUPT

(Private Bill)

BILL Pr11

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting The City of Kitchener

MR. BREITHAAPT

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BILL Pr11

1972

An Act respecting The City of Kitchener

WHEREAS the Parks and Recreation Commission of the ^{Preamble} City of Kitchener was formed pursuant to *The City of* ^{1965, c.155} *Kitchener Act, 1965*, and the Kitchener Memorial Auditorium Board of Management was established by By-law 3280 of the City of Kitchener passed pursuant to *The Community Centres Act*; and whereas the council of The Corporation of the City of Kitchener deems it in the best interest of the citizens that the functions of the Parks and Recreation Commission of the City of Kitchener and the Kitchener Memorial Auditorium Board of Management be placed under the control of the council of the City of Kitchener and applies for special legislation for such purpose; and whereas it is expedient to grant the application;

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

1.—(1) Notwithstanding *The City of Kitchener Act, 1965*, ^{By-law to dissolve Commission and Board} the council of The Corporation of the City of Kitchener, may by a by-law passed without the assent of the electors dissolve the Kitchener Parks and Recreation Commission and the Kitchener Memorial Auditorium Board of Management.

(2) The by-law shall come into force on a day to be named ^{Effective date} therein.

- (3) Upon the by-law coming into force, ^{When by-law in force}
- (a) all assets or liabilities of such board and commission ^{assets vested in City} shall be assets and liabilities of The Corporation of the City of Kitchener, without compensation;
- (b) the employees of the board and commission become ^{employees of Board and Commission become employees of City} employees of The Corporation of the City of Kitchener and all terms and conditions affecting seniority, remuneration and other benefits in force with respect to such employees shall be assumed by The Corporation of the City of Kitchener;

Council
deemed
committee.
etc.
R.S.O. 1970,
cc. 111, 73, 384

(c) The council of The Corporation of the City of Kitchener shall be deemed to be a recreation committee under *The Department of Education Act* and regulations thereunder, a board of a community centre under *The Community Centres Act* and a board of park management under *The Public Parks Act*.

1965 Act,
repealed

2. *The City of Kitchener Act, 1965*, being chapter 155, is repealed.

Commence-
ment

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1973.

Short title

4. This Act may be cited as *The City of Kitchener Act, 1972*.





An Act respecting The City of Kitchener

1st Reading

March 16th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. BREITHAUPT

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of London

MR. WALKER



BILL Pr12

1972

An Act respecting the City of London

WHEREAS The Corporation of the City of London, herein^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) Subsection 1 of section 2 of *The City of London Act, 1951*, being chapter 107 is amended^{s. 2 (1), amended} by adding at the end thereof “save and except as provided in subsection 6”, so that the subsection shall read as follows:

(1) The Council may establish by by-law a Commission^{Commission} under the name of The London Transportation Commission. The Commission shall be a body corporate and shall be composed of three commissioners. The provisions for qualification and disqualification of an elected member of the council of a local municipality, as provided by *The Municipal Act*, shall apply *mutatis mutandis* to the qualification and disqualification of a person to be appointed or appointed to the office of commissioner, save and except as provided in subsection 6.^{Rev. Stat., c. 243}

(2) Subsection 6 of the said section 2 is repealed and the^{s. 2 (6), re-enacted} following substituted therefor:

(6) Notwithstanding clause *g* of subsection 1 of section 36^{Appointment of member of Council to Commission R.S.O. 1970, c. 284} of *The Municipal Act*, the Council may appoint one of its members to be a member of the Commission.

(6a) Notwithstanding subsection 3, such member of^{Term of office} Council, if appointed, shall be appointed for a term of one or two years, as the Council may deem expedient.

Transfer of
Endowment
Fund

1960,
c. 153

2. Notwithstanding section 4 of *The City of London Act, 1934* and section 9 of *The City of London Act, 1960*, the council of the Corporation may by by-law transfer to the Victoria Hospital Board of Trustees and the Treasurer for the time being of the Board, the funds of the Victoria Hospital Endowment Fund and the War Memorial Children's Hospital Endowment Fund and assign and transfer to the Victoria Hospital Board of Trustees the control and administration of the said Funds and accrued interest thereon, and to provide that the said Board shall control and administer the said Funds in accordance with and subject to the same provisions and conditions to which the Corporation was subject under sections 5 and 6 and section 7, as re-enacted by the Statutes of Ontario, 1948, chapter 114, section 3 of *The City of London Act, 1934*.

1934, c. 82

s. 2,
amended

3. Section 2 of *The City of London Act, 1960*, being chapter 153, as amended by the Statutes of Ontario, 1967, chapter 118, section 3, is further amended by adding thereto the following subsection:

Increased
retirement
allowances

(6) Notwithstanding any provision herein contained, the Corporation is authorized and empowered to pass by-laws to provide for retired employees who retired prior to the 1st day of January, 1965, an increase in their retirement allowances of an amount equal to 2 per cent of their present past service retirement allowances per annum for each year of retirement since the 1st day of January, 1960.

Agreement
ratified

4.—(1) The Agreement between the Corporation and Covent Garden Building Incorporated dated the 21st day of December, 1971, set forth as the Schedule hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

Tax
exemption

(2) Covent Garden Building Incorporated, in accordance with the intent of the said Agreement and in furtherance of the Agreements hereinbefore entered into between the parties to the said Agreement, shall be exempt from the payment of taxes including school and local improvements with respect to any properties constructed or owned pursuant to the terms and conditions contained in said Agreement referred to in subsection 1.

Designation
of buildings
of historical
value

5.—(1) The council of the Corporation may, by by-law, designate buildings or structures and the lands associated therewith, as buildings or structures of historical value or interest and the said by-law or by-laws may prohibit the demolition, destruction or alteration of any building or structure so designated, or prohibit or regulate the alteration or renovation thereof.

(2) The council of the Corporation may provide by by-law ^{Acquisition of} for the acquisition by purchase, lease or otherwise of any ^{buildings} building or structure so designated.

(3) The council of the Corporation may, by by-law, provide ^{Grants} for the making of grants to assist in the renovation, restoration or maintenance of any building or structure so designated.

(4) Where a by-law prohibits the demolition, destruction, ^{By-law to be null and void if no agreement re acquisition, etc., of building or structure} alteration or renovation of a building or structure so designated, the Corporation shall, within ninety days of the passing of the by-law,

- (a) enter into an agreement to acquire the property;
- (b) enter into an agreement for the payment of compensation to the owner of the building or structure; or
- (c) expropriate the building or structure,

failing which, the by-law so designating a building or structure shall, for all purposes, following the expiration of the said ninety day period, be null and void and of no further force or effect.

(5) A by-law passed under the provisions of this section shall ^{Registration of by-law} be registered by the clerk of the Corporation against the affected lands in the proper registry or land titles office within ten days after the passing thereof.

(6) The clerk shall give similar notice by registration of the ^{Idem} repeal of any such by-law or of the expiration of the ninety day period where action in accordance with the provisions of this section has not been effected within the time limited.

(7) The council of the Corporation may, by by-law, establish ^{Advisory Committee} an Advisory Committee which shall be responsible to the council of the Corporation for recommending sites of historical interest and having such responsibility for the preparation of reports and recommendations for consideration by the council, as the council may by by-law provide.

6. The council of the Corporation may, by by-law, regulate, ^{By-laws re fences, etc.} control and prohibit the erection of fences or the planting and maintenance of hedges on that portion of the highway between the inside edge of a sidewalk and a street-line, or where there is no sidewalk, between the point at which the inside edge of a sidewalk would be located if constructed, and the street-line.

By-laws
re taxicab
licences

7. The council of the Corporation may, by by-law, limit the proportion of the total number of the taxicab licences issued in the municipality, which may be held by one person or corporation or two or more corporations having interlocking Boards of Directors.

Designation
of
rehabilitation
areas

8. The council of the Corporation may, by by-law, designate any area or areas of the municipality to qualify under a scheme for the rehabilitation of the designated area, to participate by agreement or otherwise with Central Mortgage and Housing Corporation or the Province of Ontario, or both, in the establishment of the scheme, including the financing thereof and the granting of loans to the owners of property, within the designated area, for the improvement or rehabilitation of said properties, the said loans to be repayable at such interest as the council may determine or as may be determined under the scheme as the case may be, over periods of up to twenty years and for the repayment of such loans being recoverable in like manner as municipal taxes.

Composition
of Planning
Board

9. The council of the Corporation may, by by-law, passed with the consent of the Minister of Municipal Affairs, vary the composition of The City of London Planning Board so that not more than three of the nine members of the Board may be appointed, one from the membership of each of the Board of Education, the Separate School Board and the Public Utilities Commission and, in such cases, the term of office of such members of The City of London Planning Board may be limited in the said by-law to one, two or three years.

Investment
of moneys

10. The council of the Corporation may, by by-law, authorize the treasurer of the Corporation to invest moneys not immediately required for the purposes of the corporation with any other Ontario municipality or local board or commission of the City of London or any other Ontario municipality and generally under terms provided for by section 312 of

R. S. O. 1970,
c. 284

The Municipal Act.

Utilization
of current
funds for
capital
projects

11. The council of the Corporation may, by resolution, authorize and empower the treasurer of the Corporation to utilize current account funds, not immediately required, for the purpose of interim financing of capital projects.

Investment
of reserve
funds

12. The council of the Corporation may, by by-law, authorize the treasurer of the Corporation, in addition to the powers contained in section 308 of *The Municipal Act*, to invest reserve funds in the general fund of the municipality, subject to the following:

1. Not more than 50 per cent of the total reserve funds may be so invested at any one time.
 2. A rate of interest equal to the interest paid by the City of London on its temporary borrowings shall be established and the product of such interest rate when applied to the amount of the reserve funds so invested shall be distributed to the reserve funds from which the temporary borrowing was made.
- 13.** This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}
- 14.** This Act may be cited as *The City of London Act, 1972.* ^{Short title}

SCHEDULE

THIS AGREEMENT made this 21st day of December, in the year of our Lord, one thousand nine hundred and seventy-one.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON, hereinafter called the "CITY".

OF THE FIRST PART,

—and—

COVENT GARDEN BUILDING INCORPORATED, a Corporation formed under the laws of the Province of Ontario and having its head office in the City of London, and Province of Ontario, hereinafter called the "CORPORATION".

OF THE SECOND PART.

WHEREAS *The City of London Act, 1952*, Section 3, subsection (1) as amended by *The City of London Act, 1954*, Section 6, subsection (1) as further amended by *The City of London Act, 1966*, Section 10 provides as follows:

"3.—(1) Without limiting any of the powers of the Corporation the Council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or license fee, as to the Council may appear proper, provided no term of rental or license shall exceed one year;
- (b) when, in the opinion of the Council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the Council may appear proper, spaces for parking of vehicles and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the Council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of Section 486 of *The Municipal Act*;
- (c) notwithstanding any other act, to set aside for market purposes, on such days and times as to the Council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefore as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for infractions of such regulations as to the Council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of Section 486 of *The Municipal Act*;

- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the Council may appear proper;
- (e) to lease any or all of the Market Square for a period not exceeding sixty years to a private, non-profit corporation formed by local businessmen for the purpose of erecting thereon a combined Market and Parking Building at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the buildings and the operating expenses of both the Market Parking Building and the Underground Parking Garage to be constructed at Centennial Square are recovered from both projects, whichever shall first happen."

AND WHEREAS *The City of London Act, 1966*, Section 11 provides as follows:

"Without limiting any of the powers of the Corporation the Council of the Corporation is authorized and empowered to lease any or all of the lands comprising Centennial Square in the City of London, bounded by Dufferin Avenue on the South, Wellington Street on the West, Princess Avenue on the North and a line three hundred and forty-two feet (342') Easterly from Wellington Street and parallel thereto on the East, for a period not exceeding fifty years to Covent Garden Building Association, a Corporation without share capital incorporated as such under the laws of Ontario and having its head office in the City of London, for the purpose of erecting thereon an Underground Parking Garage at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be agreed upon by the Corporation and Covent Garden Building Association, provided the Underground Parking Garage shall be given to the City of London without charge and free from all encumbrances on the expiration of the lease or as soon as the cost of the buildings and the operating expenses of both the Market Parking Building and the Underground Parking Garage are recovered from both projects, whichever shall first happen."

AND WHEREAS the Corporation is a Corporation without share capital incorporated as such under the laws of the Province of Ontario and has its head office in the City of London and was formed by local businessmen;

AND WHEREAS in pursuance of an Agreement made the 18th day of January, 1955 between the City and the Corporation, which said Agreement was wholly superseded and replaced by a subsequent Agreement made the 5th day of December, 1966, the Corporation has financed, erected and operated on the Market Square in the City of London a Market and Parking Building;

AND WHEREAS by Indenture of Lease made the 15th day of February, 1956 between the City and the Corporation, the City leased to the

Corporation all the lands more particularly described in the said Indenture of Lease for a term of 30 years to be computed from the 15th day of February, 1956;

AND WHEREAS the said Indenture of Lease made the 15th day of February, 1956 was amended by a Lease Amendment Agreement dated the 5th day of December, 1966 to provide that the term of the said Indenture of Lease shall be 60 years to be computed from the 15th day of February, 1956;

AND WHEREAS in pursuance of an Agreement dated the 5th day of December, 1966 made between the City and the Corporation, the Corporation has financed, erected and operated an Underground Parking Garage at Centennial Square;

AND WHEREAS pursuant to the provisions of the said Agreement made the 5th day of December, 1966, the Market and Parking Building and the Underground Parking Garage shall be given to the City without charge and free from all encumbrances at the end of the terms of the leases therein referred to, or at such date that the costs of the said Market and Parking Building and the Underground Parking Garage and the operating expenses are recovered and the bonds, debentures, interest and all other charges, expenses, claims and encumbrances are retired and paid from the revenue proceeds of the said buildings, whichever event shall first happen;

AND WHEREAS the City has found that the above-mentioned arrangements have been satisfactory and have worked to the advantage and benefit of the City of London;

AND WHEREAS the City is desirous of entering into an arrangement with the Corporation in order to provide that certain future parking facilities proposed by the City will be financed, erected and operated by the Corporation;

AND WHEREAS in furtherance of the aforementioned goal, it is the mutual intent and desire of the City and the Corporation to enter into this Agreement in order to amend the said Agreement made the 5th day of December, 1966 and to amend the terms of the Leases therein referred to so that the terms of the Leases relating to the Market and Parking Building and the Underground Parking Garage shall be extended to mutual expiry date of the 1st day of December, A.D. 2055 or such earlier date as the cost of all buildings and all operating expenses of such parking facilities are recovered from such projects and further to provide that certain future parking facilities proposed by the City shall be financed, erected and operated by the Corporation for a period of years not to extend beyond the 1st day of December, A.D. 2055, or until the costs of the Market and Parking Building, the Underground Parking Garage and all subsequent parking facilities are recovered whichever event shall first happen, at which time all the said buildings and parking facilities shall be conveyed to the City of London without charge and free from encumbrances;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out, the parties hereto agree as follows:

1. The City undertakes and agrees that it will notify the Corporation in writing of its desire to provide any parking facility in the City of London (save and except any ground level parking lot more than one thousand feet distant from any parking facility operated by the Corporation, and save and except any building or structure erected or operated incidental and

subsidiary to the development of real property which building or structure is required by the City to be erected or operated as a condition of the granting of approval to the development of such real property or any part thereof) (hereinafter referred to as the "parking facility") and together with such written notice the City shall disclose all available information in order to assist the Corporation to determine whether it would be feasible to finance, erect and operate such parking facility.

2. The Corporation shall within ninety (90) days of the receipt of such written notice, notify the City in writing whether or not it is prepared to accept the responsibility for financing, erecting and operating any such parking facility.

3. During the term of this Agreement, the City shall not enter into any agreement relating to the financing, erecting and operating of any parking facility with any person, firm or corporation other than Covent Garden Building Incorporated unless such agreement is in furtherance of the intent of this agreement, however, if the Corporation is not prepared to accept the responsibility of financing, erecting and operating any such parking facility, the City reserves the right to finance, erect and operate any parking facility itself.

4. The City agrees and undertakes to save harmless the Corporation from all reasonable costs and expenses incurred in regard to any feasibility study or any other studies or searches of any such parking facility or proposed parking facility, from the time of the giving of a written notice by the City to the Corporation until such time as the Corporation by written notice to the City indicates that it is unwilling or unable to accept the responsibility for financing, erecting and operating any such parking facility.

5. The City agrees to convey all the necessary lands to the Corporation for any proposed parking facility for a term of years not to extend beyond the termination date referred to in Paragraph 13 hereof.

6. The City hereby agrees to grant and the Corporation agrees to lease for a term of years to be ascertained by reference to the termination date more particularly defined in Paragraph 13 hereof, all lands necessary for the erection and operation of any parking facility for the yearly rental of One Dollar (\$1.00) payable annually, and the City hereby covenants, promises and agrees that no such lands or buildings shall, during the currency of the lease or leases relating thereto, be subject to municipal taxes, business taxes or special assessments or charges of any nature or kind whatsoever, and without limiting the generality of the foregoing, including charges under *The Local Improvement Act*. PROVIDED nothing herein shall exempt tenants from business tax.

7. The City agrees, subject to the approval of the Ontario Municipal Board, to guarantee the financing of any parking facility.

8. The City agrees to amend,

(a) the Indenture of Lease dated the 15th day of February, 1956 as amended by an Indenture made the 5th day of December, 1966, relating to the Market and Parking Building more particularly therein described (hereinafter referred to as the "Market and Parking Building"), and

(b) the Indenture of Lease dated the 5th day of December, 1966 relating to the Underground Parking Garage more particularly therein described (hereinafter referred to as the "Underground Parking Garage"),

to extend the terms of the said leases for a term of years to be ascertained by reference to the termination date more particularly defined in paragraph 13 hereof.

9. The City agrees to amend the Agreement made the 5th day of December, 1966 to provide that the lands upon which the Market and Parking Building and the Underground Parking Garage are constructed shall be leased to the Corporation for a term of years to be ascertained by reference to the termination date more particularly defined in paragraph 13 hereof.

10. The City undertakes and agrees that it will obtain any and all authorizations, consents and approvals required to enable the City to enter into this Agreement or required to give this Agreement full force and effect, and without restricting the generality of the foregoing, the City undertakes and agrees that it will obtain all legislation necessary to give full force and effect to this Agreement; Provided however that if such authorizations, consents, approvals, and legislation are not obtained within a reasonable time, then this Agreement shall be null and void.

11. The City agrees that it will enact, in the form and manner required by Statute, all by-laws required to give full force and effect to this Agreement.

12. The parties hereto agree that all revenue received by the Corporation from the operation of the Market and Parking Building, the Underground Parking Garage and any other parking facility financed, erected and operated by the Corporation pursuant to the provisions of this Agreement (hereinafter collectively referred to as the "Undertakings") may be consolidated, provided however, that no such revenue or consolidated revenue shall be expended for any other purposes than for the necessary operational expenses, repairs, improvements or other necessary charges for the operation, maintenance and care of the said Undertakings and for the purpose of retiring the bonds, debentures and other forms of indebtedness and interest thereon and incurred for the said Undertakings. Any surplus shall be used for the said purposes and no dividends shall be paid. If any surplus exists at the time of turning over the said Undertakings to the City, the same shall be paid to the City after providing for all debts and the cost of winding up the Corporation.

13. The City and the Corporation mutually agree that the terms of all leases herein referred to, or proposed leases of parking facilities shall extend to the 1st day of December, 2055 or to the date on which the costs of the said Undertakings and the operating expenses are recovered, and the bonds, debentures, interest and all other charges, expenses, claims and encumbrances are retired and paid from the revenue proceeds of the said Undertakings, whichever event shall first happen, which date is hereinafter referred to as the "termination date".

14. The Corporation agrees that upon the said termination date more particularly defined in Paragraph 13 hereof, the Corporation will transfer the lands and buildings which comprise the Undertakings, together with all operating machinery and equipment used in the operation of the said Undertakings to the City, free and clear of all claims, charges and encumbrances, provided that any licences, tenancies and occupancies which may run for a term beyond the termination date as hereinbefore set out shall be accepted by the City, provided that no leases shall be entered into or be renewed for any term to be completed later than the 30th day of November, 2055 without the consent in writing of the City.

15. The City shall be deemed to have an equity in the said Undertakings equal to the sum of the bonds and debentures or other financing as may be retired from time to time provided that control of the operation of the said Undertakings shall not thereby be altered nor shall any obligation upon the City be deemed to arise thereby.

16. The Corporation agrees that the City may nominate two members of Council to sit on the Board of Directors of the Corporation.

17. The Corporation agrees that it will furnish to the City one copy of the audited financial statement of the Corporation within a reasonable time after the end of the fiscal year of the Corporation.

18. All notices, demands or requests which may be, or are required to be given by either party to the other herein shall be in writing and delivered or sent by prepaid registered mail to the parties at their respective addresses. Unless notice of change of address shall be given by either party to the other, their respective addresses shall be:

City Clerk
The Corporation of the City of London
City Hall
300 Dufferin Avenue
P.O. Box 5035
London 12, Ontario

AND TO: The President and Directors
Covent Garden Building Incorporated
130 King Street
London 12, Ontario,

and if any such notice is sent by prepaid registered mail it shall be deemed to have been received on the third business day following the mailing thereof.

19. This agreement shall enure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers, duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE CITY
OF LONDON

Mayor.

Clerk.

COVENT GARDEN BUILDING
INCORPORATED

President.

Secretary.



... 201.001 to 201.002 ...

An Act respecting the City of London

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. WALKER

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of London

MR. WALKER

(Reprinted as amended by the Private Bills Committee)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL Pr12

1972

An Act respecting the City of London

WHEREAS The Corporation of the City of London, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) Subsection 1 of section 2 of *The City of London Act, 1951*, being chapter 107 is amended by adding at the end thereof “save and except as provided in subsection 6”, so that the subsection shall read as follows:

(1) The Council may establish by by-law a Commission ^{Commission} under the name of The London Transportation Commission. The Commission shall be a body corporate and shall be composed of three commissioners. The provisions for qualification and disqualification of an elected member of the council of a local municipality, as provided by *The Municipal Act*, shall apply *mutatis mutandis* to the qualification and disqualification of a person to be appointed or appointed to the office of commissioner, save and except as provided in subsection 6. ^{Rev. Stat., c. 243}

(2) Subsection 6 of the said section 2 is repealed and the following substituted therefor: ^{s. 2 (6), re-enacted}

(6) Notwithstanding clause *g* of subsection 1 of section 36 of *The Municipal Act*, the Council may appoint one of its members to be a member of the Commission. ^{Appointment of member of Council to Commission R.S.O. 1970, c. 284}

(6a) Notwithstanding subsection 3, such member of Council, if appointed, shall be appointed for a term of one or two years, as the Council may deem expedient. ^{Term of office}

Transfer of
Endowment
Fund

1960,
c. 153

2. Notwithstanding section 4 of *The City of London Act, 1934* and section 9 of *The City of London Act, 1960*, the council of the Corporation may by by-law transfer to the Victoria Hospital Board of Trustees and the Treasurer for the time being of the Board, the funds of the Victoria Hospital Endowment Fund and the War Memorial Children's Hospital Endowment Fund and assign and transfer to the Victoria Hospital Board of Trustees the control and administration of the said Funds and accrued interest thereon, and to provide that the said Board shall control and administer the said Funds in accordance with and subject to the same provisions and conditions to which the Corporation was subject under sections 5 and 6 and section 7, as re-enacted by the Statutes of Ontario, 1948, chapter 114, section 3 of *The City of London Act, 1934*.

1934, c. 82

s. 2,
amended

3. Section 2 of *The City of London Act, 1960*, being chapter 153, as amended by the Statutes of Ontario, 1967, chapter 118, section 3, is further amended by adding thereto the following subsection:

Increased
retirement
allowances

(6) Notwithstanding any provision herein contained, the Corporation is authorized and empowered to pass by-laws to provide for retired employees who retired prior to the 1st day of January, 1965, an increase in their retirement allowances of an amount equal to 2 per cent of their present past service retirement allowances per annum for each year of retirement since the 1st day of January, 1960.

Agreement
ratified

4. The Agreement between the Corporation and Covent Garden Building Incorporated dated the 21st day of December, 1971, set forth as the Schedule hereto, is ratified and confirmed except for the provisions conferring tax exemption and the parties thereto are authorized and empowered to carry out the terms thereof.

Designation
of buildings
of historical
value

5.—(1) The council of the Corporation may, with the prior approval of the Ontario Municipal Board, by by-law, designate buildings or structures and the lands associated therewith, as buildings or structures of historical value or interest and the said by-law or by-laws may prohibit the demolition, destruction or alteration of any building or structure so designated, or prohibit or regulate the alteration or renovation thereof.

Acquisition
of
buildings

(2) The council of the Corporation may provide by by-law for the acquisition by purchase, lease or otherwise of any building or structure so designated.

(3) The council of the Corporation may, by by-law, provide Grants for the making of grants to assist in the renovation, restoration or maintenance of any building or structure so designated.

(4) Where a by-law prohibits the demolition, destruction, alteration or renovation of a building or structure so designated, the Corporation shall, within ninety days of the approval of the by-law, By-law to be null and void if no agreement re acquisition, etc., of building or structure

- (a) enter into an agreement to acquire the property;
- (b) enter into an agreement for the payment of compensation to the owner of the building or structure; or
- (c) expropriate the building or structure,

failing which, the by-law so designating a building or structure shall, for all purposes, following the expiration of the said ninety day period, be null and void and of no further force or effect.

(5) A by-law passed under the provisions of this section shall be registered by the clerk of the Corporation against the affected lands in the proper registry or land titles office within ten days after the approval thereof. Registration of by-law

(6) The clerk shall give similar notice by registration of the repeal of any such by-law or of the expiration of the ninety day period where action in accordance with the provisions of this section has not been effected within the time limited. Idem

(7) The council of the Corporation may, by by-law, establish an Advisory Committee which shall be responsible to the council of the Corporation for recommending sites of historical interest and having such responsibility for the preparation of reports and recommendations for consideration by the council, as the council may by by-law provide. Advisory Committee

(8) Where a by-law approved under subsection 1 is repealed or becomes null and void under subsection 4, the Corporation is liable to the owner of any land, building or structure affected by the by-law for any consequential damages. Liability of Corporation

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Investment
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8. The council of the Corporation may, by by-law, authorize the treasurer of the Corporation to invest moneys not immediately required for the purposes of the corporation with any other Ontario municipality or local board or commission of the City of London or any other Ontario municipality and generally under terms provided for by section 312 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Utilization
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capital
projects

9. The council of the Corporation may, by resolution, authorize and empower the treasurer of the Corporation to utilize current account funds, not immediately required, for the purpose of interim financing of capital projects.

Investment
of reserve
funds

10. The council of the Corporation may, by by-law, authorize the treasurer of the Corporation, in addition to the powers contained in section 308 of *The Municipal Act*, to invest reserve funds in the general fund of the municipality, subject to the following:

1. Not more than 50 per cent of the total reserve funds may be so invested at any one time.
2. A rate of interest equal to the interest paid by the City of London on its temporary borrowings shall be established and the product of such interest rate when applied to the amount of the reserve funds so invested shall be distributed to the reserve funds from which the temporary borrowing was made.

11. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

12. This Act may be cited as *The City of London Act, 1972*. ^{Short title}

SCHEDULE

THIS AGREEMENT made this 21st day of December, in the year of our Lord, one thousand nine hundred and seventy-one.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON, hereinafter called the "CITY".

OF THE FIRST PART,

—and—

COVENT GARDEN BUILDING INCORPORATED, a Corporation formed under the laws of the Province of Ontario and having its head office in the City of London, and Province of Ontario, hereinafter called the "CORPORATION".

OF THE SECOND PART.

WHEREAS *The City of London Act, 1952*, Section 3, subsection (1) as amended by *The City of London Act, 1954*, Section 6, subsection (1) as further amended by *The City of London Act, 1966*, Section 10 provides as follows:

"3.—(1) Without limiting any of the powers of the Corporation the Council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or license fee, as to the Council may appear proper, provided no term of rental or license shall exceed one year;
- (b) when, in the opinion of the Council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the Council may appear proper, spaces for parking of vehicles and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the Council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of Section 486 of *The Municipal Act*;
- (c) notwithstanding any other act, to set aside for market purposes, on such days and times as to the Council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefore as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for infractions of such regulations as to the Council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of Section 486 of *The Municipal Act*;

- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the Council may appear proper;
- (e) to lease any or all of the Market Square for a period not exceeding sixty years to a private, non-profit corporation formed by local businessmen for the purpose of erecting thereon a combined Market and Parking Building at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the buildings and the operating expenses of both the Market Parking Building and the Underground Parking Garage to be constructed at Centennial Square are recovered from both projects, whichever shall first happen."

AND WHEREAS *The City of London Act, 1966*, Section 11 provides as follows:

"Without limiting any of the powers of the Corporation the Council of the Corporation is authorized and empowered to lease any or all of the lands comprising Centennial Square in the City of London, bounded by Dufferin Avenue on the South, Wellington Street on the West, Princess Avenue on the North and a line three hundred and forty-two feet (342') Easterly from Wellington Street and parallel thereto on the East, for a period not exceeding fifty years to Covent Garden Building Association, a Corporation without share capital incorporated as such under the laws of Ontario and having its head office in the City of London, for the purpose of erecting thereon an Underground Parking Garage at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be agreed upon by the Corporation and Covent Garden Building Association, provided the Underground Parking Garage shall be given to the City of London without charge and free from all encumbrances on the expiration of the lease or as soon as the cost of the buildings and the operating expenses of both the Market Parking Building and the Underground Parking Garage are recovered from both projects, whichever shall first happen."

AND WHEREAS the Corporation is a Corporation without share capital incorporated as such under the laws of the Province of Ontario and has its head office in the City of London and was formed by local businessmen;

AND WHEREAS in pursuance of an Agreement made the 18th day of January, 1955 between the City and the Corporation, which said Agreement was wholly superseded and replaced by a subsequent Agreement made the 5th day of December, 1966, the Corporation has financed, erected and operated on the Market Square in the City of London a Market and Parking Building;

AND WHEREAS by Indenture of Lease made the 15th day of February, 1956 between the City and the Corporation, the City leased to the

Corporation all the lands more particularly described in the said Indenture of Lease for a term of 30 years to be computed from the 15th day of February, 1956;

AND WHEREAS the said Indenture of Lease made the 15th day of February, 1956 was amended by a Lease Amendment Agreement dated the 5th day of December, 1966 to provide that the term of the said Indenture of Lease shall be 60 years to be computed from the 15th day of February, 1956;

AND WHEREAS in pursuance of an Agreement dated the 5th day of December, 1966 made between the City and the Corporation, the Corporation has financed, erected and operated an Underground Parking Garage at Centennial Square;

AND WHEREAS pursuant to the provisions of the said Agreement made the 5th day of December, 1966, the Market and Parking Building and the Underground Parking Garage shall be given to the City without charge and free from all encumbrances at the end of the terms of the leases therein referred to, or at such date that the costs of the said Market and Parking Building and the Underground Parking Garage and the operating expenses are recovered and the bonds, debentures, interest and all other charges, expenses, claims and encumbrances are retired and paid from the revenue proceeds of the said buildings, whichever event shall first happen;

AND WHEREAS the City has found that the above-mentioned arrangements have been satisfactory and have worked to the advantage and benefit of the City of London;

AND WHEREAS the City is desirous of entering into an arrangement with the Corporation in order to provide that certain future parking facilities proposed by the City will be financed, erected and operated by the Corporation;

AND WHEREAS in furtherance of the aforementioned goal, it is the mutual intent and desire of the City and the Corporation to enter into this Agreement in order to amend the said Agreement made the 5th day of December, 1966 and to amend the terms of the Leases therein referred to so that the terms of the Leases relating to the Market and Parking Building and the Underground Parking Garage shall be extended to mutual expiry date of the 1st day of December, A.D. 2055 or such earlier date as the cost of all buildings and all operating expenses of such parking facilities are recovered from such projects and further to provide that certain future parking facilities proposed by the City shall be financed, erected and operated by the Corporation for a period of years not to extend beyond the 1st day of December, A.D. 2055, or until the costs of the Market and Parking Building, the Underground Parking Garage and all subsequent parking facilities are recovered whichever event shall first happen, at which time all the said buildings and parking facilities shall be conveyed to the City of London without charge and free from encumbrances;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out, the parties hereto agree as follows:

1. The City undertakes and agrees that it will notify the Corporation in writing of its desire to provide any parking facility in the City of London (save and except any ground level parking lot more than one thousand feet distant from any parking facility operated by the Corporation, and save and except any building or structure erected or operated incidental and

subsidiary to the development of real property which building or structure is required by the City to be erected or operated as a condition of the granting of approval to the development of such real property or any part thereof) (hereinafter referred to as the "parking facility") and together with such written notice the City shall disclose all available information in order to assist the Corporation to determine whether it would be feasible to finance, erect and operate such parking facility.

2. The Corporation shall within ninety (90) days of the receipt of such written notice, notify the City in writing whether or not it is prepared to accept the responsibility for financing, erecting and operating any such parking facility.

3. During the term of this Agreement, the City shall not enter into any agreement relating to the financing, erecting and operating of any parking facility with any person, firm or corporation other than Covent Garden Building Incorporated unless such agreement is in furtherance of the intent of this agreement, however, if the Corporation is not prepared to accept the responsibility of financing, erecting and operating any such parking facility, the City reserves the right to finance, erect and operate any parking facility itself.

4. The City agrees and undertakes to save harmless the Corporation from all reasonable costs and expenses incurred in regard to any feasibility study or any other studies or searches of any such parking facility or proposed parking facility, from the time of the giving of a written notice by the City to the Corporation until such time as the Corporation by written notice to the City indicates that it is unwilling or unable to accept the responsibility for financing, erecting and operating any such parking facility.

5. The City agrees to convey all the necessary lands to the Corporation for any proposed parking facility for a term of years not to extend beyond the termination date referred to in Paragraph 13 hereof.

6. The City hereby agrees to grant and the Corporation agrees to lease for a term of years to be ascertained by reference to the termination date more particularly defined in Paragraph 13 hereof, all lands necessary for the erection and operation of any parking facility for the yearly rental of One Dollar (\$1.00) payable annually, and the City hereby covenants, promises and agrees that no such lands or buildings shall, during the currency of the lease or leases relating thereto, be subject to municipal taxes, business taxes or special assessments or charges of any nature or kind whatsoever, and without limiting the generality of the foregoing, including charges under *The Local Improvement Act*. PROVIDED nothing herein shall exempt tenants from business tax.

7. The City agrees, subject to the approval of the Ontario Municipal Board, to guarantee the financing of any parking facility.

8. The City agrees to amend,

(a) the Indenture of Lease dated the 15th day of February, 1956 as amended by an Indenture made the 5th day of December, 1966, relating to the Market and Parking Building more particularly therein described (hereinafter referred to as the "Market and Parking Building"), and

(b) the Indenture of Lease dated the 5th day of December, 1966 relating to the Underground Parking Garage more particularly therein described (hereinafter referred to as the "Underground Parking Garage"),

to extend the terms of the said leases for a term of years to be ascertained by reference to the termination date more particularly defined in paragraph 13 hereof.

9. The City agrees to amend the Agreement made the 5th day of December, 1966 to provide that the lands upon which the Market and Parking Building and the Underground Parking Garage are constructed shall be leased to the Corporation for a term of years to be ascertained by reference to the termination date more particularly defined in paragraph 13 hereof.

10. The City undertakes and agrees that it will obtain any and all authorizations, consents and approvals required to enable the City to enter into this Agreement or required to give this Agreement full force and effect, and without restricting the generality of the foregoing, the City undertakes and agrees that it will obtain all legislation necessary to give full force and effect to this Agreement; Provided however that if such authorizations, consents, approvals, and legislation are not obtained within a reasonable time, then this Agreement shall be null and void.

11. The City agrees that it will enact, in the form and manner required by Statute, all by-laws required to give full force and effect to this Agreement.

12. The parties hereto agree that all revenue received by the Corporation from the operation of the Market and Parking Building, the Underground Parking Garage and any other parking facility financed, erected and operated by the Corporation pursuant to the provisions of this Agreement (hereinafter collectively referred to as the "Undertakings") may be consolidated, provided however, that no such revenue or consolidated revenue shall be expended for any other purposes than for the necessary operational expenses, repairs, improvements or other necessary charges for the operation, maintenance and care of the said Undertakings and for the purpose of retiring the bonds, debentures and other forms of indebtedness and interest thereon and incurred for the said Undertakings. Any surplus shall be used for the said purposes and no dividends shall be paid. If any surplus exists at the time of turning over the said Undertakings to the City, the same shall be paid to the City after providing for all debts and the cost of winding up the Corporation.

13. The City and the Corporation mutually agree that the terms of all leases herein referred to, or proposed leases of parking facilities shall extend to the 1st day of December, 2055 or to the date on which the costs of the said Undertakings and the operating expenses are recovered, and the bonds, debentures, interest and all other charges, expenses, claims and encumbrances are retired and paid from the revenue proceeds of the said Undertakings, whichever event shall first happen, which date is hereinafter referred to as the "termination date".

14. The Corporation agrees that upon the said termination date more particularly defined in Paragraph 13 hereof, the Corporation will transfer the lands and buildings which comprise the Undertakings, together with all operating machinery and equipment used in the operation of the said Undertakings to the City, free and clear of all claims, charges and encumbrances, provided that any licences, tenancies and occupancies which may run for a term beyond the termination date as hereinbefore set out shall be accepted by the City, provided that no leases shall be entered into or be renewed for any term to be completed later than the 30th day of November, 2055 without the consent in writing of the City.

15. The City shall be deemed to have an equity in the said Undertakings equal to the sum of the bonds and debentures or other financing as may be retired from time to time provided that control of the operation of the said Undertakings shall not thereby be altered nor shall any obligation upon the City be deemed to arise thereby.

16. The Corporation agrees that the City may nominate two members of Council to sit on the Board of Directors of the Corporation.

17. The Corporation agrees that it will furnish to the City one copy of the audited financial statement of the Corporation within a reasonable time after the end of the fiscal year of the Corporation.

18. All notices, demands or requests which may be, or are required to be given by either party to the other herein shall be in writing and delivered or sent by prepaid registered mail to the parties at their respective addresses. Unless notice of change of address shall be given by either party to the other, their respective addresses shall be:

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P.O. Box 5035
London 12, Ontario

AND TO: The President and Directors
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*(Reprinted as amended by
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R.S.O. 1970,
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10. The council of the Corporation may, by by-law, authorize the treasurer of the Corporation, in addition to the powers contained in section 308 of *The Municipal Act*, to invest reserve funds in the general fund of the municipality, subject to the following:

1. Not more than 50 per cent of the total reserve funds may be so invested at any one time.
2. A rate of interest equal to the interest paid by the City of London on its temporary borrowings shall be established and the product of such interest rate when applied to the amount of the reserve funds so invested shall be distributed to the reserve funds from which the temporary borrowing was made.

11. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

12. This Act may be cited as *The City of London Act, 1972*. ^{Short title}

SCHEDULE

THIS AGREEMENT made this 21st day of December, in the year of our Lord, one thousand nine hundred and seventy-one.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON, hereinafter called the "CITY".

OF THE FIRST PART,

—and—

COVENT GARDEN BUILDING INCORPORATED, a Corporation formed under the laws of the Province of Ontario and having its head office in the City of London, and Province of Ontario, hereinafter called the "CORPORATION".

OF THE SECOND PART.

WHEREAS *The City of London Act, 1952*, Section 3, subsection (1) as amended by *The City of London Act, 1954*, Section 6, subsection (1) as further amended by *The City of London Act, 1966*, Section 10 provides as follows:

"3.—(1) Without limiting any of the powers of the Corporation the Council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or license fee, as to the Council may appear proper, provided no term of rental or license shall exceed one year;
- (b) when, in the opinion of the Council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the Council may appear proper, spaces for parking of vehicles and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the Council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of Section 486 of *The Municipal Act*;
- (c) notwithstanding any other act, to set aside for market purposes, on such days and times as to the Council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefore as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for infractions of such regulations as to the Council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of Section 486 of *The Municipal Act*;

- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the Council may appear proper;
- (e) to lease any or all of the Market Square for a period not exceeding sixty years to a private, non-profit corporation formed by local businessmen for the purpose of erecting thereon a combined Market and Parking Building at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the buildings and the operating expenses of both the Market Parking Building and the Underground Parking Garage to be constructed at Centennial Square are recovered from both projects, whichever shall first happen."

AND WHEREAS *The City of London Act, 1966*, Section 11 provides as follows:

"Without limiting any of the powers of the Corporation the Council of the Corporation is authorized and empowered to lease any or all of the lands comprising Centennial Square in the City of London, bounded by Dufferin Avenue on the South, Wellington Street on the West, Princess Avenue on the North and a line three hundred and forty-two feet (342') Easterly from Wellington Street and parallel thereto on the East, for a period not exceeding fifty years to Covent Garden Building Association, a Corporation without share capital incorporated as such under the laws of Ontario and having its head office in the City of London, for the purpose of erecting thereon an Underground Parking Garage at no cost to the Corporation but upon such terms and conditions and with such remuneration to the Corporation as may be agreed upon by the Corporation and Covent Garden Building Association, provided the Underground Parking Garage shall be given to the City of London without charge and free from all encumbrances on the expiration of the lease or as soon as the cost of the buildings and the operating expenses of both the Market Parking Building and the Underground Parking Garage are recovered from both projects, whichever shall first happen."

AND WHEREAS the Corporation is a Corporation without share capital incorporated as such under the laws of the Province of Ontario and has its head office in the City of London and was formed by local businessmen;

AND WHEREAS in pursuance of an Agreement made the 18th day of January, 1955 between the City and the Corporation, which said Agreement was wholly superseded and replaced by a subsequent Agreement made the 5th day of December, 1966, the Corporation has financed, erected and operated on the Market Square in the City of London a Market and Parking Building;

AND WHEREAS by Indenture of Lease made the 15th day of February, 1956 between the City and the Corporation, the City leased to the

Corporation all the lands more particularly described in the said Indenture of Lease for a term of 30 years to be computed from the 15th day of February, 1956;

AND WHEREAS the said Indenture of Lease made the 15th day of February, 1956 was amended by a Lease Amendment Agreement dated the 5th day of December, 1966 to provide that the term of the said Indenture of Lease shall be 60 years to be computed from the 15th day of February, 1956;

AND WHEREAS in pursuance of an Agreement dated the 5th day of December, 1966 made between the City and the Corporation, the Corporation has financed, erected and operated an Underground Parking Garage at Centennial Square;

AND WHEREAS pursuant to the provisions of the said Agreement made the 5th day of December, 1966, the Market and Parking Building and the Underground Parking Garage shall be given to the City without charge and free from all encumbrances at the end of the terms of the leases therein referred to, or at such date that the costs of the said Market and Parking Building and the Underground Parking Garage and the operating expenses are recovered and the bonds, debentures, interest and all other charges, expenses, claims and encumbrances are retired and paid from the revenue proceeds of the said buildings, whichever event shall first happen;

AND WHEREAS the City has found that the above-mentioned arrangements have been satisfactory and have worked to the advantage and benefit of the City of London;

AND WHEREAS the City is desirous of entering into an arrangement with the Corporation in order to provide that certain future parking facilities proposed by the City will be financed, erected and operated by the Corporation;

AND WHEREAS in furtherance of the aforementioned goal, it is the mutual intent and desire of the City and the Corporation to enter into this Agreement in order to amend the said Agreement made the 5th day of December, 1966 and to amend the terms of the Leases therein referred to so that the terms of the Leases relating to the Market and Parking Building and the Underground Parking Garage shall be extended to mutual expiry date of the 1st day of December, A.D. 2055 or such earlier date as the cost of all buildings and all operating expenses of such parking facilities are recovered from such projects and further to provide that certain future parking facilities proposed by the City shall be financed, erected and operated by the Corporation for a period of years not to extend beyond the 1st day of December, A.D. 2055, or until the costs of the Market and Parking Building, the Underground Parking Garage and all subsequent parking facilities are recovered whichever event shall first happen, at which time all the said buildings and parking facilities shall be conveyed to the City of London without charge and free from encumbrances;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out, the parties hereto agree as follows:

1. The City undertakes and agrees that it will notify the Corporation in writing of its desire to provide any parking facility in the City of London (save and except any ground level parking lot more than one thousand feet distant from any parking facility operated by the Corporation, and save and except any building or structure erected or operated incidental and

subsidiary to the development of real property which building or structure is required by the City to be erected or operated as a condition of the granting of approval to the development of such real property or any part thereof) (hereinafter referred to as the "parking facility") and together with such written notice the City shall disclose all available information in order to assist the Corporation to determine whether it would be feasible to finance, erect and operate such parking facility.

2. The Corporation shall within ninety (90) days of the receipt of such written notice, notify the City in writing whether or not it is prepared to accept the responsibility for financing, erecting and operating any such parking facility.

3. During the term of this Agreement, the City shall not enter into any agreement relating to the financing, erecting and operating of any parking facility with any person, firm or corporation other than Covent Garden Building Incorporated unless such agreement is in furtherance of the intent of this agreement, however, if the Corporation is not prepared to accept the responsibility of financing, erecting and operating any such parking facility, the City reserves the right to finance, erect and operate any parking facility itself.

4. The City agrees and undertakes to save harmless the Corporation from all reasonable costs and expenses incurred in regard to any feasibility study or any other studies or searches of any such parking facility or proposed parking facility, from the time of the giving of a written notice by the City to the Corporation until such time as the Corporation by written notice to the City indicates that it is unwilling or unable to accept the responsibility for financing, erecting and operating any such parking facility.

5. The City agrees to convey all the necessary lands to the Corporation for any proposed parking facility for a term of years not to extend beyond the termination date referred to in Paragraph 13 hereof.

6. The City hereby agrees to grant and the Corporation agrees to lease for a term of years to be ascertained by reference to the termination date more particularly defined in Paragraph 13 hereof, all lands necessary for the erection and operation of any parking facility for the yearly rental of One Dollar (\$1.00) payable annually, and the City hereby covenants, promises and agrees that no such lands or buildings shall, during the currency of the lease or leases relating thereto, be subject to municipal taxes, business taxes or special assessments or charges of any nature or kind whatsoever, and without limiting the generality of the foregoing, including charges under *The Local Improvement Act*. PROVIDED nothing herein shall exempt tenants from business tax.

7. The City agrees, subject to the approval of the Ontario Municipal Board, to guarantee the financing of any parking facility.

8. The City agrees to amend,

(a) the Indenture of Lease dated the 15th day of February, 1956 as amended by an Indenture made the 5th day of December, 1966, relating to the Market and Parking Building more particularly therein described (hereinafter referred to as the "Market and Parking Building"), and

(b) the Indenture of Lease dated the 5th day of December, 1966 relating to the Underground Parking Garage more particularly therein described (hereinafter referred to as the "Underground Parking Garage"),

to extend the terms of the said leases for a term of years to be ascertained by reference to the termination date more particularly defined in paragraph 13 hereof.

9. The City agrees to amend the Agreement made the 5th day of December, 1966 to provide that the lands upon which the Market and Parking Building and the Underground Parking Garage are constructed shall be leased to the Corporation for a term of years to be ascertained by reference to the termination date more particularly defined in paragraph 13 hereof.

10. The City undertakes and agrees that it will obtain any and all authorizations, consents and approvals required to enable the City to enter into this Agreement or required to give this Agreement full force and effect, and without restricting the generality of the foregoing, the City undertakes and agrees that it will obtain all legislation necessary to give full force and effect to this Agreement; Provided however that if such authorizations, consents, approvals, and legislation are not obtained within a reasonable time, then this Agreement shall be null and void.

11. The City agrees that it will enact, in the form and manner required by Statute, all by-laws required to give full force and effect to this Agreement.

12. The parties hereto agree that all revenue received by the Corporation from the operation of the Market and Parking Building, the Underground Parking Garage and any other parking facility financed, erected and operated by the Corporation pursuant to the provisions of this Agreement (hereinafter collectively referred to as the "Undertakings") may be consolidated, provided however, that no such revenue or consolidated revenue shall be expended for any other purposes than for the necessary operational expenses, repairs, improvements or other necessary charges for the operation, maintenance and care of the said Undertakings and for the purpose of retiring the bonds, debentures and other forms of indebtedness and interest thereon and incurred for the said Undertakings. Any surplus shall be used for the said purposes and no dividends shall be paid. If any surplus exists at the time of turning over the said Undertakings to the City, the same shall be paid to the City after providing for all debts and the cost of winding up the Corporation.

13. The City and the Corporation mutually agree that the terms of all leases herein referred to, or proposed leases of parking facilities shall extend to the 1st day of December, 2055 or to the date on which the costs of the said Undertakings and the operating expenses are recovered, and the bonds, debentures, interest and all other charges, expenses, claims and encumbrances are retired and paid from the revenue proceeds of the said Undertakings, whichever event shall first happen, which date is hereinafter referred to as the "termination date".

14. The Corporation agrees that upon the said termination date more particularly defined in Paragraph 13 hereof, the Corporation will transfer the lands and buildings which comprise the Undertakings, together with all operating machinery and equipment used in the operation of the said Undertakings to the City, free and clear of all claims, charges and encumbrances, provided that any licences, tenancies and occupancies which may run for a term beyond the termination date as hereinbefore set out shall be accepted by the City, provided that no leases shall be entered into or be renewed for any term to be completed later than the 30th day of November, 2055 without the consent in writing of the City.

15. The City shall be deemed to have an equity in the said Undertakings equal to the sum of the bonds and debentures or other financing as may be retired from time to time provided that control of the operation of the said Undertakings shall not thereby be altered nor shall any obligation upon the City be deemed to arise thereby.

16. The Corporation agrees that the City may nominate two members of Council to sit on the Board of Directors of the Corporation.

17. The Corporation agrees that it will furnish to the City one copy of the audited financial statement of the Corporation within a reasonable time after the end of the fiscal year of the Corporation.

18. All notices, demands or requests which may be, or are required to be given by either party to the other herein shall be in writing and delivered or sent by prepaid registered mail to the parties at their respective addresses. Unless notice of change of address shall be given by either party to the other, their respective addresses shall be:

City Clerk
The Corporation of the City of London
City Hall
300 Dufferin Avenue
P.O. Box 5035
London 12, Ontario

AND TO: The President and Directors
Covent Garden Building Incorporated
130 King Street
London 12, Ontario,

and if any such notice is sent by prepaid registered mail it shall be deemed to have been received on the third business day following the mailing thereof.

19. This agreement shall enure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers, duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE CITY
OF LONDON

Mayor.

Clerk.

COVENT GARDEN BUILDING
INCORPORATED

President.

Secretary.



An Act respecting the City of London

1st Reading

March 16th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. WALKER

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to incorporate St. John's College School (Elora)

MR. WORTON

Ad Ad

An Act respecting the City of London

BILL Pr13

1972

**An Act to incorporate
St. John's College School (Elora)**

WHEREAS Chris L. Armstrong, Paul R. Bawden, Ronald D. Macdonald, William B. Ellis, Arthur B. Barton, C. A. Boehm, Richard J. Hobson, James F. Chalmers, Gilbert Thompson, Aileen R. Harris, Havelock F. Jewson, William G. Boddington, Cecil A. Wallace, Donald F. Collier, Shirley S. MacRae, Robert E. Hulse, Glenn E. Carroll, Fred S. Thompson, John Purdy, George C. Spaetzel, Peter G. Peloso and John A. Pollock hereby represent that it is desirable to incorporate a boys' school with the purpose of providing an education on the elementary and secondary level, based upon the teaching and environment of the Anglican Church, and in compliance with the academic and scholastic requirements of the Department of Education of Ontario, and that the purposes for which a school is to be formed will be promoted by an Act of Incorporation; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. Chris L. Armstrong, Paul R. Bawden, Ronald D. Macdonald, William B. Ellis, Arthur B. Barton, C. A. Boehm, Richard J. Hobson, James F. Chalmers, Gilbert Thompson, Aileen R. Harris, Havelock F. Jewson, William G. Boddington, Cecil A. Wallace, Donald F. Collier, Shirley S. MacRae, Robert E. Hulse, Glenn E. Carroll, Fred S. Thompson, John Purdy, George C. Spaetzel, Peter G. Peloso and John A. Pollock, and such other persons as may be elected or appointed as members of the Board of Governors of the School, and their successors, are hereby constituted a body politic and corporate with perpetual succession and a common seal under the name of "The Corporation of St. John's College School (Elora)" herein called the School.

Incorporation

- Visitor** **2.** The Bishop of Niagara shall be the Visitor of the School.
- Board of Governors** **3.** There shall be a Board of Governors of the School, that shall consist of the persons named in section 1, who shall hold office until their successors are elected or appointed, and such other persons as may be elected or appointed in such manner and for such term as may be provided in the by-laws of the Board.
- Management of the School** **4.** The Board of Governors has the control, management and government of the School and has power to make by-laws, rules and regulations not contrary to law or the provisions of this Act,
- (a) for the working and management of the School;
 - (b) determining the number of members of the Board that shall constitute a quorum;
 - (c) respecting the election or appointment of members of the Board; and
 - (d) regulating all matters pertaining to meetings of the Board.
- Borrowing powers** **5.** The School may, if authorized by by-law of the Board of Governors,
- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations including chartered banks, as may be determined by the Board of Governors;
 - (b) make, draw and endorse promissory notes or bills of exchange;
 - (c) mortgage, hypothecate, pledge or charge any part or all of the property of the School to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
 - (d) issue bonds, debentures and obligations on such terms and conditions as the Board of Governors may determine, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board of Governors may determine, and mortgage, charge, hypothecate or pledge all or any part of the property of the School to secure any such bonds, debentures and obligations.

6. The School has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*,^{Property R.S.O. 1970, c. 225} power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to will, grant, convey, mortgage, hypothecate, pledge, charge, borrow or otherwise dispose of the same or any part thereof from time to time as the occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

7. The funds of the School not immediately required^{Investment powers} for its purposes and the proceeds of all property that come into the School, subject to any trust affecting the same, may be invested and reinvested in such investments as to the Board of Governors shall seem meet, and all property and revenue of the School shall be applied for the attainment of the objects for which the School is constituted and to the payment of expenses incurred for objects legitimately connected with or depending on the purposes aforesaid.

8. All property, real or personal, belonging to or hereafter^{Property vested in School} belonging to the School, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to any person or persons in trust for or for the benefit of the School or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the School.

9. Nothing herein contained has the effect or shall be construed to have the effect of rendering all or any of the^{Liability of members, etc.} members or officers of the School, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the School or for or on account or in respect of any matter or thing whatsoever relating to the School.

10. The School shall, whenever required by the Lieutenant^{Return} Governor, make a return of its property, real and personal, and of its annual receipts and expenditures, with such details and information as the Lieutenant Governor may require.

11. This Act comes into force on the day it receives Royal^{Commence-ment} Assent.

12. This Act may be cited as *The St. John's College*^{Short title} *School (Elora) Act, 1972.*

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An Act to incorporate
St. John's College School (Elora)

1st Reading

March 17th, 1972

2nd Reading

3rd Reading

MR. WORTON

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to incorporate St. John's School (Elora)

MR. WORTON

(Reprinted as amended by the Private Bills Committee)



BILL Pr13

1972

**An Act to incorporate
St. John's School (Elora)**

WHEREAS Chris L. Armstrong, Paul R. Bawden, Ronald D. Macdonald, William B. Ellis, Arthur B. Barton, C. A. Boehm, Richard J. Hobson, James F. Chalmers, Gilbert Thompson, Aileen R. Harris, Havelock F. Jewson, William G. Boddington, Cecil A. Wallace, Donald F. Collier, Shirley S. MacRae, Robert E. Hulse, Glenn E. Carroll, Fred S. Thompson, John Purdy, George C. Spaetzel, Peter G. Peloso and John A. Pollock hereby represent that it is desirable to incorporate a boys' school with the purpose of providing an education on the elementary and secondary level, based upon the teaching and environment of the Anglican Church, and in compliance with the academic and scholastic requirements of the Department of Education of Ontario, and that the purposes for which a school is to be formed will be promoted by an Act of Incorporation; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. Chris L. Armstrong, Paul R. Bawden, Ronald D. Macdonald, William B. Ellis, Arthur B. Barton, C. A. Boehm, Richard J. Hobson, James F. Chalmers, Gilbert Thompson, Aileen R. Harris, Havelock F. Jewson, William G. Boddington, Cecil A. Wallace, Donald F. Collier, Shirley S. MacRae, Robert E. Hulse, Glenn E. Carroll, Fred S. Thompson, John Purdy, George C. Spaetzel, Peter G. Peloso and John A. Pollock, and such other persons as may be elected or appointed as members of the Board of Governors of the School, and their successors, are hereby constituted a body politic and corporate with perpetual succession and a common seal under the name of "The Corporation of St. John's School (Elora)" herein called the School.

Incorporation

Visitor

2. The Anglican Bishop of Niagara shall be the Visitor of the School.

Board of
Governors

3. There shall be a Board of Governors of the School, that shall consist of the persons named in section 1, who shall hold office until their successors are elected or appointed, and such other persons as may be elected or appointed in such manner and for such term as may be provided in the by-laws of the Board.

Management
of the
School

4. The Board of Governors has the control, management and government of the School and has power to make by-laws, rules and regulations not contrary to law or the provisions of this Act,

- (a) for the working and management of the School;
- (b) determining the number of members of the Board that shall constitute a quorum;
- (c) respecting the election or appointment of members of the Board; and
- (d) regulating all matters pertaining to meetings of the Board.

5. The School may,

Borrowing
powers

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

6. The School has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, ^{Property R.S.O. 1970, c. 225} power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to will, grant, convey, mortgage, hypothecate, pledge, charge, borrow or otherwise dispose of the same or any part thereof from time to time as the occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

7. The funds of the School not immediately required for its purposes and the proceeds of all property that come into the School, subject to any trust affecting the same, may be invested and re-invested in investments authorized by the law for the investment of trust funds and all property and revenue of the School shall be applied for the attainment of the objects for which the School is constituted and to the payment of expenses incurred for objects legitimately connected with or depending on the purposes aforesaid. ^{Investment powers}

8. All property, real or personal, belonging to or hereafter belonging to the School, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to any person or persons in trust for or for the benefit of the School or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the School. ^{Property vested in School}

9. Nothing herein contained has the effect or shall be construed to have the effect of rendering all or any of the members or officers of the School, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the School or for or on account or in respect of any matter or thing whatsoever relating to the School. ^{Liability of members, etc.}

10. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

11. This Act may be cited as *The St. John's School (Elora) Act, 1972.* ^{Short title}





An Act to incorporate
St. John's School (Elora)

1st Reading

March 17th, 1972

2nd Reading

3rd Reading

MR. WORTON

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

BILL Pr13

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to incorporate St. John's School (Elora)

MR. WORTON



BILL Pr13

1972

An Act to incorporate St. John's School (Elora)

WHEREAS Chris L. Armstrong, Paul R. Bawden, Ronald D. Macdonald, William B. Ellis, Arthur B. Barton, C. A. Boehm, Richard J. Hobson, James F. Chalmers, Gilbert Thompson, Aileen R. Harris, Havelock F. Jewson, William G. Boddington, Cecil A. Wallace, Donald F. Collier, Shirley S. MacRae, Robert E. Hulse, Glenn E. Carroll, Fred S. Thompson, John Purdy, George C. Spaetzel, Peter G. Peloso and John A. Pollock hereby represent that it is desirable to incorporate a boys' school with the purpose of providing an education on the elementary and secondary level, based upon the teaching and environment of the Anglican Church, and in compliance with the academic and scholastic requirements of the Department of Education of Ontario, and that the purposes for which a school is to be formed will be promoted by an Act of Incorporation; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

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

1. Chris L. Armstrong, Paul R. Bawden, Ronald D. Macdonald, William B. Ellis, Arthur B. Barton, C. A. Boehm, Richard J. Hobson, James F. Chalmers, Gilbert Thompson, Aileen R. Harris, Havelock F. Jewson, William G. Boddington, Cecil A. Wallace, Donald F. Collier, Shirley S. MacRae, Robert E. Hulse, Glenn E. Carroll, Fred S. Thompson, John Purdy, George C. Spaetzel, Peter G. Peloso and John A. Pollock, and such other persons as may be elected or appointed as members of the Board of Governors of the School, and their successors, are hereby constituted a body politic and corporate with perpetual succession and a common seal under the name of "The Corporation of St. John's School (Elora)" herein called the School.

Incorporation

Visitor

2. The Anglican Bishop of Niagara shall be the Visitor of the School.

Board of
Governors

3. There shall be a Board of Governors of the School, that shall consist of the persons named in section 1, who shall hold office until their successors are elected or appointed, and such other persons as may be elected or appointed in such manner and for such term as may be provided in the by-laws of the Board.

Management
of the
School

4. The Board of Governors has the control, management and government of the School and has power to make by-laws, rules and regulations not contrary to law or the provisions of this Act,

- (a) for the working and management of the School;
- (b) determining the number of members of the Board that shall constitute a quorum;
- (c) respecting the election or appointment of members of the Board; and
- (d) regulating all matters pertaining to meetings of the Board.

5. The School may,

Borrowing
powers

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

6. The School has, in addition to the powers, rights and ^{Property} privileges mentioned in section 26 of *The Interpretation Act*, ^{R.S.O. 1970,} power to purchase or otherwise acquire, take or receive by ^{c. 225} gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to will, grant, convey, mortgage, hypothecate, pledge, charge, borrow or otherwise dispose of the same or any part thereof from time to time as the occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

7. The funds of the School not immediately required for ^{Investment} its purposes and the proceeds of all property that come into ^{powers} the School, subject to any trust affecting the same, may be invested and re-invested in investments authorized by the law for the investment of trust funds and all property and revenue of the School shall be applied for the attainment of the objects for which the School is constituted and to the payment of expenses incurred for objects legitimately connected with or depending on the purposes aforesaid.

8. All property, real or personal, belonging to or hereafter ^{Property} belonging to the School, and all property heretofore or ^{vested} hereafter granted, conveyed, devised or bequeathed to any ^{in School} person or persons in trust for or for the benefit of the School or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the School.

9. Nothing herein contained has the effect or shall be ^{Liability of} construed to have the effect of rendering all or any of the ^{members,} members or officers of the School, or any person whatsoever, ^{etc.} individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the School or for or on account or in respect of any matter or thing whatsoever relating to the School.

10. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

11. This Act may be cited as *The St. John's School (Elora)* ^{Short title} *Act, 1972.*





An Act to incorporate
St. John's School (Elora)

1st Reading

March 17th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. WORTON

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Port Elgin

MR. SARGENT

125

125

125

BILL Pr14

1972

An Act respecting the Town of Port Elgin

WHEREAS The Corporation of the Town of Port Elgin, ^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. The lands set forth in Schedule A hereto are vested in the Corporation with an absolute title in fee simple, with power to sell, convey, lease or otherwise dispose of the same or any part thereof, clear of and free from all right, title and interest other than that of the Corporation. ^{Lands vested in the Corporation}

2. The conveyances by the Corporation hereinafter set forth are validated and confirmed: ^{Conveyances by Corporation validated}

1. Conveyance by the Corporation to Ontario Housing Corporation, dated the 8th day of March, 1971 and registered the 10th day of March, 1971 in the Registry Office for the Registry Division of Bruce, as Instrument Number 83072, of the lands set forth in Schedule B hereto.
2. Conveyance by the Corporation dated the 23rd day of August, 1962, and registered the 15th day of November, 1962, in the said Registry Office as Instrument Number 29480, of the lands set forth in Schedule C hereto.
3. Conveyance by the Corporation, dated the 23rd day of November, 1962, and registered the 26th day of December, 1962, in the said Registry Office as Instrument Number 30059, of the lands set forth in Schedule D hereto.

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Town of Port Elgin Act*, 1972. ^{Short title}

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of the Public Square, Plan Number 11, for the said Town, being bounded on the north side by Mill Street, on the east by Albert Street, on the south by Green Street, and on the west by Victoria Street; saving and excepting that part of the said Public Square described as follows:

COMMENCING at the most northwesterly angle of the said square being the intersection of Victoria Street and Mill Street;

THENCE easterly along the northerly boundary of the said square a distance of 198 feet to a point;

THENCE southerly parallel to the most westerly boundary of the said square and the easterly boundary of Victoria Street a distance of 280 feet more or less to the southerly boundary of the said square being the northerly boundary of Green Street;

THENCE westerly along the southerly boundary of the said square a distance of 198 feet to the easterly boundary of Victoria Street;

THENCE northerly along the westerly boundary of the said square being the easterly boundary of Victoria Street a distance of 280 feet more or less to the place of beginning.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being part of the Public Square, Plan Number 11, for the said Town, bounded by Mill Street, Victoria Street, Green Street and Albert Street, more particularly described as follows:

COMMENCING at the most northwesterly angle of the said square being the intersection of Victoria Street and Mill Street;

THENCE easterly along the northerly boundary of the said square a distance of 198 feet to a point;

THENCE southerly parallel to the most westerly boundary of the said square and the easterly boundary of Victoria Street a distance of 280 feet more or less to the southerly boundary of the said square being the northerly boundary of Green Street;

THENCE westerly along the southerly boundary of the said square a distance of 198 feet to the easterly boundary of Victoria Street;

THENCE northerly along the westerly boundary of the said square being the easterly boundary of Victoria Street a distance of 280 feet more or less to the place of beginning.

SCHEDULE C

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of part of the Public Reserve on the south side of Market Street, and being more particularly described as follows:

COMMENCING at a point on the South Side of Market Street which said point is 66 feet Easterly from the North East corner of Lot 195 in Block 81 in the said Town of Port Elgin:

THENCE Southerly and parallel to the Easterly boundary of Block 81, a distance of 132 feet to a point;

THENCE Easterly and parallel to Market Street a distance of 66 feet to a point;

THENCE Northerly and parallel to the Easterly limit of Block 81 a distance of 132 feet to the Southerly limit of Market Street, which said line is along the Westerly limit of Southampton Street projected North;

THENCE Westerly along the Southerly limit of Market Street a distance of 66 feet to the place of beginning.

SCHEDULE D

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of part of the Public Reserve on the south side of Market Street, and being more particularly described as follows:

COMMENCING at a point on the South Side of Market Street which said point is 66 feet Westerly from the North West corner of Lot 197, in Block 82 in the said Town of Port Elgin;

THENCE Southerly and parallel to the Westerly boundary of Block 82, a distance of 132 feet to a point;

THENCE Westerly and parallel to Market Street, a distance of 66 feet to a point, which said point is the Easterly boundary of Southampton Street;

THENCE Northerly and parallel to the Westerly limit of Block 82, a distance of 132 feet to the Southerly limit of Market Street, which said line is along the Easterly limit of Southampton Street projected North;

THENCE Easterly along the Southerly limit of Market Street a distance of 66 feet to the place of beginning.



with number 4 of 112

112 4 112 112

An Act respecting
the Town of Port Elgin

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. SARGENT

(Private Bill)

BILL Pr14

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Port Elgin

MR. SARGENT



BILL Pr14

1972

An Act respecting the Town of Port Elgin

WHEREAS The Corporation of the Town of Port Elgin,^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. The lands set forth in Schedule A hereto are vested in the Corporation with an absolute title in fee simple, with power to sell, convey, lease or otherwise dispose of the same or any part thereof, clear of and free from all right, title and interest other than that of the Corporation.^{Lands vested in the Corporation}

2. The conveyances by the Corporation hereinafter set forth are validated and confirmed:^{Conveyances by Corporation validated}

1. Conveyance by the Corporation to Ontario Housing Corporation, dated the 8th day of March, 1971 and registered the 10th day of March, 1971 in the Registry Office for the Registry Division of Bruce, as Instrument Number 83072, of the lands set forth in Schedule B hereto.
2. Conveyance by the Corporation dated the 23rd day of August, 1962, and registered the 15th day of November, 1962, in the said Registry Office as Instrument Number 29480, of the lands set forth in Schedule C hereto.
3. Conveyance by the Corporation, dated the 23rd day of November, 1962, and registered the 26th day of December, 1962, in the said Registry Office as Instrument Number 30059, of the lands set forth in Schedule D hereto.

3. This Act comes into force on the day it receives Royal Assent.^{Commencement}

4. This Act may be cited as *The Town of Port Elgin Act*, 1972.^{Short title}

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of the Public Square, Plan Number 11, for the said Town, being bounded on the north side by Mill Street, on the east by Albert Street, on the south by Green Street, and on the west by Victoria Street; saving and excepting that part of the said Public Square described as follows:

COMMENCING at the most northwesterly angle of the said square being the intersection of Victoria Street and Mill Street;

THENCE easterly along the northerly boundary of the said square a distance of 198 feet to a point;

THENCE southerly parallel to the most westerly boundary of the said square and the easterly boundary of Victoria Street a distance of 280 feet more or less to the southerly boundary of the said square being the northerly boundary of Green Street;

THENCE westerly along the southerly boundary of the said square a distance of 198 feet to the easterly boundary of Victoria Street;

THENCE northerly along the westerly boundary of the said square being the easterly boundary of Victoria Street a distance of 280 feet more or less to the place of beginning.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being part of the Public Square, Plan Number 11, for the said Town, bounded by Mill Street, Victoria Street, Green Street and Albert Street, more particularly described as follows:

COMMENCING at the most northwesterly angle of the said square being the intersection of Victoria Street and Mill Street;

THENCE easterly along the northerly boundary of the said square a distance of 198 feet to a point;

THENCE southerly parallel to the most westerly boundary of the said square and the easterly boundary of Victoria Street a distance of 280 feet more or less to the southerly boundary of the said square being the northerly boundary of Green Street;

THENCE westerly along the southerly boundary of the said square a distance of 198 feet to the easterly boundary of Victoria Street;

THENCE northerly along the westerly boundary of the said square being the easterly boundary of Victoria Street a distance of 280 feet more or less to the place of beginning.

SCHEDULE C

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of part of the Public Reserve on the south side of Market Street, and being more particularly described as follows:

COMMENCING at a point on the South Side of Market Street which said point is 66 feet Easterly from the North East corner of Lot 195 in Block 81 in the said Town of Port Elgin:

THENCE Southerly and parallel to the Easterly boundary of Block 81, a distance of 132 feet to a point;

THENCE Easterly and parallel to Market Street a distance of 66 feet to a point;

THENCE Northerly and parallel to the Easterly limit of Block 81 a distance of 132 feet to the Southerly limit of Market Street, which said line is along the Westerly limit of Southampton Street projected North;

THENCE Westerly along the Southerly limit of Market Street a distance of 66 feet to the place of beginning.

SCHEDULE D

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Port Elgin, in the County of Bruce and Province of Ontario, and being composed of part of the Public Reserve on the south side of Market Street, and being more particularly described as follows:

COMMENCING at a point on the South Side of Market Street which said point is 66 feet Westerly from the North West corner of Lot 197, in Block 82 in the said Town of Port Elgin;

THENCE Southerly and parallel to the Westerly boundary of Block 82, a distance of 132 feet to a point;

THENCE Westerly and parallel to Market Street, a distance of 66 feet to a point, which said point is the Easterly boundary of Southampton Street;

THENCE Northerly and parallel to the Westerly limit of Block 82, a distance of 132 feet to the Southerly limit of Market Street, which said line is along the Easterly limit of Southampton Street projected North;

THENCE Easterly along the Southerly limit of Market Street a distance of 66 feet to the place of beginning.





An Act respecting
the Town of Port Elgin

1st Reading

March 30th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. SARGENT

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting The Greater Niagara General Hospital

MR. CLEMENT



BILL Pr15

1972

An Act respecting The Greater Niagara General Hospital

WHEREAS The Greater Niagara General Hospital hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her 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 Greater Niagara General Hospital Act*, ^{s. 3,} ^{re-enacted} 1951, being chapter 102, as re-enacted by the Statutes of Ontario, 1966, chapter 169, section 1, is repealed and the following substituted therefor:

3. The persons constituting the corporation shall be the ^{Constitution} ^{of} ^{corporation} following: three representatives from the municipal council of the City of Niagara Falls, and one representative from the Regional Council of The Regional Municipality of Niagara, such municipal representatives to be members of their respective councils; one representative of the Province of Ontario; three representatives of the Medical Staff of The Greater Niagara General Hospital; one representative of the Senior Women's Hospital Auxiliary; one representative of the Junior Women's Hospital Auxiliary; twelve members elected by The Greater Niagara General Hospital Association; the president; three members appointed by those members already selected as provided by this section.

2. Section 9 of the said Act is repealed and the following ^{s. 9,} ^{re-enacted} substituted therefor:

- 9.—(1) The board shall elect annually, and at its first ^{Officers} meeting in each year, one of its number to be chairman, who shall hold office for one year and until his successor is elected, and may, from time to time, appoint one

of its number to be vice-chairman, who shall, in the absence of the chairman, or in case his office is vacant, act in his place, and may also appoint one of its number to be secretary-treasurer.

- President (2) The board may, from time to time, appoint a president who shall be the full-time chief executive officer of the corporation and a member of the board with all the rights and responsibilities of a board member and who shall hold office at the pleasure of the board.
- s. 10, amended **3.** Section 10 of the said Act is amended by inserting after "board" in the first line, "except the president", so that the section shall read as follows:
- Remuneration 10. The services of the members of the board, except the president, shall be given without remuneration, except for actual disbursements incurred in the affairs of the corporation and approved by the board.
- s. 13, amended **4.** Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1966, chapter 169, section 4, is amended by striking out "sanatoria" in the third line and by striking out "and the Village of Chippawa" in the sixth and seventh lines, so that the section shall read as follows:
- Purposes of corporation 13. The purposes of the corporation, so far as it may be possible, shall be to carry on the said hospital and all other hospitals or other similar institutions that it may establish, undertake or carry on in perpetuity for the benefit and advantage of the inhabitants of the City of Niagara Falls.
- s. 16, amended **5.** Section 16 of the said Act is amended by inserting after "may" in the fifth line "subject to *The Public Hospitals Act*", so that the section shall read as follows:
- Borrowing power 16. The board may, by by-law passed by a two-thirds vote of the members present at a meeting duly called for that purpose, borrow money from time to time for the purposes of the corporation, such sums as may, in their opinion, be required for such purposes and may, subject to *The Public Hospitals Act*, charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the corporation to secure any money so borrowed or any debt or liability of the corporation, and may execute mortgages or any other form of security for such moneys as may be borrowed or owing.
- R.S.O. 1970, c. 378

6. Section 19 of the said Act is repealed and the following ^{s. 19, re-enacted} substituted therefor:

19. The president shall administer the affairs of the hospital and the president and such other of its officers to whom the board may from time to time delegate the power, may, subject to the approval of the board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the hospital or other institutions, and of all visitors thereto, and for the internal conduct and management thereof. ^{Authority of president, etc.}

7. Section 21 of the said Act is repealed and the following ^{s. 21, re-enacted} substituted therefor:

21. Without limiting the general powers hereinbefore conferred, but subject to *The Nurses Act*, the corporation may affiliate with any established training school for nurses for the training of any nurses in the employ of the board and the board may erect, equip and maintain residences for presidents, nurses, resident physicians and surgeons of the corporation or other institutions of the corporation, and also all other buildings which may be requisite, upon such sites as the board may deem proper. ^{Affiliation with training schools and erection of residences R.S.O. 1970, c. 301}

8. Section 22 of the said Act is amended by adding at the end thereof "in The Regional Municipality of Niagara", so that the section shall read as follows: ^{s. 22, amended}

22. Subject to *The Nurses Act*, the board may establish and maintain in connection with the hospital, a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required, and may also establish and maintain a home for nurses whereby nurses who have been properly trained may be supplied to private families in the City of Niagara Falls or elsewhere in The Regional Municipality of Niagara. ^{Establishment of training school and home for nurses}

9. Section 23 of the said Act is amended by inserting after "Act" in the first line "and to *The Hospital Services Commission Act*", so that the section shall read as follows: ^{s. 23, amended}

23. Subject to *The Public Hospitals Act* and to *The Hospital Services Commission Act*, the board may admit patients at such rates as may from time to ^{Admission of patients, rates, etc. R.S.O. 1970, cc. 378, 209}

time be prescribed by the board and in respect of all patients the board may by by-law or resolution make such regulations and impose such restrictions as to the board may seem proper.

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 Greater Niagara General Hospital Act, 1972*.



An Act respecting
The Greater Niagara General Hospital

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. CLEMENT

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting The Greater Niagara General Hospital

MR. CLEMENT

(Reprinted as amended by the Private Bills Committee)

THE UNIVERSITY OF CHICAGO

BILL Pr15

1972

**An Act respecting
The Greater Niagara General Hospital**

WHEREAS The Greater Niagara General Hospital hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her 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 Greater Niagara General Hospital Act*, ^{s. 3,} ^{re-enacted} 1951, being chapter 102, as re-enacted by the Statutes of Ontario, 1966, chapter 169, section 1, is repealed and the following substituted therefor:

3. The persons constituting the corporation shall be the ^{Constitution} following: three representatives from the municipal ^{of} council of the City of Niagara Falls, and one representative from the Regional Council of The Regional Municipality of Niagara, such municipal representatives to be members of their respective councils; one representative of the Province of Ontario; three representatives of the Medical Staff of The Greater Niagara General Hospital; one representative of the Senior Women's Hospital Auxiliary; one representative of the Junior Women's Hospital Auxiliary; twelve members elected by The Greater Niagara General Hospital Association; three members appointed by those members already selected as provided by this section; the chief executive officer who may be appointed by resolution at the discretion of the board.

2. Section 9 of the said Act is repealed and the following ^{s. 9,} ^{re-enacted} substituted therefor:

- 9.—(1) The board shall elect annually, and at its first ^{Officers} meeting in each year, one of its number to be chairman, who shall hold office for one year and until his successor is elected, and may, from time to time, appoint one

of its number to be vice-chairman, who shall, in the absence of the chairman, or in case his office is vacant, act in his place, and may also appoint one of its number to be secretary-treasurer.

Chief executive officer

- (2) The board may, from time to time, appoint a full-time chief executive officer of the corporation who may be appointed by resolution of the board as a member of the board with all the rights and responsibilities of a board member and who shall hold office at the pleasure of the board, but who in no case shall be chairman or vice-chairman of the board.

s. 10, re-enacted

3. Section 10 of the said Act is repealed and the following substituted therefor:

Remuneration

10. No member of the board shall receive any remuneration for his services as such member, except for actual disbursements incurred in the affairs of the corporation and approved by the board.

s. 13, amended

4. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1966, chapter 169, section 4, is amended by striking out "sanatoria" in the third line and by striking out "and the Village of Chippawa" in the sixth and seventh lines, so that the section shall read as follows:

Purposes of corporation

13. The purposes of the corporation, so far as it may be possible, shall be to carry on the said hospital and all other hospitals or other similar institutions that it may establish, undertake or carry on in perpetuity for the benefit and advantage of the inhabitants of the City of Niagara Falls.

s. 16, re-enacted

5. Section 16 of the said Act is repealed and the following substituted therefor:

Borrowing power

16. The board may, by by-law passed by a majority vote of the members of the full board at a meeting duly called for that purpose, borrow money from time to time for the purposes of the corporation, such sums as may, in their opinion, be required for such purposes and may, subject to *The Public Hospitals Act*, charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the corporation to secure any money so borrowed or any debt or liability of the corporation, and may execute mortgages or any other form of security for such moneys as may be borrowed or owing.

R.S.O. 1970, c. 378

6. Section 19 of the said Act is repealed and the following substituted therefor: ^{s. 19, re-enacted}

19. The chief executive officer shall administer the affairs of the hospital and the chief executive officer and such other of its officers to whom the board may from time to time delegate the power, may, subject to the approval of the board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the hospital or other institutions, and of all visitors thereto, and for the internal conduct and management thereof. ^{Authority of chief executive officer, etc.}

7. Section 21 of the said Act is repealed and the following substituted therefor: ^{s. 21, re-enacted}

21. Without limiting the general powers hereinbefore conferred, but subject to *The Nurses Act*, the corporation may affiliate with any established training school for nurses for the training of any nurses in the employ of the board and the board may erect, equip and maintain residences for nurses, resident physicians and surgeons of the corporation or other institutions of the corporation, and also all other buildings which may be requisite, upon such sites as the board may deem proper. <sup>Affiliation with training schools and erection of residences
R.S.O. 1970, c. 301</sup>

8. Section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22, re-enacted}

22. Subject to *The Nurses Act*, the board may establish and maintain in connection with the hospital, a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required. ^{Establishment of training school for nurses}

9. Section 23 of the said Act is amended by inserting after "Act" in the first line "and to *The Hospital Services Commission Act*", so that the section shall read as follows: ^{s. 23, amended}

23. Subject to *The Public Hospitals Act* and to *The Hospital Services Commission Act*, the board may admit patients at such rates as may from time to time be prescribed by the board and in respect of all patients the board may by by-law or resolution make such regulations and impose such restrictions as to the board may seem proper. <sup>Admission of patients, rates, etc.,
R.S.O. 1970, cc. 376, 209</sup>

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 Greater Niagara General Hospital Act, 1972*.



An Act respecting
The Greater Niagara General Hospital

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. CLEMENT

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

BILL Pr15

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting The Greater Niagara General Hospital

MR. CLEMENT



BILL Pr15

1972

An Act respecting The Greater Niagara General Hospital

WHEREAS The Greater Niagara General Hospital hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her 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 Greater Niagara General Hospital Act*, ^{s. 3, re-enacted} 1951, being chapter 102, as re-enacted by the Statutes of Ontario, 1966, chapter 169, section 1, is repealed and the following substituted therefor:

3. The persons constituting the corporation shall be the ^{Constitution of corporation} following: three representatives from the municipal council of the City of Niagara Falls, and one representative from the Regional Council of The Regional Municipality of Niagara, such municipal representatives to be members of their respective councils; one representative of the Province of Ontario; three representatives of the Medical Staff of The Greater Niagara General Hospital; one representative of the Senior Women's Hospital Auxiliary; one representative of the Junior Women's Hospital Auxiliary; twelve members elected by The Greater Niagara General Hospital Association; three members appointed by those members already selected as provided by this section; the chief executive officer who may be appointed by resolution at the discretion of the board.

2. Section 9 of the said Act is repealed and the following ^{s. 9, re-enacted} substituted therefor:

9.—(1) The board shall elect annually, and at its first ^{Officers} meeting in each year, one of its number to be chairman, who shall hold office for one year and until his successor is elected, and may, from time to time, appoint one

of its number to be vice-chairman, who shall, in the absence of the chairman, or in case his office is vacant, act in his place, and may also appoint one of its number to be secretary-treasurer.

Chief executive officer

- (2) The board may, from time to time, appoint a full-time chief executive officer of the corporation who may be appointed by resolution of the board as a member of the board with all the rights and responsibilities of a board member and who shall hold office at the pleasure of the board, but who in no case shall be chairman or vice-chairman of the board.

s. 10, re-enacted

3. Section 10 of the said Act is repealed and the following substituted therefor:

Remuneration

10. No member of the board shall receive any remuneration for his services as such member, except for actual disbursements incurred in the affairs of the corporation and approved by the board.

s. 13, amended

4. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1966, chapter 169, section 4, is amended by striking out "sanatoria" in the third line and by striking out "and the Village of Chippawa" in the sixth and seventh lines, so that the section shall read as follows:

Purposes of corporation

13. The purposes of the corporation, so far as it may be possible, shall be to carry on the said hospital and all other hospitals or other similar institutions that it may establish, undertake or carry on in perpetuity for the benefit and advantage of the inhabitants of the City of Niagara Falls.

s. 16, re-enacted

5. Section 16 of the said Act is repealed and the following substituted therefor:

Borrowing power

16. The board may, by by-law passed by a majority vote of the members of the full board at a meeting duly called for that purpose, borrow money from time to time for the purposes of the corporation, such sums as may, in their opinion, be required for such purposes and may, subject to *The Public Hospitals Act*, charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the corporation to secure any money so borrowed or any debt or liability of the corporation, and may execute mortgages or any other form of security for such moneys as may be borrowed or owing.

R.S.O. 1970, c. 378

6. Section 19 of the said Act is repealed and the following substituted therefor: ^{s. 19, re-enacted}

19. The chief executive officer shall administer the affairs of the hospital and the chief executive officer and such other of its officers to whom the board may from time to time delegate the power, may, subject to the approval of the board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the hospital or other institutions, and of all visitors thereto, and for the internal conduct and management thereof. ^{Authority of chief executive officer, etc.}

7. Section 21 of the said Act is repealed and the following substituted therefor: ^{s. 21, re-enacted}

21. Without limiting the general powers hereinbefore conferred, but subject to *The Nurses Act*, the corporation may affiliate with any established training school for nurses for the training of any nurses in the employ of the board and the board may erect, equip and maintain residences for nurses, resident physicians and surgeons of the corporation or other institutions of the corporation, and also all other buildings which may be requisite, upon such sites as the board may deem proper. ^{Affiliation with training schools and erection of residences R.S.O. 1970, c. 301}

8. Section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22, re-enacted}

22. Subject to *The Nurses Act*, the board may establish and maintain in connection with the hospital, a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required. ^{Establishment of training school for nurses}

9. Section 23 of the said Act is amended by inserting after "Act" in the first line "and to *The Hospital Services Commission Act*", so that the section shall read as follows: ^{s. 23, amended}

23. Subject to *The Public Hospitals Act* and to *The Hospital Services Commission Act*, the board may admit patients at such rates as may from time to time be prescribed by the board and in respect of all patients the board may by by-law or resolution make such regulations and impose such restrictions as to the board may seem proper. ^{Admission of patients, rates, etc., R.S.O. 1970, cc. 378, 209}

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 Greater Niagara General Hospital Act, 1972*.



An Act respecting
The Greater Niagara General Hospital

1st Reading

March 30th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. CLEMENT

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Sue-Carib Industries Limited

MR. TIMBRELL

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL Pr16

1972

**An Act respecting
Sue-Carib Industries Limited**

WHEREAS Robert I. Lauter hereby represents that Sue-Carib Industries Limited, herein called the Corporation, was incorporated by letters patent dated the 6th day of January, 1960; that the Provincial Secretary by order made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation and declared it to be dissolved on the 26th day of August, 1965; that Robert I. Lauter was the president and beneficial owner of all the issued and outstanding shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was not received by the applicant; that the applicant was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was and is now carrying on the business authorized by its letters patent; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application.

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

1. Sue-Carib Industries Limited incorporated by letters patent dated the 6th day of January, 1960 is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of dissolution in the same manner and to the same extent as if it had not been dissolved.

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

3. This Act may be cited as *The Sue-Carib Industries Act*.

An Act respecting
Sue-Carib Industries Limited

1st Reading

2nd Reading

3rd Reading

MR. TIMBRELL

(Private Bill)

BILL Pr16

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting Sue-Carib Industries Limited

MR. TIMBRELL

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL Pr16

1972

An Act respecting Sue-Carib Industries Limited

WHEREAS Robert I. Lauter hereby represents that Sue-Carib Industries Limited, herein called the Corporation, was incorporated by letters patent dated the 6th day of January, 1960; that the Provincial Secretary by order made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation and declared it to be dissolved on the 26th day of August, 1965; that Robert I. Lauter was the president and beneficial owner of all the issued and outstanding shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was not received by the applicant; that the applicant was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was and is now carrying on the business authorized by its letters patent; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application.

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

1. Sue-Carib Industries Limited incorporated by letters patent dated the 6th day of January, 1960 is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of dissolution in the same manner and to the same extent as if it had not been dissolved.

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

3. This Act may be cited as *The Sue-Carib Industries Act*.

An Act respecting
Sue-Carib Industries Limited

1st Reading

March 9th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. TIMBRELL

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Brantford

MR. BECKETT



BILL Pr17

1972

An Act respecting the City of Brantford

WHEREAS The Corporation of the City of Brantford, ^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) The council of the Corporation may by by-law, ^{By-laws authorizing agreements for relief from requirements to provide parking} authorize agreements with owners or occupants of buildings or structures to be erected or used, providing for relief to the extent set out in the agreements from any provision in any other by-law of the Corporation requiring the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owners or occupants to the extent specified in the agreements from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection 1 is subject ^{Agreements approved by Ontario Municipal Board} to the approval of the Ontario Municipal Board, given either before or after the execution thereof, and shall provide for the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the payment is computed.

(3) All moneys paid or to be paid pursuant to an agreement ^{Payments under agreements held as fund for purpose of parking facilities} referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be ^{R.S.O. 1970, cc. 470, 284} expended for the same purposes, and in the same manner, as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

Audit of
fund

(4) The city auditor in his annual report shall report on the activities and position of any special account established under this section.

Registration
of agreement
imposes lien
on land

(5) Any such agreement containing a description of the lands affected sufficient for registration, may be registered in the proper registry office or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein, and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement, or upon termination of the agreement, there shall be registered in the proper registry office or land titles office against such lands, a certificate of the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970,
c. 284

Lands
vested in
Corporation

2. The lands described in the Schedule hereto are hereby vested in the Corporation, freed from all trusts, limitations, conditions, restrictions, covenants or other encumbrances affecting the lands.

By-laws
authorizing
zoning
agreements

3.—(1) The council of the Corporation, in determining whether any land is to be zoned, or re-zoned, shall have regard to the matters to be had regard to under subsection 4 of section 33 of *The Planning Act*, and subject to subsection 2, has the same powers with respect to such zoning or re-zoning as the Minister of Municipal Affairs has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 33 and may require, by by-law, that all conditions be included in an agreement to be signed prior to the passing of the by-law zoning or re-zoning the said lands.

R.S.O. 1970,
c. 349

Agreement
approved
by
Ontario
Municipal
Board

(2) The agreement mentioned in subsection 1 shall take effect only upon the approval of the by-law zoning or re-zoning the land by the Ontario Municipal Board.

Notice

(3) Notice of the requirements of council set out in subsection 1, shall be sent by registered mail by the Corporation to the Minister of Municipal Affairs, the applicant for re-zoning, and to the owner of the land within fourteen days of the passing of the by-law requiring the said conditions.

Agreement
re
conditions

(4) The municipality may enter into agreements providing for fulfilment by the owner of the lands of all or any of the conditions imposed under subsection 1, and such agreements, when registered on the title of the land, shall run against the land to the benefit of the Corporation.

(5) The owner, the Minister of Municipal Affairs or any other ^{Appeal} person who has an interest in the matter may appeal to the Ontario Municipal Board against the conditions imposed, or any of them, by council by virtue of subsection 1, by sending notice of appeal to the secretary of the Ontario Municipal Board and to the clerk of the Corporation, within fourteen days after sending the notice provided for in subsection 3.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

5. This Act may be cited as *The City of Brantford Act, 1972*. ^{Short title}

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brantford, in the County of Brant, and being composed of a part of the West Market Square in the said City, containing by admeasurement 1.56 acres more or less, and premising the bearing of Colborne Street fronting the said West Market Square to be North 84 degrees 30 minutes East and relating all bearings herein thereto, the said parcel may be more particularly described as follows:

COMMENCING at a point at the Southeast angle of the said West Market Square;

THENCE South 84 degrees 30 minutes West, 256.96 feet to a line drawn parallel to and perpendicularly distant 8 feet Easterly from the Western limit of the said West Market Square;

THENCE North 5 degrees 53 minutes West, parallel to the Western limit of the said West Market Square, 264.23 feet to the Northern limit of the said West Market Square;

THENCE North 84 degrees 30 minutes East, 256.67 feet to the Eastern limit of the said West Market Square;

THENCE South 5 degrees 56 minutes East along said Eastern limit, 264.28 feet more or less to the point of commencement.



An Act respecting
the City of Brantford

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. BECKETT

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Brantford

MR. BECKETT

(Reprinted as amended by the Private Bills Committee)



BILL Pr17

1972

An Act respecting the City of Brantford

WHEREAS The Corporation of the City of Brantford, ^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) The council of the Corporation may by by-law, ^{By-laws authorizing agreements for relief from requirements to provide parking} authorize agreements with owners or occupants of buildings or structures to be erected or used, providing for relief to the extent set out in the agreements from any provision in any other by-law of the Corporation requiring the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owners or occupants to the extent specified in the agreements from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection 1 is subject ^{Agreements approved by Ontario Municipal Board} to the approval of the Ontario Municipal Board, given either before or after the execution thereof, and shall provide for the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the payment is computed.

(3) All moneys paid or to be paid pursuant to an agreement ^{Payments under agreements held as fund for purpose of parking facilities} referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be ^{R.S.O. 1970, cc. 470, 284} expended for the same purposes, and in the same manner, as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

Audit of fund

(4) The city auditor in his annual report shall report on the activities and position of any special account established under this section.

Registration of agreement imposes lien on land

(5) Any such agreement containing a description of the lands affected sufficient for registration, may be registered in the proper registry office or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein, and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement, or upon termination of the agreement, there shall be registered in the proper registry office or land titles office against such lands, a certificate of the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970, c. 284

Lands vested in Corporation

2. The lands described in the Schedule hereto are hereby vested in the Corporation, freed from all trusts, limitations, conditions, restrictions, covenants or other encumbrances affecting the lands.

Commencement

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

Short title

4. This Act may be cited as *The City of Brantford Act, 1972*.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brantford, in the County of Brant, and being composed of a part of the West Market Square in the said City, containing by admeasurement 1.56 acres more or less, and premising the bearing of Colborne Street fronting the said West Market Square to be North 84 degrees 30 minutes East and relating all bearings herein thereto, the said parcel may be more particularly described as follows:

COMMENCING at a point at the Southeast angle of the said West Market Square;

THENCE South 84 degrees 30 minutes West, 256.96 feet to a line drawn parallel to and perpendicularly distant 8 feet Easterly from the Western limit of the said West Market Square;

THENCE North 5 degrees 53 minutes West, parallel to the Western limit of the said West Market Square, 264.23 feet to the Northern limit of the said West Market Square;

THENCE North 84 degrees 30 minutes East, 256.67 feet to the Eastern limit of the said West Market Square;

THENCE South 5 degrees 56 minutes East along said Eastern limit, 264.28 feet more or less to the point of commencement.





An Act respecting
the City of Brantford

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. BECKETT

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

BILL Pr17

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Brantford

MR. BECKETT



BILL Pr17

1972

An Act respecting the City of Brantford

WHEREAS The Corporation of the City of Brantford, ^{Preamble}
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

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

1.—(1) The council of the Corporation may by by-law, <sup>By-laws
authorizing
agreements
for relief
from
requirements
to provide
parking</sup>
 authorize agreements with owners or occupants of buildings or
 structures to be erected or used, providing for relief to the
 extent set out in the agreements from any provision in any
 other by-law of the Corporation requiring the provision or
 maintenance of parking facilities on land that is not part of a
 highway, and exempting such owners or occupants to the
 extent specified in the agreements from the necessity of
 providing or maintaining such facilities.

(2) Every agreement referred to in subsection 1 is subject <sup>Agreements
approved by
Ontario
Municipal
Board</sup>
 to the approval of the Ontario Municipal Board, given either
 before or after the execution thereof, and shall provide for
 the payment to the Corporation of a sum of money therein
 set out, either in a lump sum or by instalments, together with
 interest at a rate therein specified, and shall set forth the
 basis upon which the payment is computed.

(3) All moneys paid or to be paid pursuant to an agreement <sup>Payments
under
agreements
held as fund
for purpose
of parking
facilities</sup>
 referred to in subsection 1 shall be paid into a special account
 and may be invested in such securities as a trustee may invest
 in under *The Trustee Act*, and the earnings derived from the
 investment of such moneys shall be paid into such special
 account, and the moneys in such special account shall be <sup>R.S.O. 1970,
cc. 470, 284</sup>
 expended for the same purposes, and in the same manner, as a
 reserve fund provided for in paragraph 72 of section 352 of
The Municipal Act.

Audit of
fund

(4) The city auditor in his annual report shall report on the activities and position of any special account established under this section.

Registration
of agreement
imposes lien
on land

(5) Any such agreement containing a description of the lands affected sufficient for registration, may be registered in the proper registry office or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein, and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement, or upon termination of the agreement, there shall be registered in the proper registry office or land titles office against such lands, a certificate of the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970,
c. 284

Lands
vested in
Corporation

2. The lands described in the Schedule hereto are hereby vested in the Corporation, freed from all trusts, limitations, conditions, restrictions, covenants or other encumbrances affecting the lands.

Commence-
ment

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

Short title

4. This Act may be cited as *The City of Brantford Act, 1972*.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brantford, in the County of Brant, and being composed of a part of the West Market Square in the said City, containing by admeasurement 1.56 acres more or less, and premising the bearing of Colborne Street fronting the said West Market Square to be North 84 degrees 30 minutes East and relating all bearings herein thereto, the said parcel may be more particularly described as follows:

COMMENCING at a point at the Southeast angle of the said West Market Square;

THENCE South 84 degrees 30 minutes West, 256.96 feet to a line drawn parallel to and perpendicularly distant 8 feet Easterly from the Western limit of the said West Market Square;

THENCE North 5 degrees 53 minutes West, parallel to the Western limit of the said West Market Square, 264.23 feet to the Northern limit of the said West Market Square;

THENCE North 84 degrees 30 minutes East, 256.67 feet to the Eastern limit of the said West Market Square;

THENCE South 5 degrees 56 minutes East along said Eastern limit, 264.28 feet more or less to the point of commencement.





An Act respecting
the City of Brantford

1st Reading

March 30th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. BECKETT

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Toronto

MR. WARDLE



BILL Pr18

1972

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Where The Municipality of Metropolitan Toronto has entered into an agreement under section 85 of *The Municipality of Metropolitan Toronto Act*, the Corporation may contribute to the whole or any part of the cost of the construction and maintenance of walks for pedestrians over, across or under the highway under the jurisdiction of The Municipality of Metropolitan Toronto covered thereby upon such terms and conditions as may be agreed.

Contribution to cost of pedestrian walkways under Metropolitan roads authorized R.S.O. 1970, c. 295

2. Notwithstanding an Agreement dated the 11th day of January, 1911, between the Art Museum of Toronto and The Municipal Corporation of the City of Toronto declared valid and binding by *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, the Art Gallery of Ontario may convey, release, quit claim or otherwise dispose of any interest in the lands the subject of the said Agreement to the Corporation and the Corporation may accept such conveyance, release, quit claim or other disposition free and clear of any restriction affecting the use thereof imposed or created by the said Agreement and the Corporation may dispose of such interest when no longer required for its purposes.

Conveyances by Art Gallery authorized notwithstanding validated Agreement

3. The Corporation may provide at its expense for the clearing away and removing of snow and ice from the sidewalks and on the highways in front of, alongside or at the rear of buildings owned or occupied by any class or classes of persons.

Snow removal from sidewalks

Expenses for entertaining guests and for travelling on civic business
R.S.O. 1970, c. 284

4. Notwithstanding section 394 of *The Municipal Act*, the council of the Corporation may expend in any year such sum as it may determine for the purposes set out in the said section.

Commercial and administrative facilities in municipal parking facilities authorized

5.—(1) The council of the Corporation may by by-law provide that any building constructed or to be constructed by the Corporation or The Parking Authority of Toronto as a municipal parking facility may include facilities for the use for commercial or administrative purposes of any part or parts thereof not required for the purposes of the Corporation or the Authority and may authorize the Corporation or the Authority to lease such part or parts thereof for commercial or administrative purposes.

Limitations and conditions

(2) Any by-law pursuant to subsection 1 may impose such limitations and conditions upon the exercise by the Authority of the powers thereby given as the council of the Corporation deems proper.

Disposition of proceeds

(3) All moneys obtained from the lease of any portion or portions of buildings under this section shall be paid to the City Treasurer and after payment of expenses incidental thereto shall be deposited in a reserve fund and shall be applied,

- (a) first, for the payment of interest and principal falling due in each year in respect of the acquisition of the lands on or under which such buildings are erected and the erection of such buildings;
- (b) secondly, for the acquisition, laying out or improvement of additional parking lots or facilities and the construction of buildings thereon or thereunder;
- (c) thirdly, for such other purposes as the Department of Municipal Affairs may approve.

s. 10, amended

6. Section 10 of *The City of Toronto Act, 1971*, being chapter 130, is amended by striking out "seventy" in the eleventh line and inserting in lieu thereof "sixty-five".

Commencement

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

Short title

8. This Act may be cited as *The City of Toronto Act, 1972*.





An Act respecting the City of Toronto

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. WARDLE

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Toronto

MR. WARDLE

(Reprinted as amended by the Private Bills Committee)

Handwritten text, possibly a page number or reference, located on the right edge of the page.

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Where The Municipality of Metropolitan Toronto has entered into an agreement under section 85 of *The Municipality of Metropolitan Toronto Act*, the Corporation may contribute to the whole or any part of the cost of the construction and maintenance of walks for pedestrians over, across or under the highway under the jurisdiction of The Municipality of Metropolitan Toronto covered thereby upon such terms and conditions as may be agreed.

Contribution to cost of pedestrian walkways under Metropolitan roads authorized R.S.O. 1970, c. 295

2. Notwithstanding an Agreement dated the 20th day of January, 1911, between the Art Museum of Toronto and The Municipal Corporation of the City of Toronto declared valid and binding by *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, the Art Gallery of Ontario may convey, release, quit claim or otherwise dispose of the lands described as Parts 6 to 14, both inclusive, according to a plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357 or any interest therein to the Corporation and the Corporation may accept such conveyance, release, quit claim or other disposition free and clear of any restrictions affecting the use thereof imposed or created by the said Agreement and the Corporation may hold such lands or any interest therein for parks or highway purposes or may dispose of all or any part of such land or any interest therein to The Municipality of Metropolitan Toronto for highway purposes or to the Art Gallery of Ontario for its purposes.

Conveyances by Art Gallery authorized notwithstanding validated Agreement

Snow removal
from
sidewalks

3. The Corporation may provide at its expense for the clearing away and removing of snow and ice from the sidewalks on the highways in front of, alongside or at the rear of buildings owned or occupied by any class or classes of persons.

Expenses for
entertaining
guests and
for
travelling
on civic
business
R.S.O. 1970,
c. 284

4. Notwithstanding section 394 of *The Municipal Act*, the council of the Corporation may expend in any one year a sum not exceeding \$100,000 for the purposes set out in the said section.

Commercial
and
administra-
tive facilities
in municipal
parking
facilities
authorized

5.—(1) The council of the Corporation may by by-law provide that any building constructed or to be constructed by the Corporation or The Parking Authority of Toronto as a municipal parking facility may include facilities at basement, street and mezzanine at second floor levels for the use for commercial or administrative purposes of any part or parts thereof not required for the purposes of the Corporation or the Authority and may authorize the Corporation or the Authority to lease such part or parts thereof for commercial or administrative purposes.

Limitations
and
conditions

(2) Any by-law pursuant to subsection 1 may impose such limitations and conditions upon the exercise by the Authority of the powers thereby given as the council of the Corporation deems proper.

Disposition
of proceeds

(3) All moneys obtained from the lease of any portion or portions of buildings under this section shall be paid to the City Treasurer and after payment of expenses incidental thereto shall be deposited in a reserve fund and shall be applied,

- (a) first, for the payment of interest and principal falling due in each year in respect of the acquisition of the lands on or under which such buildings are erected and the erection of such buildings;
- (b) secondly, for the acquisition, laying out or improvement of additional parking lots or facilities and the construction of buildings thereon or thereunder;
- (c) thirdly, for such other purposes as the Ministry of Treasury, Economics and Intergovernmental Affairs may approve.

s. 10,
amended

6. Section 10 of *The City of Toronto Act, 1971*, being chapter 130, is amended by striking out "seventy" in the eleventh line and inserting in lieu thereof "sixty-five".

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

8. This Act may be cited as *The City of Toronto Act, 1972*.^{Short title}





An Act respecting the City of Toronto

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. WARDLE

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

BILL Pr18

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Toronto

MR. WARDLE



BILL Pr18

1972

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Where The Municipality of Metropolitan Toronto has entered into an agreement under section 85 of *The Municipality of Metropolitan Toronto Act*, the Corporation may contribute to the whole or any part of the cost of the construction and maintenance of walks for pedestrians over, across or under the highway under the jurisdiction of The Municipality of Metropolitan Toronto covered thereby upon such terms and conditions as may be agreed.

Contribution to cost of pedestrian walkways under Metropolitan roads authorized R.S.O. 1970, c. 295

2. Notwithstanding an Agreement dated the 20th day of January, 1911, between the Art Museum of Toronto and The Municipal Corporation of the City of Toronto declared valid and binding by *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, the Art Gallery of Ontario may convey, release, quit claim or otherwise dispose of the lands described as Parts 6 to 14, both inclusive, according to a plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357 or any interest therein to the Corporation and the Corporation may accept such conveyance, release, quit claim or other disposition free and clear of any restrictions affecting the use thereof imposed or created by the said Agreement and the Corporation may hold such lands or any interest therein for parks or highway purposes or may dispose of all or any part of such land or any interest therein to The Municipality of Metropolitan Toronto for highway purposes or to the Art Gallery of Ontario for its purposes.

Conveyances by Art Gallery authorized notwithstanding validated Agreement

Snow removal
from
sidewalks

3. The Corporation may provide at its expense for the clearing away and removing of snow and ice from the sidewalks on the highways in front of, alongside or at the rear of buildings owned or occupied by any class or classes of persons.

Expenses for
entertaining
guests and
for
travelling
on civic
business
R.S.O. 1970,
c. 284

4. Notwithstanding section 394 of *The Municipal Act*, the council of the Corporation may expend in any one year a sum not exceeding \$100,000 for the purposes set out in the said section.

Commercial
and
administra-
tive facilities
in municipal
parking
facilities
authorized

5.—(1) The council of the Corporation may by by-law provide that any building constructed or to be constructed by the Corporation or The Parking Authority of Toronto as a municipal parking facility may include facilities at basement, street and mezzanine at second floor levels for the use for commercial or administrative purposes of any part or parts thereof not required for the purposes of the Corporation or the Authority and may authorize the Corporation or the Authority to lease such part or parts thereof for commercial or administrative purposes.

Limitations
and
conditions

(2) Any by-law pursuant to subsection 1 may impose such limitations and conditions upon the exercise by the Authority of the powers thereby given as the council of the Corporation deems proper.

Disposition
of proceeds

(3) All moneys obtained from the lease of any portion or portions of buildings under this section shall be paid to the City Treasurer and after payment of expenses incidental thereto shall be deposited in a reserve fund and shall be applied,

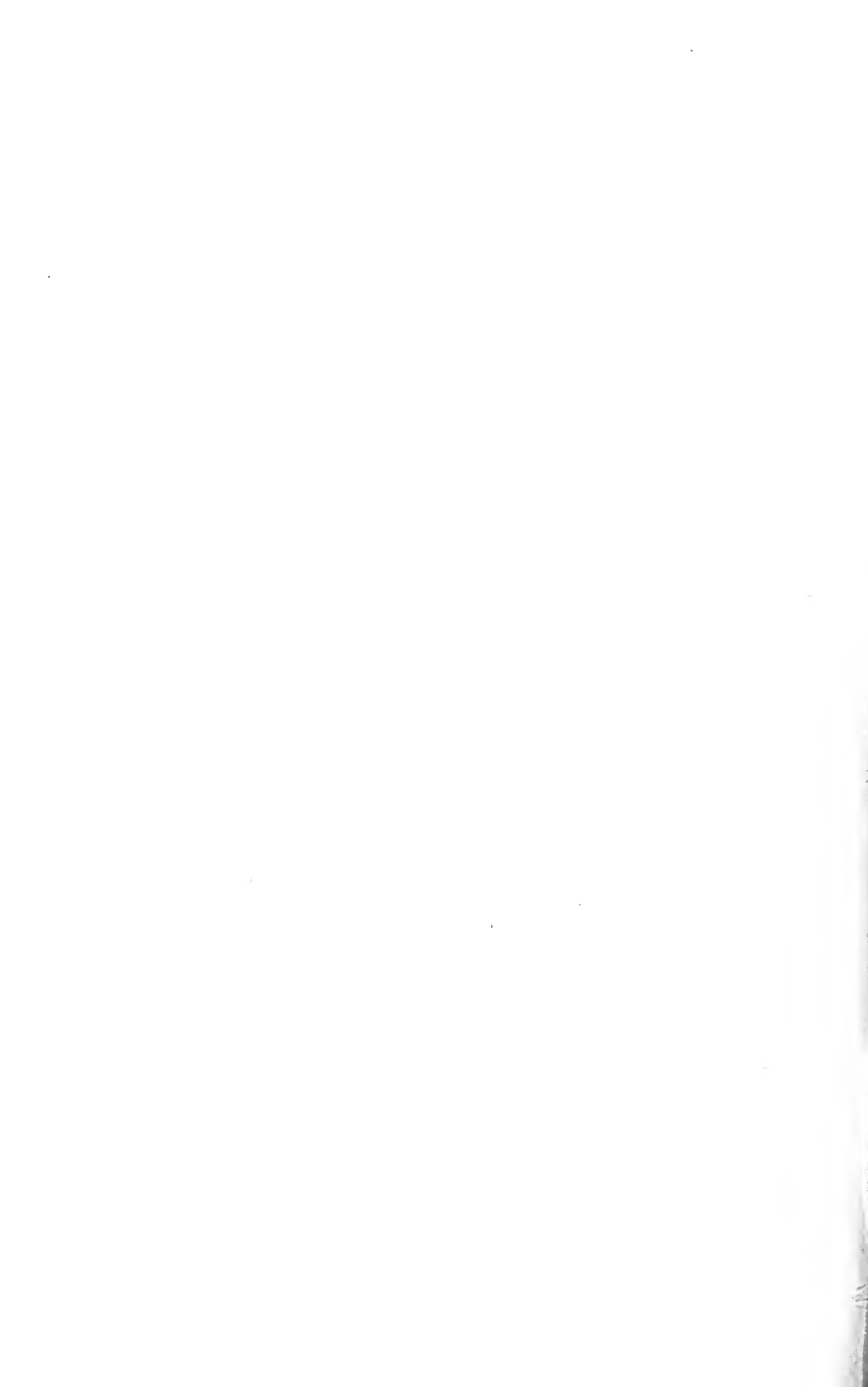
- (a) first, for the payment of interest and principal falling due in each year in respect of the acquisition of the lands on or under which such buildings are erected and the erection of such buildings;
- (b) secondly, for the acquisition, laying out or improvement of additional parking lots or facilities and the construction of buildings thereon or thereunder;
- (c) thirdly, for such other purposes as the Ministry of Treasury, Economics and Intergovernmental Affairs may approve.

s. 10,
amended

6. Section 10 of *The City of Toronto Act, 1971*, being chapter 130, is amended by striking out "seventy" in the eleventh line and inserting in lieu thereof "sixty-five".

7. This Act comes into force on the day it receives Royal Assent. ^{Commence-}_{ment}

8. This Act may be cited as *The City of Toronto Act, 1972*. ^{Short title}





An Act respecting the City of Toronto

1st Reading

March 16th, 1972

2nd Reading

May 16th, 1972

3rd Reading

May 16th, 1972

MR. WARDLE

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Ottawa

MR. BENNETT



BILL Pr19

1972

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding clause *b* of subsection 1 of section 28 of *The Municipal Act*, the council of the Corporation may by by-law provide for one alderman for each ward. ^{Composition of council}
R.S.O. 1970, c. 284

2. Notwithstanding section 312 of *The Municipal Act*, where the Corporation has moneys not required immediately by the Corporation, it may lend such moneys to any municipality or local board as defined in *The Department of Municipal Affairs Act* by way of promissory note of the borrower, provided that the promissory notes become due and payable before the moneys invested are required by the Corporation, and all interest thereon shall be credited to the fund from which the moneys were invested. ^{Investment of moneys not immediately required}
R.S.O. 1970, c. 118

3. Notwithstanding subsection 1 of section 466 of *The Municipal Act*, the council of the Corporation may pass by-laws for imposing a fine of not more than \$1,000, exclusive of costs, upon every person who contravenes any building by-law enacted heretofore or hereafter by the council of the Corporation pursuant to section 35 or 38 of *The Planning Act*. ^{Power to impose fines}
R.S.O. 1970, c. 349

4.—(1) In this section,

- (a) “designated fire route” means a fire route designated by by-law of the Corporation;
- (b) “fire route” means any road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

^{Interpretation}

- (c) "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- (f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

Power to
pass by-laws
re fire
routes

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws for,

- (a) regulating and designating fire routes and without limiting the generality of the foregoing, the by-laws may include the following:
 - (i) the dimensions, location, construction and maintenance standards of a fire route or of a designated fire route,
 - (ii) the location, the number and proximity to a building or structure of water hydrants,
 - (iii) the Building Inspector of the Corporation shall refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where

such is required, or where the said plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection,

- (iv) the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection, before any building permit referred to in the preceding subclause is issued,
 - (v) the return or release of the security, referred to in the preceding subclause, in part or in whole, as set forth in the by-laws passed pursuant to this subsection,
 - (vi) requiring existing fire routes, which do not comply with the provisions of the by-laws passed pursuant to this subsection, to comply, and for establishing a time limit within which said fire routes are required to so comply, or where there is a requirement for a fire route to an existing building or structure, it shall be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping up, for a period or permanently, designated fire routes;
 - (c) regulating and governing traffic on designated fire routes;
 - (d) prohibiting the parking or leaving of a vehicle or trailer unattended on a designated fire route or on any classes thereof and providing for the removal and impounding of any vehicle or trailer so parked or left unattended at the expense of the owner of said vehicle or trailer;
 - (e) the erecting of signs, including the right of entering on property to accomplish this, which signs may be on or adjacent to a designated fire route and shall be in accordance with the by-laws enacted pursuant to this subsection, and which signs shall be in accordance with *The Highway Traffic Act* and the regulations made thereunder, and their effect shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;

R.S.O. 1970,
cc. 202, 284

- (f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route, and for the erection of signs as aforesaid, and providing for recovery thereof in the event of non-payment, in the same manner as a by-law enacted pursuant to *The Municipal Act*;
- (g) providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking or leaving of a vehicle or trailer unattended, provisions have been contravened, and if payment is not made in accordance with the by-law, payment may be enforced in the same manner as a by-law enacted pursuant to *The Municipal Act*;
- (h) authorizing a peace officer or a member of the Fire Department, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to cause such vehicle or trailer to be moved or taken to and placed or stored in another location, and all costs and charges of removing and storage thereof, if any, are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 284

R.S.O. 1970,
c. 267

Commercial
and
administrative
facilities
in municipal
parking
facilities
authorized

5.—(1) The council of the Corporation may by by-law, provide that any building constructed by the Corporation or The Parking Authority of the City of Ottawa as a municipal parking facility, may include facilities for the use for commercial or administrative purposes of any part or parts thereof not required for the purposes of the Corporation or the Authority and may authorize the Corporation or the Authority to lease such part or parts thereof for commercial or administrative purposes.

Limitations
and
conditions

(2) Any by-law passed pursuant to subsection 1 may impose such limitations and conditions upon the exercise by the Authority of the powers thereby given as the council of the Corporation considers proper.

Disposition
of proceeds

(3) All moneys obtained from the lease of any portion or portions of buildings under this section shall be paid to the City Treasurer and after payment of expenses incidental thereto, shall be deposited in a reserve fund and shall be applied,

- (a) first, for the payment of interest and principal falling due in each year in respect of the acquisition

of the lands on or under which such buildings are erected and the erection of such buildings;

- (b) secondly, for the acquisition, laying out or improvement of additional parking lots or facilities and the construction of buildings thereon or thereunder;
- (c) thirdly, for such other purposes as the Department of Municipal Affairs may approve.

6. Where any lands, buildings and structures have been acquired by Canada or Ontario or any agency thereof and declared by The Ontario Heritage Foundation to be for the express purpose of preserving and maintaining the said lands, buildings and structures by reason of their historical, architectural or aesthetic interest, and notwithstanding section 13 of *The Ontario Heritage Foundation Act*, the council of the Corporation may pass by-laws exempting from taxation, other than local improvement and all sewer rates, all or any portion of said lands, buildings and structures when leased by Canada or Ontario or any agency thereof to any person or corporation. ^{Tax exemption authorized} ^{R.S.O. 1970, c. 315}

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

8. This Act may be cited as *The City of Ottawa Act, 1972*. ^{Short title}

An Act respecting
the City of Ottawa

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. BENNETT

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Ottawa

MR. BENNETT

(Reprinted as amended by the Private Bills Committee)



An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) Notwithstanding clause *b* of subsection 1 of section 28 ^{Composition of council} of *The Municipal Act*, the council of the Corporation may by by-law provide for one alderman for each ward. ^{R.S.O. 1970, c. 284}

(2) Notwithstanding the provisions of subsections 3, 6, ^{Majority vote of council sufficient} 7 and 8 of section 208 of *The Municipal Act* requiring a two-thirds vote of the council, a majority vote of the council is sufficient for the exercise of the powers mentioned therein.

2. Notwithstanding section 312 of *The Municipal Act*, where ^{Investment of moneys not immediately required} the Corporation has moneys not required immediately by the Corporation, it may lend such moneys to any municipality or local board as defined in *The Municipal Affairs Act* by way of promissory note of the borrower, provided that the promissory notes become due and payable before the moneys invested are required by the Corporation, and all interest thereon shall be credited to the fund from which the moneys were invested. ^{R.S.O. 1970, c. 118}

3. Notwithstanding subsection 1 of section 466 of *The Municipal Act*, the council of the Corporation may pass by-laws ^{Power to impose fines} for imposing a fine of not more than \$1,000, exclusive of costs, upon every person who contravenes any building by-law enacted heretofore or hereafter by the council of the Corporation pursuant to section 35 or 38 of *The Planning Act*. ^{R.S.O. 1970, c. 349}

4.—(1) In this section,

- (a) “designated fire route” means a fire route designated by by-law of the Corporation;
- (b) “fire route” means any road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

^{Interpretation}

- (c) "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- (f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

Power to
pass by-laws
re fire
routes

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws for,

- (a) regulating and designating fire routes and without limiting the generality of the foregoing, the by-laws may include the following:
 - (i) the dimensions, location, construction and maintenance standards of a fire route or of a designated fire route,
 - (ii) the location, the number and proximity to a building or structure of water hydrants,
 - (iii) the Building Inspector of the Corporation shall refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where

such is required, or where the said plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection,

- (iv) the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection, before any building permit referred to in the preceding subclause is issued,
 - (v) the return or release of the security, referred to in the preceding subclause, in part or in whole, as set forth in the by-laws passed pursuant to this subsection,
 - (vi) requiring existing fire routes, which do not comply with the provisions of the by-laws passed pursuant to this subsection, to comply, and for establishing a time limit within which said fire routes are required to so comply, or where there is a requirement for a fire route to an existing building or structure, it shall be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping up, for a period or permanently, designated fire routes;
 - (c) regulating and governing traffic on designated fire routes;
 - (d) prohibiting the parking or leaving of a vehicle or trailer unattended on a designated fire route or on any classes thereof and providing for the removal and impounding of any vehicle or trailer so parked or left unattended at the expense of the owner of said vehicle or trailer;
 - (e) the erecting of signs, including the right of entering on property to accomplish this, which signs may be on or adjacent to a designated fire route and shall be in accordance with the by-laws enacted pursuant to this subsection, and which signs shall be in accordance with *The Highway Traffic Act* and the regulations made thereunder, and their effect shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;

R.S.O. 1970,
cc. 202, 284

R.S.O. 1970,
c. 284

(f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route, and for the erection of signs as aforesaid, and providing for recovery thereof in the event of non-payment, in the same manner as a by-law enacted pursuant to *The Municipal Act*;

(g) providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking or leaving of a vehicle or trailer unattended, provisions have been contravened, and if payment is not made in accordance with the by-law, payment may be enforced in the same manner as a by-law enacted pursuant to *The Municipal Act*;

(h) authorizing a peace officer or a member of the Fire Department, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to cause such vehicle or trailer to be moved or taken to and placed or stored in another location, and all costs and charges of removing and storage thereof, if any, are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 267

Tax
exemption
authorized

5. Where any lands, buildings and structures have been acquired by Canada or Ontario or any agency thereof and recommended by The Ontario Heritage Foundation to be maintained for the express purpose of preserving the said lands, buildings and structures by reason of their historical, architectural or aesthetic interest, and notwithstanding section 13 of *The Ontario Heritage Foundation Act*, the council of the Corporation may pass by-laws exempting from taxation, other than local improvement and all sewer rates, all or any portion of said lands, buildings and structures when leased by Canada or Ontario or any agency thereof to any person or corporation.

R.S.O. 1970,
c. 315

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 City of Ottawa Act, 1972*.

214 of the same

An Act respecting
the City of Ottawa

1st Reading

March 16th, 1972

2nd Reading

3rd Reading

MR. BENNETT

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

BILL Pr19

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Ottawa

MR. BENNETT

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) Notwithstanding clause *b* of subsection 1 of section 28 of *The Municipal Act*, the council of the Corporation may by by-law provide for one alderman for each ward. Composition of council
R.S.O. 1970,
c. 284

(2) Notwithstanding the provisions of subsections 3, 6, 7 and 8 of section 208 of *The Municipal Act* requiring a two-thirds vote of the council, a majority vote of the council is sufficient for the exercise of the powers mentioned therein. Majority vote of council sufficient

2. Notwithstanding section 312 of *The Municipal Act*, where the Corporation has moneys not required immediately by the Corporation, it may lend such moneys to any municipality or local board as defined in *The Municipal Affairs Act* by way of promissory note of the borrower, provided that the promissory notes become due and payable before the moneys invested are required by the Corporation, and all interest thereon shall be credited to the fund from which the moneys were invested. Investment of moneys not immediately required
R.S.O. 1970,
c. 118

3. Notwithstanding subsection 1 of section 466 of *The Municipal Act*, the council of the Corporation may pass by-laws for imposing a fine of not more than \$1,000, exclusive of costs, upon every person who contravenes any building by-law enacted heretofore or hereafter by the council of the Corporation pursuant to section 35 or 38 of *The Planning Act*. Power to impose fines
R.S.O. 1970,
c. 349

4.—(1) In this section, Interpretation

- (a) "designated fire route" means a fire route designated by by-law of the Corporation;
- (b) "fire route" means any road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

- (c) "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- (f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

Power to
pass by-laws
re fire
routes

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws for,

- (a) regulating and designating fire routes and without limiting the generality of the foregoing, the by-laws may include the following:
 - (i) the dimensions, location, construction and maintenance standards of a fire route or of a designated fire route,
 - (ii) the location, the number and proximity to a building or structure of water hydrants,
 - (iii) the Building Inspector of the Corporation shall refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where

such is required, or where the said plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection,

- (iv) the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection, before any building permit referred to in the preceding subclause is issued,
 - (v) the return or release of the security, referred to in the preceding subclause, in part or in whole, as set forth in the by-laws passed pursuant to this subsection,
 - (vi) requiring existing fire routes, which do not comply with the provisions of the by-laws passed pursuant to this subsection, to comply, and for establishing a time limit within which said fire routes are required to so comply, or where there is a requirement for a fire route to an existing building or structure, it shall be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping up, for a period or permanently, designated fire routes;
 - (c) regulating and governing traffic on designated fire routes;
 - (d) prohibiting the parking or leaving of a vehicle or trailer unattended on a designated fire route or on any classes thereof and providing for the removal and impounding of any vehicle or trailer so parked or left unattended at the expense of the owner of said vehicle or trailer;
 - (e) the erecting of signs, including the right of entering on property to accomplish this, which signs may be on or adjacent to a designated fire route and shall be in accordance with the by-laws enacted pursuant to this subsection, and which signs shall be in accordance with *The Highway Traffic Act* and the regulations made thereunder, and their effect shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;

R.S.O. 1970,
cc. 202, 284

- (f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route, and for the erection of signs as aforesaid, and providing for recovery thereof in the event of non-payment, in the same manner as a by-law enacted pursuant to *The Municipal Act*;
- (g) providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking or leaving of a vehicle or trailer unattended, provisions have been contravened, and if payment is not made in accordance with the by-law, payment may be enforced in the same manner as a by-law enacted pursuant to *The Municipal Act*;
- (h) authorizing a peace officer or a member of the Fire Department, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to cause such vehicle or trailer to be moved or taken to and placed or stored in another location, and all costs and charges of removing and storage thereof, if any, are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 284

R.S.O. 1970,
c. 267

Tax
exemption
authorized

R.S.O. 1970,
c. 315

5. Where any lands, buildings and structures have been acquired by Canada or Ontario or any agency thereof and recommended by The Ontario Heritage Foundation to be maintained for the express purpose of preserving the said lands, buildings and structures by reason of their historical, architectural or aesthetic interest, and notwithstanding section 13 of *The Ontario Heritage Foundation Act*, the council of the Corporation may pass by-laws exempting from taxation, other than local improvement and all sewer rates, all or any portion of said lands, buildings and structures when leased by Canada or Ontario or any agency thereof to any person or corporation.

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 City of Ottawa Act, 1972*.



An Act respecting
the City of Ottawa

1st Reading

March 16th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

MR. BENNETT

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Windsor

MR. NEWMAN (Windsor-Walkerville)



BILL Pr20

1972

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) In this section,

<sup>Interpre-
tation</sup>

- (a) "building" includes any building, part of a building or structure and the contents thereof with the land and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein.
- (b) "Building Commissioner" means the Building Commissioner of the Corporation.

(2) The council of the Corporation may, by by-law, passed <sup>Order for
demolition
of building</sup> at any general meeting thereof by a vote of three-fourths of all the members of council, order the removal or demolition of a building that is in a ruinous or dilapidated state and has not been occupied for industrial, commercial or residential purposes for a period of two years.

(3) Notice of the said by-law shall be registered in the <sup>Notice of
by-law</sup> Registry Office for the Registry Division of Essex (No. 12) and notice shall thereafter be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title and upon any execution creditor appearing on the records of the sheriff's office.

(4) The owner, mortgagee, encumbrancer or execution ^{Appeal} creditor has the right to appeal to the county judge of the county court of the County of Essex from the decision of council to remove or demolish the building by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of notice of the by-law.

Contents
of notice

(5) The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of
Building
Com-
missioner
to carry
out order

(6) Unless notice of an appeal is received by the clerk of the Corporation within the time stated in subsection 4, the decision of the council of the Corporation to remove or demolish the building may be carried out forthwith by the Building Commissioner on behalf of the Corporation, and for this purpose, the Corporation with its servants and agents may, from time to time, enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

(7) The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the building and the certificate of the clerk of the Corporation as to the amount so expended is final and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

Hearing
of appeal

(8) If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Essex and shall give notice thereof by such means and to such persons as the judge may require.

Powers
of judge

(9) After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the building, or the judge may make such other order as he considers advisable under the circumstances.

Running
at large
of dogs

2. Notwithstanding any general Act, where The Board of Commissioners of Police for the City of Windsor may pass or has passed a by-law for prohibiting or regulating the running at large of dogs in the City of Windsor or any defined area thereof under section 7 of *The Dog Tax and Live Stock and Poultry Protection Act* or a predecessor of that section, The Board of Commissioners of Police for the City of Windsor may pass a by-law for providing that the owner of a dog running at large contrary to the by-law is guilty of an offence and liable to a fine of not more than \$50, exclusive of costs, and such fine is recoverable under *The Summary Convictions Act*.

R.S.O. 1970,
cc. 133, 450

Expedition
procedure
authorized
for offences,
police com-
mission
by-laws

3. Notwithstanding any general Act, The Board of Commissioners of Police for the City of Windsor may pass by-laws for providing a procedure for the voluntary payment of

penalties out of court in cases where it is alleged that a provision of any by-law of The Board of Commissioners of Police for the City of Windsor passed for any of the purposes mentioned in sections 377 and 378 or sections 381 to 386 of *The Municipal Act*, or section 7 of *The Dog Tax and Live Stock and Poultry Protection Act*, or predecessors of those sections, has been contravened, and if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies, *mutatis mutandis*, provided that, a fine imposed for a contravention of a by-law passed under section 7 of *The Dog Tax and Live Stock and Poultry Protection Act*, or a predecessor of that section, shall not exceed \$50, exclusive of costs.

R.S.O. 1970,
cc. 284, 133

4. Notwithstanding any general Act, the council of the Corporation may pass by-laws for providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a provision of any by-law of the Corporation passed for any of the purposes mentioned in paragraph 53, 55, 56 or 77 of section 352, paragraph 1, 2, 3, 5, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 45, 46, 60, 64, 65, 69, 70, 74, 76, 85, 86, 87, 91, 103, 104, 105, 108, 110, 111, 114, 115, 116, 117, 118, 119, 120, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136 or 139 of subsection 1 of section 354, sections 355, and 356, paragraph 12 of section 363, paragraph 1 or 3 of section 368, paragraph 1 of section 369, paragraph 1 of section 372, paragraph 1 of section 380, paragraph 1, 2, 3, 4, 5 or 6 of section 460 of *The Municipal Act*, section 5 of *The Dog Tax and Live Stock and Poultry Protection Act* and paragraph 3 or 4 of section 3 of *The City of Windsor Act, 1971*, or predecessors of those paragraphs and sections, has been contravened, and if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* shall apply, *mutatis mutandis*, provided that, a fine imposed for a contravention of a by-law passed under section 5 of *The Dog Tax and Live Stock and Poultry Protection Act* or paragraph 4 of section 3 of *The City of Windsor Act, 1971*, or a predecessor of that section or paragraph, shall not exceed \$50, exclusive of costs.

council
by-laws

5.—(1) In this section, “drainage works” and “construction” mean drainage works and construction as defined in *The Drainage Act*.

Interpre-
tation
R.S.O. 1970,
c. 136

(2) Where drainage works have been constructed in the City of Windsor in accordance with the provisions of *The Drainage Act* or of any predecessor of *The Drainage Act*, the council of the Corporation may by by-law provide that the repair, improvement, extension or alteration of the whole or any part of such drainage works may be carried out from

Repair,
improvement,
extension or
alteration of
drainage
works

time to time in accordance with the provisions of either *The Municipal Act* or of *The Drainage Act*.

R.S.O. 1970,
cc. 284, 136

s. 12 (1),
amended

6. Subsection 1 of section 12 of *The City of Windsor Act, 1946*, being chapter 145, is amended by striking out "either from the monies appropriated by the Council or" in the tenth and eleventh lines, so that the subsection shall read as follows:

Board of
Governors,
powers and
duties

- (1) The Board of Governors shall have control over, and the custody of all property, both real and personal, belonging to or used in connection with the hospital and may from time to time purchase supplies, engage and pay officers, servants and workmen and make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for the purposes of the hospital, but no such purchase of supplies, contract, agreement or expenditure shall be made or entered into unless funds shall be available for such purpose from the proceeds of any grants, gifts, devises or other assets of the Board.

1946 Act,
amended

7. Sections 14 and 15 of *The City of Windsor Act, 1946*, being chapter 145, are repealed.

Commence-
ment

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

Short title

9. This Act may be cited as *The City of Windsor Act, 1972*.



An Act respecting
the City of Windsor

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Windsor

MR. NEWMAN (Windsor-Walkerville)

(Reprinted as amended by the Private Bills Committee)



BILL Pr20

1972

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) In this section,

<sup>Interpre-
tation</sup>

- (a) "building" includes any building, part of a building or structure and the contents thereof with the land and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein.
- (b) "Building Commissioner" means the Building Commissioner of the Corporation.

(2) The council of the Corporation may, by by-law, passed <sup>Order for
demolition
of building</sup> at any general meeting thereof by a vote of three-fourths of all the members of council, order the removal or demolition of a building that is in a ruinous or dilapidated state and has not been occupied for industrial, commercial or residential purposes for a period of two years.

(3) Notice of the said by-law shall be registered in the <sup>Notice of
by-law</sup> Registry Office for the Registry Division of Essex (No. 12) and notice shall thereafter be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title and upon any execution creditor appearing on the records of the sheriff's office.

(4) The owner, mortgagee, encumbrancer or execution ^{Appeal} creditor has the right to appeal to the county judge of the county court of the County of Essex from the decision of council to remove or demolish the building by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of notice of the by-law.

Contents
of notice

(5) The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of
Building
Com-
missioner
to carry
out order

(6) Unless notice of an appeal is received by the clerk of the Corporation within the time stated in subsection 4, the decision of the council of the Corporation to remove or demolish the building may be carried out forthwith by the Building Commissioner on behalf of the Corporation, and for this purpose, the Corporation with its servants and agents may, from time to time, enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

(7) The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the building and the certificate of the clerk of the Corporation as to the amount so expended is final and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

Hearing
of appeal

(8) If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Essex and shall give notice thereof by such means and to such persons as the judge may require.

Powers
of judge

(9) After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the building, or the judge may make such other order as he considers advisable under the circumstances.

Expeditious
procedure
authorized
for offences,
police com-
mission
by-laws

2. Notwithstanding any general Act, The Board of Commissioners of Police for the City of Windsor may pass by-laws for providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a provision of any by-law of The Board of Commissioners of Police for the City of Windsor passed for any of the purposes mentioned in sections 377 and 378 or sections 381 to 386 of *The Municipal Act*, or section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, or predecessors of those sections, has been contravened, and if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies, *mutatis mutandis*, provided that, a fine imposed for a contravention of a by-law passed under section 7 of *The Dog Licensing and Live Stock and Poultry*

R.S.O. 1970,
cc. 284, 133

Protection Act, or a predecessor of that section, shall not exceed \$50, exclusive of costs.

3. Notwithstanding any general Act, the council of the Corporation may pass by-laws for providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a provision of any by-law of the Corporation passed for any of the purposes mentioned in paragraph 53, 55, 56 or 77 of section 352, paragraph 1, 2, 3, 5, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 45, 46, 60, 64, 65, 69, 70, 74, 76, 85, 86, 87, 91, 103, 104, 105, 108, 110, 111, 114, 115, 116, 117, 118, 119, 120, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136 or 139 of subsection 1 of section 354, sections 355, and 356, paragraph 12 of section 363, paragraph 1 or 3 of section 368, paragraph 1 of section 369, paragraph 1 of section 372, paragraph 1 of section 380, paragraph 1, 2, 3, 4, 5 or 6 of section 460 of *The Municipal Act*, sections 5 and 7 of *The Dog Licensing and Live Stock and Poultry Protection Act* and paragraph 3 or 4 of section 3 of *The City of Windsor Act, 1971*, or predecessors of those paragraphs and sections, has been contravened, and if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* shall apply, *mutatis mutandis*, provided that, a fine imposed for a contravention of a by-law passed under sections 5 and 7 of *The Dog Licensing and Live Stock and Poultry Protection Act* or paragraph 4 of section 3 of *The City of Windsor Act, 1971*, or a predecessor of that section or paragraph, shall not exceed \$50, exclusive of costs.

council
by-laws

R.S.O. 1970,
cc. 284, 133
1971, c. 133

4.—(1) In this section, “drainage works” and “construction” mean drainage works and construction as defined in *The Drainage Act*.

Interpre-
tation

R.S.O. 1970,
c. 136

(2) Where drainage works have been constructed in the City of Windsor in accordance with the provisions of *The Drainage Act* or of any predecessor of *The Drainage Act*, the council of the Corporation may by by-law provide that the repair, improvement, extension or alteration of the whole or any part of such drainage works may be carried out from time to time in accordance with the provisions of either *The Municipal Act* or of *The Drainage Act*.

Repair,
improvement,
extension or
alteration of
drainage
works

5. Subsection 1 of section 12 of *The City of Windsor Act, 1946*, being chapter 145, is amended by striking out “either from the monies appropriated by the Council or” in the tenth and eleventh lines, so that the subsection shall read as follows:

s. 12 (1),
amended

(1) The Board of Governors shall have control over, and the custody of all property, both real and personal, belonging to or used in connection with the hospital

Board of
Governors,
powers and
duties

and may from time to time purchase supplies, engage and pay officers, servants and workmen and make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for the purposes of the hospital, but no such purchase of supplies, contract, agreement or expenditure shall be made or entered into unless funds shall be available for such purpose from the proceeds of any grants, gifts, devises or other assets of the Board.

1946 Act,
amended

6. Sections 14 and 15 of *The City of Windsor Act, 1946*, being chapter 145, are repealed.

Commence-
ment

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

Short title

8. This Act may be cited as *The City of Windsor Act, 1972*.



An Act respecting
the City of Windsor

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

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

BILL Pr20

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Windsor

MR. NEWMAN (Windsor-Walkerville)

T O R O N T O

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) In this section,

^{Interpre-}
^{tation}

- (a) "building" includes any building, part of a building or structure and the contents thereof with the land and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein.
- (b) "Building Commissioner" means the Building Commissioner of the Corporation.

(2) The council of the Corporation may, by by-law, passed ^{Order for} at any general meeting thereof by a vote of three-fourths of all ^{demolition} the members of council, order the removal or demolition of a ^{of building} building that is in a ruinous or dilapidated state and has not been occupied for industrial, commercial or residential purposes for a period of two years.

(3) Notice of the said by-law shall be registered in the ^{Notice of} Registry Office for the Registry Division of Essex (No. 12) and ^{by-law} notice shall thereafter be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title and upon any execution creditor appearing on the records of the sheriff's office.

(4) The owner, mortgagee, encumbrancer or execution ^{Appeal} creditor has the right to appeal to the county judge of the county court of the County of Essex from the decision of council to remove or demolish the building by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of notice of the by-law.

Contents
of notice

(5) The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of
Building
Com-
missioner
to carry
out order

(6) Unless notice of an appeal is received by the clerk of the Corporation within the time stated in subsection 4, the decision of the council of the Corporation to remove or demolish the building may be carried out forthwith by the Building Commissioner on behalf of the Corporation, and for this purpose, the Corporation with its servants and agents may, from time to time, enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

(7) The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the building and the certificate of the clerk of the Corporation as to the amount so expended is final and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

Hearing
of appeal

(8) If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Essex and shall give notice thereof by such means and to such persons as the judge may require.

Powers
of judge

(9) After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the building, or the judge may make such other order as he considers advisable under the circumstances.

Expeditious
procedure
authorized
for offences,
police com-
mission
by-laws

2. Notwithstanding any general Act, The Board of Commissioners of Police for the City of Windsor may pass by-laws for providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a provision of any by-law of The Board of Commissioners of Police for the City of Windsor passed for any of the purposes mentioned in sections 377 and 378 or sections 381 to 386 of *The Municipal Act*, or section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, or predecessors of those sections, has been contravened, and if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies, *mutatis mutandis*, provided that, a fine imposed for a contravention of a by-law passed under section 7 of *The Dog Licensing and Live Stock and Poultry*

R.S.O. 1970,
cc. 284, 133

Protection Act, or a predecessor of that section, shall not exceed \$50, exclusive of costs.

3. Notwithstanding any general Act, the council of the Corporation may pass by-laws for providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a provision of any by-law of the Corporation passed for any of the purposes mentioned in paragraph 53, 55, 56 or 77 of section 352, paragraph 1, 2, 3, 5, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 45, 46, 60, 64, 65, 69, 70, 74, 76, 85, 86, 87, 91, 103, 104, 105, 108, 110, 111, 114, 115, 116, 117, 118, 119, 120, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136 or 139 of subsection 1 of section 354, sections 355, and 356, paragraph 12 of section 363, paragraph 1 or 3 of section 368, paragraph 1 of section 369, paragraph 1 of section 372, paragraph 1 of section 380, paragraph 1, 2, 3, 4, 5 or 6 of section 460 of *The Municipal Act*, sections 5 and 7 of *The Dog Licensing and Live Stock and Poultry Protection Act* and paragraph 3 or 4 of section 3 of *The City of Windsor Act, 1971*, or predecessors of those paragraphs and sections, has been contravened, and if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* shall apply, *mutatis mutandis*, provided that, a fine imposed for a contravention of a by-law passed under sections 5 and 7 of *The Dog Licensing and Live Stock and Poultry Protection Act* or paragraph 4 of section 3 of *The City of Windsor Act, 1971*, or a predecessor of that section or paragraph, shall not exceed \$50, exclusive of costs.

council
by-laws

R.S.O. 1970,
cc. 284, 133
1971, c. 133

4.—(1) In this section, “drainage works” and “construction” mean drainage works and construction as defined in *The Drainage Act*.

Interpre-
tation

R.S.O. 1970,
c. 136

(2) Where drainage works have been constructed in the City of Windsor in accordance with the provisions of *The Drainage Act* or of any predecessor of *The Drainage Act*, the council of the Corporation may by by-law provide that the repair, improvement, extension or alteration of the whole or any part of such drainage works may be carried out from time to time in accordance with the provisions of either *The Municipal Act* or of *The Drainage Act*.

Repair,
improvement,
extension or
alteration of
drainage
works

5. Subsection 1 of section 12 of *The City of Windsor Act, 1946*, being chapter 145, is amended by striking out “either from the monies appropriated by the Council or” in the tenth and eleventh lines, so that the subsection shall read as follows:

s. 12 (1),
amended

- (1) The Board of Governors shall have control over, and the custody of all property, both real and personal, belonging to or used in connection with the hospital

Board of
Governors,
powers and
duties

and may from time to time purchase supplies, engage and pay officers, servants and workmen and make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for the purposes of the hospital, but no such purchase of supplies, contract, agreement or expenditure shall be made or entered into unless funds shall be available for such purpose from the proceeds of any grants, gifts, devises or other assets of the Board.

1946 Act,
amended

6. Sections 14 and 15 of *The City of Windsor Act, 1946*, being chapter 145, are repealed.

Commence-
ment

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

Short title

8. This Act may be cited as *The City of Windsor Act, 1972*.



An Act respecting
the City of Windsor

1st Reading

March 30th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

MR. NEWMAN (Windsor-Walkerville)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Arnprior

MR. YAKABUSKI

BILL Pr21

1972

An Act respecting the Town of Arnprior

WHEREAS The Corporation of the Town of Arnprior,^{Preamble} herein called the Corporation, hereby represents that the Corporation, during the years 1965 to 1968 inclusive, constructed within the limits of the Town of Arnprior a highway designated as McNab Street at a cost of \$147,885.58 and for the years 1965, 1967 and 1968 received subsidies from the Department of Highways under *The Highway Improvement Act*, being chapter 171 of the Revised Statutes of Ontario, 1960, totalling \$38,898.03; that the Corporation in the year 1966 submitted to the Minister of Highways and obtained his approval to a by-law covering the estimated expenditures on its roads for that year but failed to submit to the Minister, as required by subsection 2 of section 82 of the said *Highway Improvement Act*, a by-law supplementing the said by-law in respect of additional expenditures on McNab Street; that by reason of such default, the Minister is precluded from paying subsidy to the Corporation, estimated by the Corporation to be in the amount of \$22,680.41, with respect to the expenditures on McNab Street, made by the Corporation in the year 1966; and whereas the applicant hereby applies for special legislation to provide that such subsidy be paid; and whereas it is expedient to grant the application;

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

1. The Minister of Transportation and Communications shall direct payment to the Corporation of such sum as the Corporation would have been entitled to receive as subsidy for the year 1966 under the provisions of *The Highway Improvement Act*, being chapter 171 of The Revised Statutes of Ontario, 1960, had the Corporation complied with subsection 2 of section 82 of the Act. ^{Minister to direct payment of subsidy to Arnprior}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Town of Arnprior Act, 1972*. ^{Short title}

An Act respecting
the Town of Arnprior

1st Reading

2nd Reading

3rd Reading

MR. YAKABUSKI

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Oshawa

MR. MCILVEEN

BILL Pr22

1972

An Act respecting the City of Oshawa

WHEREAS The Corporation of the City of Oshawa hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) In this Act,

**Interpre-
tation**

- (a) “Corporation” means The Corporation of the City of Oshawa;
- (b) “council” means the council of the Corporation;
- (c) “Commission” means the Public Utilities Commission of the City of Oshawa;
- (d) “employee” means any salaried officer, clerk, workman, servant or other person in the employ or formerly in the employ of the Corporation or of a local board and includes an employee of the Commission and further includes a member of the police force of the Corporation and any person or class of person designated as an employee by the Minister;
- (e) “local board” includes the Commission or any other public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, board or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Corporation but does not include a hospital established under any general or special Act.

(f) "service" means employment of an employee, and "credited service" means service under an approved pension plan for which a pension is payable;

(g) "year's maximum pensionable earnings" means the Year's Maximum Pensionable Earnings as defined in the *Canada Pension Plan*.

R.S.C. 1970,
c. C-5

Retirement
allowances

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws granting an annual retirement allowance payable weekly, monthly or otherwise to an employee or former employee who during his life has had not less than five years continuous service with the Corporation or any local board, and who

(a) has retired because of age; or

(b) while in the service of the Corporation has become ill or disabled or otherwise unable to discharge his duties; and

(c) is not entitled to an annual retirement allowance payable under any by-law of the Corporation enacted from time to time passed under the provisions of section 239 of *The Municipal Act* or any successor thereof.

R.S.O. 1970,
c. 284

Limitation
on amount of
allowance

(3) No payment shall be made by the Corporation on behalf of any employee that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service up to thirty-five years and reduced by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the Corporation multiplied by the number of years of credited service of the employee.

How amount
of allowance
calculated

R.S.C. 1970,
c. O-6

R.S.O. 1970,
c. 324

(4) The amount of the retirement allowance shall be a sum which when added to payments received at the rate then in effect by the employee or former employee under the *Old Age Security Act*, *Canada Pension Plan*, *The Ontario Municipal Employees Retirement System Act* or any pension plan established by the Corporation under paragraph 64 of section 352 of *The Municipal Act* or any predecessor of that section, would together with the income from those sources raise the employee's income from all sources hereinbefore mentioned to a sum not to exceed \$3,000 annually and this sum shall be hereinafter referred to as the pension income.

(5) The pension income may be increased by by-law passed from time to time amending any by-law granting any retirement allowance under the provisions of this Act but the rate of such increase shall not exceed the percentage increase in the level of the Consumer Price Index published by Statistics Canada to the date of the passing of any by-law or amending by-law from the level at the date of coming into force of this Act. ^{Increase in pension income}

(6) Any by-law passed under this Act may provide that the retirement allowance payable to any employee with more than fifteen years service shall be increased by an amount not to exceed 2 per cent of the pension income for each year of service in excess of fifteen years to a maximum of five years. ^{Increase in retirement allowance}

(7) Any by-law passed under this Act may provide that the retirement allowance payable to any employee with less than fifteen years service shall be reduced by an amount not to exceed 2 per cent of the pension income for each year by which the employee's service is less than fifteen years to a maximum of five years. ^{Reduction in retirement allowance}

(8) Where an employee has not contributed to a pension established by the Corporation under paragraph 64 of section 352 of *The Municipal Act* or any predecessor of that section, although he was entitled to contribute, the Corporation may reduce the payment to such employee under any by-law granting a retirement allowance to one-half of the amount that would otherwise be payable. ^{Idem R.S.O. 1970, c. 284}

(9) Where the council grants an annual retirement allowance to an employee under subsection 1, the by-law may include a provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual retirement allowance payable to the employee. ^{Continuation of allowance to spouse}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The City of Oshawa Act, 1972*. ^{Short title}



An Act respecting
the City of Oshawa

1st Reading

March, 30th 1972

2nd Reading

3rd Reading

MR. MCILVEEN

(Private Bill)

BILL Pr22

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Oshawa

MR. MCILVEEN

BILL Pr22**1972****An Act respecting the City of Oshawa**

WHEREAS The Corporation of the City of Oshawa hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of Oshawa;
- (b) "council" means the council of the Corporation;
- (c) "Commission" means the Public Utilities Commission of the City of Oshawa;
- (d) "employee" means any salaried officer, clerk, workman, servant or other person in the employ or formerly in the employ of the Corporation or of a local board and includes an employee of the Commission and further includes a member of the police force of the Corporation and any person or class of person designated as an employee by the Minister;
- (e) "local board" includes the Commission or any other public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, board or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Corporation but does not include a hospital established under any general or special Act.

- (f) "service" means employment of an employee, and "credited service" means service under an approved pension plan for which a pension is payable;
- (g) "year's maximum pensionable earnings" means the Year's Maximum Pensionable Earnings as defined in the *Canada Pension Plan*.

R.S.C. 1970,
c. C-5

Retirement
allowances

(2) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws granting an annual retirement allowance payable weekly, monthly or otherwise to an employee or former employee who during his life has had not less than five years continuous service with the Corporation or any local board, and who

- (a) has retired because of age; or
- (b) while in the service of the Corporation has become ill or disabled or otherwise unable to discharge his duties; and
- (c) is not entitled to an annual retirement allowance payable under any by-law of the Corporation enacted from time to time passed under the provisions of section 239 of *The Municipal Act* or any successor thereof.

R.S.O. 1970,
c. 284

Limitation
on amount of
allowance

(3) No payment shall be made by the Corporation on behalf of any employee that is in excess of an annual amount of 2 per cent of his average annual earnings during the sixty consecutive months during which his earnings as an employee were highest multiplied by the number of years of his service up to thirty-five years and reduced by 0.7 per cent of the lesser of such average annual earnings or the year's maximum pensionable earnings established at the time he ceased to be employed by the Corporation multiplied by the number of years of credited service of the employee.

How amount
of allowance
calculated

R.S.C. 1970,
c. O-6

R.S.O. 1970,
c. 324

(4) The amount of the retirement allowance shall be a sum which when added to payments received at the rate then in effect by the employee or former employee under the *Old Age Security Act*, *Canada Pension Plan*, *The Ontario Municipal Employees Retirement System Act* or any pension plan established by the Corporation under paragraph 64 of section 352 of *The Municipal Act* or any predecessor of that section, would together with the income from those sources raise the employee's income from all sources hereinbefore mentioned to a sum not to exceed \$3,000 annually and this sum shall be hereinafter referred to as the pension income.

(5) The pension income may be increased by by-law passed from time to time amending any by-law granting any retirement allowance under the provisions of this Act but the rate of such increase shall not exceed the percentage increase in the level of the Consumer Price Index published by Statistics Canada to the date of the passing of any by-law or amending by-law from the level at the date of coming into force of this Act. ^{Increase in pension income}

(6) Any by-law passed under this Act may provide that the retirement allowance payable to any employee with more than fifteen years service shall be increased by an amount not to exceed 2 per cent of the pension income for each year of service in excess of fifteen years to a maximum of five years. ^{Increase in retirement allowance}

(7) Any by-law passed under this Act may provide that the retirement allowance payable to any employee with less than fifteen years service shall be reduced by an amount not to exceed 2 per cent of the pension income for each year by which the employee's service is less than fifteen years to a maximum of five years. ^{Reduction in retirement allowance}

(8) Where an employee has not contributed to a pension established by the Corporation under paragraph 64 of section 352 of *The Municipal Act* or any predecessor of that section, although he was entitled to contribute, the Corporation may reduce the payment to such employee under any by-law granting a retirement allowance to one-half of the amount that would otherwise be payable. ^{Idem} ^{R.S.O. 1970, c. 284}

(9) Where the council grants an annual retirement allowance to an employee under subsection 1, the by-law may include a provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual retirement allowance payable to the employee. ^{Continuation of allowance to spouse}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The City of Oshawa Act, 1972*. ^{Short title}



An Act respecting
the City of Oshawa

1st Reading

March, 30th 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. McILVEEN

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the County of Prince Edward

MR. TAYLOR

BILL Pr23

1972

**An Act respecting
the County of Prince Edward**

WHEREAS The Corporation of the County of Prince Edward hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1. The council of the Corporation of the County of Prince Edward may pass by-laws,

Powers to pass by-laws re industrial and commercial sites

(a) on the vote of three-fourths of all of the members of council, for using land owned by the said Corporation and for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial and commercial operations and uses incidental thereto.

1. Where land has been acquired under this Act and any debt is outstanding in respect of the acquisition of the land or in respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department of Municipal Affairs upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received there-

R.S.O. 1970, c. 255

after shall be credited to the general funds of the said Corporation.

2. Any land acquired under this Act may be used by the Corporation for the purposes of the said Corporation or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board.

3. Where it appears to the council that any land acquired under this Act is no longer required for the purposes for which it was acquired or for the use of the said Corporation, the council may, with the approval of the Department of Municipal Affairs, sell or dispose of the whole or any part of such lands for any purpose ;

(b) for installing services in land owned by the said Corporation or acquired by the said Corporation under this Act for the purpose hereinbefore referred to.

R.S.O. 1970,
c. 118

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 County of Prince Edward Act, 1972*.





An Act respecting
the County of Prince Edward

1st Reading

2nd Reading

3rd Reading

MR. TAYLOR

(Private Bill)

BILL Pr23

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the County of Prince Edward

MR. TAYLOR

BILL Pr23

1972

An Act respecting the County of Prince Edward

WHEREAS The Corporation of the County of Prince Edward hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1. The council of the Corporation of the County of Prince Edward may pass by-laws,

Powers to pass by-laws re industrial and commercial sites

- (a) on the vote of three-fourths of all of the members of council, for using land owned by the said Corporation and for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial and commercial operations and uses incidental thereto.

1. Where land has been acquired under this Act and any debt is outstanding in respect of the acquisition of the land or in respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department of Municipal Affairs upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received there-

R.S.O. 1970, c. 255

after shall be credited to the general funds of the said Corporation.

2. Any land acquired under this Act may be used by the Corporation for the purposes of the said Corporation or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board.

R.S.O. 1970,
c. 118

3. Where it appears to the council that any land acquired under this Act is no longer required for the purposes for which it was acquired or for the use of the said Corporation, the council may, with the approval of the Department of Municipal Affairs, sell or dispose of the whole or any part of such lands for any purpose;

(b) for installing services in land owned by the said Corporation or acquired by the said Corporation under this Act for the purpose hereinbefore referred to.

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 County of Prince Edward Act, 1972*.







An Act respecting
the County of Prince Edward

1st Reading

March 30th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. TAYLOR

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of St. Catharines

MR. JOHNSTON

BILL Pr24

1972

An Act respecting the City of St. Catharines

WHEREAS The Corporation of the City of St. Catharines, ^{Preamble} herein called the Corporation, hereby represents that there has been on deposit with the Corporation and municipalities amalgamated therewith in 1961 certain financial deposits with respect to subdivision developments in the amalgamated municipalities and subsequent to amalgamation certain other financial deposits with respect to subdivisions developed in the ensuing years; that improvements have been made in certain of the subdivisions during the course of the years and, in other cases, it is unlikely within the foreseeable future that the improvements for which the deposits were made will be undertaken; and whereas the applicant hereby applies for special legislation in respect of such deposits; and whereas it is expedient to grant the application;

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

1. The Corporation may, from time to time, with the ^{Power to} approval of the Department of Municipal Affairs, pass by-laws, ^{pass by-laws}

- (a) where improvements have been made in subdivisions at Corporation expense, to transfer to the General Account moneys on deposit in connection therewith;
- (b) where improvements have been made in subdivisions under *The Local Improvement Act* or relative sections ^{R.S.O. 1970,} of *The Municipal Act*, to transfer such moneys on ^{cc. 255, 284} deposit to the cost thereof; and
- (c) where it is unlikely that deposits in certain subdivisions will in the foreseeable future be required for the intended purposes, to provide for the payment to the

registered owners of lands affected by such subdivision agreements the relative proportion of such moneys on deposit applicable thereto.

Commence-
ment

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

Short title

3. This Act may be cited as *The City of St. Catharines Act, 1972*.







An Act respecting the
City of St. Catharines

1st Reading

2nd Reading

3rd Reading

MR. JOHNSTON

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of St. Catharines

MR. JOHNSTON

(Reprinted as amended by the Private Bills Committee)

BILL Pr24

1972

An Act respecting the City of St. Catharines

WHEREAS The Corporation of the City of St. Catharines, Preamble
 herein called the Corporation, hereby represents that there has been on deposit with the Corporation and municipalities amalgamated therewith in 1961 certain financial deposits with respect to subdivision developments in the amalgamated municipalities and subsequent to amalgamation certain other financial deposits with respect to subdivisions developed in the ensuing years; that improvements have been made in certain of the subdivisions during the course of the years and, in other cases, it is unlikely within the foreseeable future that the improvements for which the deposits were made will be undertaken; and whereas the applicant hereby applies for special legislation in respect of such deposits; and whereas it is expedient to grant the application;

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

1. The Corporation may, from time to time, with the approval of the Department of Municipal Affairs, pass by-laws, Power to
pass by-laws
in relation to moneys on deposit with the Corporation on the day this Act comes into force, in respect of subdivision developments,

- (a) where improvements have been made in subdivisions at Corporation expense, to transfer to the General Account moneys on deposit in connection therewith;
- (b) where improvements have been made in subdivisions under *The Local Improvement Act* or relative sections of *The Municipal Act*, to transfer such moneys on deposit to the cost thereof; and R.S.O. 1970,
cc. 255, 284
- (c) where it is unlikely that deposits in certain subdivisions will in the foreseeable future be required for the intended purposes, to provide for the payment to the

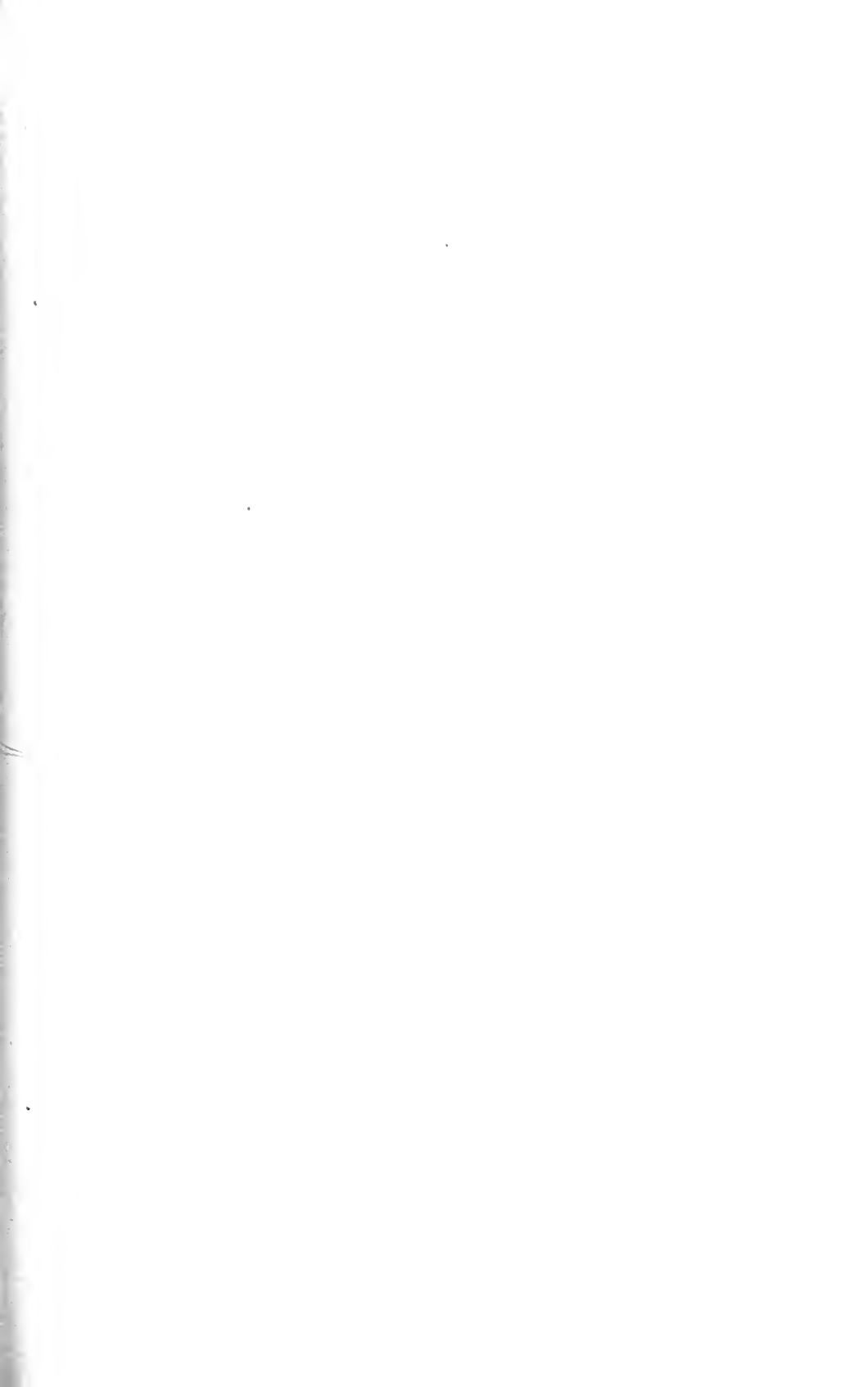
registered owners of lands affected by such subdivision agreements the relative proportion of such moneys on deposit applicable thereto.

Commence-
ment

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

Short title

3. This Act may be cited as *The City of St. Catharines Act, 1972*.





An Act respecting the
City of St. Catharines

1st Reading

March 10th, 1972

2nd Reading

3rd Reading

MR. JOHNSTON

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

BILL Pr24

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of St. Catharines

MR. JOHNSTON

1875

BILL Pr24

1972

An Act respecting the City of St. Catharines

WHEREAS The Corporation of the City of St. Catharines, Preamble
 herein called the Corporation, hereby represents that there has been on deposit with the Corporation and municipalities amalgamated therewith in 1961 certain financial deposits with respect to subdivision developments in the amalgamated municipalities and subsequent to amalgamation certain other financial deposits with respect to subdivisions developed in the ensuing years; that improvements have been made in certain of the subdivisions during the course of the years and, in other cases, it is unlikely within the foreseeable future that the improvements for which the deposits were made will be undertaken; and whereas the applicant hereby applies for special legislation in respect of such deposits; and whereas it is expedient to grant the application;

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

1. The Corporation may, from time to time, with the approval of the Department of Municipal Affairs, Power to pass by-laws
 pass by-laws in relation to moneys on deposit with the Corporation on the day this Act comes into force, in respect of subdivision developments,

- (a) where improvements have been made in subdivisions at Corporation expense, to transfer to the General Account moneys on deposit in connection therewith;
- (b) where improvements have been made in subdivisions under *The Local Improvement Act* or relative sections of *The Municipal Act*, R.S.O. 1970, cc. 255, 284 to transfer such moneys on deposit to the cost thereof; and
- (c) where it is unlikely that deposits in certain subdivisions will in the foreseeable future be required for the intended purposes, to provide for the payment to the

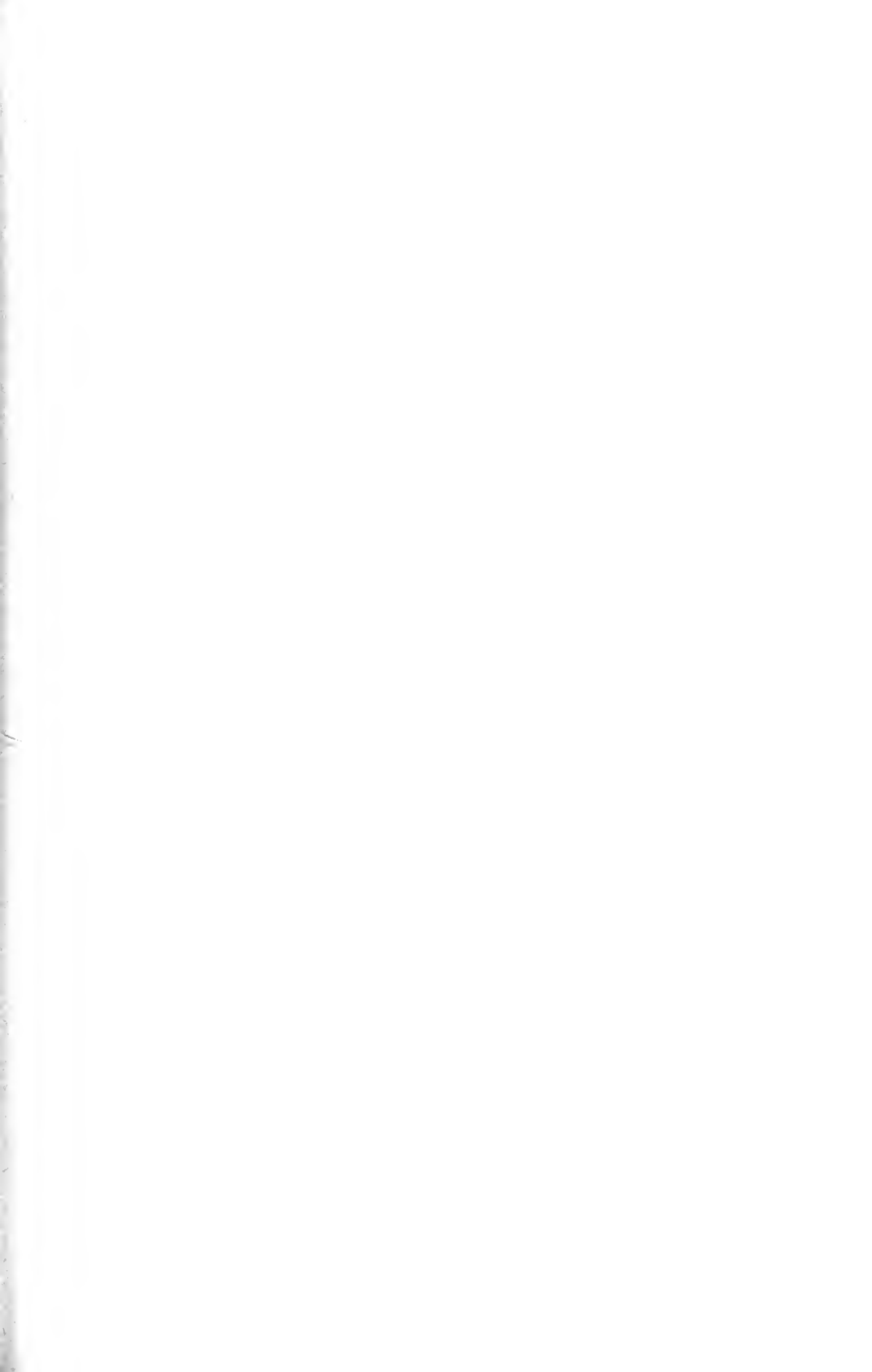
registered owners of lands affected by such subdivision agreements the relative proportion of such moneys on deposit applicable thereto.

Commence-
ment

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

Short title

3. This Act may be cited as *The City of St. Catharines Act, 1972*.







An Act respecting the
City of St. Catharines

1st Reading

March 10th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. JOHNSTON

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Aurora

MR. HODGSON (York North)



BILL Pr25

1972

An Act respecting the Town of Aurora

WHEREAS The Corporation of the Town of Aurora hereby ^{Preamble} applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding any general or special Act, the council ^{Tax credit to old age pensioners} of the Corporation of the Town of Aurora may by by-law authorize and direct the treasurer of the Corporation to allow a credit equivalent to that portion of the real property taxes imposed by the Corporation for school purposes on payment by any person of the remaining portion of the taxes imposed in respect of any residential real property owned and occupied by such person, or owned by such person and occupied by his or her spouse or by both as his, her or their personal residence, where such person, or the spouse of such person, or both, has attained the age of seventy years and is receiving benefits under the *Old Age Security Act* (Canada) provided however, ^{R.S.C. 1970, c. 0-6} that no such credit,

- (a) shall exceed the sum of \$100 in any year;
- (b) shall be allowed to any person or to the spouse of such person in respect of more residential real property than one single family dwelling unit in any year;
- (c) shall be allowed to any person who has not made application therefor on or before the last day of June in the year 1972 and the last day of February in each succeeding year in which the taxes in respect of which such application is made become due and payable;

- (d) shall be allowed to any person unless such person, or the spouse of such person, or both, has been continuously assessed as the owner and occupant of residential real property in the Town of Aurora for at least ten years immediately preceding the date of the application; or
- (e) shall be allowed to any person until such person and his or her spouse, if any, have passed whatever means test may be provided for in the said by-law.

Commence-
ment

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

Short title

3. This Act may be cited as *The Town of Aurora Act, 1972*.







An Act respecting the Town of Aurora

1st Reading

2nd Reading

3rd Reading

MR. HODGSON (York North)

(Private Bill)

BILL Pr25

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Aurora

MR. HODGSON (York North)

BILL Pr25

1972

An Act respecting the Town of Aurora

WHEREAS The Corporation of the Town of Aurora hereby ^{Preamble} applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding any general or special Act, the council ^{Tax credit to old age pensioners} of the Corporation of the Town of Aurora may by by-law authorize and direct the treasurer of the Corporation to allow a credit equivalent to that portion of the real property taxes imposed by the Corporation for school purposes on payment by any person of the remaining portion of the taxes imposed in respect of any residential real property owned and occupied by such person, or owned by such person and occupied by his or her spouse or by both as his, her or their personal residence, where such person, or the spouse of such person, or both, has attained the age of seventy years and is receiving benefits under the *Old Age Security Act* (Canada) provided however, ^{R.S.C. 1970, c. 0-6} that no such credit,

- (a) shall exceed the sum of \$100 in any year;
- (b) shall be allowed to any person or to the spouse of such person in respect of more residential real property than one single family dwelling unit in any year;
- (c) shall be allowed to any person who has not made application therefor on or before the last day of June in the year 1972 and the last day of February in each succeeding year in which the taxes in respect of which such application is made become due and payable;

- (d) shall be allowed to any person unless such person, or the spouse of such person, or both, has been continuously assessed as the owner and occupant of residential real property in the Town of Aurora for at least ten years immediately preceding the date of the application; or
- (e) shall be allowed to any person until such person and his or her spouse, if any, have passed whatever means test may be provided for in the said by-law.

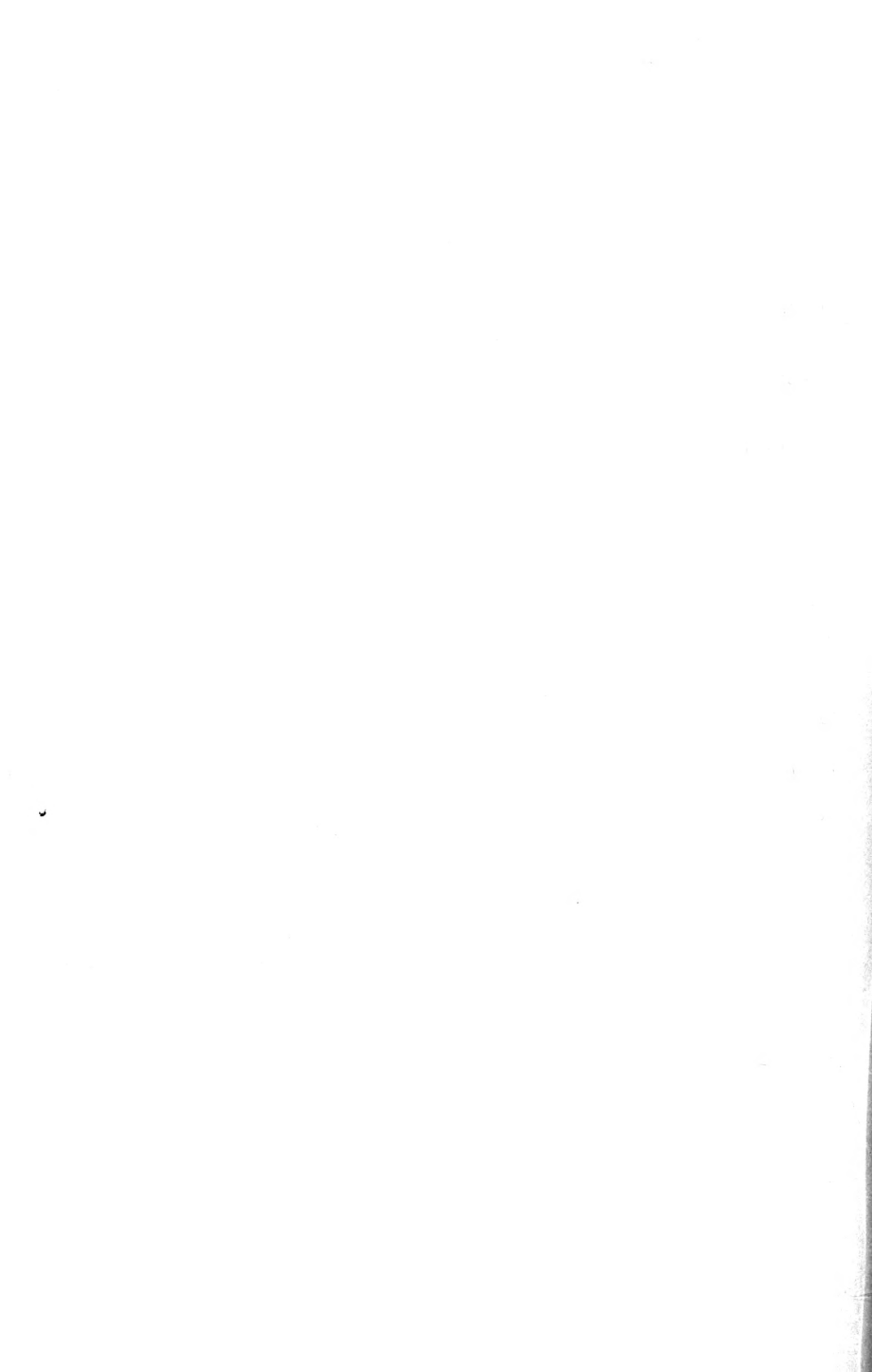
Commence-
ment

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

Short title

3. This Act may be cited as *The Town of Aurora Act, 1972*.







An Act respecting the Town of Aurora

1st Reading

March 30th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

Mr. HODGSON (York North)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Toronto

MR. WARDLE



BILL Pr26

1972

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding paragraph 101 of subsection 1 of section 354 of *The Municipal Act*, the Corporation may require the entering into of agreements with the Corporation by any person or persons for such consideration and upon such terms and conditions as may be agreed in respect of any or all of the matters which by the said paragraph the council of the Corporation may by by-law authorize and regulate. ^{Power to require agreements respecting transmission poles, wires, etc. R.S.O. 1970, c. 284}

2.—(1) In this section,

^{Interpre-}
^{tation}

- (a) "corporation" means The Corporation of the City of Toronto;
- (b) "inspector" means the person or persons from time to time designated by the council of the corporation to enforce the provisions of a by-law passed under this section;
- (c) "owner" includes the person for the time being managing or receiving the rent of the vacant land in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such vacant land were let or a vendor of such vacant land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or the person for the time being receiving instalments of the purchase price of the vacant land, in connection with which the word is used, sold under an agreement for sale whether on his own account or

as agent or trustee of any other person or who would receive the instalments of the purchase price if such vacant land were sold under an agreement for sale;

(d) "standards" means the standards for the maintenance and improvement of the physical condition of vacant land prescribed by a by-law passed under this section;

(e) "vacant land" includes any land in the municipality not encompassed in a "dwelling" as defined in section 6 of *The City of Toronto Act, 1936*, nor in "non-residential property" as defined in section 11 of *The City of Toronto Act, 1971*.

1936, c. 84

1971, c. 130

Authority
to pass
by-laws

(2) The council of the corporation may pass by-laws,

(a) for providing standards for vacant land within the municipality or within any defined area or areas thereof, and for greater certainty standards applicable to vacant land within any defined area or areas may be different from standards applicable to vacant land within any other defined area or areas;

(b) for requiring the owner of any vacant land to take any action necessary to make the same conform to the standards and for providing that in default of such action being taken, the corporation may take such action at the expense of the owner and may recover such expense by action or in like manner as real property taxes;

(c) for appointing one or more inspectors and empowering such inspectors to fix the time or times within which any owner of vacant land shall make the same conform to the standards.

Agreements
authorized

(3) The corporation may enter into agreements with owners of vacant land to take, at the expense of such owners, any necessary action to bring any vacant land to the standards and to keep the same in conformity therewith upon such terms and conditions as may be agreed and such agreement may provide that in default of payment such expense may be recovered in like manner as real property taxes.

Power of
inspector
to enter

(4) Where a by-law passed under this section is in effect, any inspector or person acting under his instructions may enter and inspect any vacant land to which the by-law applies.

Enforcement

(5) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under the authority

of *The Municipal Act* and any such by-law may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provisions of such by-law. R.S.O. 1970, c. 284

(6) Notwithstanding anything contained in this section or in any other Act, the corporation may acquire any vacant land which does not conform with the standards and may dispose of any of such vacant land or may exchange any of such vacant land for other land within the municipality. Powers respecting vacant land not in conformity with standards

3.—(1) By-law No. 39-72 of the Corporation, being “A By-law Respecting Fences”, passed on the 1st day of March, 1972, set forth as the Schedule hereto, is hereby validated and confirmed, and may be amended from time to time to such extent as may be approved by the Ontario Municipal Board. By-law No. 39-72, validated

(2) Part XXI of *The Municipal Act* applies to By-law No. 39-72 referred to in subsection 1, and to any amendments thereto. R.S.O. 1970, c. 284, Part XXI applies

4. Subsection 2 of section 3 of *The City of Toronto Act, 1960-61*, being chapter 137, as re-enacted by the Statutes of Ontario, 1971, chapter 130, section 12, is repealed and the following substituted therefor: a. 3 (2), re-enacted

(2) Before passing a by-law under this section, notice of the intention of the Corporation to pass the same shall be sent by prepaid mail to all persons rated on the last revised assessment roll with respect to land abutting on the highways or parts thereof to be designated as aforesaid at the addresses respectively shown for such persons in such roll. Notice to electors

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

6. This Act may be cited as *The City of Toronto Act, 1972* (No. 2). Short title

SCHEDULE

NO. 39-72 A BY-LAW RESPECTING FENCES

[Passed March 1, 1972]

The Council of the Corporation of the City of Toronto enacts as follows:

1. In this by-law,

- (1) "DIVISION FENCE" shall mean a fence which marks or substantially marks the boundary between adjoining occupied lands.
- (2) "CITY SURVEYOR" shall mean the City Surveyor of the Corporation or such other employee of the Corporation as he may designate to act in his place and stead.
- (3) "LAWFUL FENCE" shall mean:

(a) A division fence constructed at a height of not more than 5 feet 6 inches above ground elevation in accordance with the following minimum specifications:

(i) MATERIAL:

- a. Posts— $1\frac{3}{4}$ inch outside diameter double galvanized steel pipe—36 inches longer than width of wire.
- b. Fabric—chain link galvanized steel wire, after woven, 60 inch, number 11 gauge in 2 inch diamond shape mesh.
- c. Top rail—double galvanized steel pipe.
- d. Bottom brace—number 6 gauge galvanized steel wire.

(ii) INSTALLATION:

- a. Terminal corner posts to be imbedded 3 feet in concrete.
- b. Line posts to be placed at 10 foot intervals, and driven 3 feet into ground.

(iii) LINE OF FENCE: the point of contact between the wire and the metal posts shall be on the boundary line between the said adjoining occupied lands.

(iv) SITING OF POSTS: where the boundary runs in an easterly and westerly direction the posts shall be located on the property to the south of the boundary, and when the boundary runs in a northerly and southerly direction the posts shall be located on the property to the west of the boundary, except in cases where, according to the prevailing customs in the area in which the fence is erected or to be erected, the posts are otherwise located, in which event the posts shall be located in accordance with the prevailing custom in such area;

- (v) **GROUND ELEVATION:** where the ground elevations are not the same on both sides of the boundary the higher of such elevations shall be considered as grade for purposes of the fence; or
- (b) a division fence other than a fence described in subsection (3) (a), erected in accordance with specifications agreed upon by the owners of the adjoining lands at the time of the erection thereof, provided that a fence which otherwise complies with this paragraph shall be deemed to have been erected in accordance with specifications agreed upon by the owners of the adjoining lands at the time of the erection thereof where it has been erected for at least five years and further, provides that the height thereof shall be at least 3 feet 6 inches and not more than 5 feet 6 inches and that no part thereof shall be composed of barbed wire or other barbed material; or
- (c) a division fence conforming to specifications fixed by an award of a Board of Arbitrators under this by-law.
- (4) "OCCUPIED LANDS" shall mean lands which are appurtenant to or used in connection with a building, or which are improved, cultivated, or in actual and apparent possession of any person, but do not include a public street or lane.

2. Subject to Sections 3 and 5, no division fence shall be erected unless the same is a lawful fence, and no repair, alteration or other work shall be made or done thereto which has the effect of altering the height, construction, or line of fence thereof, or changing the ground elevation so that the same is no longer a lawful fence.

3. Nothing herein shall prevent a board of education or other school board from erecting a division fence which is not a lawful fence or from making or doing any repairs, alteration or other work thereto which has the effect of altering the height, construction and line of fence thereof, so that such fence is no longer a lawful fence where such fence marks or substantially marks the boundary between a school yard owned or occupied by a board of education or school board and adjoining occupied lands, provided that the provisions of this By-law imposing any liability or responsibility for erecting, repairing or performing other work in connection with such fence or for paying the whole or any part of the cost thereof, upon the owner of the lands adjoining the school yard shall not apply to such fence.

4. Nothing herein shall prevent the owner of a parking station as defined in By-law No. 20623, as amended from time to time, from erecting a division fence which is not a lawful fence or from making or doing any repairs, alterations or other work thereto which has the effect of altering the height, construction and line of fence thereof, so that such fence is no longer a lawful fence where such fence marks or substantially marks the boundary between a parking station and adjoining occupied lands, provided that the provisions of this by-law imposing any liability or responsibility for erecting, repairing or performing other work in connection with such fence, or for paying the whole or any part of the cost thereof, upon the owner of the lands adjoining the parking station shall not apply to such fence.

5. **RETAINING WALLS:** In any case where as a result of difference in ground elevation on one side of a boundary between adjoining occupied lands and the other side thereof there is reason to believe that there will be movement or slipping of the soil across the boundary, the owner of the lands at the higher level shall at his own expense erect and maintain upon his own property a retaining wall sufficient to prevent such movement or slipping.

6. MAINTENANCE OR REPLACING FENCES:

- (a) Nothing herein shall prevent the maintenance of a fence during its lifetime if the same was at the time of construction thereof in compliance with all by-laws of the Corporation.
- (b) Where either or both of the owners of adjoining occupied lands desires or desire that a division fence be erected or has or have erected a division fence on the boundary between their lands each of such owners shall erect a just proportion thereof, or shall bear a just proportion of the cost of erection thereof.
- (c) Each of the owners of adjoining occupied lands shall repair, replace or maintain a just proportion of any division fence heretofore or hereafter erected which marks or substantially marks the boundary of their respective properties, or shall bear a just proportion of the cost of any work of repair, replacing or maintenance which has been carried out.

7. REMOVAL OF FENCES: No lawful fence or part thereof shall be taken down or removed unless the owners of the respective adjoining lands agree to such taking down or removal.

8. FENCES BETWEEN OCCUPIED AND UNOCCUPIED LANDS: Where lands which are not occupied become occupied subsequent to the erection of a division fence marking or substantially marking the boundary between the same and adjoining occupied lands, the owner of the lands which became so occupied shall pay to the owner of such adjoining lands as compensation for the fence already constructed his just proportion of the value of the fence in its condition at the time the first mentioned lands became occupied, which sum shall not exceed \$3.50 per foot of such fence, and the owner of the lands which became so occupied shall thereafter repair, replace or maintain a just proportion of such division fence, or bear a just proportion of any work or repair, replacing or maintenance thereof.

9. DISPUTE AS TO COST OF DIVISION FENCE: Where the owners of adjoining lands are unable to agree as to what constitutes a just proportion of the erection, repair, replacing or maintenance of a division fence, or the cost thereof to be borne by each pursuant to paragraphs (b) and (c) of section 6 or section 7 hereof or of the amount to be paid as the just proportion of the value of a fence in its present condition at the time unoccupied lands become occupied, pursuant to section 8, or in the event that such owners are unable to agree to the specifications of a division fence, such matters of dispute shall be settled by a Board of Arbitrators constituted as hereinafter provided in section 10.

10. PROCEDURE FOR SETTLING DISPUTES RESPECTING DIVISION FENCES: The Board of Arbitrators referred to in section 9 shall be constituted and shall proceed as follows:

- (a) If any one of the owners referred to in section 9 notifies the City Surveyor in writing that he requires the dispute to be settled by arbitration, and pays a fee of \$25.00, the City Surveyor shall thereupon notify each of such owners in writing to appoint an arbitrator on his behalf and to notify the City Surveyor of such appointment; provided that where an owner is not the occupant of the property the City Surveyor may so notify the occupant, who shall immediately notify the owner, and if the occupant neglects to do so he shall be liable for all damage caused to the owner by such neglect.
- (b) If any of such owners refuses or neglects to appoint his arbitrator within fourteen days after such notice from the City Surveyor is

sent to him by registered mail at his last known address or so sent to the occupant of the land owned by him, the City Surveyor may proceed, together with any arbitrator that has been appointed by any of the said owners, to settle the dispute.

- (c) The City Surveyor together with the arbitrator or arbitrators (if any) appointed by the owners, shall constitute a Board of Arbitrators for the settlement of such dispute.
- (d) In case of an equal division of opinion between the members of the Board of Arbitrators the decision of the City Surveyor shall prevail and in all other cases the decision of a majority of the said Board shall prevail, and the award shall be made accordingly.

11. DUTIES OF THE BOARD OF ARBITRATION: The Board of Arbitrators shall:

- (a) examine the premises and, if required by either party, hear evidence and may examine the parties or their witnesses on oath;
- (b) make an award in writing signed by any two of them, respecting the matters in dispute, specifying the description of any fence to be made, the time within which the work shall be carried out, the party by whom the work is to be done or who shall arrange for the doing of the work, the proportion of the work to be paid for by each party, the amount to be paid by each or either party for work already done, and the basis upon which the costs of the proceedings shall be paid by each or either party;
- (c) in making the award consider the proportion in which the respective parties will benefit or have benefited from the work and reduce accordingly the amount payable by any party whom the Board considers will not benefit or has not benefited to the same extent as the other party.

12. AWARD OF ARBITRATOR: The City Surveyor shall deposit the award in the office of the City Clerk and shall cause a copy thereof to be sent by registered mail to the last known address of each of the parties.

13. Without limiting any of the provisions of this By-law the provisions of *The Line Fences Act* in respect to enforcement of and appeal from an award made by the fence viewers under the said Act shall *mutatis mutandis* apply to the enforcement of and appeal from an award of a Board of Arbitrators pursuant to this By-law.

14. PAYMENT FOR OR PERFORMANCE OF WORK: Every person required by an award of the Board of Arbitrators or by a decision of a Judge on an appeal from any such award to pay any money or to perform any work, matter or thing shall pay such money or perform the work, matter or thing in compliance with the said award or decision.

15 FENCE ABUTTING PRIVATELY-OWNED PROPERTY AND PUBLIC STREET OR LANE: The City Surveyor may give to the owner of any parcel of land which is not appurtenant to a building or used in connection therewith notice in writing by registered mail requiring that a fence shall be erected on the boundary between such land and any public street or lane on which the same abuts, and upon receipt of such notice the owner shall forthwith carry out the requirements thereof.

16. A fence erected pursuant to section 15 shall:

- (a) if constructed of wire and metal posts be uniform and at least 5 feet in height;

- (b) if constructed of other than wire and metal posts, be sufficient to protect the highway and the public from the creation or continuance of any nuisance or inconvenience as a result of any condition or use of the said lands;
- (c) be constructed so that the same or any part thereof does not encroach over or upon the highway;
- (d) not to be constructed of or have attached thereto any barbed wire or other barbed material, provided that on any land lying within a district designated as a commercial or industrial district under By-law No. 20623 of the Corporation, as amended, or any other restricted area by-law of such Corporation, any portion of the fence at a height of 7 or more feet above the ground may be constructed of or have attached thereto barbed wire or other barbed material;
- (e) be repaired and maintained by the owner to the satisfaction of the City Surveyor.

17. Except as provided in paragraph (d) of section 16, no person shall construct or maintain a fence composed wholly or partly of barbed wire or other barbed material, or having attached thereto any barbed wire or other barbed material.

18. By-law 693 passed October 12, 1932, by the former Corporation of the Village of Forest Hill, Section 16 of Building By-law 1535 passed December 21, 1954, by the former Corporation of the Village of Swansea and By-laws 22693, 135-68, 37-70, and 80-70, passed December 8, 1965, May 8, 1968, January 21, 1970 and March 4, 1970 respectively by the Corporation of the City of Toronto, are hereby repealed.

19. Every person who contravenes any of the provisions of this by-law shall upon conviction thereof forfeit and pay, at the discretion of the convicting judge, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars (\$300.00) for each offence.

20. This By-law shall come into force and effect when the same has been passed by the said Council and has been validated by a statute of the Province of Ontario.

Presiding Officer.

City Clerk.

Council Chamber, Toronto, March, 1972. (L.S.).



An Act respecting
the City of Toronto

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. WARDLE

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Toronto

MR. WARDLE

(Reprinted as amended by the Private Bills Committee)



An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding paragraph 101 of subsection 1 of section 354 of *The Municipal Act*, the Corporation may require the entering into of agreements with the Corporation by any person or persons for such consideration and upon such terms and conditions as may be agreed in respect of any or all of the matters which by the said paragraph the council of the Corporation may by by-law authorize and regulate.

Power to require agreements respecting transmission poles, wires, etc.
R.S.O. 1970, c. 284

2.—(1) In this section,

Interpretation

- (a) "corporation" means The Corporation of the City of Toronto;
- (b) "inspector" means the person or persons from time to time designated by the council of the corporation to enforce the provisions of a by-law passed under this section;
- (c) "owner" includes the person for the time being managing or receiving the rent of the vacant land in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such vacant land were let or a vendor of such vacant land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or the person for the time being receiving instalments of the purchase price of the vacant land, in connection with which the word is used, sold under an agreement for sale whether on his own account or

as agent or trustee of any other person or who would receive the instalments of the purchase price if such vacant land were sold under an agreement for sale ;

(d) "standards" means the standards for the maintenance and improvement of the physical condition of vacant land prescribed by a by-law passed under this section ;

1936, c. 84

1971, c. 130

Authority
to pass
by-laws

(e) "vacant land" includes any land in the municipality not encompassed in a "dwelling" as defined in section 6 of *The City of Toronto Act, 1936*, nor in "non-residential property" as defined in section 11 of *The City of Toronto Act, 1971*.

(2) The council of the corporation may pass by-laws,

(a) for providing standards for vacant land within the municipality or within any defined area or areas thereof, and for greater certainty standards applicable to vacant land within any defined area or areas may be different from standards applicable to vacant land within any other defined area or areas ;

(b) for requiring the owner of any vacant land to take any action necessary to make the same conform to the standards and for providing that in default of such action being taken, the corporation may take such action at the expense of the owner and may recover such expense by action or in like manner as real property taxes ;

(c) for appointing one or more inspectors and empowering such inspectors to fix the time or times within which any owner of vacant land shall make the same conform to the standards.

Agreements
authorized

(3) The corporation may enter into agreements with owners of vacant land to take, at the expense of such owners, any necessary action to bring any vacant land to the standards and to keep the same in conformity therewith upon such terms and conditions as may be agreed and such agreement may provide that in default of payment such expense may be recovered in like manner as real property taxes.

Power of
inspector
to enter

(4) Where a by-law passed under this section is in effect, any inspector or person acting under his instructions may enter and inspect any vacant land to which the by-law applies.

Enforcement

(5) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under the authority

of *The Municipal Act* and any such by-law may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provisions of such by-law. R.S.O. 1970, c. 284

3.—(1) By-law No. 39-72 of the Corporation, being “A By-law No. 39-72, validated By-law Respecting Fences”, passed on the 1st day of March, 1972, set forth as the Schedule hereto, is hereby validated and confirmed, and may be amended from time to time to such extent as may be approved by the Ontario Municipal Board.

(2) Part XXI of *The Municipal Act* applies to By-law No. 39-72 referred to in subsection 1, and to any amendments thereto. R.S.O. 1970, c. 284, Part XXI applies

4. Subsection 2 of section 3 of *The City of Toronto Act, 1960-61*, being chapter 137, as re-enacted by the Statutes of Ontario, 1971, chapter 130, section 12, is repealed and the following substituted therefor: s. 3 (2), re-enacted

(2) Before passing a by-law under this section, notice of the intention of the Corporation to pass the same shall be sent by prepaid mail to all persons rated on the last revised assessment roll with respect to land abutting on the highways or parts thereof to be designated as aforesaid at the addresses respectively shown for such persons in such roll. Notice to electors

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

6. This Act may be cited as *The City of Toronto Act, 1972* (No. 2). Short title

SCHEDULE

No. 39-72 A BY-LAW RESPECTING FENCES

[Passed March 1, 1972]

The Council of the Corporation of the City of Toronto enacts as follows:

1. In this by-law,

- (1) "DIVISION FENCE" shall mean a fence which marks or substantially marks the boundary between adjoining occupied lands.
- (2) "CITY SURVEYOR" shall mean the City Surveyor of the Corporation or such other employee of the Corporation as he may designate to act in his place and stead.
- (3) "LAWFUL FENCE" shall mean:

(a) A division fence constructed at a height of not more than 5 feet 6 inches above ground elevation in accordance with the following minimum specifications:

(i) MATERIAL:

- a. Posts— $1\frac{3}{4}$ inch outside diameter double galvanized steel pipe—36 inches longer than width of wire.
- b. Fabric—chain link galvanized steel wire, after woven, 60 inch, number 11 gauge in 2 inch diamond shape mesh.
- c. Top rail—double galvanized steel pipe.
- d. Bottom brace—number 6 gauge galvanized steel wire.

(ii) INSTALLATION:

- a. Terminal corner posts to be imbedded 3 feet in concrete.
- b. Line posts to be placed at 10 foot intervals, and driven 3 feet into ground.

(iii) LINE OF FENCE: the point of contact between the wire and the metal posts shall be on the boundary line between the said adjoining occupied lands.

(iv) SITING OF POSTS: where the boundary runs in an easterly and westerly direction the posts shall be located on the property to the south of the boundary, and when the boundary runs in a northerly and southerly direction the posts shall be located on the property to the west of the boundary, except in cases where, according to the prevailing customs in the area in which the fence is erected or to be erected, the posts are otherwise located, in which event the posts shall be located in accordance with the prevailing custom in such area;

- (v) **GROUND ELEVATION:** where the ground elevations are not the same on both sides of the boundary the higher of such elevations shall be considered as grade for purposes of the fence; or
- (b) a division fence other than a fence described in subsection (3) (a), erected in accordance with specifications agreed upon by the owners of the adjoining lands at the time of the erection thereof, provided that a fence which otherwise complies with this paragraph shall be deemed to have been erected in accordance with specifications agreed upon by the owners of the adjoining lands at the time of the erection thereof where it has been erected for at least five years and further, provided that the height thereof shall be at least 3 feet 6 inches and not more than 5 feet 6 inches and that no part thereof shall be composed of barbed wire or other barbed material; or
- (c) a division fence conforming to specifications fixed by an award of a Board of Arbitrators under this by-law.
- (4) "OCCUPIED LANDS" shall mean lands which are appurtenant to or used in connection with a building, or which are improved, cultivated, or in actual and apparent possession of any person, but do not include a public street or lane.

2. Subject to Sections 3 and 5, no division fence shall be erected unless the same is a lawful fence, and no repair, alteration or other work shall be made or done thereto which has the effect of altering the height, construction, or line of fence thereof, or changing the ground elevation so that the same is no longer a lawful fence.

3. Nothing herein shall prevent a board of education or other school board from erecting a division fence which is not a lawful fence or from making or doing any repairs, alteration or other work thereto which has the effect of altering the height, construction and line of fence thereof, so that such fence is no longer a lawful fence where such fence marks or substantially marks the boundary between a school yard owned or occupied by a board of education or school board and adjoining occupied lands, provided that the provisions of this By-law imposing any liability or responsibility for erecting, repairing or performing other work in connection with such fence or for paying the whole or any part of the cost thereof, upon the owner of the lands adjoining the school yard shall not apply to such fence.

4. Nothing herein shall prevent the owner of a parking station as defined in By-law No. 20623, as amended from time to time, from erecting a division fence which is not a lawful fence or from making or doing any repairs, alterations or other work thereto which has the effect of altering the height, construction and line of fence thereof, so that such fence is no longer a lawful fence where such fence marks or substantially marks the boundary between a parking station and adjoining occupied lands, provided that the provisions of this by-law imposing any liability or responsibility for erecting, repairing or performing other work in connection with such fence, or for paying the whole or any part of the cost thereof, upon the owner of the lands adjoining the parking station shall not apply to such fence.

5. **RETAINING WALLS:** In any case where as a result of difference in ground elevation on one side of a boundary between adjoining occupied lands and the other side thereof there is reason to believe that there will be movement or slipping of the soil across the boundary, the owner of the lands at the higher level shall at his own expense erect and maintain upon his own property a retaining wall sufficient to prevent such movement or slipping.

6. MAINTENANCE OR REPLACING FENCES:

- (a) Nothing herein shall prevent the maintenance of a fence during its lifetime if the same was at the time of construction thereof in compliance with all by-laws of the Corporation.
- (b) Where either or both of the owners of adjoining occupied lands desires or desire that a division fence be erected or has or have erected a division fence on the boundary between their lands each of such owners shall erect a just proportion thereof, or shall bear a just proportion of the cost of erection thereof.
- (c) Each of the owners of adjoining occupied lands shall repair, replace or maintain a just proportion of any division fence heretofore or hereafter erected which marks or substantially marks the boundary of their respective properties, or shall bear a just proportion of the cost of any work of repair, replacing or maintenance which has been carried out.

7. REMOVAL OF FENCES: No lawful fence or part thereof shall be taken down or removed unless the owners of the respective adjoining lands agree to such taking down or removal.

8. FENCES BETWEEN OCCUPIED AND UNOCCUPIED LANDS: Where lands which are not occupied become occupied subsequent to the erection of a division fence marking or substantially marking the boundary between the same and adjoining occupied lands, the owner of the lands which became so occupied shall pay to the owner of such adjoining lands as compensation for the fence already constructed his just proportion of the value of the fence in its condition at the time the first mentioned lands became occupied, which sum shall not exceed \$3.50 per foot of such fence, and the owner of the lands which became so occupied shall thereafter repair, replace or maintain a just proportion of such division fence, or bear a just proportion of any work or repair, replacing or maintenance thereof.

9. DISPUTE AS TO COST OF DIVISION FENCE: Where the owners of adjoining lands are unable to agree as to what constitutes a just proportion of the erection, repair, replacing or maintenance of a division fence, or the cost thereof to be borne by each pursuant to paragraphs (b) and (c) of section 6 or section 7 hereof or of the amount to be paid as the just proportion of the value of a fence in its present condition at the time unoccupied lands become occupied, pursuant to section 8, or in the event that such owners are unable to agree to the specifications of a division fence, such matters of dispute shall be settled by a Board of Arbitrators constituted as hereinafter provided in section 10.

10. PROCEDURE FOR SETTLING DISPUTES RESPECTING DIVISION FENCES: The Board of Arbitrators referred to in section 9 shall be constituted and shall proceed as follows:

- (a) If any one of the owners referred to in section 9 notifies the City Surveyor in writing that he requires the dispute to be settled by arbitration, and pays a fee of \$25.00, the City Surveyor shall thereupon notify each of such owners in writing to appoint an arbitrator on his behalf and to notify the City Surveyor of such appointment; provided that where an owner is not the occupant of the property the City Surveyor may so notify the occupant, who shall immediately notify the owner, and if the occupant neglects to do so he shall be liable for all damage caused to the owner by such neglect.
- (b) If any of such owners refuses or neglects to appoint his arbitrator within fourteen days after such notice from the City Surveyor is

sent to him by registered mail at his last known address or so sent to the occupant of the land owned by him, the City Surveyor may proceed, together with any arbitrator that has been appointed by any of the said owners, to settle the dispute.

- (c) The City Surveyor together with the arbitrator or arbitrators (if any) appointed by the owners, shall constitute a Board of Arbitrators for the settlement of such dispute.
- (d) In case of an equal division of opinion between the members of the Board of Arbitrators the decision of the City Surveyor shall prevail and in all other cases the decision of a majority of the said Board shall prevail, and the award shall be made accordingly.

11. DUTIES OF THE BOARD OF ARBITRATION: The Board of Arbitrators shall:

- (a) examine the premises and, if required by either party, hear evidence and may examine the parties or their witnesses on oath;
- (b) make an award in writing signed by any two of them, respecting the matters in dispute, specifying the description of any fence to be made, the time within which the work shall be carried out, the party by whom the work is to be done or who shall arrange for the doing of the work, the proportion of the work to be paid for by each party, the amount to be paid by each or either party for work already done, and the basis upon which the costs of the proceedings shall be paid by each or either party;
- (c) in making the award consider the proportion in which the respective parties will benefit or have benefited from the work and reduce accordingly the amount payable by any party whom the Board considers will not benefit or has not benefited to the same extent as the other party.

12. AWARD OF ARBITRATOR: The City Surveyor shall deposit the award in the office of the City Clerk and shall cause a copy thereof to be sent by registered mail to the last known address of each of the parties.

13. Without limiting any of the provisions of this By-law the provisions of *The Line Fences Act* in respect to enforcement of and appeal from an award made by the fence viewers under the said Act shall *mutatis mutandis* apply to the enforcement of and appeal from an award of a Board of Arbitrators pursuant to this By-law.

14. PAYMENT FOR OR PERFORMANCE OF WORK: Every person required by an award of the Board of Arbitrators or by a decision of a Judge on an appeal from any such award to pay any money or to perform any work, matter or thing shall pay such money or perform the work, matter or thing in compliance with the said award or decision.

15 FENCE ABUTTING PRIVATELY-OWNED PROPERTY AND PUBLIC STREET OR LANE: The City Surveyor may give to the owner of any parcel of land which is not appurtenant to a building or used in connection therewith notice in writing by registered mail requiring that a fence shall be erected on the boundary between such land and any public street or lane on which the same abuts, and upon receipt of such notice the owner shall forthwith carry out the requirements thereof.

16. A fence erected pursuant to section 15 shall:

- (a) if constructed of wire and metal posts be uniform and at least 5 feet in height;

- (b) if constructed of other than wire and metal posts, be sufficient to protect the highway and the public from the creation or continuance of any nuisance or inconvenience as a result of any condition or use of the said lands;
- (c) be constructed so that the same or any part thereof does not encroach over or upon the highway;
- (d) not to be constructed of or have attached thereto any barbed wire or other barbed material, provided that on any land lying within a district designated as a commercial or industrial district under By-law No. 20623 of the Corporation, as amended, or any other restricted area by-law of such Corporation, any portion of the fence at a height of 7 or more feet above the ground may be constructed of or have attached thereto barbed wire or other barbed material;
- (e) be repaired and maintained by the owner to the satisfaction of the City Surveyor.

17. Except as provided in paragraph (d) of section 16, no person shall construct or maintain a fence composed wholly or partly of barbed wire or other barbed material, or having attached thereto any barbed wire or other barbed material.

18. By-law 693 passed October 12, 1932, by the former Corporation of the Village of Forest Hill, Section 16 of Building By-law 1535 passed December 21, 1954, by the former Corporation of the Village of Swansea and By-laws 22693, 135-68, 37-70, and 80-70, passed December 8, 1965, May 8, 1968, January 21, 1970 and March 4, 1970 respectively by the Corporation of the City of Toronto, are hereby repealed.

19. Every person who contravenes any of the provisions of this by-law shall upon conviction thereof forfeit and pay, at the discretion of the convicting judge, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars (\$300.00) for each offence.

20. This By-law shall come into force and effect when the same has been passed by the said Council and has been validated by a statute of the Province of Ontario.

Presiding Officer.

City Clerk.

Council Chamber, Toronto, March, 1972. (L.S.).



An Act respecting
the City of Toronto

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. WARDLE

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

BILL Pr26

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Toronto

MR. WARDLE

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL Pr26

1972

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
 called the Corporation, hereby applies for special legisla-
 tion in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

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

1. Notwithstanding paragraph 101 of subsection 1 of section Power to
require
agreements
respecting
transmission
poles, wires,
etc.
R.S.O. 1970,
c. 284
 354 of *The Municipal Act*, the Corporation may require the
 entering into of agreements with the Corporation by any
 person or persons for such consideration and upon such terms
 and conditions as may be agreed in respect of any or all of the
 matters which by the said paragraph the council of the
 Corporation may by by-law authorize and regulate.

2.—(1) In this section,

Interpre-
tation

- (a) "corporation" means The Corporation of the City of Toronto;
- (b) "inspector" means the person or persons from time to time designated by the council of the corporation to enforce the provisions of a by-law passed under this section;
- (c) "owner" includes the person for the time being managing or receiving the rent of the vacant land in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such vacant land were let or a vendor of such vacant land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or the person for the time being receiving instalments of the purchase price of the vacant land, in connection with which the word is used, sold under an agreement for sale whether on his own account or

as agent or trustee of any other person or who would receive the instalments of the purchase price if such vacant land were sold under an agreement for sale;

- (d) "standards" means the standards for the maintenance and improvement of the physical condition of vacant land prescribed by a by-law passed under this section;
- (e) "vacant land" includes any land in the municipality not encompassed in a "dwelling" as defined in section 6 of *The City of Toronto Act, 1936*, nor in "non-residential property" as defined in section 11 of *The City of Toronto Act, 1971*.

1936, c. 84

1971, c. 130

Authority
to pass
by-laws

(2) The council of the corporation may pass by-laws,

- (a) for providing standards for vacant land within the municipality or within any defined area or areas thereof, and for greater certainty standards applicable to vacant land within any defined area or areas may be different from standards applicable to vacant land within any other defined area or areas;
- (b) for requiring the owner of any vacant land to take any action necessary to make the same conform to the standards and for providing that in default of such action being taken, the corporation may take such action at the expense of the owner and may recover such expense by action or in like manner as real property taxes;
- (c) for appointing one or more inspectors and empowering such inspectors to fix the time or times within which any owner of vacant land shall make the same conform to the standards.

Agreements
authorized

(3) The corporation may enter into agreements with owners of vacant land to take, at the expense of such owners, any necessary action to bring any vacant land to the standards and to keep the same in conformity therewith upon such terms and conditions as may be agreed and such agreement may provide that in default of payment such expense may be recovered in like manner as real property taxes.

Power of
inspector
to enter

(4) Where a by-law passed under this section is in effect, any inspector or person acting under his instructions may enter and inspect any vacant land to which the by-law applies.

Enforcement

(5) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under the authority

of *The Municipal Act* and any such by-law may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provisions of such by-law. R.S.O. 1970,
c. 284

3.—(1) By-law No. 39-72 of the Corporation, being “A By-law No. 39-72, By-law Respecting Fences”, passed on the 1st day of March, 1972, set forth as the Schedule hereto, is hereby validated and confirmed, and may be amended from time to time to such extent as may be approved by the Ontario Municipal Board. validated

(2) Part XXI of *The Municipal Act* applies to By-law No. 39-72 referred to in subsection 1, and to any amendments thereto. R.S.O. 1970,
c. 284,
Part XXI
applies

4. Subsection 2 of section 3 of *The City of Toronto Act, 1960-61*, being chapter 137, as re-enacted by the Statutes of Ontario, 1971, chapter 130, section 12, is repealed and the following substituted therefor: s. 3 (2),
re-enacted

- (2) Before passing a by-law under this section, notice of the intention of the Corporation to pass the same shall be sent by prepaid mail to all persons rated on the last revised assessment roll with respect to land abutting on the highways or parts thereof to be designated as aforesaid at the addresses respectively shown for such persons in such roll. Notice to
electors

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

6. This Act may be cited as *The City of Toronto Act, 1972* (No. 2). Short title

SCHEDULE

NO. 39-72 A BY-LAW RESPECTING FENCES

[Passed March 1, 1972]

The Council of the Corporation of the City of Toronto enacts as follows:

1. In this by-law,

- (1) "DIVISION FENCE" shall mean a fence which marks or substantially marks the boundary between adjoining occupied lands.
- (2) "CITY SURVEYOR" shall mean the City Surveyor of the Corporation or such other employee of the Corporation as he may designate to act in his place and stead.
- (3) "LAWFUL FENCE" shall mean:

(a) A division fence constructed at a height of not more than 5 feet 6 inches above ground elevation in accordance with the following minimum specifications:

(i) MATERIAL:

- a. Posts— $1\frac{3}{4}$ inch outside diameter double galvanized steel pipe—36 inches longer than width of wire.
- b. Fabric—chain link galvanized steel wire, after woven, 60 inch, number 11 gauge in 2 inch diamond shape mesh.
- c. Top rail—double galvanized steel pipe.
- d. Bottom brace—number 6 gauge galvanized steel wire.

(ii) INSTALLATION:

- a. Terminal corner posts to be imbedded 3 feet in concrete.
- b. Line posts to be placed at 10 foot intervals, and driven 3 feet into ground.

(iii) LINE OF FENCE: the point of contact between the wire and the metal posts shall be on the boundary line between the said adjoining occupied lands.

(iv) SITING OF POSTS: where the boundary runs in an easterly and westerly direction the posts shall be located on the property to the south of the boundary, and when the boundary runs in a northerly and southerly direction the posts shall be located on the property to the west of the boundary, except in cases where, according to the prevailing customs in the area in which the fence is erected or to be erected, the posts are otherwise located, in which event the posts shall be located in accordance with the prevailing custom in such area;

- (v) **GROUND ELEVATION:** where the ground elevations are not the same on both sides of the boundary the higher of such elevations shall be considered as grade for purposes of the fence; or
- (b) a division fence other than a fence described in subsection (3) (a), erected in accordance with specifications agreed upon by the owners of the adjoining lands at the time of the erection thereof, provided that a fence which otherwise complies with this paragraph shall be deemed to have been erected in accordance with specifications agreed upon by the owners of the adjoining lands at the time of the erection thereof where it has been erected for at least five years and further, provided that the height thereof shall be at least 3 feet 6 inches and not more than 5 feet 6 inches and that no part thereof shall be composed of barbed wire or other barbed material; or
- (c) a division fence conforming to specifications fixed by an award of a Board of Arbitrators under this by-law.
- (4) "OCCUPIED LANDS" shall mean lands which are appurtenant to or used in connection with a building, or which are improved, cultivated, or in actual and apparent possession of any person, but do not include a public street or lane.

2. Subject to Sections 3 and 5, no division fence shall be erected unless the same is a lawful fence, and no repair, alteration or other work shall be made or done thereto which has the effect of altering the height, construction, or line of fence thereof, or changing the ground elevation so that the same is no longer a lawful fence.

3. Nothing herein shall prevent a board of education or other school board from erecting a division fence which is not a lawful fence or from making or doing any repairs, alteration or other work thereto which has the effect of altering the height, construction and line of fence thereof, so that such fence is no longer a lawful fence where such fence marks or substantially marks the boundary between a school yard owned or occupied by a board of education or school board and adjoining occupied lands, provided that the provisions of this By-law imposing any liability or responsibility for erecting, repairing or performing other work in connection with such fence or for paying the whole or any part of the cost thereof, upon the owner of the lands adjoining the school yard shall not apply to such fence.

4. Nothing herein shall prevent the owner of a parking station as defined in By-law No. 20623, as amended from time to time, from erecting a division fence which is not a lawful fence or from making or doing any repairs, alterations or other work thereto which has the effect of altering the height, construction and line of fence thereof, so that such fence is no longer a lawful fence where such fence marks or substantially marks the boundary between a parking station and adjoining occupied lands, provided that the provisions of this by-law imposing any liability or responsibility for erecting, repairing or performing other work in connection with such fence, or for paying the whole or any part of the cost thereof, upon the owner of the lands adjoining the parking station shall not apply to such fence.

5. **RETAINING WALLS:** In any case where as a result of difference in ground elevation on one side of a boundary between adjoining occupied lands and the other side thereof there is reason to believe that there will be movement or slipping of the soil across the boundary, the owner of the lands at the higher level shall at his own expense erect and maintain upon his own property a retaining wall sufficient to prevent such movement or slipping.

6. MAINTENANCE OR REPLACING FENCES:

- (a) Nothing herein shall prevent the maintenance of a fence during its lifetime if the same was at the time of construction thereof in compliance with all by-laws of the Corporation.
- (b) Where either or both of the owners of adjoining occupied lands desires or desire that a division fence be erected or has or have erected a division fence on the boundary between their lands each of such owners shall erect a just proportion thereof, or shall bear a just proportion of the cost of erection thereof.
- (c) Each of the owners of adjoining occupied lands shall repair, replace or maintain a just proportion of any division fence heretofore or hereafter erected which marks or substantially marks the boundary of their respective properties, or shall bear a just proportion of the cost of any work of repair, replacing or maintenance which has been carried out.

7. REMOVAL OF FENCES: No lawful fence or part thereof shall be taken down or removed unless the owners of the respective adjoining lands agree to such taking down or removal.

8. FENCES BETWEEN OCCUPIED AND UNOCCUPIED LANDS: Where lands which are not occupied become occupied subsequent to the erection of a division fence marking or substantially marking the boundary between the same and adjoining occupied lands, the owner of the lands which became so occupied shall pay to the owner of such adjoining lands as compensation for the fence already constructed his just proportion of the value of the fence in its condition at the time the first mentioned lands became occupied, which sum shall not exceed \$3.50 per foot of such fence, and the owner of the lands which became so occupied shall thereafter repair, replace or maintain a just proportion of such division fence, or bear a just proportion of any work or repair, replacing or maintenance thereof.

9. DISPUTE AS TO COST OF DIVISION FENCE: Where the owners of adjoining lands are unable to agree as to what constitutes a just proportion of the erection, repair, replacing or maintenance of a division fence, or the cost thereof to be borne by each pursuant to paragraphs (b) and (c) of section 6 or section 7 hereof or of the amount to be paid as the just proportion of the value of a fence in its present condition at the time unoccupied lands become occupied, pursuant to section 8, or in the event that such owners are unable to agree to the specifications of a division fence, such matters of dispute shall be settled by a Board of Arbitrators constituted as hereinafter provided in section 10.

10. PROCEDURE FOR SETTLING DISPUTES RESPECTING DIVISION FENCES: The Board of Arbitrators referred to in section 9 shall be constituted and shall proceed as follows:

- (a) If any one of the owners referred to in section 9 notifies the City Surveyor in writing that he requires the dispute to be settled by arbitration, and pays a fee of \$25.00, the City Surveyor shall thereupon notify each of such owners in writing to appoint an arbitrator on his behalf and to notify the City Surveyor of such appointment; provided that where an owner is not the occupant of the property the City Surveyor may so notify the occupant, who shall immediately notify the owner, and if the occupant neglects to do so he shall be liable for all damage caused to the owner by such neglect.
- (b) If any of such owners refuses or neglects to appoint his arbitrator within fourteen days after such notice from the City Surveyor is

sent to him by registered mail at his last known address or so sent to the occupant of the land owned by him, the City Surveyor may proceed, together with any arbitrator that has been appointed by any of the said owners, to settle the dispute.

- (c) The City Surveyor together with the arbitrator or arbitrators (if any) appointed by the owners, shall constitute a Board of Arbitrators for the settlement of such dispute.
- (d) In case of an equal division of opinion between the members of the Board of Arbitrators the decision of the City Surveyor shall prevail and in all other cases the decision of a majority of the said Board shall prevail, and the award shall be made accordingly.

11. DUTIES OF THE BOARD OF ARBITRATION: The Board of Arbitrators shall:

- (a) examine the premises and, if required by either party, hear evidence and may examine the parties or their witnesses on oath;
- (b) make an award in writing signed by any two of them, respecting the matters in dispute, specifying the description of any fence to be made, the time within which the work shall be carried out, the party by whom the work is to be done or who shall arrange for the doing of the work, the proportion of the work to be paid for by each party, the amount to be paid by each or either party for work already done, and the basis upon which the costs of the proceedings shall be paid by each or either party;
- (c) in making the award consider the proportion in which the respective parties will benefit or have benefited from the work and reduce accordingly the amount payable by any party whom the Board considers will not benefit or has not benefited to the same extent as the other party.

12. AWARD OF ARBITRATOR: The City Surveyor shall deposit the award in the office of the City Clerk and shall cause a copy thereof to be sent by registered mail to the last known address of each of the parties.

13. Without limiting any of the provisions of this By-law the provisions of *The Line Fences Act* in respect to enforcement of and appeal from an award made by the fence viewers under the said Act shall *mutatis mutandis* apply to the enforcement of and appeal from an award of a Board of Arbitrators pursuant to this By-law.

14. PAYMENT FOR OR PERFORMANCE OF WORK: Every person required by an award of the Board of Arbitrators or by a decision of a Judge on an appeal from any such award to pay any money or to perform any work, matter or thing shall pay such money or perform the work, matter or thing in compliance with the said award or decision.

15 FENCE ABUTTING PRIVATELY-OWNED PROPERTY AND PUBLIC STREET OR LANE: The City Surveyor may give to the owner of any parcel of land which is not appurtenant to a building or used in connection therewith notice in writing by registered mail requiring that a fence shall be erected on the boundary between such land and any public street or lane on which the same abuts, and upon receipt of such notice the owner shall forthwith carry out the requirements thereof.

16. A fence erected pursuant to section 15 shall:

- (a) if constructed of wire and metal posts be uniform and at least 5 feet in height;

- (b) if constructed of other than wire and metal posts, be sufficient to protect the highway and the public from the creation or continuance of any nuisance or inconvenience as a result of any condition or use of the said lands;
- (c) be constructed so that the same or any part thereof does not encroach over or upon the highway;
- (d) not to be constructed of or have attached thereto any barbed wire or other barbed material, provided that on any land lying within a district designated as a commercial or industrial district under By-law No. 20623 of the Corporation, as amended, or any other restricted area by-law of such Corporation, any portion of the fence at a height of 7 or more feet above the ground may be constructed of or have attached thereto barbed wire or other barbed material;
- (e) be repaired and maintained by the owner to the satisfaction of the City Surveyor.

17. Except as provided in paragraph (d) of section 16, no person shall construct or maintain a fence composed wholly or partly of barbed wire or other barbed material, or having attached thereto any barbed wire or other barbed material.

18. By-law 693 passed October 12, 1932, by the former Corporation of the Village of Forest Hill, Section 16 of Building By-law 1535 passed December 21, 1954, by the former Corporation of the Village of Swansea and By-laws 22693, 135-68, 37-70, and 80-70, passed December 8, 1965, May 8, 1968, January 21, 1970 and March 4, 1970 respectively by the Corporation of the City of Toronto, are hereby repealed.

19. Every person who contravenes any of the provisions of this by-law shall upon conviction thereof forfeit and pay, at the discretion of the convicting judge, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars (\$300.00) for each offence.

20. This By-law shall come into force and effect when the same has been passed by the said Council and has been validated by a statute of the Province of Ontario.

Presiding Officer.

City Clerk.

Council Chamber, Toronto, March, 1972. (L.S.).



An Act respecting
the City of Toronto

1st Reading

March 30th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. WARDLE

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Vanier

MR. ROY

BILL Pr28

1972

An Act respecting the City of Vanier

WHEREAS The Corporation of the City of Vanier hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. The Council of The Regional Municipality of Ottawa-Carleton, when required by by-law or resolution of the council of The Corporation of the City of Vanier, shall pass ^{Debenture by-law to be passed by Regional Municipality of Ottawa-Carleton} by-laws, without obtaining the approval of the Ontario Municipal Board and without the recital of Municipal Board approval therein, to borrow the sum of \$165,000, upon debentures made payable in not more than ten years, to defray the cost of the purchase of that certain parcel or tract of land and premises situate, lying and being in the City of Vanier, in The Regional Municipality of Ottawa-Carleton, being composed of lots 26, 27, 28, 29 and 30 as shown on a plan of subdivision filed in the Registry Division of Carleton as Number 75, which parcel or tract of land and premises have been purchased by The Corporation of the City of Vanier for municipal purposes, and the by-laws when duly passed shall be legal, valid and binding upon The Regional Municipality of Ottawa-Carleton and the debt or debts thereby created and all debentures issued under such by-law or by-laws shall be direct, joint and several obligations of The Regional Municipality of Ottawa-Carleton and the sixteen area municipalities constituting The Regional Municipality of Ottawa-Carleton and shall be repaid by levies against the City of Vanier.

2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

3. This Act may be cited as *The City of Vanier Act, 1972*. ^{Short title}

An Act respecting the
City of Vanier

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. ROY

(Private Bill)

BILL Pr28

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Vanier

MR. ROY

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL Pr28

1972

An Act respecting the City of Vanier

WHEREAS The Corporation of the City of Vanier hereby ^{Preamble} applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. The Council of The Regional Municipality of Ottawa-^{Debenture} Carleton, when required by by-law or resolution of the ^{by-law to be} council of The Corporation of the City of Vanier, shall pass ^{passed by} ^{Regional} ^{Municipality} ^{of Ottawa-} ^{Carleton} by-laws, without obtaining the approval of the Ontario Municipal Board and without the recital of Municipal Board approval therein, to borrow the sum of \$165,000, upon debentures made payable in not more than ten years, to defray the cost of the purchase of that certain parcel or tract of land and premises situate, lying and being in the City of Vanier, in The Regional Municipality of Ottawa-Carleton, being composed of lots 26, 27, 28, 29 and 30 as shown on a plan of subdivision filed in the Registry Division of Carleton as Number 75, which parcel or tract of land and premises have been purchased by The Corporation of the City of Vanier for municipal purposes, and the by-laws when duly passed shall be legal, valid and binding upon The Regional Municipality of Ottawa-Carleton and the debt or debts thereby created and all debentures issued under such by-law or by-laws shall be direct, joint and several obligations of The Regional Municipality of Ottawa-Carleton and the sixteen area municipalities constituting The Regional Municipality of Ottawa-Carleton and shall be repaid by levies against the City of Vanier.

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

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An Act respecting the
City of Vanier

1st Reading

March 30th, 1972

2nd Reading

April 25th, 1972

3rd Reading

April 25th, 1972

MR. ROY

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Hamilton

MR. MCNIE

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton ^{Preamble} deems it expedient to establish a corporation to maintain, operate and manage the Theatre-Auditorium in the public interest; and whereas it is in the public interest to implement the objects of the Theatre-Auditorium Corporation; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, 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,

Interpretation

- (a) "board" means the board of directors of the corporation;
- (b) "chairman" means the director who is the chairman of the board;
- (c) "City" means The Corporation of the City of Hamilton;
- (d) "corporation" means The Hamilton Performing Arts Corporation, Inc.;
- (e) "council" means the council of the City;
- (f) "director" means a person appointed to the board as a member thereof;
- (g) "general manager" means the manager of the Theatre-Auditorium;

- (h) "Theatre-Auditorium" includes the enterprise, structure and land located in the "Lloyd D. Jackson Square" and any other facilities within the City that may be available or used from time to time, maintained, operated and managed as a going concern for the objects set forth in this Act.

CORPORATION ESTABLISHED

Corporation established **2.**—(1) There is hereby constituted a corporation without share capital under the name of "The Hamilton Performing Arts Corporation, Inc."

Seal (2) The corporation shall have a corporate seal.

Headquarters (3) The headquarters of the corporation shall be at the City of Hamilton.

Board of directors **3.** The board shall be comprised of seven members, of whom,

(a) two directors shall be members of the council; and

(b) five directors shall not be members of the council.

OBJECTS OF THE CORPORATION

Objects **4.** The objects of the corporation are,

(a) to maintain, operate and manage the Theatre-Auditorium in the public interest;

(b) to provide theatrical facilities and services of every kind within the City of Hamilton for,

(i) amusement, entertainment and exhibition,

(ii) receptions, meetings and displays,

(iii) educational and cultural activities, and

(iv) the performing arts, including dramatic, theatrical, musical and artistic works;

(c) to promote the development of its facilities as a centre for amusement, entertainment and exhibition;

(d) to promote or present meetings, receptions or displays;

(e) to promote or present educational and cultural activities; and

- (f) to promote, produce or present the performing arts, including theatrical, dramatic, musical and artistic works.

COUNCIL

5.—(1) The council shall appoint the directors by by-law. ^{Directors}

(2) The directors who are members of council shall be ^{Term of office} appointed for a term of office of two years.

(3) The directors who are not members of council shall be ^{Term of office} appointed for terms of office as follows:

1. Two first directors shall be appointed for a term of two years.
2. Three first directors shall be appointed for a term of three years.
3. Directors appointed after the first directors shall be appointed for a term of three years.

(4) Council may at any time terminate the term of office ^{Termination} of any director by by-law passed by a vote of at least two-thirds of the members thereof.

(5) Council shall appoint a director as soon as possible to ^{Vacancy} hold office for the remainder of the term for which his predecessor was appointed where a vacancy occurs in the council for any cause.

(6) Council may re-appoint a director upon the expiration ^{Re-appointment} of his term of office.

6.—(1) The council may entrust to the corporation the ^{Management} maintenance, operation and management of the real property or any part thereof owned by the City comprised in the Hamilton Theatre-Auditorium.

(2) The annual budget or any part thereof of the corporation ^{Budget} shall be subject to the approval of the Board of Control and council.

(3) The council may require the corporation to report on any ^{Reports} matter relating to the carrying out of the purposes of this Act for consideration by council.

CHAIRMAN AND VICE-CHAIRMAN

7.—(1) The directors shall elect annually a chairman and ^{Chairman and vice-chairman} vice-chairman from amongst themselves.

- Powers of vice-chairman** (2) The vice-chairman shall act in place and stead of the chairman when the chairman is absent.
- Re-election** (3) The chairman is eligible for re-election during any subsequent term as director.

DIRECTORS

- Quorum** **8.**—(1) A majority of directors constitutes a quorum.
- Votes** (2) Each director shall have only one vote.
- Vacancy** **9.** When there is a vacancy or vacancies on the board, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office and until appointment is made to fill the vacancy or vacancies.
- Com-pensation** **10.** The directors may serve without compensation or with compensation in such amount as the council may determine.
- Meetings** **11.**—(1) Unless varied by by-law of the board, meetings of the board shall be held at least six times each year.
- Notice** (2) A meeting shall be called upon service of a written notice of meeting upon each director not later than two days preceding the date and time fixed for the meeting specifying the purpose of the meeting.
- Record** **12.**—(1) A record of all meetings shall be kept in a book kept for that purpose.
- Minutes** (2) All minutes, orders, directions and proceedings shall be entered into the book.
- Idem** (3) All such minutes shall be signed by the chairman of the meeting, or in his absence by the vice-chairman, at which the proceedings were held and by the secretary of the corporation.

THE BOARD

- Secretary** **13.**—(1) The board may appoint a secretary to the corporation.
- Duties** (2) The duties of the secretary shall be to,
- (a) call such meetings as may be required under this Act;
 - (b) keep all minutes of meetings and proceedings of the board;

- (c) submit to the board at each of its meetings the minutes of the next preceding meeting of the board; and
- (d) perform such duties as the board may from time to time direct.

14.—(1) The corporation may appoint, hire, or otherwise ^{Staff} engage officers, servants, employees, agents, performers or others as it requires to perform its duties and exercise its powers for the proper conduct of its business conducive to the objects of the corporation.

(2) The corporation may determine the qualifications, ^{Qualifications} responsibilities, duties, positions, remuneration, terms and conditions of employment or service of persons hired including performers and other persons conducive to the objects of the corporation.

(3) The corporation may incur within the limits of the ^{Expenditure of moneys} approved budget, expenses and pay salaries, fees and any other sums of money required by the board for the carrying out of its duties and affairs and the exercise of powers under this Act, including all expenses necessarily incurred in connection therewith.

GENERAL MANAGER

15.—(1) The general manager is the executive officer of the ^{General manager} corporation and a member thereof but is not a director.

(2) The board may appoint to the general manager the ^{Powers} exercise of such power and authority as it may determine for the proper conduct of the business conducive to the objects of the corporation.

16.—(1) In addition to the powers vested in and duties ^{Additional powers of corporation} upon corporations by section 26 of *The Interpretation Act* and ^{R.S.O. 1970, c. 225} by this Act, the corporation has the following powers:

1. To carry on in the Theatre-Auditorium all or any of the operations of a theatre, music hall, concert hall, ballroom and cinema and catering for public and private amusements and entertainments of every description.
2. To present, produce, manage, conduct and represent plays, dramas, comedies, operas, revues, promenade and other concerts, musical and other pieces, ballets, shows, exhibitions, variety and other entertainment.

3. To establish educational facilities and provide instruction in all areas of the performing arts.
4. To carry on in the Theatre-Auditorium for the convenience of customers and patrons the business of soft drinks, alcoholic drinks, tobacco, cigar and cigarette merchants and retailers, confectioners and restaurant and refreshment room keepers or proprietors, or any of such operations.
5. To carry on any other operations which may seem to the board capable of being conveniently carried on in connection with its operation or calculated directly or indirectly to enhance the value of or render profitable any of the board's operations.

Idem

(2) In addition to the powers vested in the corporation under subsection 1, the corporation has the following powers:

1. To enact by-laws and pass resolutions for the better operation, government and control of its affairs and undertakings.
2. To enter into agreements, leases, licences or any other formal or informal arrangements for the purposes of this Act.
3. To accept, receive, take, hold or enjoy by grant, conveyance, gift, voluntary donation, devise or bequest, any real or personal property upon terms, if any, expressed or implied, including the investment of any moneys for the purposes of the corporation or conducive to the attainment of the objects and the exercise of the powers of the corporation.
4. To sell, lease, convey or otherwise dispose of or convert into money, real or personal property referred to in paragraph 3.
5. To fix, from time to time, fees, admissions, rates, rentals and any other charges for the use of the Theatre-Auditorium or any other facilities provided.
6. To collect and receive all moneys becoming due in consequence of the maintenance, management and operation of the Theatre-Auditorium.
7. To carry out all or any of the objects of the corporation and to do all or any of the above things as principals, agents, contractors or otherwise.

8. To do all such other things as are incidental or conducive to the attainment of the objects and exercise of the powers of the corporation.

(3) The corporation may exercise any of its powers by resolution of the board except where some other mode of exercising any power is prescribed by this Act. ^{Exercise of powers}

17.—(1) The corporation may acquire personal property necessary for its purpose and may sell or otherwise dispose of any personal property acquired by it. ^{Personal property}

(2) Subject to the approval of the council, the corporation may purchase real property necessary for its purpose and sell, lease or otherwise dispose of any real property acquired by it. ^{Real property}

BOOKS, RECORDS, ESTIMATES

18.—(1) The corporation shall keep or cause to be kept proper books of account and accounting records with respect to all financial and other transactions of the corporation including, without limiting the generality of the foregoing, ^{Records}

(a) records of all such sums of money received from any source whatsoever and disbursed in any manner whatsoever; and

(b) records of all matters with respect to which receipt and disbursements take place in consequence of the maintenance, operation and management of the Theatre-Auditorium.

(2) The corporation shall keep or cause to be kept and maintained all such books of accounts and accounting records as the City Treasurer may require. ^{Idem}

(3) The accounts and transactions of the corporation shall be audited by the auditor of the City. ^{Audit}

19.—(1) The corporation shall prepare or cause to be prepared annually at the commencement of each calendar year a detailed budget of estimated revenue and expenditure, as the City Treasurer may require. ^{Budget}

(2) The corporation shall submit the estimates to council not later than the 14th day of January in each year. ^{Estimates}

(3) The corporation shall cause to be prepared and audited an annual report. ^{Annual report}

Idem (4) The corporation shall submit the annual report to council not later than the 31st day of March in each year.

Fiscal period (5) The fiscal period of the corporation shall be the same as the fiscal period of the City.

OTHER DUTIES OF THE CORPORATION

Approval of council **20.** No budget of estimated revenues and expenditures shall be adopted and implemented by the corporation for any fiscal period unless prior approval is received from council.

LOCAL BOARD

Corporation deemed not local board **21.** The corporation shall be deemed not to be a local board of the City.

TAXATION

Business assessment R.S.O. 1970, c. 32 **22.** The corporation shall be deemed not to be carrying on business within the meaning of section 7 of *The Assessment Act*.

CLAIMS AGAINST THE CORPORATION

Claims **23.** All claims, accounts, demands, suits-at-law or causes of action arising from or relating to the objects of the corporation or from the exercise of any of the powers of the corporation shall be made upon and brought against the corporation and not upon or against,

(a) the City, any member of council, or any officer or servant of the City; or

(b) any director.

Dissolution **24.** Upon dissolution or winding up of the corporation, the assets shall vest in the City free and clear of all claims, charges, liens or encumbrances of any kind.

Commencement **25.** This Act comes into force on the day it receives Royal Assent.

Short title **26.** This Act may be cited as *The City of Hamilton Act, 1972*.



An Act respecting
the City of Hamilton

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. MCNIE

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Hamilton

MR. MCNIE

(Reprinted as amended by the Private Bills Committee)

BILL Pr29

1972

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton ^{Preamble} deems it expedient to establish a corporation to maintain, operate and manage the Theatre-Auditorium in the public interest; and whereas it is in the public interest to implement the objects of the Theatre-Auditorium Corporation; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, 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,

Interpretation

- (a) "board" means the board of directors of the corporation;
- (b) "chairman" means the director who is the chairman of the board;
- (c) "City" means The Corporation of the City of Hamilton;
- (d) "corporation" means The Hamilton Performing Arts Corporation, Inc.;
- (e) "council" means the council of the City;
- (f) "director" means a person appointed to the board as a member thereof;
- (g) "general manager" means the manager of the Theatre-Auditorium;

- (h) "Theatre-Auditorium" includes the enterprise, structure and land located in the "Lloyd D. Jackson Square" and any other facilities within the City that may be available to or used from time to time by the corporation and maintained, operated and managed as a going concern for the objects set forth in this Act.

CORPORATION ESTABLISHED

Corporation established

2.—(1) There is hereby constituted a corporation without share capital under the name of "The Hamilton Performing Arts Corporation, Inc.".

Seal

(2) The corporation shall have a corporate seal.

Headquarters

(3) The headquarters of the corporation shall be at the City of Hamilton.

Board of directors

3. The board shall be comprised of seven members, of whom,

(a) two directors shall be members of the council; and

(b) five directors shall not be members of the council.

OBJECTS OF THE CORPORATION

Objects

4. The objects of the corporation are,

(a) to maintain, operate and manage the Theatre-Auditorium in the public interest;

(b) to provide theatrical facilities and services of every kind within the City of Hamilton for,

(i) amusement, entertainment and exhibition,

(ii) receptions, meetings and displays,

(iii) educational and cultural activities, and

(iv) the performing arts, including dramatic, theatrical, musical and artistic works;

(c) to promote the development of its facilities as a centre for amusement, entertainment and exhibition;

(d) to promote or present meetings, receptions or displays;

(e) to promote or present educational and cultural activities; and

- (f) to promote, produce or present the performing arts, including theatrical, dramatic, musical and artistic works.

COUNCIL

5.—(1) The council shall appoint the directors by by-law. ^{Directors}

(2) The directors who are members of council shall be ^{Term of office} appointed for a term of office of two years.

(3) The directors who are not members of council shall be ^{Idem} appointed for terms of office as follows:

1. Two first directors shall be appointed for a term of two years.
2. Three first directors shall be appointed for a term of three years.
3. Directors appointed after the first directors shall be appointed for a term of three years.

(4) Council may at any time terminate the term of office ^{Termination} of any director by by-law passed by a vote of at least two-thirds of the members thereof.

(5) Council shall appoint a director as soon as possible to ^{Vacancy} hold office for the remainder of the term for which his predecessor was appointed where a vacancy occurs in the council for any cause.

(6) Council may re-appoint a director upon the expiration ^{Re-appointment} of his term of office.

6.—(1) The council may entrust to the corporation the ^{Management} maintenance, operation and management of the real property or any part thereof owned by the City comprised in the Hamilton Theatre-Auditorium.

(2) The annual budget or any part thereof of the corporation ^{Budget} shall be subject to the approval of the Board of Control and council.

(3) The council may require the corporation to report on any ^{Reports} matter relating to the carrying out of the purposes of this Act for consideration by council.

CHAIRMAN AND VICE-CHAIRMAN

7.—(1) The directors shall elect annually a chairman and ^{Chairman and vice-chairman} vice-chairman from amongst themselves.

- Powers of vice-chairman** (2) The vice-chairman shall act in place and stead of the chairman when the chairman is absent.
- Re-election** (3) The chairman is eligible for re-election during any subsequent term as director.

DIRECTORS

- Quorum** **8.**—(1) A majority of directors constitutes a quorum.
- Votes** (2) Each director shall have only one vote.
- Vacancy** **9.** When there is a vacancy or vacancies on the board, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office and until appointment is made to fill the vacancy or vacancies.
- Com-pensation** **10.** The directors may serve without compensation or with compensation in such amount as the council may determine.
- Meetings** **11.**—(1) Unless varied by by-law of the board, meetings of the board shall be held at least six times each year.
- Notice** (2) A meeting shall be called upon service of a written notice of meeting upon each director not later than two days preceding the date and time fixed for the meeting specifying the purpose of the meeting.
- Record** **12.**—(1) A record of all meetings shall be kept in a book kept for that purpose.
- Minutes** (2) All minutes, orders, directions and proceedings shall be entered into the book.
- Idem** (3) All such minutes shall be signed by the chairman of the meeting, or in his absence by the vice-chairman, at which the proceedings were held and by the secretary of the corporation.

THE BOARD

- Secretary** **13.**—(1) The board may appoint a secretary to the corporation.
- Duties** (2) The duties of the secretary shall be to,
- (a) call such meetings as may be required under this Act;
 - (b) keep all minutes of meetings and proceedings of the board;

- (c) submit to the board at each of its meetings the minutes of the next preceding meeting of the board; and
- (d) perform such duties as the board may from time to time direct.

14.—(1) The corporation may appoint, hire, or otherwise ^{Staff} engage officers, servants, employees, agents, performers or others as it requires to perform its duties and exercise its powers for the proper conduct of its business conducive to the objects of the corporation.

(2) The corporation may determine the qualifications, ^{Qualifications} responsibilities, duties, positions, remuneration, terms and conditions of employment or service of persons hired including performers and other persons conducive to the objects of the corporation.

(3) The corporation may incur within the limits of the ^{Expenditure of moneys} approved budget, expenses and pay salaries, fees and any other sums of money required by the board for the carrying out of its duties and affairs and the exercise of powers under this Act, including all expenses necessarily incurred in connection therewith.

GENERAL MANAGER

15.—(1) The general manager is the executive officer of the ^{General manager} corporation and a member thereof but is not a director.

(2) The board may appoint to the general manager the ^{Powers} exercise of such power and authority as it may determine for the proper conduct of the business conducive to the objects of the corporation.

16.—(1) In addition to the powers vested in and duties ^{Additional powers of corporation} upon corporations by section 26 of *The Interpretation Act* and ^{R.S.O. 1970, c. 225} by this Act, the corporation has the following powers:

1. To carry on in the Theatre-Auditorium all or any of the operations of a theatre, music hall, concert hall, ballroom and cinema and catering for public and private amusements and entertainments of every description.
2. To present, produce, manage, conduct and represent plays, dramas, comedies, operas, revues, promenade and other concerts, musical and other pieces, ballets, shows, exhibitions, variety and other entertainment.

R.S.O. 1970,
c. 250

3. To establish educational facilities and provide instruction in all areas of the performing arts.
4. Subject to *The Liquor Licence Act* and the regulations made thereunder, to carry on in the Theatre-Auditorium for the convenience of customers and patrons the business of soft drinks, alcoholic drinks, tobacco, cigar and cigarette merchants and retailers, confectioners and restaurant and refreshment room keepers or proprietors, or any of such operations.
5. To carry on any other operations which may seem to the board capable of being conveniently carried on in connection with its operation or calculated directly or indirectly to enhance the value of or render profitable any of the board's operations.

Idem

(2) In addition to the powers vested in the corporation under subsection 1, the corporation has the following powers:

1. To enact by-laws and pass resolutions for the better operation, government and control of its affairs and undertakings.
2. To enter into agreements, leases, licences or any other formal or informal arrangements for the purposes of this Act.
3. To accept, receive, take, hold or enjoy by grant, conveyance, gift, voluntary donation, devise or bequest, any real or personal property upon terms, if any, expressed or implied, including the investment of any moneys for the purposes of the corporation or conducive to the attainment of the objects and the exercise of the powers of the corporation.
4. To sell, lease, convey or otherwise dispose of or convert into money, real or personal property referred to in paragraph 3.
5. To fix, from time to time, fees, admissions, rates, rentals and any other charges for the use of the Theatre-Auditorium or any other facilities provided.
6. To collect and receive all moneys becoming due in consequence of the maintenance, management and operation of the Theatre-Auditorium.
7. To carry out all or any of the objects of the corporation and to do all or any of the above things as principals, agents, contractors or otherwise.

8. To do all such other things as are incidental or conducive to the attainment of the objects and exercise of the powers of the corporation.

(3) The corporation may exercise any of its powers by resolution of the board except where some other mode of exercising any power is prescribed by this Act. ^{Exercise of powers}

17.—(1) The corporation may acquire personal property necessary for its purpose and may sell or otherwise dispose of any personal property acquired by it. ^{Personal property}

(2) Subject to the approval of the council, the corporation may purchase real property necessary for its purpose and sell, lease or otherwise dispose of any real property acquired by it. ^{Real property}

BOOKS, RECORDS, ESTIMATES

18.—(1) The corporation shall keep or cause to be kept proper books of account and accounting records with respect to all financial and other transactions of the corporation including, without limiting the generality of the foregoing, ^{Records}

(a) records of all such sums of money received from any source whatsoever and disbursed in any manner whatsoever; and

(b) records of all matters with respect to which receipt and disbursements take place in consequence of the maintenance, operation and management of the Theatre-Auditorium.

(2) The corporation shall keep or cause to be kept and maintained all such books of accounts and accounting records as the City Treasurer may require. ^{Idem}

(3) The accounts and transactions of the corporation shall be audited by the auditor of the City. ^{Audit}

19.—(1) The corporation shall prepare or cause to be prepared annually at the commencement of each calendar year a detailed budget of estimated revenue and expenditure, as the City Treasurer may require. ^{Budget}

(2) The corporation shall submit the estimates to council not later than the 14th day of January in each year. ^{Estimates}

(3) The corporation shall cause to be prepared and audited an annual report. ^{Annual report}

- Idem (4) The corporation shall submit the annual report to council not later than the 31st day of March in each year.
- Fiscal period (5) The fiscal period of the corporation shall be the same as the fiscal period of the City.

OTHER DUTIES OF THE CORPORATION

- Approval of council **20.** No budget of estimated revenues and expenditures shall be adopted and implemented by the corporation for any fiscal period unless prior approval is received from council.

LOCAL BOARD

- Corporation deemed not local board **21.** The corporation shall be deemed not to be a local board of the City except for the purposes of *The Ontario Municipal Employees Retirement System Act.*
R.S.O. 1970, c. 324

CLAIMS AGAINST THE CORPORATION

- Claims **22.** All claims, accounts, demands, suits-at-law or causes of action arising from or relating to the objects of the corporation or from the exercise of any of the powers of the corporation shall be made upon and brought against the corporation and not upon or against,
- (a) the City, any member of council, or any officer or servant of the City; or
 - (b) any director.

- Dissolution **23.** Upon dissolution or winding up of the corporation, the assets shall vest in the City free and clear of all claims, charges, liens or encumbrances of any kind.

- Commencement **24.** This Act comes into force on the day it receives Royal Assent.

- Short title **25.** This Act may be cited as *The City of Hamilton Act, 1972.*



An Act respecting
the City of Hamilton

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. MCNIE

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

BILL Pr29

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Hamilton

MR. MCNIE

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton ^{Preamble} deems it expedient to establish a corporation to maintain, operate and manage the Theatre-Auditorium in the public interest; and whereas it is in the public interest to implement the objects of the Theatre-Auditorium Corporation; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, 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,

Interpretation

- (a) "board" means the board of directors of the corporation;
- (b) "chairman" means the director who is the chairman of the board;
- (c) "City" means The Corporation of the City of Hamilton;
- (d) "corporation" means The Hamilton Performing Arts Corporation, Inc.;
- (e) "council" means the council of the City;
- (f) "director" means a person appointed to the board as a member thereof;
- (g) "general manager" means the manager of the Theatre-Auditorium;

- (h) "Theatre-Auditorium" includes the enterprise, structure and land located in the "Lloyd D. Jackson Square" and any other facilities within the City that may be available to or used from time to time by the corporation and maintained, operated and managed as a going concern for the objects set forth in this Act.

CORPORATION ESTABLISHED

Corporation established

2.—(1) There is hereby constituted a corporation without share capital under the name of "The Hamilton Performing Arts Corporation, Inc."

Seal

(2) The corporation shall have a corporate seal.

Headquarters

(3) The headquarters of the corporation shall be at the City of Hamilton.

Board of directors

3. The board shall be comprised of seven members, of whom,

(a) two directors shall be members of the council; and

(b) five directors shall not be members of the council.

OBJECTS OF THE CORPORATION

Objects

4. The objects of the corporation are,

(a) to maintain, operate and manage the Theatre-Auditorium in the public interest;

(b) to provide theatrical facilities and services of every kind within the City of Hamilton for,

(i) amusement, entertainment and exhibition,

(ii) receptions, meetings and displays,

(iii) educational and cultural activities, and

(iv) the performing arts, including dramatic, theatrical, musical and artistic works;

(c) to promote the development of its facilities as a centre for amusement, entertainment and exhibition;

(d) to promote or present meetings, receptions or displays;

(e) to promote or present educational and cultural activities; and

- (f) to promote, produce or present the performing arts, including theatrical, dramatic, musical and artistic works.

COUNCIL

5.—(1) The council shall appoint the directors by by-law. ^{Directors}

(2) The directors who are members of council shall be ^{Term of office} appointed for a term of office of two years.

(3) The directors who are not members of council shall be ^{Idem} appointed for terms of office as follows:

1. Two first directors shall be appointed for a term of two years.
2. Three first directors shall be appointed for a term of three years.
3. Directors appointed after the first directors shall be appointed for a term of three years.

(4) Council may at any time terminate the term of office ^{Termination} of any director by by-law passed by a vote of at least two-thirds of the members thereof.

(5) Council shall appoint a director as soon as possible to ^{Vacancy} hold office for the remainder of the term for which his predecessor was appointed where a vacancy occurs in the council for any cause.

(6) Council may re-appoint a director upon the expiration ^{Re-appointment} of his term of office.

6.—(1) The council may entrust to the corporation the ^{Management} maintenance, operation and management of the real property or any part thereof owned by the City comprised in the Hamilton Theatre-Auditorium.

(2) The annual budget or any part thereof of the corporation ^{Budget} shall be subject to the approval of the Board of Control and council.

(3) The council may require the corporation to report on any ^{Reports} matter relating to the carrying out of the purposes of this Act for consideration by council.

CHAIRMAN AND VICE-CHAIRMAN

7.—(1) The directors shall elect annually a chairman and ^{Chairman and vice-chairman} vice-chairman from amongst themselves.

- Powers of vice-chairman** (2) The vice-chairman shall act in place and stead of the chairman when the chairman is absent.
- Re-election** (3) The chairman is eligible for re-election during any subsequent term as director.

DIRECTORS

- Quorum** **8.**—(1) A majority of directors constitutes a quorum.
- Votes** (2) Each director shall have only one vote.
- Vacancy** **9.** When there is a vacancy or vacancies on the board, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office and until appointment is made to fill the vacancy or vacancies.
- Com-pensation** **10.** The directors may serve without compensation or with compensation in such amount as the council may determine.
- Meetings** **11.**—(1) Unless varied by by-law of the board, meetings of the board shall be held at least six times each year.
- Notice** (2) A meeting shall be called upon service of a written notice of meeting upon each director not later than two days preceding the date and time fixed for the meeting specifying the purpose of the meeting.
- Record** **12.**—(1) A record of all meetings shall be kept in a book kept for that purpose.
- Minutes** (2) All minutes, orders, directions and proceedings shall be entered into the book.
- Idem** (3) All such minutes shall be signed by the chairman of the meeting, or in his absence by the vice-chairman, at which the proceedings were held and by the secretary of the corporation.

THE BOARD

- Secretary** **13.**—(1) The board may appoint a secretary to the corporation.
- Duties** (2) The duties of the secretary shall be to,
- (a) call such meetings as may be required under this Act ;
 - (b) keep all minutes of meetings and proceedings of the board ;

- (c) submit to the board at each of its meetings the minutes of the next preceding meeting of the board; and
- (d) perform such duties as the board may from time to time direct.

14.—(1) The corporation may appoint, hire, or otherwise ^{Staff} engage officers, servants, employees, agents, performers or others as it requires to perform its duties and exercise its powers for the proper conduct of its business conducive to the objects of the corporation.

(2) The corporation may determine the qualifications, ^{Qualifications} responsibilities, duties, positions, remuneration, terms and conditions of employment or service of persons hired including performers and other persons conducive to the objects of the corporation.

(3) The corporation may incur within the limits of the ^{Expenditure of moneys} approved budget, expenses and pay salaries, fees and any other sums of money required by the board for the carrying out of its duties and affairs and the exercise of powers under this Act, including all expenses necessarily incurred in connection therewith.

GENERAL MANAGER

15.—(1) The general manager is the executive officer of the ^{General manager} corporation and a member thereof but is not a director.

(2) The board may appoint to the general manager the ^{Powers} exercise of such power and authority as it may determine for the proper conduct of the business conducive to the objects of the corporation.

16.—(1) In addition to the powers vested in and duties ^{Additional powers of corporation R.S.O. 1970, c. 225} upon corporations by section 26 of *The Interpretation Act* and by this Act, the corporation has the following powers:

1. To carry on in the Theatre-Auditorium all or any of the operations of a theatre, music hall, concert hall, ballroom and cinema and catering for public and private amusements and entertainments of every description.
2. To present, produce, manage, conduct and represent plays, dramas, comedies, operas, revues, promenade and other concerts, musical and other pieces, ballets, shows, exhibitions, variety and other entertainment.

R.S.O. 1970,
c. 250

3. To establish educational facilities and provide instruction in all areas of the performing arts.
4. Subject to *The Liquor Licence Act* and the regulations made thereunder, to carry on in the Theatre-Auditorium for the convenience of customers and patrons the business of soft drinks, alcoholic drinks, tobacco, cigar and cigarette merchants and retailers, confectioners and restaurant and refreshment room keepers or proprietors, or any of such operations.
5. To carry on any other operations which may seem to the board capable of being conveniently carried on in connection with its operation or calculated directly or indirectly to enhance the value of or render profitable any of the board's operations.

Idem

(2) In addition to the powers vested in the corporation under subsection 1, the corporation has the following powers:

1. To enact by-laws and pass resolutions for the better operation, government and control of its affairs and undertakings.
2. To enter into agreements, leases, licences or any other formal or informal arrangements for the purposes of this Act.
3. To accept, receive, take, hold or enjoy by grant, conveyance, gift, voluntary donation, devise or bequest, any real or personal property upon terms, if any, expressed or implied, including the investment of any moneys for the purposes of the corporation or conducive to the attainment of the objects and the exercise of the powers of the corporation.
4. To sell, lease, convey or otherwise dispose of or convert into money, real or personal property referred to in paragraph 3.
5. To fix, from time to time, fees, admissions, rates, rentals and any other charges for the use of the Theatre-Auditorium or any other facilities provided.
6. To collect and receive all moneys becoming due in consequence of the maintenance, management and operation of the Theatre-Auditorium.
7. To carry out all or any of the objects of the corporation and to do all or any of the above things as principals, agents, contractors or otherwise.

8. To do all such other things as are incidental or conducive to the attainment of the objects and exercise of the powers of the corporation.

(3) The corporation may exercise any of its powers by resolution of the board except where some other mode of exercising any power is prescribed by this Act. ^{Exercise of powers}

17.—(1) The corporation may acquire personal property necessary for its purpose and may sell or otherwise dispose of any personal property acquired by it. ^{Personal property}

(2) Subject to the approval of the council, the corporation may purchase real property necessary for its purpose and sell, lease or otherwise dispose of any real property acquired by it. ^{Real property}

BOOKS, RECORDS, ESTIMATES

18.—(1) The corporation shall keep or cause to be kept proper books of account and accounting records with respect to all financial and other transactions of the corporation including, without limiting the generality of the foregoing, ^{Records}

(a) records of all such sums of money received from any source whatsoever and disbursed in any manner whatsoever; and

(b) records of all matters with respect to which receipt and disbursements take place in consequence of the maintenance, operation and management of the Theatre-Auditorium.

(2) The corporation shall keep or cause to be kept and maintained all such books of accounts and accounting records as the City Treasurer may require. ^{Idem}

(3) The accounts and transactions of the corporation shall be audited by the auditor of the City. ^{Audit}

19.—(1) The corporation shall prepare or cause to be prepared annually at the commencement of each calendar year a detailed budget of estimated revenue and expenditure, as the City Treasurer may require. ^{Budget}

(2) The corporation shall submit the estimates to council not later than the 14th day of January in each year. ^{Estimates}

(3) The corporation shall cause to be prepared and audited an annual report. ^{Annual report}

- Idem (4) The corporation shall submit the annual report to council not later than the 31st day of March in each year.
- Fiscal period (5) The fiscal period of the corporation shall be the same as the fiscal period of the City.

OTHER DUTIES OF THE CORPORATION

- Approval of council **20.** No budget of estimated revenues and expenditures shall be adopted and implemented by the corporation for any fiscal period unless prior approval is received from council.

LOCAL BOARD

- Corporation deemed not local board **21.** The corporation shall be deemed not to be a local board of the City except for the purposes of *The Ontario Municipal Employees Retirement System Act*.
R.S.O. 1970, c. 324

CLAIMS AGAINST THE CORPORATION

- Claims **22.** All claims, accounts, demands, suits-at-law or causes of action arising from or relating to the objects of the corporation or from the exercise of any of the powers of the corporation shall be made upon and brought against the corporation and not upon or against,
- (a) the City, any member of council, or any officer or servant of the City; or
 - (b) any director.

- Dissolution **23.** Upon dissolution or winding up of the corporation, the assets shall vest in the City free and clear of all claims, charges, liens or encumbrances of any kind.

- Commencement **24.** This Act comes into force on the day it receives Royal Assent.

- Short title **25.** This Act may be cited as *The City of Hamilton Act, 1972*.



An Act respecting
the City of Hamilton

1st Reading

March 30th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

MR. MCNIE

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sarnia

MR. BULLBROOK

BILL Pr30

1972

An Act respecting the City of Sarnia

WHEREAS The Corporation of the City of Sarnia, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) The council of the Corporation may enter into an Agreements for relief from requirements to provide parking agreement with the owner or occupant of a building or structure to be erected or used providing for relief, to the extent set out in the agreement, from any requirement in any by-law of the Corporation for the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owner or occupant, to the extent specified in the agreement, from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection 1 shall,

Agreements approved by O.M.B.

- (a) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof; and
- (b) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the sum is computed.

(3) All moneys paid or to be paid pursuant to an agreement Payments under agreements held as fund for purpose of parking facilities referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustees Act*, and the earnings derived from the investment of such moneys shall be paid into such R.S.O. 1970, c. 470 special account, and the moneys in such special account shall be expended for the same purposes and in the same manner

R.S.O. 1970,
c. 284 as a reserve fund provided for in paragraph 72 of section 352
of *The Municipal Act*.

Registration
of agreement
imposes lien
on land (4) Any such agreement may be registered against the land
affected thereby in the proper registry or land titles office,
and, when so registered, the amounts payable under such an
agreement until paid shall be a lien or charge upon the lands
described therein and may be collected in the same manner
and with the same remedies as provided by *The Municipal
Act*, and *The Department of Municipal Affairs Act* for the
collection of real property taxes, and, upon payment in full
of the moneys to be paid under the agreement or upon
termination of the agreement, there shall be registered in the
proper registry or land titles office against such lands a
certificate from the clerk of the Corporation stating that the
moneys to be paid under the agreement have been fully
paid or that the agreement has been terminated.

Audit of
fund (5) The city auditor in his annual report shall report on the
activities and position of any special account established under
this section.

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

Short title **3.** This Act may be cited as *The City of Sarnia Act, 1972*
(No. 2).



1875

An Act respecting
the City of Sarnia

1st Reading

March 30th, 1972

2nd Reading

3rd Reading

MR. BULLBROOK

(Private Bill)

BILL Pr30

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sarnia

MR. BULLBROOK

BILL Pr30

1972

An Act respecting the City of Sarnia

WHEREAS The Corporation of the City of Sarnia, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1.—(1) The council of the Corporation may enter into an ^{Agreements for relief from requirements to provide parking} agreement with the owner or occupant of a building or structure to be erected or used providing for relief, to the extent set out in the agreement, from any requirement in any by-law of the Corporation for the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owner or occupant, to the extent specified in the agreement, from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection 1 shall,

^{Agreements approved by O.M.B.}

(a) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof; and

(b) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the sum is computed.

(3) All moneys paid or to be paid pursuant to an agreement ^{Payments under agreements held as fund for parking facilities} referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such ^{R.S.O. 1970, c. 470} special account, and the moneys in such special account shall be expended for the same purposes and in the same manner

R.S.O. 1970,
c. 284 as a reserve fund provided for in paragraph 72 of section 352
of *The Municipal Act*.

Registration
of agreement
imposes lien
on land

(4) Any such agreement may be registered against the land affected thereby in the proper registry or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien or charge upon the lands described therein and may be collected in the same manner and with the same remedies as provided by *The Municipal Act*, and *The Municipal Affairs Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, there shall be registered in the proper registry or land titles office against such lands a certificate from the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970,
c. 118

Audit of
fund

(5) The city auditor in his annual report shall report on the activities and position of any special account established under this section.

Commence-
ment

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

Short title

3. This Act may be cited as *The City of Sarnia Act, 1972* (No. 2).





An Act respecting
the City of Sarnia

1st Reading

March 30th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

MR. BULLBROOK

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the County of Victoria

MR. HODGSON (Victoria-Haliburton)

BILL Pr31

1972

An Act respecting the County of Victoria

WHEREAS The Corporation of the County of Victoria ^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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) "council" means the council of the County;
- (b) "County" means The Corporation of the County of Victoria;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the council.

2.—(1) Notwithstanding subsections 1 and 2 of section 27 of *The Municipal Act*, membership on the council and the votes of such members shall be as follows:

County
council:
Composition
of and
votes on
R.S.O. 1970,
c. 284

- 1. Where a local municipality has less than 2,500 municipal electors, the reeve only shall be a member of council and shall have one vote.
- 2. Where a local municipality has not less than 2,500 and not more than 5,000 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have one vote.

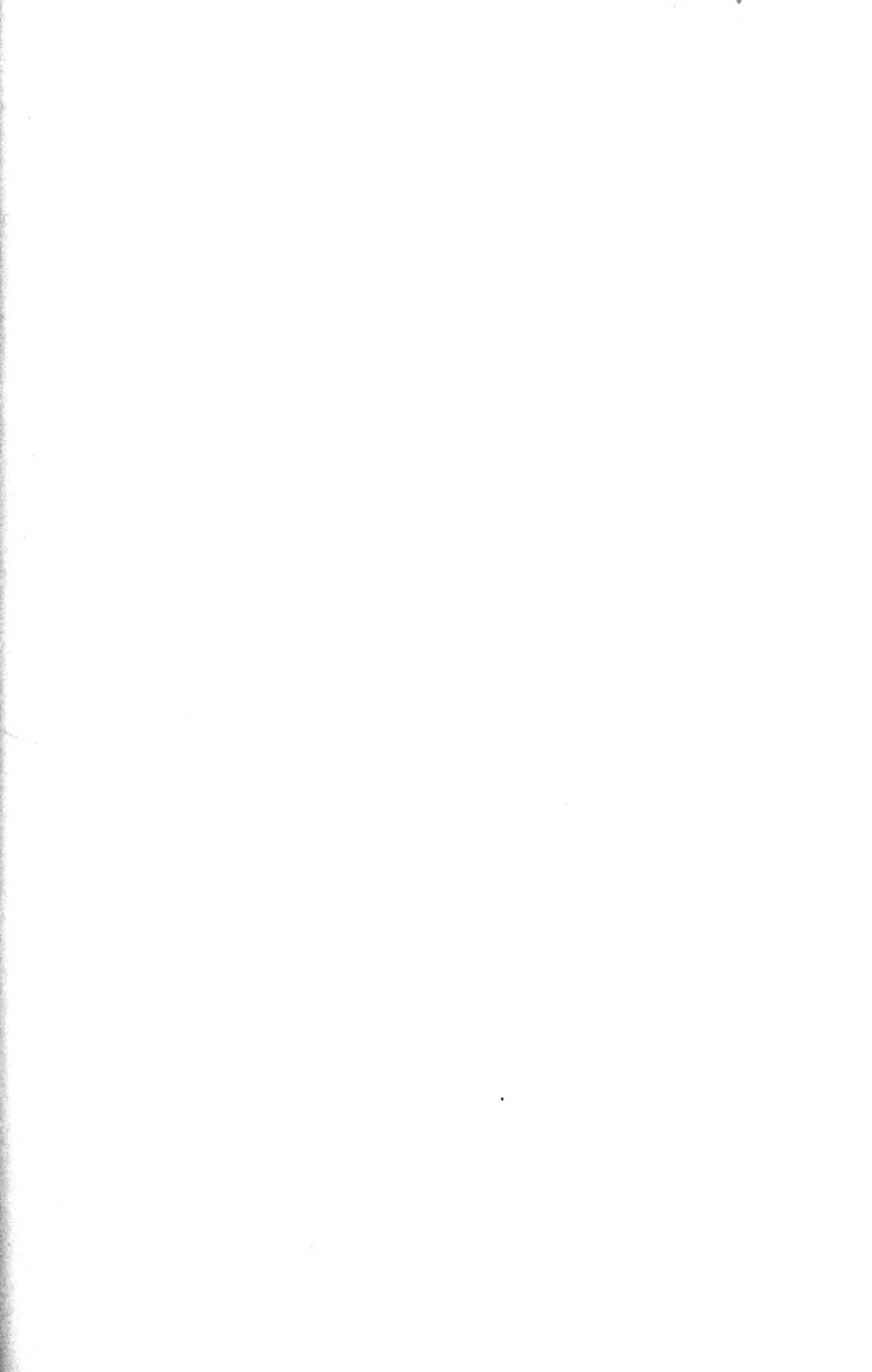
3. Where a local municipality has more than 5,000 but not more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have two votes.

Application (2) Subsection 1 applies with respect to the composition of and votes on the council for the year 1973 and subsequent years.

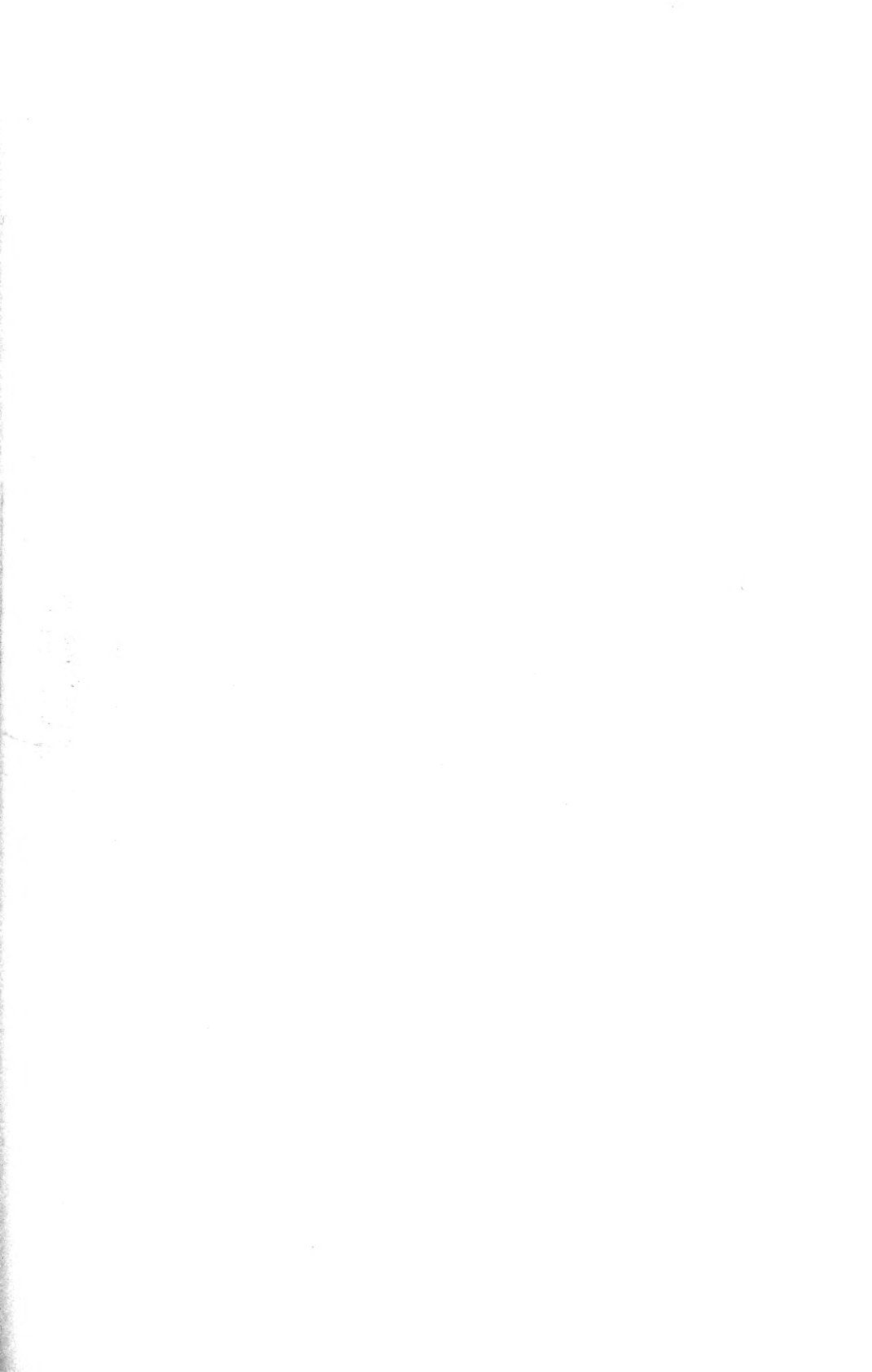
Application of R.S.O. 1970, c. 284 **3.** Subsection 2 of section 34 and section 202 of *The Municipal Act* apply *mutatis mutandis*.

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

Short title **5.** This Act may be cited as *The County of Victoria Act, 1972*.







An Act respecting
the County of Victoria

1st Reading

2nd Reading

3rd Reading

MR. HODGSON (Victoria-Haliburton)

(Private Bill)

BILL Pr31

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the County of Victoria

MR. HODGSON (Victoria-Haliburton)

An Act respecting the County of Victoria

WHEREAS The Corporation of the County of Victoria^{Preamble} hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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) "council" means the council of the County;
- (b) "County" means The Corporation of the County of Victoria;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the council.

2.—(1) Notwithstanding subsections 1 and 2 of section 27 of *The Municipal Act*, membership on the council and the votes of such members shall be as follows:

County
council:
Composition
of and
votes on
R.S.O. 1970,
c. 284

- 1. Where a local municipality has less than 2,500 municipal electors, the reeve only shall be a member of council and shall have one vote.
- 2. Where a local municipality has not less than 2,500 and not more than 5,000 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have one vote.

3. Where a local municipality has more than 5,000 but not more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 7,500 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have two votes.

Application (2) Subsection 1 applies with respect to the composition of and votes on the council for the year 1973 and subsequent years.

Application of R.S.O. 1970, c. 284 **3.** Subsection 2 of section 34 and section 202 of *The Municipal Act* apply *mutatis mutandis*.

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

Short title **5.** This Act may be cited as *The County of Victoria Act, 1972*.

An Act respecting
the County of Victoria

1st Reading

April 20th, 1972

2nd Reading

May 2nd, 1972

3rd Reading

May 2nd, 1972

MR. HODGSON (Victoria-Haliburton)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Preston

MR. ROWE

BILL Pr32

1972

An Act respecting the Town of Preston

WHEREAS The Corporation of the Town of Preston, ^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding any general or special Act, the council ^{Tax credit to old age pensioners} of the Corporation may by by-law authorize and direct the Treasurer of the Corporation to allow a credit equivalent to that portion of the real property taxes levied by the Corporation for school purposes on payment by any person of the remaining portion of the taxes levied in respect of any residential real property owned and occupied by such person, or owned by such person and occupied by his or her spouse or by both, as his, her or their personal residence, where such person, or the spouse of such person, or both, has attained the age of sixty-five years and is receiving benefits under the *Old Age Security Act* (Canada) provided however, that no ^{R.S.C. 1970, c. O-6} such credit,

- (a) shall exceed the sum of \$75 in any year;
- (b) shall be allowed to any person or to the spouse of such person in respect of more residential real property than one single family dwelling unit in any year;
- (c) shall be allowed to any person who has not made application therefor on or before the last day of July in the year in which the taxes in respect of which such application is made become due and payable;
- (d) shall be allowed to any person unless such person or the spouse of such person, or both, has been continuously assessed as the owner and occupant of

residential real property in the Town of Preston for at least ten years immediately preceding the date of the application; or

- (e) shall be allowed to any person until such person and his or her spouse, if any, have passed whatever means test may be provided in the said by-law.

Commence-
ment

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

Short title

3. This Act may be cited as *The Town of Preston Act, 1972*.

An Act respecting the Town of Preston

1st Reading

April 20th, 1972

2nd Reading

3rd Reading

MR. ROWE

(Private Bill)

BILL Pr32

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Preston

MR. ROWE

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL Pr32

1972

An Act respecting the Town of Preston

WHEREAS The Corporation of the Town of Preston, ^{Preamble} herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

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

1. Notwithstanding any general or special Act, the council ^{Tax credit to old age pensioners} of the Corporation may by by-law authorize and direct the Treasurer of the Corporation to allow a credit equivalent to that portion of the real property taxes levied by the Corporation for school purposes on payment by any person of the remaining portion of the taxes levied in respect of any residential real property owned and occupied by such person, or owned by such person and occupied by his or her spouse or by both, as his, her or their personal residence, where such person, or the spouse of such person, or both, has attained the age of sixty-five years and is receiving benefits under the *Old Age Security Act* (Canada) provided however, that no ^{R.S.C. 1970, c. O-6} such credit,

- (a) shall exceed the sum of \$75 in any year;
- (b) shall be allowed to any person or to the spouse of such person in respect of more residential real property than one single family dwelling unit in any year;
- (c) shall be allowed to any person who has not made application therefor on or before the last day of July in the year in which the taxes in respect of which such application is made become due and payable;
- (d) shall be allowed to any person unless such person or the spouse of such person, or both, has been continuously assessed as the owner and occupant of

residential real property in the Town of Preston for at least ten years immediately preceding the date of the application; or

- (e) shall be allowed to any person until such person and his or her spouse, if any, have passed whatever means test may be provided in the said by-law.

Commence-
ment

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

Short title

3. This Act may be cited as *The Town of Preston Act, 1972*.



An Act respecting the Town of Preston

1st Reading

April 20th, 1972

2nd Reading

May 16th, 1972

3rd Reading

May 16th, 1972

MR. ROWE

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sault Ste. Marie

MR. RHODES

BILL Pr33

1972

**An Act respecting
the City of Sault Ste. Marie**

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1. The Council of the Corporation may, to such extent as it thinks fit, pay the legal costs incurred by employees of the Sault Ste. Marie Parking Authority in respect of the judicial inquiry conducted by His Honour Judge I. A. Vannini during the period September 7th, 1971 to November 16th, 1971 to inquire whether there had been any misconduct, and if so, by whom, in the collection and disposition of moneys deposited into parking meters.

Payment of legal costs of Parking Authority employees authorized

2.—(1) Where the council of the Corporation has passed a by-law with the approval of the Ontario Municipal Board under paragraph 72 of section 352 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area, the Sault Ste. Marie Parking Authority prior to the 1st day of July in any year shall prepare and deliver to the clerk of the Corporation a notice to be sent to every person assessed under such by-law, such notice to set out the sum or sums for which such person has been assessed and the method of calculating such assessment and a short description of the property affected by such assessment, and the clerk shall deliver such notice in the manner prescribed by section 40 of *The Assessment Act* for the delivery of a notice of assessment.

Notice of annual parking levy R.S.O. 1970, c. 284

R.S.O. 1970, c. 32

Cancellations,
reductions,
refunds of
levy
R.S.O. 1970,
c. 32

(2) An application may be made to the Assessment Review Court established under *The Assessment Act* for the cancellation, reduction or refund of the sum or sums levied in accordance with subsection 1 in the year in respect of which the application is made by any person who claims that the special benefit derived by a parcel of land in the defined area has decreased from that shown in the notice aforesaid.

Time for
making
application

(3) The application may be made at any time during the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality who shall immediately transmit the notice to the regional registrar.

Notice of
hearing

(4) The regional registrar of the Assessment Review Court shall give to the clerk of the municipality and to all persons claiming under subsection 2 notice of any hearing by the Assessment Review Court at least fourteen days before the date fixed for the hearing.

Service of
notice

(5) The regional registrar of the Assessment Review Court shall cause any notice under this section to be left at the person's residence or place of business or to be sent by mail addressed thereto.

Powers of
Assessment
Review Court

(6) The Assessment Review Court, subject to such restrictions and limitations as are contained in this section, may reject the application or,

- (a) where the levy has not been paid, cancel the whole of the levy or reduce the levy; or
- (b) where the levy has been paid in full, order a refund of the whole of the levy or any part thereof; or
- (c) where the levy has been paid in part, order a refund of the whole of the levy paid or any part thereof and reduce or cancel the portion of the levy unpaid.

Hearing and
disposition

(7) The Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the regional registrar shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given.

Difference to
be paid out
of reserve
fund

(8) Where a levy has been cancelled, reduced or refunded in accordance with this section in respect of any year, the amount by which such levy has been cancelled, reduced or

refunded shall be paid out of the Sault Ste. Marie Parking Authority reserve fund and applied for such purpose or purposes for which the levy was made.

(9) The council of the Corporation in each year after receipt of all notices of decision of the Assessment Review Court which cancel, reduce or refund the levy referred to in subsection 1 shall by by-law apportion the cost mentioned in clause g of paragraph 72 of section 352 of *The Municipal Act* against each parcel of land in the benefitting areas which continue to derive special benefit.

Annual
by-law to
reapportion
parking levy

R.S.O. 1970,
c. 284

3. The Corporation may by by-law cancel, reduce or refund taxes levied on premises 654 Queen Street East under Benefit Assessment Parking By-law 3345 for the years 1970 and 1971 and any interest, penalties or other costs incidental thereto that may have been levied against the owner, and the amount of such cancellation, reduction or refund shall be paid out of the Parking Authority reserve fund.

Cancellation,
etc., of taxes,
654 Queen
Street East

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

Commence-
ment

5. This Act may be cited as *The City of Sault Ste. Marie Act, 1972 (No. 2)*.

Short title



An Act respecting
the City of Sault Ste. Marie

1st Reading

April 20th, 1972

2nd Reading

3rd Reading

MR. RHODES

(Private Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sault Ste. Marie

MR. RHODES

(Reprinted as amended by the Private Bills Committee)

BILL Pr33

1972

**An Act respecting
the City of Sault Ste. Marie**

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1. The council of the Corporation may, to such extent as it thinks fit, pay the legal costs incurred by employees of the Sault Ste. Marie Parking Authority in respect of the judicial inquiry conducted by His Honour Judge I. A. Vannini during the period September 7th, 1971 to November 16th, 1971 to inquire whether there had been any misconduct, and if so, by whom, in the collection and disposition of moneys deposited into parking meters.

Payment of legal costs of Parking Authority employees authorized

2.—(1) Where the council of the Corporation has passed a by-law with the approval of the Ontario Municipal Board under paragraph 72 of section 352 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area, the Sault Ste. Marie Parking Authority prior to the 1st day of February in any year shall prepare and deliver to the clerk of the Corporation a notice to be sent to every person assessed under such by-law, such notice to set out the sum or sums for which such person has been assessed and the method of calculating such assessment and a short description of the property affected by such assessment, and the clerk shall deliver such notice in the manner prescribed by section 40 of *The Assessment Act* for the delivery of a notice of assessment.

Notice of annual parking levy R.S.O. 1970, c. 284

R.S.O. 1970, c. 32

Cancellations,
reductions,
refunds of
levy

(2) An application may be made to the council of the Corporation for the cancellation, reduction or refund of the sum or sums levied in accordance with subsection 1 in the year in respect of which the application is made by any person who claims that the special benefit derived by a parcel of land in the defined area has decreased from that shown in the notice aforesaid.

Time for
making
application

(3) The application may be made at any time during the year in respect of which the application is made and until the 14th day of February in the following year and notice in writing of the application shall be given to the clerk.

Notice of
hearing

(4) The clerk shall give to all persons claiming under subsection 2 notice of any hearing by the council at least seven days before the date fixed for the hearing.

Service of
notice

(5) The clerk shall cause any notice under this section to be left at the person's residence or place of business or to be sent by mail addressed thereto.

Powers of
council

(6) The council, subject to such restrictions and limitations as are contained in this section, may reject the application or,

- (a) where the levy has not been paid, cancel the whole of the levy or reduce the levy; or
- (b) where the levy has been paid in full, order a refund of the whole of the levy or any part thereof; or
- (c) where the levy has been paid in part, order a refund of the whole of the levy paid or any part thereof and reduce or cancel the portion of the levy unpaid.

Hearing and
disposition

(7) The council shall hear and dispose of every application not later than the 28th day of February in the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given.

Difference to
be paid out
of reserve
fund

(8) Where a levy has been cancelled, reduced or refunded in accordance with this section in respect of any year, the amount by which such levy has been cancelled, reduced or refunded shall be paid out of the Sault Ste. Marie Parking Authority reserve fund and applied for such purpose or purposes for which the levy was made.

Annual
by-law to
reapportion
parking levy

(9) The council in each year in which it cancels, reduces or refunds the levy referred to in subsection 1 shall by by-law

apportion the cost mentioned in clause *g* of paragraph 72 of section 352 of *The Municipal Act* against each parcel of land in the benefitting areas which continue to derive special benefit. R.S.O. 1970, c. 284

3. The Corporation may by by-law cancel, reduce or refund taxes levied on premises 654 Queen Street East under Benefit Assessment Parking By-law 3345 for the years 1970 and 1971 and any interest, penalties or other costs incidental thereto that may have been levied against the owner, and the amount of such cancellation, reduction or refund shall be paid out of the Parking Authority reserve fund. Cancellation, etc., of taxes, 654 Queen Street East

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

5. This Act may be cited as *The City of Sault Ste. Marie Act, 1972 (No. 2)*. Short title



An Act respecting
the City of Sault Ste. Marie

1st Reading

April 20th, 1972

2nd Reading

3rd Reading

MR. RHODES

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

BILL Pr33

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Sault Ste. Marie

MR. RHODES

BILL Pr33

1972

**An Act respecting
the City of Sault Ste. Marie**

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

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

1. The council of the Corporation may, to such extent as it thinks fit, pay the legal costs incurred by employees of the Sault Ste. Marie Parking Authority in respect of the judicial inquiry conducted by His Honour Judge I. A. Vannini during the period September 7th, 1971 to November 16th, 1971 to inquire whether there had been any misconduct, and if so, by whom, in the collection and disposition of moneys deposited into parking meters.

Payment of legal costs of Parking Authority employees authorized

2.—(1) Where the council of the Corporation has passed a by-law with the approval of the Ontario Municipal Board under paragraph 72 of section 352 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area, the Sault Ste. Marie Parking Authority prior to the 1st day of February in any year shall prepare and deliver to the clerk of the Corporation a notice to be sent to every person assessed under such by-law, such notice to set out the sum or sums for which such person has been assessed and the method of calculating such assessment and a short description of the property affected by such assessment, and the clerk shall deliver such notice in the manner prescribed by section 40 of *The Assessment Act* for the delivery of a notice of assessment.

Notice of annual parking levy R.S.O. 1970, c. 284

R.S.O. 1970, c. 32

Cancellations,
reductions,
refunds of
levy

(2) An application may be made to the council of the Corporation for the cancellation, reduction or refund of the sum or sums levied in accordance with subsection 1 in the year in respect of which the application is made by any person who claims that the special benefit derived by a parcel of land in the defined area has decreased from that shown in the notice aforesaid.

Time for
making
application

(3) The application may be made at any time during the year in respect of which the application is made and until the 14th day of February in the following year and notice in writing of the application shall be given to the clerk.

Notice of
hearing

(4) The clerk shall give to all persons claiming under subsection 2 notice of any hearing by the council at least seven days before the date fixed for the hearing.

Service of
notice

(5) The clerk shall cause any notice under this section to be left at the person's residence or place of business or to be sent by mail addressed thereto.

Powers of
council

(6) The council, subject to such restrictions and limitations as are contained in this section, may reject the application or,

- (a) where the levy has not been paid, cancel the whole of the levy or reduce the levy; or
- (b) where the levy has been paid in full, order a refund of the whole of the levy or any part thereof; or
- (c) where the levy has been paid in part, order a refund of the whole of the levy paid or any part thereof and reduce or cancel the portion of the levy unpaid.

Hearing and
disposition

(7) The council shall hear and dispose of every application not later than the 28th day of February in the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given.

Difference to
be paid out
of reserve
fund

(8) Where a levy has been cancelled, reduced or refunded in accordance with this section in respect of any year, the amount by which such levy has been cancelled, reduced or refunded shall be paid out of the Sault Ste. Marie Parking Authority reserve fund and applied for such purpose or purposes for which the levy was made.

Annual
by-law to
reapportion
parking levy

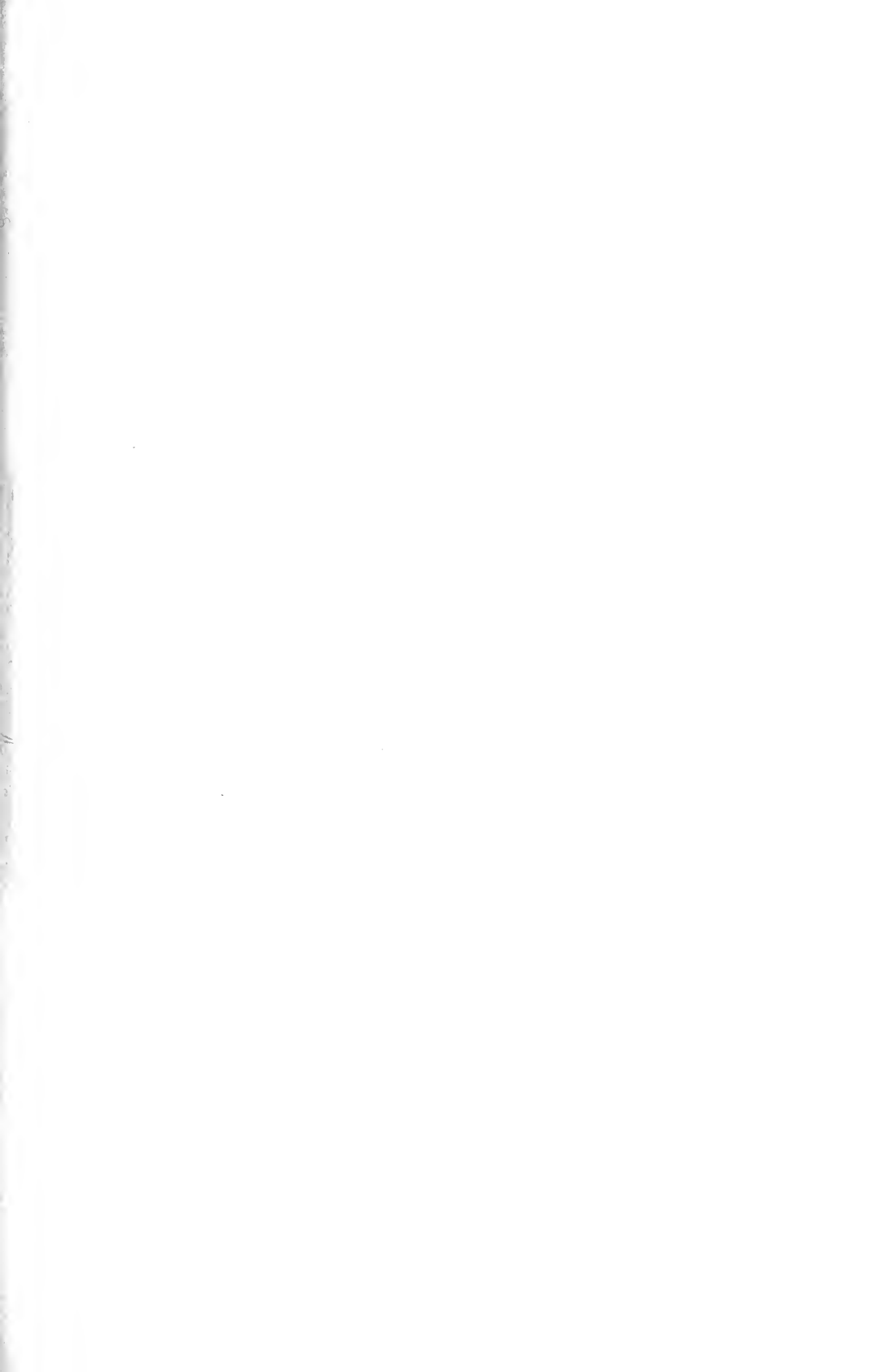
(9) The council in each year in which it cancels, reduces or refunds the levy referred to in subsection 1 shall by by-law

apportion the cost mentioned in clause *g* of paragraph 72 of section 352 of *The Municipal Act* against each parcel of land in the benefitting areas which continue to derive special benefit. R.S.O. 1970, c. 284

3. The Corporation may by by-law cancel, reduce or refund taxes levied on premises 654 Queen Street East under Benefit Assessment Parking By-law 3345 for the years 1970 and 1971 and any interest, penalties or other costs incidental thereto that may have been levied against the owner, and the amount of such cancellation, reduction or refund shall be paid out of the Parking Authority reserve fund. Cancellation, etc., of taxes, 654 Queen Street East

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

5. This Act may be cited as *The City of Sault Ste. Marie Act, 1972 (No. 2)*. Short title



An Act respecting
the City of Sault Ste. Marie

1st Reading

April 20th, 1972

2nd Reading

May 16th, 1972

3rd Reading

May 16th, 1972

MR. RHODES

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Hamilton

MR. SMITH (Hamilton Mountain)

BILL Pr34

1972

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton ^{Preamble} hereby applies for private legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, 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 City of Hamilton Act, 1966*, being ^{s. 2,} chapter 171, as amended by the Statutes of Ontario, 1967, ^{amended} chapter 115, section 1 and the Statutes of Ontario, 1968, chapter 152, section 1, is further amended by adding thereto the following subsection:

- (1b) Where the spouse of a deceased person to whom a ^{Continuation of tax credit to surviving spouse} credit was allowed under subsection 1,
- (a) has attained the age of sixty-five years at the time of the decease; and
 - (b) would otherwise have been eligible for a credit under subsection 1 if that surviving spouse had attained the age of seventy years and was in receipt of a governmental benefit under the *Old Age Security Act* (Canada); and ^{R.S.C. 1970, c. O-6}
 - (c) is upon the decease, the owner and occupant of the residence which was the personal residence of the surviving spouse and the deceased,

the council of The Corporation of the City of Hamilton may by by-law authorize and direct that the credit shall be allowed to the surviving spouse.

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

3. This Act may be cited as *The City of Hamilton Act, 1972* ^{Short title} (No. 2).

An Act respecting
the City of Hamilton

1st Reading

April 20th, 1972

2nd Reading

3rd Reading

Mr. SMITH (Hamilton Mountain)

(Private Bill)

BILL Pr34

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the City of Hamilton

MR. SMITH (Hamilton Mountain)

BILL Pr34

1972

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton ^{Preamble} hereby applies for private legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, 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 City of Hamilton Act, 1966*, being ^{s. 2,} _{amended} chapter 171, as amended by the Statutes of Ontario, 1967, chapter 115, section 1 and the Statutes of Ontario, 1968, chapter 152, section 1, is further amended by adding thereto the following subsection:

- (1b) Where the spouse of a deceased person to whom a ^{Continuation} _{of tax credit} credit was allowed under subsection 1, ^{to surviving} _{spouse}
- (a) has attained the age of sixty-five years at the time of the decease; and
 - (b) would otherwise have been eligible for a credit under subsection 1 if that surviving spouse had attained the age of seventy years and was in receipt of a governmental benefit under the *Old Age Security Act* (Canada); and ^{R.S.C. 1970,} _{c. O-6}
 - (c) is upon the decease, the owner and occupant of the residence which was the personal residence of the surviving spouse and the deceased,

the council of The Corporation of the City of Hamilton may by by-law authorize and direct that the credit shall be allowed to the surviving spouse.

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

3. This Act may be cited as *The City of Hamilton Act, 1972* ^{Short title} (No. 2).

An Act respecting
the City of Hamilton

1st Reading

April 20th, 1972

2nd Reading

May 16th, 1972

3rd Reading

May 16th, 1972

Mr. SMITH (Hamilton Mountain)





